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EIVCR

European International Virtual Congress of Researchers

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It is a great pleasure and honor to announce European International Virtual Congress of Researchers (EIVCR) 2015 (<http://www.idpublications.org/eivcr/>) as a global Virtual event for scientists and researchers from all over the world.

EIVCR 2015 is a multidisciplinary conference organized by Progressive Academic Publishing, UK and IGoAR. The conference format is Virtual (online) only. We would like to highlight; this year edition of this conference is aimed especially for students and young researchers but not limited to novice researchers only. Our vision is to motivate early career researchers to get feedback from senior researchers and move forward.

We invite all potentially interested authors to prepare a short presentation (paper) on Global Scientific problems to deliver state-of-the-art analysis, inspiring visions and innovative research methods arising from interdisciplinary and genuine research.

The aim of the conference is to provide the platform for Research Scholars, Educationist, Industrial Persons and Scientists to share knowledge and ideas in the recent trends in the field of Science, Law, Economy, Chemistry, Industry, Education, Literature, Technology, etc.

Topics of interest include, but are not limited to the following areas:

- Acquisition of expertise
- Assessing progress of learning in complex domains
- Assessment of exploratory learning approaches
- Assessment of exploratory technologies
- Cognition in education
- Collaborative learning
- Educational psychology
- Exploratory technologies (such as simulations, VR, i-TV and so on)
- Just-in-time and Learning-on-Demand
- Learner Communities and Peer-Support
- Learning Communities & Web Service Technologies
- Pedagogical Issues Related with Learning Objects
- Learning Paradigms in Academia
- Learning Paradigms in Corporate Sector
- Life-long Learning
- Student-Centered Learning
- Technology and mental models

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- Technology, learning and expertise
- Virtual University

The primary goal of European International Virtual Congress of Researcher EIVCR-2015 is to promote research and development activities. Another goal is to promote scientific information interchange between researchers, developers, engineers, students, and practitioners working in and around the world.

This Virtual Conference will be held periodically to make it an ideal platform for people to share views and experiences.

English is the official language of the conference.

All submissions has been gone through a double-blind refereeing process with at least two international experts.

Next Congress

The congress will be held quarterly each year. The next congress will take place in September 2015.

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**Volume, dynamics and routes of spreading the trafficking
in human beings**

Elizabeta Imeraj
Albania,
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Abstract

Human trafficking is considered a form of organized crime, due to the character highly socially dangerous, which is one of assimilate with modern form of slavery - forms of criminality that produce billions of dollars and that affect us the most severe forms possible freedoms and fundamental human rights. According to statistics of the Organization of the United Nations and the Council of Europe, human trafficking generates about 32 billion dollars a year and represents the third form of trafficking prevalent in the world after drug trafficking and the arms.

Trafficking in human beings as dangerous form of crime is very present in contemporary society.

Trafficking in human beings is a phenomenon which is known today under the term „, modern slavery "where criminal groups are involved who deal not only with the trafficking of women but also to men and children for sexual exploitation. These criminal groups operating in an organized way and in coordination with various stretching at regional, continental and intercontinental.

Volume, dynamics and routes of spreading the trafficking in human beings

Volume and dynamics of spreading the trafficking in human beings

Trafficking in human beings as dangerous form of crime is very present in contemporary society. Thus, according to some data released by the US State Department estimated that the international dimensions watched in years, each year an average of trafficked between 600,000 to 900,000 persons, while only in the US This number is between 14,500 and 50,000 people (JS Albanese, Transnational Crime and the 21st Century (Criminal Enterprise, Corruption and Opportunity), Oxford University Press, New York-Oxford, 2011, pg. 51). This criminal phenomenon was very much present even after the war in Kosovo, and continues to be present today. According to Kosovo Police for 2001-2010, trafficking in persons in Kosovo was very high. Thus, based on the number of people suspected of human trafficking in years for this period we have progress as follows:

The number of people suspected of human trafficking and other offenses related to trafficking in Kosovo during the period 2001-2010. (According to the Kosovo Police for 2001-2010.)

	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	Total
Trafficking mjerëz	25	22	11	56	33	36	46	68	34	76	407
Enabling prostitution	8	49	19		15	21	4	13	3	13	145
Prostitution	15	88	33	10	12	12	13	9	9	27	228
Hard labor			1		1						2
Other works	4	25	6	11	40	28	9	8	6	5	142
Total arrests	52	184	70	77	101	97	72	98	52	121	924

This table shows the number of suspects who have been arrested for human trafficking and other offenses in connection with trafficking in persons, was too high in the period 2001-2010. While the number of persons arrested for the crime of trafficking in human beings during this period was 407 of them, or 44. 05% compared to the total number of persons arrested for the criminal acts that are related to human trafficking.

Roads and spread of Trafficking and Prostitution

Trafficking in human beings is a phenomenon which is known today under the term „ modern slavery "where criminal groups are involved who deal not only with the trafficking of women but also to men and children for sexual exploitation. These criminal groups operating in an organized way and in coordination with various stretching at regional, continental and intercontinental.

Trafficking of human beings must go through a process which is divided into:

- country of origin
- transit country and
- Country of destination

Countries of origin - according to the statistical data source of the European Union are: Albania, Bulgaria, Moldova, Romania, Russian Federation, Ukraine, the Middle East, China and Thailand. All these countries have many problems ranging from economic, political, gender inequality or gender discrimination.

Also one of the factors mentioned in this regard are Push and Pull factors but above all the idea that inculcated in the minds of people, whether female or male, the only solution to pass the crisis is fleeing the country at all costs not calculated the consequences. And this calculation none of the victims of trafficking do not want to believe that promises to give traffickers may be lies.

In unreasonable belief that trafficking victims forgive their performances traffickers megalomaniac affect various television centers which represent -shfaqin European standard of living of citizens and their environments. These views megalomaniac shikuesit- affect future victims which create confidence that is gained more easily off hometown, live easier and easier to achieve with a high standard of living. From what was mentioned above it appears that it is sufficient if someone approaches a potential victim with a „ offer "for „ work" in Western

countries to accept it without hesitation without thinking about the dangers that can occur after.

Some of the victims of trafficking in human beings has been proven to have accepted and agree to turn into sex workers only only to go abroad (Gerxhaliu S. , Trafficking and Prostitution in Kosovo op. Cited, p. 37-38-39).

Transit countries are also very important countries that are in the agenda of organized groups which organize the transportation of victims of trafficking in human beings to the countries of destination. In these countries temporarily victims traffickers decide whether to wait regulation of false documents to be expected if their re-trafficking or temporary residence to the place of destination.

Sometimes it depends on who is the victim's country of origin and thus comes into the conversion of many transit countries using different routes, different methods, different tools and transporters. which is a problem in itself for traffickers. During this journey through many transit countries a greater risk that trafficked women sexually abused by traffickers different to the place of destination. Dhe in many cases Transit route is more difficult path where the victim break physically, morally and materially. And at this stage it happens to women trafficked to use force and physical violence with the aim of their submission.

Countries that are mentioned in many official notes as transit places where victims go toward the destination for the European Union countries are: Hungary, Poland, Romania, Austria, the former Yugoslavia, Albania and Italy.

I do not mind that the victims of trafficking come from the Middle East, China and Thailand, from North Africa or from the Nordic countries go through different countries to the European Union. Viewed in general terms as transit countries occupy an important place in this ,, BUSINESSES "countries of the former USSR.

The destination countries are countries that organized criminal groups expect the victims of trafficking in human beings which should exercise the ,, Desire "Ancient craft prostitutionin. Pra, country of destination is where offered sex and where won by sex- i. This site can also be seasonal destination country such as different countries during the summer holidays, various international meetings in sports or any other manifestation of international character such as the Olympics or the World Football Championship etc. All this considered in a more much ingenuity by organized criminal groups who are more pragmatic and move victims from one place to another taking into account the main goal - extracting greater profits.

Among the countries of destination at the European level are (EU Faces Comlications in Plan to Halt Migrants published in The International Herald Tribune, 1 June 2006 on harassment of the countries of the EU and its Commissioner for Internal Affairs and Justice, Mr. Franco Frattini on movements migrants from African countries through the Canary Islands and their entry into Spain.): Austria, Belgium, France, Germany, Greece, Italy, Netherlands, Spain, UK, Turkey and Cyprus.

While the destination countries which are mentioned outside our continent: the US, Canada and Australia.

To bring victims from country of origin to country of destination traffickers shfrytzojnë many highways, waterways and ajrore. Rugët that shfrytzojnë traffickers on their way to European Union countries are as follows:

- Balkan route
- East Street

- Way of Central Europe
- Street North Africa
- Eastern Mediterranean route



Balkan route has at least four directions: the first direction departs from Romania through Serbia as a transit country through Vojvodina in Hungary (Peter Eglauer & Johannes Steiner Service federal crime investigation in Austria, see extensively operation, Nistru "The Ministry of Interior of the Republic of Austria. See article Trafficking broadly, the impact of information and education in the perception of its prevention, Regional Survey, the authors Ilir Gëdeshi Leke Sokoli, Haxhijaj Silvana Ruth Rosenberg and published in the journal Policy & Society 2006 Tirana).

a) The second direction leads from Bulgaria passes through Serbia in Belgrade specifically -Kroaci Sid passes toward Austria. Criminal groups also use the territory of Serbia for the last victims of trafficking from Eastern countries in Bosnia and Herzegovina through the Drina River. In certain areas of this river can be crossed throughout the year even on foot or using small boats.

b) The third direction of this road passes by departments in Kosovo-Macedonia (Hani i Elezi Mitrovica North) -Bosnje Serbia and Croatia-Slovenia Hercegovinë-westward.

c) The fourth direction departs from Eastern countries (Moldova, Romania, Belarus) Serbia-Macedonia-Greece (through highway Belgrade-Skopje-Thessaloniki) This movement is easy for traffickers since these countries have a more relaxed visa regime for their citizens and then entered illegally in Greece or in Cyprus. Although it is rare that follow the path that traffickers running fourth but it exists passing from Romania through Serbia-Montenegro-Italy or Serbia in Kosovo, Albania and Italy. This road used more after the 90 th of Albania (Vlora was known as a city of rapid gomoneve- motor boats which transported the victims to Italy) and Montenegro (the city of Bari where boats could go straight through town Bari in Italy). Now this road is passable for less Adriatic Sea shore is controlled by European joint police force coded Operation „ Antenna "based in Vlora including the Guardia di Finanza of Italy „ In Vlora now exists Center of Anti-Trafficking which include a member of the police force multinational Greece, Germany, Italy and Albania, which deals mainly with fighting and cutting the yarns of organized crime which has operated in this part of the Balkans . Here it should be mentioned that INTERFORCE Tirana operates in collaboration with the Italian security forces in an operation code „ Antenna "

2. East Street include trafficking in human beings through Ruse- Federation Belarus to Poland as a gateway to the EU

3. Way of Central Europe Includes the trafficking of human beings from the Far East and the Near -Ukraina- right-Russia Czech and Slovakia - EU (Baseline Research on smuggling of Migrants in, from and through Central Asia, IOM, September 2006 Wien, Austria. According to the research of trafficking of human beings and smuggling of people from the Far East via Kazakhstan, Kirgystanit and Tagjikistanit, aided by criminal groups, travel agencies, and the official embassies of Kyrgyzstan in India and Pakistan that traffickers were sold Tourist Visas for immigrants up to 400 \$ USA. From here take the above mentioned countries where they regulate the Schengen visa and other documents to continue the road to Europe. The road to Europe migrants were cost of US \$ 6000-8000. See extensively page 42 and 44).

4. Street North Africa includes trafficking of human being through fair Algeria Malta-Italy and Spain

5. Eastern Mediterranean route include trafficking of human being from the former USSR-Bulgaria through Romania's toward Turkey.

Roads which shfrytzojnë traffickers to human beings brought in from Eastern countries mainly pass through Serbia, Bulgaria and Macedonia to Kosovo. Shfrytzojnë traffickers mainly Serbia and Novi Pazar Beogad- way across the border between Kosovo and Serbia in Leposavic and continue to Kosovo Polje and then distributed throughout Kosovo from Serbia and the other frontier Merdare-Pristina Kosovo. According to the IOM in Kosovo for 2000-2003, it appears that traffickers have brought in women from Eastern countries and Serbia-Kosovo border crossing illegally over 50% of cases. But it must be admitted that there are also air which shfrytzojnë traffickers to bring victims of trafficking in Kosovo. In the same study it appears that traffickers exploited the air route from Russia, Moldova, Ukraine, Romania, through Hungary, Austria, Switzerland, Bulgaria and

Turkey have entered Kosovo through the Pristina airport (project return and reintegration, IOM Office s Office in Kosovo against Trafikimit- 2000-2001-2002 p 7). Of 379 cases of trafficking victims who assist the IOM in Kosovo 10. 6% were children under 14. Of this number 14% of the victims were sexually keqtrjtuara first in their families and they achieve in Kosovo. Only 2.21% of them were sex workers, which means that they knowingly entered and practice prostitution. 24. Only 40% of women have passed the borders of Kosovo legally, and 23. 20% of them have crossed the border of Kosovo illegally. Less than 55% of females had Kety passport to identify himself when, 94 people had udhëmit documents that traffickers had been taken, and about 1/3 (109 of them) have passed the Kosovo border without travel documents (Child Trafficking in Kosovo, UNICEF Kosvovë, June 2004, page 20-21).

These are some of the possible routes that traffickers use to insert victims of trafficking in destination countries but does not mean that they are forced to use only these streets. In this regard, they are very flexible and also choose other ways which are less known to the authorities for the rule of law.

Recruitment of victims of trafficking is done by certain persons as stated above if the people amateur, middle level individual in ,, hierarchy "criminal or persons high level of criminal groups who use different methods.

Different traffickers using their skills leave in search of the market and thus create links with recruiters who are always ready ,, worker "if the government or can simply call them are local staff ,,," whose task is to identify the victims. In the category of recruiters, according to study data found people of both sexes and persons close to the victims. They have very good knowledge about the situation of potential victims because they live in an environment, they know their problems and worries, they know their desires and ambitions. By possessing the information, selecting the victims, they promise jobs abroad taking over their responsibility in place of destination. With these actions they are transformed into ,, savior "are introduced into the trap ee hallegjinjtë pakthi trafficking.

Recruiters always exploited the difficult economic situation of potential victims in the district of their low level of education, unemployment, gender discrimination religious and ethnic discrimination, domestic violence and abuse various whether institutional or family conflict situations (wars and military conflicts) They approach them by creating a false picture (first victim) for the country of destination. During operation recruiters are interested to recruit as many women of different ages, including minority but ,, target "their turn not only by persons mentioned above but they put their skills to the net ,,," the ,, fish "others who seek to exercise and develop their career abroad. This means that recruiters ,, mark "for the recruitment of persons who are employed, various intellectuals who have ambitions of their skills to earn much more in the western countries. And actions of this category of persons who have a modest life of extinguish doubts bodies rule of law, because everything looks as legal migration (Basic knowledge against trafficking in human beings, published by IOM Kosovo, 2007, page 42 Case Eva a 23 years old girl from the former USSR who knew several languages, was a graduate of atomic inzhinieri high notes, the divorced mother of a child, math teacher with a monthly salary of 140 dollars. There was issued its place work claiming a better life, left the country legally-visa and had completed a prostitute in a nightclub in Switzerland. From 80 euros profit should give bar manager. She

works for a salary in 2000 uro per month). In this case every action seems legal because recruiters prepare any documents to leave the country, attributing the role of rescuer myself that I find is the Life brings the victim a chance to escape from the economic crisis.

Also, recruiters take the role of savior for all the time of recruitment of victims are very close to them, are cooperative, they bring money, help in arranging documents, help in transportation and border crossing, setting the flats along the border. Even while waiting for traffickers to deliver better victims or say to sell them when they are very polite. Because their task is to attract, sending up the place, and then surrender them to traffickers.

All their activity of the recruiter can be counted in the forms which they use to lure victims of honor that their promises are to:

- employment abroad
- employment in clubs as dancers
- marriages with foreigners etc.

Recruiters like „ angels always appear savior "in moments of crisis stand „ help " hallegjinjëve, but when the victim enters into their clutches is more difficult to leave because they (recruiters) use the most brutal forms during recruitment (Shabani A., Bojaniq N., Obradovic V., (2007), Human module of human trafficking, NRF Sarajevo, Pristina p. 38) (without the desire of it) such as:

- Use of force against the victims of trafficking
- Kidnapping
- Threat there and aggression
- Blackmail
- Various frauds
- Fraud through drug use
- The conditionality
- Keqpërdrimi severe circumstances of another person
- Misuse of official position
- The sale of the victim by the families of his / her

After recruitment phase of victims began in the country of destination. All this work is achieved thanks to a better organization of their cross-border transportation or may occur transporting victims ie mbreda country. their movement from one region to another space mbreda state of a country and abroad.

Transportation of victims trafikimit of human beings made by various means of transport (aquatic, terrestrial and aerial) and in two variants: directly at the place of destination where shortly after arrival is subject to exploitation Sexual ie starts prostitution or transported in phases each Includes phase of shrytzimit their way. Organized criminal groups submit the victims to their owners or to other traffickers selling them and thus turned into slaves credit „ „ „ credit" which should write only earning money on the street. However it must be recognized that during the transportation carriers ensure that victims be transported in the most comfortable and in any case not to have the possibility of law enforcement bodies to create doubts. Autojmete victims transported by different trains, boats, boat, foot and in all cases should create a legal movement mirror either inside or outside the state border. Crossing the border can be done with forged documents but in most cases

this is done through the border crossing of legitimate ways and so quite normal. Traffickers were pay attention to countries that do not have a legal basis where required strictly adhering to the rules of crossing the border. They orient victims of trafficking in countries where criminal groups have a „ comfort "and whose activity „ komuflohet" thing for the exercise of their legal business. Crossing the border is done under the supervision and organization of criminal groups or individual. Until the victim does not exceed its limit the state still has a self-confidence but over the state border it falls completely under the orders of traffickers and smugglers different and here begins the phase of their exploitation.

This exploitation of victims is done in various ways ranging:

- the issuance in the market to sell other traffickers
- extracting them on the street to beg
- with their nxjerrjene labor market in agriculture and in performing other heavy as in ores, work in chemical factories, on the site of construction and oil fields ekspoaimit
- to extract them on the road to practice the craft of prostitution
- their obligation to prostitution in night clubs, motels, hotels
- their obligation to follow the traveling businessman official „ , "etc.
- connection or sale of victims of forced marriage
- selling to the victims for the sex industry and pornography
- sale of trafficking victims of armed conflicts
- the sale of organs of internal trafficking victims
- order the sale of children for illegal adoption

So from this it appears that victims of trafficking are women of different ages, men up to a certain age and children who are trafficked illegally in destination countries paying large sums of money ([http:// www. Iabolish. Org / modern_slavery](http://www.Iabolish.Org/modern_slavery)). In literature this modern slavery is characterized in various forms such as:

- branding their sale „ Chattel Slavery "
- bills are credit
- sexual slaves
- Work violent
- Marriage by e-mail (mail order brides)
- Sex tourism
- The sale of internal organs

Conclusion

Trafficking in human beings is a phenomenon which is known today under the term „ modern slavery "where criminal groups are involved who deal not only with the trafficking of women but also to men and children for sexual exploitation. These criminal groups operating in an organized way and in coordination with various stretching at regional, continental and intercontinental.

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Reference

A. Shabani, Bojaniq N., Obradovic V., (2007), Human module of human trafficking, NRF Sarajevo, Pristina f.38

Baseline Research on Smuggling of Migrants in, from and through Central Asia, IOM ,September 2006 Ęiena ,Austria. Sipas kĕtij hulumtimi trafikimi i qenjeve njerzore dhe kontrabandimi me njerĕz nga lindja e largĕt pĕrmes Kazakistanit, Kirgystanit dhe Tagjikistanit, tĕ ndihmuar nga grupe kriminale, agjenci turistike , si dhe nga zyrtar tĕ ambasadave tĕ Kirgizisĕ nĕ Indi dhe Pakistan tĕ cilĕt trafikantĕve iu shisnin visat turistike pĕr migrantĕt deri nĕ 400 \$USA.Nga kĕtu i kalonin nĕ vendet e cekura mĕ lartĕ ku iu rregulloheshin visa Shengen dhe dokumente tjera pĕr tĕ vazhduar rrugĕn pĕr nĕ Europĕ. Rruga pĕr nĕ Europĕ migrantĕve iu kushtonte nga 6000-8000 \$US. Shih mĕ gjĕrsisht faqe 42 dhe 44

Basic knowledge of human against human trafficking, IOM publication of Kosovo, 2007, page 42 Case Eve a 23 years old girl from the former USSR who knew several languages, was a graduate of atomic inzhinieri high notes, the divorced mother of a child, math teacher with a monthly salary of 140 dollars. Had issued her place of work claiming a better life, he left the country legally-visa and had completed a prostitute in a nightclub in profit Zvicĕr.Nga 80 euro should give bar manager. She works for a salary in 2000 uro per month.

Child Trafficking in Kosovo, UNICEF Kosvovĕ, June 2004, page 20-21

EU Faces Comlicions in Plan to Halt Migrants botuar nĕ gazeten The International Herald Tribune, 1 June 2006 mbi shqetsimin e vendeve tĕ UE dhe vet komisionerit tĕ Punĕve tĕ Brendshme dhe tĕ Drejtĕsisĕ z. Franko Fratini mbi levizjet e migrantĕve nga vendet afrikane pĕrmes Ishujve Kanare dhe hyrjet e tyre nĕ Spanjĕ.

Gerxhaliu S., Trafficking and Prostitution in Kosovo op. quoted, p. 37-38-39

http://www.iabolish.org/modern_slavery

JSAlbanese, Transnational Crime and the 21st Century (Criminal Enterprise, Corruption and Opportunity), Oxford University Press, New York-Oxford, 2011, pg.51

Peter & Johannes Steiner Service Eglauer federal crime investigation in Austria, see extensively operation, Nistru "The Ministry of Interior of the Republic of Austria. See article Trafficking broadly, the impact of information and education in the perception of its prevention, Regional Survey, the authors Ilir Gĕdeshi Leke Sokoli, Haxhijaj Silvana Ruth Rosenberg and published in the journal Policy & Society 2006 Tirana

Return and reintegration project, the Office of the IOM Office in Kosovo against Trafikimit- 2000-2001-2002 p 7

EXPLORING FACTORS THAT INFLUENCE ON GDP GROWTH RATE OF EUROPEAN UNION COUNTRIES

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ABSTRACT

The main purpose of this study is to investigate the impact of seven variables (FDI, remittances, gross savings, inflation, unemployment, business entry density and times required to start a business) on GDP growth of 28 countries member of European Union by using annual data over the two year period 2011-2012. From the regression analyses, the coefficients of FDI, gross savings, inflation, business entry density and times required to start a business resulted positive and statistically significant in determine the GDP growth rate of the EU countries. The results of the study also demonstrate that the increase of remittances and the reduction of unemployment rate have not direct impact on GDP growth rate during the period of the study.

Keywords: FDI, Remittances, Inflation, GDP growth of EU members.

EXPLORING FACTORS THAT INFLUENCE ON GDP GROWTH RATE OF EUROPEAN UNION COUNTRIES

INTRODUCTION

Albania along with other Western Balkans countries was identified as a potential candidate for EU membership during the Thessaloniki European Council summit in June 2003. In 2009, Albania submitted its formal application for EU membership. In its Opinion on Albania's application (in 2010), the Commission assessed that before accession negotiations could be formally opened, Albania still had to achieve a necessary degree of compliance with the membership criteria (European Commission, 2015). The European Union actually has 28 countries from the year 2013; Austria, Belgium, Bulgaria (from 2007), Croatia (from 2013), Czech Republic (from 2004), Cyprus (from 2004), Denmark, Estonia (from 2004), Finland, France, Germany, Greece, Hungary (from 2004), Ireland, Italy, Latvia (from 2004), Lithuania (from 2004), Luxembourg, Malta (from 2004),

Netherlands, Poland (from 2004), Portugal, Romania (from 2007), Slovak Republic (from 2004), Slovenia (from 2004), Spain, Sweden, United Kingdom (OECD, FDI in Figures, 2014).

The economic crisis of Europe since 2008 has raised concerns about the health of the European countries. Despite of many years of research about the factors that effects the economic growth of these countries, still a solution is not found because the problematic of each country are not yet fully understood. We should mention that trade has been hit by the global recession, but the EU remains the world's largest player accounting for 16.4% of global imports in 2011. The EU was also the biggest exporter accounting for 15.4% of all exports-compared with 13.4% for China and around two-thirds of EU countries' total trade is done with other EU countries (European Commission, 2015). In the first quarter of 2013, the number of jobs was at its lowest levels in the EU since the onset of the crisis and the number of unemployed people hit a historic high of 26.6 million (or 11% of the active population) in April 2013 (Crisis Monitoring Report, 2014, p.13).

The depreciation of the euro's nominal effective exchange rate should strengthen the competitiveness of EU and euro area exporters. But, net exports are expected to contribute little to GDP growth over the forecast horizon, as domestic demand growth should lead to an offsetting rise in imports. Bank lending to the private sector remains weak in the euro area, but it is gradually improving (European Commission, European Economic Forecast, 2015)

Background of the study: The economic growth of the countries of European Union is not satisfactory especially after the financial crises. Various factors are liable for this insufficient GDP growth rate: the rate of exports, inflation rate, increasing of unemployment rate in same countries, the reduction of FDI etc. In Greece the unemployment rate for 2011 was 17.17 percent and in 2012 was 24 percent and in Spain the unemployment rate for 2011 was 21.6 percent and in 2012 was 25 percent. Also Greece had the lowest GDP growth rate in 2012 (minus 6.4 percent) followed by Portugal (minus 3.2 percent) (World Development Indicators, 2013 and 2014). *Objectives of the study:* The main objective of the study is to investigate the impact of macroeconomics variables on GDP growth of European Union countries during the period 2011-2012. To achieve the objective, correlation coefficient and regression analysis are used. The rest of this paper is organized as follows: the next section is literature review on the issue discussed; the third section describes the data, variable definition and regression model; the fourth section is hypothesis development of this study; the fifth section summarizes descriptive statistics and regression results. The last section presents the conclusion of the study.

LITERATURE REVIEW

GDP is one of the most comprehensive and closely watched economic statistics (BEA, 2014). It is one of the measures of national income and output for a given country's economy at a given period of time. The definition of GDP is based on the total market value of all final goods and services produced within the country in a given period of time an normally one year (Kira, 2013).

The Gross domestic product (GDP) of any country is affected by different macroeconomic variables. Some general macroeconomic variables are inflation,

foreign direct investments, remittances, exchange rate, unemployment rate, interest rate etc. Different studies have found different conclusions.

Tolo (2011) used a panel of 23 emerging markets over the period 1965-2008 to study the determinants of per capita GDP growth in the Philippines. Panel regressions suggests that factors such deficit, inflation, trade openness, the current account balance and the frequency of crisis episodes are significant determinants of economic growth.

Mehmood (2012) study investigates the affect of thirteen selected factors (independent variables) on Gross Domestic Product (GDP) in Pakistan and Bangladesh. GDP is used as the dependent variable and the independent variables used are: gross national expenditure, final consumption expenditure, goods exports & imports, services exports and imports, external debt stocks, gross saving, FDI inflows, FDI outflows, gross domestic income, net income from abroad and worker's remittances and compensation of employees paid. The study found that in Pakistan gross national expenditures, goods exports, gross saving and final consumption expenditure have a positive effect on the GDP. Also, the study suggests that gross national expenditures, external debts stock total, goods imports and exports have positive effect on the GDP of Bangladesh.

Agalega and Antwi (2013) study was focused on the effects that changes in the inflation and interest rates have on the GDP in Ghana over a period of thirty one years from 1980 to 2010. The paper employed multiple linear regressions and found that inflation and interest rate could explain only 44 percent of the movement of GDP. They found a positive relationship between inflation and GDP and a negative one between interest rate and GDP.

Antwi et al. (2013) study suggests that real GDP per capita is a function of physical capital, labor force, foreign direct investment, foreign aid, inflation and government expenditure. Their research proved that long-run economic growth in Ghana is explained by physical capital, foreign direct investment, foreign aid, inflation and government expenditure and that is not affected by short-terms changes in labor force. Kbria et al. (2014) study in Pakistan investigates the impact of macroeconomic variables (interest rate, exchange rate, inflation and FDI) on GDP growth by using annual data during the period 1980-2013. From the regression analysis they suggest that inflation, interest rate, exchange rate and FDI have significant impact on GDP growth of their country.

Literature Review should be given in this section. All the subheadings in this section should be in font size 12 Bold, Times New Roman, single spaced. The first letter of each word in subheading should be capital.

METHODOLOGY

In this section, we describe our sample, variables and the model used in determining the impact of the independent variables on firm's capital structure.

The sample used is of 28 countries (Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxemburg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia Republic, Slovenia, Spain, Sweden, United Kingdom) covering the period 2011-2012. All the data are collected from World Development Indicators, annual reports for 2013 and 2014, published from the World Bank.

The independent variables used in the analysis are:

FDI= Foreign direct investment of the country

REM= Remittances of the country

G.SAVE= Gross saves of the country as percentage of GDP

CPI= Consumer price index of the country

UNEM=Unemployment rate of the country

B.ENTRY= Business entry density per 1000 people of ages 15-64

TIME= Times required to start a business

And the dependent variable is:

GDP= GDP growth rate of the country

We use a simple multiple regression analysis to test $YGdp$ as the dependent variable against the above mentioned independent variables. The model used in our study is as follows:

$$YGdp = \alpha_0 + \alpha_1 * FDI + \alpha_2 * Rem + \alpha_3 * G.Save + \alpha_4 * CPI + \alpha_5 * Unem + \alpha_6 * B.Entry + \alpha_7 * Time + \varepsilon$$

Where $YGdp$ indicates countries' growth rate and ε is the error term. Using data as described earlier we will estimate all coefficients (alphas) of the equation.

1. Hypotheses

In order to identify the effect of the selected determinants on the firm's capital structure decision and the effect of industry the study used seven hypotheses which are presented below:

H 1: FDI is positively related to GDP growth rate of the EU countries.

H 2: Remittances are positively related to GDP growth rate of the EU countries.

H 3: Gross savings are positively related to GDP growth rate of the EU countries.

H 4: Inflation rate is negatively related to GDP growth rate of the EU countries.

H 5: Unemployment rate is negatively related to GDP growth rate of the EU countries.

H 6: Business entry density is positively related to GDP growth rate of the EU countries.

H 7: Times required to start a business is positively related to GDP growth rate of the EU countries.

2. Descriptive Statistics

The following table shows the correlation coefficients between independent variables and GDP growth rate for the entire sample. This analysis is carried out to identify whether the relationship between the variables is positive or negative. The linear correlation coefficient (r), measures the strength and direction of a linear relationship between the variables. If " r " is greater than 0.8, it indicates a strong relationship between the variables. If " r " is less than 0.5, it indicates a weak relationship between the variables.

Table 1: Correlation coefficients, using the observations 1:1 - 28:2, 5% critical value (two-tailed) = 0.2632 for n = 56

GDP	FDI	REM	G.SAVE	CPI	UNEM	B.ENTRY	TIME	
1.000	-0.011	-0.050	0.5060	0.3271	-0.289	0.0702	0.1796	GDP
	1.0000	0.0879	-0.053	-0.106	-0.072	-0.094	-0.078	FDI
		1.0000	0.0382	-0.093	-0.062	-0.194	-0.152	REM
			1.0000	0.1126	-0.313	-0.287	-0.159	G.SAVE
				1.0000	0.0333	0.0527	-0.002	CPI
					1.0000	-0.127	0.0419	UNEM

Table 1 shows the correlation between the explanatory variables specifically with respect to GDP. As we can notice GDP is positively correlated with G.SAVE (50.60 percent), CPI (32.71 percent), B.ENTRY (7.02 percent) and TIME (17.96 percent). Also it is demonstrated that GDP is negatively correlated with FDI (1.1 percent), REM (5 percent) and UNEM (28.9 percent).

Table 2: Summary statistics, using the observations 1:1 - 28:2

Variable	Mean	Median	Minimum	Maximum	Std. Dev.	C.V.
GDP	0.9196	0.8000	-7.1000	8.3000	2.7754	3.0179
FDI	1.27991 e+010	4.23800 e+009	-1.91700 e+009	1.02000 e+011	1.84291 e+010	1.4399
REM	5.16989 e+009	1.64900 e+009	3.30000 e+007	1.01230 e+011	1.38894 e+010	2.6866
G.SAVE	19.2536	20.1000	5.4000	26.2000	5.2508	0.2727
CPI	3.0518	2.9000	0.9000	5.8000	0.9643	0.3160
UNEM	10.3821	9.1500	4.0000	25.0000	4.7268	0.4553
B.ENTRY	5.56911	4.2400	0.5000	24.7300	5.1767	0.9295
TIME	14.0357	12.5000	4.0000	40.0000	8.9584	0.6383

Table 2 reports summary statistics for the variables used in our study. They are explained in a more detailed way below:

Economic growth is measured by the change in the volume of output or by the change in the real incomes of country residents. This study uses GDP growth rate, which is measured through the average annual percentage growth of the volume of gross domestic product. Forecasts of economy growth rates come from World Bank (2013 and 2014). Economic growth is used as the dependent variable in order to determine the factors that influence on it are. Table 2 shows that the average of GDP growth rate for the sample as a whole is approximately 0.9196 percent.

Foreign direct investments (FDI) is measured through net inflows of the EU countries. Despite signs of recovery in 2011, FDI inflows as a percentage of GDP fell 15 percent in 2012, showing that the region had not fully recovered from the financial crisis (World Bank, 2014). The mean value of FDI is 12.799,1 million \$ for the sample with a minimum value equal to minus 1.917 million \$ (Belgium in 2012) and a maximum value equal to 102.000 million \$ (Belgium in 2011).

Remittances (REM) measures the inflows of personal remittances of the EU countries. Personal remittances received as a percentage of GDP continued a slow but steady path of growth, up 1.5 percent in 2012 (World Bank, 2014). The mean value of REM in the EU countries was 5.169,89 million \$. The country which has received less personal transfers is Malta with 33 million \$ in 2012 and the country which has received more personal transfers is Belgium with 101.230 million \$ in 2012.

Gross savings (G.SAVE) is calculated as percentage of gross saving to GDP of the country. The mean value of this indicator is 19.2536 percent. Greece has the lowest value of gross savings equal to 5.4 percent of GDP in 2011 and Sweden has the highest value of gross savings equal to 26.2 percent in 2011 and 26.4 percent in 2012.

Consumer price index (CPI) is a measure of inflation and considers changes in the price level of a basket of goods and services purchased by the consumers of one country. The mean value of CPI in EU countries was 3.0518 percent. Sweden has the lowest value of CPI equal to 0.9 percent in 2012 and Hungary has the highest value of CPI equal to 5.7 percent in 2012.

Unemployment (UNEM) rate is the percentage of the unemployed persons considered economically active but who are without work, including people who have lost their jobs or who have voluntarily left work and that are seeking work. Some unemployment is unavoidable because it is caused by the operations of labor markets. It is not very easy to measure the unemployment rate of one country and some of the reasons are: economic sectors are sectionals like agriculture; people change frequently their jobs in order to find a better one; women often work part-time and are registered as unemployed; woman leave their jobs in order to take care of their children etc. But sometimes changes in unemployment rate may also reflect changes in reporting practices (World Bank, 2014). Also it depend on the development and welfare of one country and how long people can effort being unemployed until they find the appropriate job. The mean value of unemployment in EU countries was 10.3821 percent. Austria has the lowest value of UNEM equal to 4 percent in 2012 and Spain has the highest value of UNEM equal to 25 percent in 2012.

Business entry density (B.ENTRY) is measured with the rate of the new businesses added to an economy. Data on business entry density are from the World Bank's 2013, 2014 Entrepreneurship Database (World Bank, 2013 and 2014). This indicator is measured per 1000 people of ages 15-65. Austria has the lowest value of business entry equal to 0.56 in 2011 and 0.5 in 2012. At the other side Cyprus has the highest value equal to 24.73 in 2011 and 22.51 in 2012.

TIME required to start a business are derived from the Doing Business database (World Bank, 2013 and 2014). The report of the World Bank identifies same limitations of this indicator: 1-the data refer to businesses in the economy's largest city; 2-the data often focus on a specific business form, generally a limited liability company of a specified size; 3-transactions described in a standardized business case refer to a specific set of issues and may not represent all the issues a business encounters; 4-the time measures involve an element of judgment by the expert respondents; 5-the methodology assumes that a business has full information on what is required. The average number of days to start a business in EU is

approximately 14 days. The minimum number of days to start a business in EU is 4 days (Austria and Netherlands in 2012) and the maximum is 40 days (Malta).

3. Multicollinearity Analysis of the Variables

It is possible that the selected variables may be correlated, so the chosen variables may actually measure the effects of several different variables. To address this problem the study tests for the multicollinearity. The Variance Inflation Factor (VIF) is commonly used to test the multicollinearity problems. It shows the degree to which each independent variable is explained by other independent variable. As a rule of thumb, a VIF greater than 10 indicates the presence of a harmful collinearity (Gujarati, 2004).

Table 3: Multicollinearity analysis of the variables selected

Variable	VIF
FDI	1.050
REM	1.085
G.SAVE	1.354
CPI	1.042
UNEM	1.215
B.ENTRY	1.247
TIME	1.064

Table 3 shows the Variance Inflation Factor (VIF) of all the variables of this study. The results show that VIF for all the variables are less than 10 and the problem of multicollinearity is not present into the regression model.

RESULTS

Employing panel data (cross pooled sectional data) analysis (Gujarati, 2004) and using Gretl (2012) statistical package we obtain the following results:

Table 4: Regression results

	Coefficient	Std. Error	t-ratio	p-value	
CONST	-9.42464	1.38931	-6.7837	<0.00001	***
FDI	1.60666e-011	9.14217e-012	1.7574	0.08522	*
REM	1.15311e-011	1.86985e-011	0.6167	0.54036	
G.SAVE	0.336437	0.042416	7.9318	<0.00001	***
CPI	0.669918	0.226926	2.9521	0.00487	***
UNEM	-0.046251	0.050277	-0.9199	0.36221	
B.ENTRY	0.126403	0.038912	3.2484	0.00212	***
TIME	0.099695	0.019292	5.1677	<0.00001	***

Table 4, presents the regression results of Gross Domestic Product growth rate of the selected countries between 2011 and 2012.

Table 5: Statistics based on the weighted data

Statistics	Value
R-squared	0.7132
Adjusted R-squared	0.67136
F (7, 48)	17.0512
P-value (F)	4.34e-11

Table 5, shows some of the statistics of the regression model. The coefficient of determination- R^2 is a measure of the proportion of the variance of the dependent variables that is explained by the independent or predictor variables. R-square equal to 0.7132 indicates that about 71.32 percent of the variability of GDP growth rate is explained by the chosen variables. The remaining 28.68 (100 percent minus 71.32 percent) variance in the GDP growth rate is attributed to other variables. The F-statistic of 17.0512 and P-value (F) less than 0.005 suggests that the model fits the data significantly.

Regression coefficients represent the mean change in the response variable for one unit of change in the predictor variable while holding other predictors in the model constant. The regression coefficients of the variables FDI, G.SAVE, CPI, B.ENTRY and TIME appear significant in determining GDP growth rate of the European Union countries.

CONCLUSIONS

Multiple regression analysis is applied to identify which factors influence on the GDP growth rate of the European Union countries. Some key determinants of GDP growth are investigated in a panel of 28 states over the period 2011-2012. The independent factors which are taken in consideration are: FDI inflows, remittances received, and the percentage of gross savings to GDP, CPI, unemployment rate, business entry and time needed to start a business. The study suggests that each factor except the unemployment rate influence positively on the economic growth of EU countries. Also all the coefficients of the selected variables resulted statistically significant except the coefficients of remittances and of unemployment rate. So the relation between GDP of the EU countries and FDI, gross save, CPI, business entry and number of days to start a business is positive and statistically significant. Remittances and unemployment rate are not significant determinants of GDP growth rate of the EU countries. The sign of the coefficients of these variables is as predicted but they have a weak relation with the economic growth of the sample. According to the regression results hypotheses H1, H3, H4 H6 and H7 are accepted and the hypotheses H2 and H5 are rejected.

Some of the limitations of this study are:

The period of the study is limited into only two years. It would be interesting to include a dummy variable for the countries which aspire to become members of EU countries in order to verify if the independent variables influence in the same way on their economic growth. On the road to EU membership candidate countries are Albania, Iceland, Montenegro, Serbia, The Former Yugoslav Republic of Macedonia and Turkey. Further research should examine other factors which may influence on economic growth. This study has used as a sample 28 countries. Because the problematic of each country are not the same, it would bring other results if we divide the 28 countries into groups according to their economical development or period of becoming membership of EU for example before the year 2000 (15 countries) and after the year 2000 (13 countries).

REFERENCES

- Agalega, E., & Antwi, S (2013) The impact of macroeconomic variables on gross domestic product: Empirical evidence from Ghana, *International Business Research*, 6 (5)
- Antwi et al (2013) *Impact of macroeconomic factors on economic growth in Ghana: A cointegration analysis*, International Journal of Academic Research in Accounting, Finance and Management Sciences, 3 (1) 35-45.
- European Commission (2014) *European Union Facts and Figures* [Accessed 25th March 2015] Available from World Wide Web: http://europa.eu/about-eu/facts-figures/economy/index_en.htm
- European Commission (2015) *European economic forecast, 2015* [Accessed 26th April 2015] Available from World Wide Web: http://ec.europa.eu/economy_finance/publications/european_economy/2015/pdf/ee1_en.pdf
- Gujarati, N. (2004) *Basic Econometrics*. McGraw Hill Companies, New York, USA.
- Kibria et al. (2014) Exploring the impact of macroeconomic variables on GDP growth of Pakistan, *Research Journal of Management Sciences*, 3(9), 1-6.
- Kira, A. R. (2013) The factors affecting gross domestic product (GDP) in developing countries: the case of Tanzania, *European Journal of Business and Management*, 5 (4), 148-158.
- Leahy, A., Healy, S., & Michelle, Murphy (2014) The European crises and its human costs, Crisis Monitoring Report, 2014, A Caritas Report prepared by Social Justice Ireland, [Accessed 24th March 2015] Available from World Wide Web: http://www.caritas.eu/sites/default/files/caritascrisisreport_2014_en.pdf
- Mehmood, Sh. (2012) Effect of different factors on gross domestic product: A comparative study of Pakistan and Bangladesh, *Academy of Contemporary Research Journal*, 1(1), 11-22.
- OECD (2014) *FDI in figures April 2014* [Accessed 16th April 2015] Available from World Wide Web: <http://www.oecd.org/daf/inv/FDI-in-Figures-April-2014.pdf>
- Pritzker, P., Doms, M., & Brian, B. C. (2014) *Measuring the economy a primer on GDP and the national income and product accounts*, BEA (Bureau Of Economic Analysis) [Accessed 16th April 2015] Available from World Wide Web: http://www.bea.gov/national/pdf/nipa_primer.pdf
- The World Bank (2013) *World development indicators* [Accessed 20th April 2015] Available from World Wide Web: <http://databank.worldbank.org/data/download/WDI-2013-ebook.pdf>
- The World Bank (2014) *World development indicators* [Accessed 20th April 2015] Available from World Wide Web: <http://data.worldbank.org/sites/default/files/wdi-2014-book.pdf>
- Tolo, W.B. (2011) The determinants of economic growth in the Philippines: A new look, International Monetary Fund WP/11/288 IMF Working Paper, Asia and Pacific Department, 1-24.

DEMOCRACY IN THE DIALECTIC OF TIME

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ABSTRACT

Thousands years ago humans history have proved that the desire of people to live in freedom and to be equal towards the law and the society, has not known any better system, from the one accepted named democracy. Although in front of the demands for even more rights in everyday life, and also for an active decision making by legislative power, executive justice one; the people and the human society of every country presents the continuous need of improvement. In a more general understanding democracy is a form of governing, regime or political system, where the power comes directly from the people through bodies elected of a free vote, where citizens have full freedom and the same rights.

The study intends to examine in a deeper point of view, the importance of the basic concepts of society, freedom and democracy.

Key words: democracy, freedom, compromise, tolerance and dialog.

DEMOCRACY IN THE DIALECTIC OF TIME

INTRODUCTION

Abraham Lincoln has defined democracy as “governance of people, by people and for people”, that is basically concentrated in the governance of people, the values of freedom and democracy remain for the human society, as the solar energy for the universe. In that sense, we would assert that all the social-political systems absolutely need to pass in the “radioscopy” of demanded standards of people for freedom and democracy of people who differ from each other from the degree of their possession. As any other vital phenomenon, freedom and democracy also has to face their eternal “enemies”: thirsty for ruling, social inequalities, the cultural and economical differences and other inequalities, that Jean-Jacques Rousseau cites in his entitled book “*Discourse on Inequality*”: *Such is the beginning of the society and the laws, that gave new obstacles to the weak and new power to the wealthy, ruined once for all the natural freedom, established in an eternal way, the law of property and inequality, from a violent and brave acquisition, gained an*

irrevocable right, and for the sake of the benefit of any ambitious person, at the end subordinated all human kind to labor, slavery and misery.”¹

The level and the existence of the degree of freedom and democracy are not attributes of an individual, even if he plays a significant role in the history of a nation, but they are acts of the participation of citizens, who play an irreplaceable role in the construction and protection of their basic values. In short words, democracy remains the implementation and the incarnation of freedom in the democratic life of a nation. Based on these two main pillars of society, political systems of power are raised, respectively: executive, legislative and judicial. In the following paper will be explained in details the need and the necessity for freedom and democracy.

DEMOCRACY AND ITS HISTORICAL PERSPECTIVE

In the historical period when the term “democracy” was conceived, the people who were concerned, were the people of a Greek polis, a small community closely related that acted as a decision making collective body. But as larger the polity was, the less the concept of people can indicate a concrete community and the more it indicates a juridical function or at least a concept is conformed to a predetermined line.

With the term “people” today, we understand a very scattered and autonomous society. The etymological definition of the word democracy is very easy: democracy is the rule or the power of people. From the other hand, searching for the first meaning of a word is only the first step of a research. This is particularly true when democracy is concerned, because it can easy be demonstrated that the premise “democracy is the rule of the people” includes even “the majority”, but also the poor strata.

However, in essence the practice and the content of the term “democracy” has to do with the values, virtues and practices of its implementation, the etymology of the word democracy derives from the word demos-people, and from the other word kratos-rule, power. That is the rule of people. Democracy as the power of people is an ancient ideal and with a long historical timeline. Meanwhile, the principals and the values that constitute the foundation of modern institutions that accompany it, as political freedom, general voting, political pluralism and the representative assembly are not established just before 2-3 centuries.

Not only from the definition of Lincoln, over democracy as “a governance of people, by people and for people”, but also from the precious heritage of thousands of years over democracy, and from the concepts of today contemporary thinkers and scholars, the main elements from which it is comprised emerges, not only as a concept or formulation with philosophical, political or juridical content, but what is more important, even as a real and functional system. Through all the history of mankind, different rulers have played with the meaning that they have given to democracy in order to cover with a deceiver dressing their totalitarian regimes and dictatorships, and also in order to deceive and gain the support of people, in a time when they themselves were in control of things, using the tools of violence, every cell of the everyday life of their country violating in the most abusive way its main principles. Something particular in the field of viewpoints about democracy present those of the Italian philosopher Machiavelli, that didn't support democracy. He was in favor of the republic, where the authority of the sovereign belonged to some

clerks and judges, to some talented and courageous people, who didn't have this power, nor inherited neither won by intrigues or violence, but this authority has to be gained from the free voting of their fellow citizens. Between these superior man and people, the laws are raised, laws that are a prediction of freedom. In a republic, people ought to have the possibility to express freely their will and every state has to give to people the tools in order to express, so that people show their ambitions. There is just one alternative: people will live under violence and tyranny or under a republic in the rule of the law.

A political system is named democracy when the majority or a big number of people have human freedom and the right to vote. Even though the words freedom and democracy recall us the principal of the action of communicating vessels and have an organic relation between them, they are not synonyms of each-other. This is because the structure of democracy includes not just the system of ideal and inherited concepts that are grown rich in the vital laboratory of the lives of people, but also from the way of practicing them. The most widespread form of democracy in our days is the representative democracy, the people choose the leaders of the political life, who drafts the laws and executes the social-economical programs of the country. In conditions of a modern society, democracy incarnates different features from the one realized in the society of Athens, preserving the characteristics of a representative and plural democracy, which is based on the concept of nationality. The essential difference with the direct democracy is the fact that, the political decisions are taken by the representative instruments and only in some special cases from people, such is the case of referendums. But, although there is a need for change and perfection of democracy, we cannot hide the fact that, its basic foundation is the demand to realize representativeness and protection of interests of people, even in the conditions when the elected exercise the power in the name of people. Therefore, democracy is the system that guarantees and harmonizes the duties and the rights of the individual with those of the society. The rights constitute the most foundational and constructive elements. In front of the demand for more rights in the everyday life, and also for a more active and decision taking participation in legislative organs, governance and juridical system, the human society of every country speaks about the need of their sustainable improvement.

FREEDOM AS OXYGEN OF DEMOCRACY

As far as the role and relation that people and society have with freedom as concerned, as a concept, and how much they benefit from its power in the everyday life, in every historical era, different thoughts have emerged. Freedom, as a natural right is the essence of thinking according to the intellectual convictions and free will. The concept of freedom makes the essential indicator of development of a society and its citizens in relation with the limitations in front of all powers: legislative, executive and juridical. The concept of freedom according to the German philosopher, Nietzsche, enriches and makes deeper and extends its borders. Freedom is the will that makes you responsible in relation with yourself that has as a feature to make you distant and to individualize you from the influences of the others for a unique independence of thinking about the existence. In a more practical sense, freedom is nothing else than the desire to fulfill or realize our needs and our desires, in relation with the possibilities and the reality

that we live in. Rousseau believed that a good governing has to have as an essential objective the freedom of its citizens. That why, according to him, the best way of governing in a modern society is the one that affirms the individual freedom of all citizens, with the natural limitations in a civil society. Rousseau also concluded that: *“As far as the right of property and laws exist, people can never be totally free in the modern society.”*² However he strongly believed in the existence of some principles of governing which, if applicable, may guarantee, for the member of society a level of freedom that at list comes close with the freedom people have in the state of nature. In his philosophical works, Rousseau describes the necessary principles that have to be applied from the social institutions, in top of which he assigned the preservation of natural “freedom.” That’s why he emphasized: *“To give up from the individual freedom means to give up from the individual characteristic, as a person, from the right of human nature, until his obligations.”*³ But meanwhile, he linked his concepts about freedom and democracy inseparable with the establishment of the legalistic state, means state of law, that is above all, result of the general will, where the general will, is also the will of the sovereign, of people. Witnessing an appreciation for law as a holy value, Rousseau would expand this appreciation in general for all the power of law, the forbiddance of its functioning; he only justifies things when the word comes to save the homeland. In this case the public security is completed with a special act. Politicians of ancient times, Rousseau said, always spoke about moral and virtues, while these now only speak about trade and money. Rousseau finds that many of this ideas such: property, law and moral inequality that have been imported to mankind, doesn’t really have the basis in nature of man. The most important characteristic of the state of nature is that people have the physical full freedom and fell free to do basically, the things that they want. The state of nature also bears the obstacle that human beings haven’t yet discovered their rationality or their moral. Rousseau alternates the advantages and disadvantages of the state of nature, but generally he estimates it for the physical freedom that it guarantees to people, permitting them to be free from the binding influence of state or society. Rousseau conditioned his vision for a democratic society with the demand: *“Let us find a form of socialization that bears and preserves, utilizing all the joint forces, the person and the wealth of each member, society in which, everyone, being together with all the others, obeying just to himself and remaining as free as before”*. Having the concept of democracy as a common value and the value of all, in Rousseau’s concept, the limited power means limiting the freedom of all, because to limit power means to limit all people in the name of something meaningless. All the rights of individuals are guaranteed from the fact that they are part of decision making, but above all they are guaranteed from the existence of the general will, which aiming the common good necessarily aims even the freedom of everyone and this is the main condition of common good. However, the concept of freedom in a democratic society is defined as a right that allows what confirmed laws from society and the organs elected by people. In that sense, we conclude that a nation is free, when it is governed from the laws that people their selves have decided.

CONCLUSIONS

Even though democracy has passed essential changes, it still has the appreciation

that, it represents the need of people to be governed, although it doesn't have the governing capabilities, that's why people choose the representatives of parties or political groups in the leading lawmaking instruments. Having a quick glance to the ancient concepts over democracy and the regimes implemented in the nation – states of ancient Greece, one can easily notice the fundamental changes that it has passed including form and content. Today democracy is enriched, reshaped in accordance with the demands of time and nations themselves.

The term democracy is today used to characterize political relations in a certain society, but also to judge and define the form of governing, the characteristics of a political system etc. Thus, the concept of democracy is raised over the principal that people in general are the basis, the foundation over which all political life of society is raised. They are the only source of power, while their interests and their wellbeing is the final goal of governing.

In democracy, the political power becomes legal only when it has as a source the people. Power may proceed from the free will of people as one, where every individual is free to make the political choices that he is interested in. Thus, freedom is the necessary condition of the concept of democracy. From this point of view, democracy may be defined as a system of ideas, practices and ways of acting that lead to the institutionalization of freedom. Democracy includes the rule of majority and the respect of minority for the fact that they are both part of the population and for this reason they have to be treated equally. From this viewpoint, democracy is seen as the pattern of the political organization that ensures the rule of majority and respects the minority, making also space for the free competition of the political alternatives. Also, democracy is that pattern of the political organization that enables the political competition for the different alternatives of the economic development that ensures the free initiative and the private property. However, the worldwide experiences witness that democracy remains the best governing system that has its source from people and serves people.

REFERENCES

- David Beetham & Kevin Boyle. 2001. *“Introducing democracy, 80 questions and answers”*. For the Albanian edition by the Publishing House “Dita” Tirana, Albania. [Albanian translation].
- Janos Kis. 1998. *“Contemporary political philosophy”*. For the Albanian edition by Central European Press, Albania. [Albanian translation].
- Rousseau, Jean-Jacques. 2008 *“Discourse on Inequality”* For the Albanian edition by “Almera publishing House”. (1) P. 109-110, (2)P.195, (3) P.202. [Albanian translation].
- Rousseau, Jean-Jacques 2007. *“The Social Contract”*. For the Albanian edition by Luarasi University Press. Tirana, Albania. [Albanian translation].
- Samuel Enoch Stuph. 1998. *“Philosophy - history and problems”*. For the Albanian edition by Soros. Publishing House. “Toena” Tirana Albania. [Albanian translation].

ELECTRONIC COMMERCE, A NOVELTY IN ALBANIA

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ABSTRACT

The fast development of economic relations in nowadays, the increase of trading exchanges, contracting from different countries of the world, has necessitated a new contracting form for the parties. In order to increase the flexibility as well as boosting the trade relations, which are the key of a developed economy, electronic commerce came to light. Parties are directed to electronic markets to buy goods and services, but electronic commerce is not only used by the consumers but also by powerful corporations and governments of different countries to realize their economic interests. On-line contracting allows the parties to enter into contractual relations by overcoming geographical barriers, save time and financial cost. Electronic commerce today has reached unimaginable levels of development and has been implemented as a tool that is dominating global trade. It has become the main form of contraction in the leading economies, such as the United States, Japan, but also other countries of Europe. It even finds development in Albania. This paper aims to address an overview of international trade, the development and the legal regulation. Also, electronic commerce will be specially treated in Albania, a country with aspirations to suit the requirements of international trade to develop economically. The paper addresses the Albanian experience in e-commerce which attempts to approximating international trade trends.

Keywords: Electronic commerce, on-line contracting, competition

ELECTRONIC COMMERCE, A NOVELTY IN ALBANIA

INTRODUCTION

Electronic commerce (e-commerce) remains a relatively new, emerging and constantly changing area of business management and information technology, in particular in Albania. There has been and continues to be much publicity and discussion about e-commerce. However, there remains a sense of confusion, suspicion and misunderstanding surrounding the area, which has been exacerbated by the different contexts in which electronic commerce is used, coupled with the myriad related buzzwords and acronyms.

It is one of the most profound changes currently transpiring in the world of business is the introduction of electronic commerce. The impact of electronic commerce (ecommerce, or EC) on procurement, shopping, business collaboration, and customer services as well as on delivery of various services is so dramatic that almost every organization is affected. The paper aims to show how e-commerce is changing all business functional areas and their important tasks, ranging from advertising to paying bills.

This paper aims to provide an understanding of e-commerce's application and its importance. In order to understand electronic commerce it is important to identify the different terms that are used.

The paper will be focused on giving a brief concept of e-commerce and its types and the evolution of it in Albania. The authors will give an overview of legal framework in Albania, analyzing the main law of electronic commerce. Also, the paper is aimed to treat the benefits of this kind of commerce.

LITERATURE REVIEW

Electronic commerce is sharing business information, maintaining business relationships and conducting business transactions by means of telecommunications networks¹. Zwass maintains that in its purest form, electronic commerce has existed for over 40 years, originating from the electronic transmission of messages during the Berlin airlift in 1948.² From this, electronic data interchange (EDI) was the next stage of e-commerce development. In the 1960s a cooperative effort between industry groups produced a first attempt at common electronic data formats. The formats, however, were only for purchasing, transportation and finance data, and were used primarily for intra-industry transactions.

It was not until the late 1970s that work began for national Electronic Data Interchange (EDI) standards, which developed well into the early 1990s. EDI is the electronic transfer of a business transaction between a sender and receiver computer, over some kind of private network or value added network (VAN)². Both sides would have to have the same application software and the data would be exchanged in an extremely rigorous format. In sectors such as retail, automotive, defence and heavy manufacturing, EDI was developed to integrate information across larger parts of an organisation's value chain from design to maintenance, so that manufacturers could share information with designers, maintenance and other partners and stakeholders.

Electronic commerce has been re-defined by the dynamics of the Internet and traditional e-commerce is rapidly moving to the Internet. With the advent of the Internet, the term e-commerce began to include:

1. Electronic trading of physical goods and of intangibles such as information.
2. All the steps involved in trade, such as on-line marketing, ordering payment and support for delivery.
3. The electronic provision of services such as after sales support or on-line legal advice.

¹ Zwass, V. (2001) *Structure and macro-level impacts of electronic commerce: from technological infrastructure to electronic marketplaces*, <http://www.mhhe.com/business/mis/zwass/ecpaper.html> (accessed May 2001).

² E-business, take look at: The European E-business report, 2004.

4. Electronic support for collaboration between companies such as collaborative on-line design and engineering or virtual business consultancy teams. According to E. Turban, J. Lee, D. King and H.M. Chung electronic Commerce (EC) is where business transactions take place via telecommunications networks, especially the Internet. The wide range of business activities related to e-commerce brought about a range of other new terms and phrases to describe the Internet phenomenon in other business sectors³.

In explaining the legal and economic trends, it is inevitable that even Albania soon face the need for a legal framework on trade electronic, viewing this as a prerequisite to inclusion of Albania in the European Union. Best practices and the adoption of legislation with international legal requirements of EU Directives for electronic commerce, connection distance contracts and consumer protection, and electronic signatures will be Albania's guide to achieve and to comply with those standards.

In order to examine the experience of European countries is necessary to review the directives on the use of electronic contracts. The three most important directives are:

1. Protect consumers Directive in contracts related to the distance of 1997 which includes even the forms of electronic connectivity contracts⁴. This directive is implemented by member states in June of 2000.
2. The directives for Electronics firms of 1999 which is implemented by member states from 19 July 2001⁵.
3. Electronic Commerce Directive of 2000 which is implemented by member states before 17 January 2002⁶.

This paper analyzes briefly the European legislation and the Albanian law on E-commerce. Development of information society dependent upon the adaptation of relevant legislation required. Until now, are drafted and adopted in accordance with commitments in SAA a significant set of rules in the field of information society:

Law No. 9880, dated 25.2.2008 "On the electronic signature";

Law No. 9887, dated 10.3.2008, "On the protection of personal data";

Law No. 9643, dated 20.11.2006, as amended, "On public procurement"¹⁹, which carries the possibility of electronic procurement;

Law No. 9723, dated 03.05. 2007, "On National Registration Centre"²⁰;

Law No. 9918, dated on 19.05.2008, "On electronic communications in the Republic of Albania".

METHODOLOGY

The authors were based on the study of the Albanian legal acts and acts of the European Union to better understand the situation in Albania and how close are we

³ Turban, E., Lee, J., King, D., and Chung, H.M. (1999) *Electronic Commerce: A Managerial Perspective*. Prentice Hall.

⁴ Directive 1997/7/EC, dated 20.05.1997 "On the protection of consumers in respect of distance contracts", text available at: http://europa.eu.int/eur-lex/en/lif/dat/1997/en_397L0007.html

⁵ Directive 1999/93/EC, dated 13.12.1999 "For electronic signatures", text available at: http://europa.eu.int/eur-lex/en/lif/dat/1999/en_399L0093.html

⁶ Directive 2000/31/EC, dated 08.06.2000 "Directive on electronic commerce", text available at: http://europa.eu.int/eur-lex/en/lif/dat/2000/en_300L0031.html

to the European criteria in this regard. This paper is mostly narrative, because the authors have chosen to disclose the legislation and the situation broadly, as meaning, special advantages etc. In order to write this paper, it is used international and Albanian literature. The authors arrive at some important conclusions by interpreting them.

RESULTS

The field of e-commerce is broad. There are many applications of EC, such as home banking, shopping in electronic malls, buying stocks, finding a job, conducting an auction, collaborating electronically with business partners around the globe, and providing customer service.

There is no one commonly agreed definition of e-commerce or e-business. Thus, there is a need to clarify terms being used and explain the context in which they are being applied. E-commerce has an impact on three major stakeholders, namely society, organisations and customers (or consumers). There are a number of advantages, which include cost savings, increased efficiency, customisation and global marketplaces. There are also limitations arising from e-commerce which apply to each of the stakeholders.

These include information overload, reliability and security issues, costs of access, social divisions and difficulties in policing the Internet.

In order to aid general understanding of e-commerce a number of frameworks have been introduced to explore it from different perspectives. These frameworks help identify the elements of e-commerce and how businesses can better understand e-commerce and its practical applicability.

DISCUSSION

Definition of electronic commerce: Classification.

Electronic commerce gives the parties the opportunity to sign contracts from every corner of the world, to enter into contractual relations and overcome physical barriers or time. This trade is developed in the virtual space of the Internet is creating a world hooked trend which is adapted economic relations with technological developments and the growing needs of international business⁷. Electronic commerce (e-commerce) describes the buying, selling, and exchanging of products, services, and information via computer networks, primarily the Internet. Some people view the term *commerce* as describing transactions conducted between business partners. To them, the term *electronic commerce* seems fairly narrow, so many use the term e-business (electronic business) instead. It refers to a broad definition of EC, not just buying and selling, but also servicing customers, collaborating with business partners, and conducting electronic transactions within an organization.

According to Lou Gerstner, IBM's CEO, "*e-business is all about time cycle, speed, globalization, enhanced productivity, reaching new customers, and sharing knowledge across institutions for competitive advantage.*" E-commerce is a very diverse and interdisciplinary topic, with issues ranging from e-technology,

⁷ Malltezi, A., Rystemaj, J., Pelinku, A. (2013) *Aspekte të së drejtës së biznesit në Shqipëri*. Mediaprint, Tirana, pg. 479.

addressed by computer experts, to consumer behavior, addressed by behavioral scientists and marketing research experts.

There are several other important types of EC:

Collaborative commerce (c-commerce). In this type of EC, business partners collaborate electronically. Such collaboration frequently occurs between and among business partners along the supply chain. *Business-to-consumers (B2C)*. In this case the sellers are organizations, the buyers are individuals. *Consumers to businesses (C2B)*. In this case consumers make known a particular need for a product or service, and organizations *compete* to provide the product or service to consumers.

Consumer-to-consumer (C2C). In this case an individual sells products (or services) to other individuals.

Intrabusiness commerce. In this case an organization uses EC internally to improve its operations. A special case of this is known as B2E (business to its employees) EC. *Government-to-citizens (G2C) and to others*. In this case the government provides services to its citizens via EC technologies. Governments can do business with other governments (G2G) as well as with businesses (G2B). *Mobile commerce (m-commerce)*. When e-commerce is done in a wireless environment, such as using cell phones to access the Internet, we call it *m-commerce*. Each of the above types of EC may have several business models. For example, in B2B one can sell from catalogs or in auctions. Buying can be done in several models such as reverse auctions, group purchasing, or negotiations. The field of e-commerce is broad. There are many applications of EC, such as home banking, shopping in electronic malls, buying stocks, finding a job, conducting an auction, collaborating electronically with business partners around the globe, and providing customer service.

Electronic commerce affects not only the economy of a country, but also it has a significant impact on the labor market. It enables the creation of new jobs for the creation of websites, maintenance and management, data security on the Internet, or etc.

E-commerce in Albania. Legal framework and development.

Albania is a country that has not been left out of the trade development and electronic deployment. Firstly, our country has a significant increase of Internet use, which directly affects the individual access to electronic markets. Also, the increased Internet access business makes many of them prefer electronic markets to advertise products and services that Albanians offer. Many internet users choose electronic commerce to make their purchases, taking into account the advantages and facilities that they are offered. Recently, in the framework of the obligation assumed by SAA, for aligning the legislation with the *acquis communautaire* in our country there are a number of laws aimed at regulating this field. We mention: the law "On electronic commerce" no.10128 dated 11.05.2009, as amended, "On electronic document" no. 10273 dated 29.04.2010; "On electronic signature" no. 9880 dated 25.02.2008, as amended; "On electronic communications" no. 9918 dated 19.05.2008, as amended by laws and their implementation. These laws not only regulate electronic commerce in our country, but also serve as a driving factor for the development of electronic commerce in the Albanian area. However, the

law has a limited scope of action because it excludes the application on several issues, which are:

1. Notary acts or other similar actions directly related to the exercise of public authority;
2. The representation of persons and protection of their interests before the courts, and in any organ, where the person's appearance can be done by third parties, through acts of representation;
3. Activities paid for participation in sporting bets, lotteries, gambling, electronic games, racetracks and casinos.

The law also does not extend to the legal relationships created; in the field of taxation; for the protection of personal data; on issues related to the practice of agreement, regulated by competition law; on issues related to intellectual property rights and industrial rights. The experience of the neighboring countries offered available models for Albanian road of economic growth. According to the period 1990-1997⁸ may be considerate as the first stage for economic development of Albanian businesses. This period is characterized with a convulsive development of financial and non-financial sector. Period 1997-1999 is considered like second stage for Albanian economy and businesses. Differently from first stage, in this stage the economic growth rate is declined sensitively; inflation is grown-up, while most of foreign investors left Albania. Period 1999-2009 was the third stage for Albanian business development in which started again the raise. From 2008 till today can be considered as the fourth stage for Albanian business development.

Even though in year 2008 Albania adopted the law for electronic commerce, this isn't sufficient for the most of Albanian businesses to apply e-commerce⁹. A key issue and limiting factor for e-Commerce is security, a requirement that is becoming more crucial in the current Albanian e-Commerce environment. Albanian consumers are interested in purchasing online while worried and skeptic about privacy and security issues. These result to be the main obstacles to the e-commerce development as regarding the consumers. Central Bank of Albania and major banks operating in Albania (like Intesa San Paolo bank, Raiffeisen Bank, National Commercial Bank etc) that facilitate the e-commerce process by providing and improving the security of electronic payment methods. The Chambers of commerce and industry have a special role to play as they act between the government agencies and their companies-members in order to influence the latter towards the adoption of electronic commerce.

Towards the necessity of regulating the domestic framework and towards the road of joining EU, very important steps in this direction have been made not only through the adoption of the Inter Sectional Strategy of Information Society by Decree No. 59, date on 21.1.2009, but also with expectations in terms of electronic communication containing various laws recently adopted, as for example law No. 9874, date on 14.02.2008 ““For the public auction”, law No. 9723, date on 03.05.2007 ““On National Registration Centre”, law No. 9643, date on 20.11.2006 ““On public procurement”, change and other by-laws which provide the opportunity for the performance of electronic means.

⁸ Ačka, Sh. (2012), *E-commerce like a quickly manner for economic development- Albanian case*, Electronic International Interdisciplinary Conference 2012, <http://www.eiic.cz> , 354-358, Albania

⁹ Ibid

It must be admitted that there is no need to make changes in contract law in order to ensure the functioning of electronic commerce in Albania. Presumption that existing law is generally suitable for electronic commerce allows us to offer solutions to address and stamped over the years by different generations of lawyers.

Advantages of e-commerce

Electronic commerce has many advantages. From this kind of commerce the ones who benefits are organizations, consumers and the society as a whole. By becoming e-commerce enabled, businesses now have access to people all around the world. In effect all e-commerce businesses have become virtual multinational corporations¹⁰.

Operational cost savings. The cost of creating, processing, distributing, storing and retrieving paper-based information has decreased. *Mass customisation.* E-commerce has revolutionised the way consumers buy good and services. The pull-type processing allows for products and services to be customised to the customer's requirements.

On the other hand, the Internet is much cheaper than value added networks (VANs) which were based on leasing telephone lines for the sole use of the organisation and its authorised partners. It is also cheaper to send a fax or e-mail via the Internet than direct dialing. Also, businesses can be contacted by or contact customers or suppliers at any time. E-commerce enables customers to shop or conduct other transactions 24 hours a day, all year round from almost any location and customers not only have a whole range of products that they can choose from and customise, but also an international selection of suppliers.

Benefits of e-commerce to society are as below:

1. Enables more flexible working practices
2. Connects people.
3. Facilitates delivery of public services

CONCLUSIONS

Electronic commerce is spreading in our country as a consequence of increased access to the Internet, where B2C contracts remain the dominant form. Tourism, goods and services, but also public procurements are areas where it is more evident.

Electronic commerce presents some outstanding advantages, such as speed, flexibility, cost reduction, eliminating geographical barriers etc.

E-commerce allows people to carry out businesses without the barriers of time or distance. One can log on to the Internet at any point of time, be it day or night and purchase or sell anything one desires at a single click of the mouse.

The direct cost-of-sale for an order taken from a web site is lower than through traditional means (retail, paper based), as there is no human interaction during the on-line electronic purchase order process.

¹⁰ Advantages of e-Commerce for Business - <http://www.limecanvas.com/advantages-of-e-commerce-for-business/>

Another important benefit of Ecommerce is that it is the cheapest means of doing business. Harmonization of legal framework to guide the formation of electronic contracts in Europe seems a logical line with efforts to promote and facilitate electronic transactions that would eliminate concerns and lack of forecasting which still characterizes the contracting procedure by means of electronic tools. However achieving a uniform solution in this regard cannot be easy if you refer to the historical course of drafting the Directive on electronic commerce. Harmonization of the law that deals with the formation of contracts electronically should not be separated from efforts being made to harmonize the law of contracts in general and also this harmony can be possible only when based on the provisions that are already known as an acceptable compromise for Europe for the regulation and formation of contracts such as the Principles of European Contract Law. Albania is moving towards the road to membership in the European big family. Therefore, it is essential that the economic development, increasing local investment and foreign one, increase the number of Internet users and promote electronic commerce as a very favorable to doing business. All these will lead the country towards the necessity of regulating all these activities by law.

REFERENCES

- Advantages of e-Commerce for Business -
<http://www.limecanvas.com/advantages-of-e-commerce-for-business/>
- Açka, Sh. (2012), *E-commerce like a quickly manner for economic development-Albanian case*, Electronic International Interdisciplinary Conference 2012, <http://www.eiic.cz> , 354-358, Albania
- Directive 1997/7/EC, dated 20.05.1997 “*On the protection of consumers in respect of distance contracts*”, text available at: http://europa.eu.int/eur-lex/en/lif/dat/1997/en_397L0007.html
- Directive 1999/93/EC, dated 13.12.1999 “*For electronic signatures*”, text available at: http://europa.eu.int/eur-lex/en/lif/dat/1999/en_399L0093.html
- Directive 2000/31/EC, dated 08.06.2000 “*Directive on electronic commerce*”, **text available at:** http://europa.eu.int/eur-lex/en/lif/dat/2000/en_300L0031.html
- Malltezi, A., Rystemaj, J., Pelinku, A. (2013) *Aspekte të së drejtës së biznesit në Shqipëri*. Mediaprint, Tirana
- The law “*On electronic commerce*” no.10128 dated 11.05.2009, as amended
- The Law “*On electronic document*” no. 10273 dated 29.04.2010
- The Law “*On electronic signature*” no. 9880 dated 25.02.2008, as amended.
- The Law “*On electronic communications*” no. 9918 dated 19.05.2008
- Turban, E., Lee, J., King, D., and Chung, H.M. (1999) *Electronic Commerce: A Managerial Perspective*. Prentice Hall.
- Zwass, V. (2001) *Structure and macro-level impacts of electronic commerce: from technological infrastructure to electronic marketplaces*, <http://www.mhhe.com/business/mis/zwass/ecpaper.html> (accessed May 2001).

THE MANAGEMENT OF THE PROJECTS WITH MS PROJECT

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ABSTRACT

The paper will elaborate specifications that has MS Project program and its evolution in the wide usage in management of the projects. The wide range of work tools offered by this program helps managers in all the fields at any moment be able to understand and report on project status, finances, human resources and can make the necessary amendments to complete projects according to a provided dynamic plan. The successful management will be the product of a good planning by making entry of the necessary data required in the program where the software will analyze all the data and submit reports in a written form, a tabular form or a graphic shape view via Gantt chart.

Keywords: project, management, report, diagram.

THE MANAGEMENT OF THE PROJECTS WITH MS PROJECT

ENTRY

The management of the project is used by organizations as a mean for achieving their objectives. The recent decades has been noticed a fast growth of the use of the management of the projects as a necessity of the times to improve the ability in the planning, implementation and control of the activities as well as improvement in a more rational use of the resources. Knowing that projects are complex processes, the management definitely will face the completion of all activities to finalize the project with its purpose, a predicted cost and within the proper time. For any business it is always important to look towards the future, but it would be a big mistake if there are ignored the past experiences. With Microsoft Project, it is easy to ascertain what has influenced in the previous projects to succeed or fail, allowing you to know what to be adopted in the future and what to avoid. Microsoft Project is proposed by Microsoft's manager of the development of the product, Alan M. Boyd. The company had a large number of software projects, and in this case, Microsoft Project will be used as a tool to help in the internal

management to the large number of the projects that were in development within the company.

Boyd wrote the specifications and hired a local Seattle company to develop a prototype. Commercial versions of the Microsoft Project have been numerous and have had their specifics and have changed over time. The first commercial version was released for DOS in 1984. The subsequent versions for DOS were released during 1985 (V2), 1986 (V3) and 1986 (V4). Later were released and Windows programs from 1990 to 2010. Microsoft Project is one of the programs of the management of the projects software more versatile ever invented. Today professionals from around the world are using this program for project management.

THE IMPORTANCE OF USING MS PROJECT

Microsoft Project is a software program developed and sold by Microsoft, which is designed to assist managers of the project in developing a plan, assigning tasks and resources, tracking progress, managing budgets and analyzing project. Microsoft Project helps managers of the projects, business managers and planners to manage schedules and resources, helps managers to project delivery on time and within the budget. Project management or planning basically involves managing of the resources to complete a specific task and accessible in a certain time frame. Nowadays there are a number of software programs for project management, but definitely one of the simple and versatile programs of management is Microsoft Project. Using this program, the project would mark an important change in the terms of management. Microsoft Project's main modules include project work and project teams, schedules, and finances. Microsoft Project allows its users to set realistic objectives for project teams and customers, creating schedules, allocate resources, and manage of the budgets. Usually project managers need to know exactly what their teams are working at the proper time, how long it is taking every task, when it is expected to complete a certain task, how resources are currently in each task, etc.. This means that MS Project is a great help for all project managers. MS Project can be successfully used for the coordination of a variety of special tasks, helps to put a plan of action, to replenish and organize all the data in order to achieve a goal. MS Project significantly improves the productivity of each project and its use provides the following features: scheduling, cost control and budget management, resource assignments, management of the qualities, progress tracking, and many other opportunities.

PLANNING WITH MS PROJECT

Planning is one of the most important tools needed to manage a project to its completion. The planning process means identifying and rational allocation of resources for a particular project. By making use of this function in MS Project, you can plan a project from the information they have about the project, individual tasks required for the project until completion and resources (people, equipment, materials) necessary to complete those tasks. After the conclusion of the planning, allocation of tasks and resources, starts the completion of the data phase in MS Project. If subsequent changes occur to tasks or resources after the creation of the term, can be done in MS Project updates, taking care not to infringe upon project completion deadline.

COST CONTROL AND BUDGET MANAGEMENT WITH MS PROJECT

The most important aspect of the development of the project is to control the main sources of money and time. To achieve effective control, there must be a plan, which acts as a landmark to monitor and evaluate the performance. It is known that the plan for the management of the cost is budget and the plan for the time management is schedule. Since at the beginning of the project are made the original estimates of the budget and are registered based on the types of resources and equipments required for the particular project. In order to accurately set budgets and manage costs, must be created the schedule and assigned the necessary resources. Senior project managers often are faced with managing multiple projects with different schedules and resources costs. There is a discrepancy between the hours and costs so that the excess of the cost should be included within the budget of the project. MS-Project provides a cost-effective balance between budget and schedule tools easily controlling the costs of the project.

ALLOCATION OF RESOURCES IN MS PROJECT

Microsoft Project is a software program that allows users to control all aspects of management of the project, including budgeting, planning and resource management. For this reason, MS Project is much used in the industry of the construction and engineering. One of the most important parts, but often overlooked in the process of management of the project it is the allocation of the resources properly. Allocation of the resources in the right form in Microsoft Project will be an important help to keep in track the project from beginning to the end. By allocating resources it is going to be established the link between specific tasks and resources (one or more) needed to complete them. These resources include labor resources (people and equipment needed to complete a task) and material resources (materials or supplies). In the case of allocation of resources should be taken into account:

- Consideration of resource availability when it is calculated the duration of the assignment. This step is important, but often overlooked. The sources should be considered during the preparing of the schedule, not just afterwards. Special attention should be given to the tasks that are congruent (those that occur at the same time), and use the same resources.
- Creation and organization of resources. The best way to keep your resources organized it is by resource sheet. We need to be sure that all resources have obvious names and specify the type of resource. "The jobs" sources are most useful and should be used to categorize people who will spend time working in the office. "The materials" sources should refer to materials used in the work, such as lumber, fuel, etc.. "The cost" sources should be used to find resources that have a clear rate of cost attached to them. Daily rate for renting a crane or a trailer on the ground can be traced as a source of the cost.
- The assigning of each work assignment for a resource. After creating the schedule on the appearance of Gantt chart, you must determine which source or which sources are associated with each task.
- The checking of the allocation of the resources on the resources graph view. After creating the schedule and allocation of the resources, we should check for

more sharing. This should be seen in the Gantt chart to analyze the participation of each source in each activity.

TRACKING PROGRESS AND THE CRITICAL PATH

For over 40 years, project managers have used techniques to effectively manage their projects, some of these techniques were initially manually and later were computerized. Two of these techniques are called critical path management (CPM) and the evolution program and the overviews of the techniques (PERT). Technique involves the use of network models to find the relationship between tasks and to identify tasks that are critical to meeting the deadlines.

When a large number of overlapping tasks should be used the appropriate tools to indicate which tasks can be delayed and which should be in time. Tasks that can not be delayed without affecting the date of completion of the project are critical tasks.

If a task to be performed on the project schedule and ends at the right time, while other important task is delayed, the date of the completion of the project may be delayed. A series of critical tasks makes up a project's critical path. In each project important is the outcome within hours, so more attention should be paid to critical path tasks and resources assigned for this duties. If a critical task takes longer than expected or a resource is not available for a critical task, the project will not be completed on the scheduled date. Once you identify the critical path, any delay in any part of the critical path will cause a delay in the entire project and this is the part where managers should focus their efforts. Gantt chart visualization tools that are commonly used by project managers to control and manage the tasks required to complete a project.

GANTT CHART - ITS ROLE IN MS PROJECT

Gantt Chart was developed as a production control tool in 1917 by Henry L. Gantt, an American engineer and social scientist. Gantt Chart has become a favorable tool for use in project management, which provides a graphic illustration of the schedule of the project that assists in planning, coordinating and tracking specific tasks within a project.

It is very important that a Gantt chart plans tasks that must be completed, set a time limit for the work, plans allocation of the resources and creates critical paths for tasks. Each project consists of a series of tasks with different deadlines, all linked together to build the overall plan project. In this process will be established the beginning of the project, the project displays all the relevant tasks in the Gantt Chart and sets the date of the completion of the project. The tasks of the project will be placed in the Gantt Chart, a calendar time line, so it can be moved in the Gantt Chart to the right or left of the screen, then the tasks can be moved forward or back in time. On the left side can be seen the data for tasks in tabular form with rows and columns. Each table row shows the details of a task, such as time of onset, duration and termination. Ms Project allows editing of data for each task in the table or in the Gantt Chart. Each activity is represented by a strip where the position and its length reflects the date of commencement, duration and date of completion of the activity. That means that Gantt Chart allows at the same time be seen:

- Activities to be undertaken,

- The start and the end of each activity,
- The duration of each activity,
- When matching activities with other activities and the duration,
- Date of commencement and completion of the project as a whole

Today, the Gantt chart are most commonly used for tracking the project schedule. Gantt chart have been modified with additional column showing details such as the amount of time estimated to perform each task, the resources needed to complete each activity and the person responsible for the execution of the activity. Gantt chart help managers to allocate resources, particularly in the form of staff hours. Designating specific staff members for each task, the project manager can see exactly how each employee will spend their time during the life of the project. Staff can also see how their individual tasks can be fit into the general framework of the project.

Microsoft Project, allow users to collect data on the total number of hours that staff members will work throughout the life of the project. Gantt chart represents the progress graph, provides quantitative information on the progress of the project where a manager can look at a Gantt chart and see exactly how tasks are completed and how are in the process. Each manager is called to manage a project where time is the essence, we must use the appropriate tools like Gantt chart to monitor the plan, to work out the impact of changing circumstances and to communicate the changes to all those concerned.

BUILDING AND MANAGING LISTS OF TASKS IN MS PROJECT

In the construction of any project plan, tasks are one of the basic blocks and MS Project that allows manage them easily and efficiently. In MS Project, primary should be prepared a list of tasks with a description and duration for each task, make the connection between them and the determination of the preceding and dependents. Moreover should be assessed the duration of each task.

THE ALLOCATION AND MANAGEMENT OF THE RECOURCES IN MS PROJECT

After building a list of tasks, the next step in the construction of the project plan is the allocation of resources that will work on the tasks that are set before. MS Project makes it possible in a centralized pool of resources can be allocated the resources in certain places. It is going to be created a register of labor resources (people), cost and material resources. All these are integrated automatically from time to time, depending on whether they are active or not, and these resources are related to a based project calendar. The allocation of resources is done starting from the calendar that defines working days and hours available for the project to be carried out. Additionally each source can have their unique calendars to mark the leisure. Can be selected one calendar existed before or to create one based on a standard calendar. Each resource has its own calendar derived from the project calendar. Possible options allow setting days as working days, feast days etc.. Resource management is a key aspect of project management. In simple terms, the resources can be divided into three groups: labor, material and cost. A labor source is someone or something that works in an office and is tracked on the basis of time spent. A source material refers to items that are consumed by a task. Cost resources

refer ancillary expenses that are not directly related to the work and materials, such as costs.

CONFLICT MANAGEMENT OF RESOURCES IN A PROJECT

MS Project provides many features that make it easier to navigate complex tasks and tasks lists of resources. For example, there are many different ways to view and filter the data and specific tools for the identification and treatment of resource conflicts.

In MS Project, can be solved the conflicts of resources from modified tasks, the setting changes, etc.. To resolve resource conflicts should consider the following tactics:

- Review the availability of resources to the project. For example, change the person's availability from 50 percent to 100 percent.
- Modification of tasks of some sources,
- The addition of a second source for a task for which the super allocated source is busy,
- The replacement of a source with another
- The changes in based -calendar of resources, allowing a source to work more time in a week, etc.

ADVANTAGES OF USING MICROSOFT PROJECT

Application of Microsoft Project offers a wide range of tools, is flexible and has effective tools that can be used by government institutions, builders and business firms to manage their projects. The program also helps to monitor the progress at various stages of project development. Microsoft Project has increased the number of project managers who are using this tool, which have increased many features that are now vital to project management. Microsoft Project is developed by software company the largest and most respected in the world, which provides reliable support of this product. In addition, the success of MS Project training has fueled the growth of the services offered on this product. MS Project provides integration with other products such as MS Word, MS Excel and MS Outlook. MS Project is a desktop application, which means the project manager can work on the project schedule without internet connection.

BENEFITS FROM THE USE OF MS PROJECT

- Simple program,
- Guides users to create and manage projects easily,
- Gives the user an opportunity to save, print and publish your project from one place to another,
- Saves time and cost to users, helps to organize and analyze the data effectively and efficiently,
- Is a flexible program, for the project that is created, if there are changes users can easily change the data,
- Provides visual view and helps users easily understand project schedules,
- Provides guidance and analysis that helps users to easily resolve conflicts in the allocation of the resources , tasks etc.,
- Assist in the analysis and comparison of the estimated current budgets and also identifies discrepancies in it,

- Allows the control for the users,
- Project generated documents can easily be divided with another member of the team and provides effective communication between team members,
- Helps project managers to easily make the design and development of an effective plan to complete the project,
- Helps project managers to easily distribute and allocate scarce resources to different tasks in order to avoid overlapping of duties and consumption of resources,
- Helps project managers to easily follow the progress of the project and compare it with the estimates,
- Helps project managers to easily manage budgets and analyze the workload,
- Provides guidance for inexperienced users of this program,
- Offers easy various models to start and to save time,
- Provides graphical representation of data, etc.

CONCLUSION

At its core, project management is simply the planning, organizing and managing of tasks and resources to accomplish a defined objective, usually with constraints on time and cost. Project management software such as Microsoft Project helps achieve project goal on time and on budget. Computer software can significantly aid in project management as a tool for recording, calculating, analysing, consolidating and presenting project details. Project management dates back to ancient times, as evidenced by a number of projects well-known but modern tools, techniques and methodologies for project management, such as the Critical Path Method (CPM), Programme Evaluation and Review Techniques (PERT), and Graphical Evaluation and Review Techniques (GERT) were brought to life in the 60s. Using the project management technology can do comprehensive management when managing a project. It has characteristics of timely, rapid, accurate and convenient etc. The implementation process of specific tasks is also the process of project management at the same time, and it is also the process of application of project management software. Microsoft Project is the world's most popular project management software developed. The application is designed to assist project managers in developing plans, assigning resources to tasks, tracking progress, managing budgets and analysing workloads.

REFERENCES

- Badiru, A. B., and P. S. Pulat: Comprehensive Project Management: Integrating Optimization Models, Management Principles, and Computers, Prentice-Hall, Englewood Cliffs, NJ, 1995.
- Besnik S. Skenderi , Planifikimi i projekteve me MS Project, 2010
- Dreger, J. B.: Project Management, Van Nostrand Reinhold, New York, 1992.
- Elliott, M.: "Buyer's Guide: Project Management Software," IIE Solutions, pp. 45–52, March 2001.
- Gido, J. and Clements, J.P. (1999) Successful Project Management. South Western Hill, Berkeley.

- ISO/IEC DIS 14589-1 (1996) Information Technology-Software Product Evaluation. NY, USA
- Law, D. (1993) Evaluating Methods and Tools in Software Quality Management, 17. American Elsevier Publishing Company, Inc., New York.
- Levine, H. (1986) Project Management Using Microcomputers. Osborne McGraw, New York City.
- Lin Zefu, Bao Xiaochun. Applications of Project Management Software [M]. Beijing: China Machine Press, 2008 (In Chinese)
- Luan Yue. Software Development Project Management[M]. Shanghai: Shanghai Jiaotong University Press, 2005
- Mangonie, T.W. (1995) Mail Surveys: Improving the Quality. Sage Publication, Nostrard Reintold Company, New York, 129.
- Microsoft Project Standard 2002, Microsoft Corporation, copyright 2002
- Yin Shimei. The Effective Way of Project Schedule Management[J]. Shanxi Technology, 2006,(1) (In Chinese)
- Wang Zhu. Project Management Software Application Analysis[J]. Technology Innovation Herald, 2008,33 (In Chinese)

FARM MANAGING BASED ON DECISION-MAKING TREE

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ABSTRACT

The situation where the decisions are made, not rarely are characterized with the lack of information about the possibility of a particular economic occurrence, with the exception of the decision-making based on the same possibility criteria, according to which it is assumed that each of the economic occurrence will have the probability of happening around 50%. But, we have to emphasize that the decision-maker doesn't always lack sufficient information about the economic consequences that could happen on the future, because in many cases the decision-maker has information on future occurrences, so to the benefit of decision-making process they can use probability to come up with the decision. What is worth mentioning has to do with the fact that even though probability could be used, there are criteria that aid the decision-maker. Among these criteria we will talk about two of those, the expected monetary value, and the loss of the expected possibility.

Keywords: decision-making, probability, expected monetary value, loss of the expected possibility.

FARM MANAGING BASED ON DECISION-MAKING TREE

INTRODUCTION

Making rightful decisions is a key to successfully managing agribusiness enterprises. Evaluating the entire process of decision making, we can consider that making a decision can be described as an action of “selecting among alternatives”, which at the first glance seems like a really simple procedure. In a way decision making can be considered as an action of choosing between alternatives. What the article emphasizes has to do with the fact that not always the decision maker has sufficient information about the economic consequence that could occur in the future. In these conditions, we aim to explain that it is possible for the decision-maker to obtain information about the future occurrences, and could use the probability to the benefit of the decision-making process. What is worth mentioning has to do with the fact that even though probability could be used, there are criteria that aid the decision-maker. Among these criteria we mention two of those, the expected monetary value, and the loss of the expected possibility. Using the concept of the expected value, it is necessary for the decision maker to firstly estimate the possibility of recognizing each economic consequence. After making these estimations, the expected value for each decision-making alternative is calculated by multiplying each outcome (of decision) with the probability of the possibilities each occurrence and then adding the respective result. The best decision we could make is the one that results with a high expected value.

Another decision making criteria connected with the expected value is the loss of the expected possibility. In this case we multiply the probabilities of regret of each result and on the other hand we multiply the decision results with the probability of occurrence, just as we did with the expected monetary value.

METHODOLOGY

To enable the use of the concept of the expected value it is necessary that in the beginning the decision-maker estimates the possibility of the realization of each of the economic consequences. After these calculations are done, the expected value is estimated for each alternative (of decision-making) by multiplying each conclusion (from the decision) with the probability of the occurrences and then by adding the respective results. To accomplish this idea, let us refer to the problem linked with the need to select the investing alternatives. Let us assume, based on predictions, that the organization will expand its business activities, so it is investing considering three alternatives. Of course, the investments should take into consideration particular probabilities of the possibility of good or bad economic conditions. Let us suppose that these probabilities are 0.06 and 0.04 respectively.

Table 1. Table of salaries with the probability of economic occurrences.

Nr	Decision Alternatives	Economic consequences		Loss of expected possibility (LEP) \$
		Good economic Conditions P=60	Bad economic Conditions P=40	
1	Alternative 1	\$ 50,000	\$0	$50000*(0.60)+(0.40)*0=\$30000$
2	Alternative 2	0	70000	$0*(0.60) + 70000*(0.40) =\28000
3	Alternative 3	70000	20000	$70000*(0.60)+20000*(0.40) = \50000

As we can easily understand, the best decision we could make is the one that results with the highest expected value and in our case that is the second alternative, with the expected value of 44 000. But is this the decision we should make? We should not rush and say YES, because the differences in cost are very high when we compare it with the two other alternatives, good and bad economic conditions (100000\$ or -400000\$).

Another decision making criteria related to the expected value is the loss of the expected possibility (regret). In this case we multiply the possibility of regret for each outcome and on the other side we multiply the decision results with the probability of occurrence, just as we did with the monetary expected value.

Let's consider that the investor decides to buy a warehouse, but he learns that in the future the economic conditions will be better. This is disappointing for him because he could have won more from the second alternative and thus the regret level would be 70 000\$, the difference between the investors decision and the best decision. In these conditions, the decision-maker attempts to avoid regret by making a decision that minimizes the maximal regret.

Referring to the regret criteria, in the beginning maximal profit is chosen for each economic consequence. Maximal profit for best economic conditions is 100 000\$ and 30 000\$ for bad economic conditions. All other profit from each economic consequence is subtracted from these maximal profits as below:

- Good economic conditions,
 - Bad economic conditions,
- $100,000\$ - 50,000\$ = 50,000\$$ $30,000\$ - 30,000\$ = 0\$$
 $100,000\$ - 100,000\$ = 0\$$ $30,000\$ - (-40,000\$) = 70,000\$$
 $100,000\$ - 30,000\$ = 70,000\$$ $30,000\$ - 10,000\$ = 20,000\$$

These values represent the regret of the decision-maker if he was to make a decision that results in less than maximal profit. This is summarized in a modified version in the salary table known as regret table, or the loss of possibility table.

Table 2. Regret table (loss of possibility)

Nr	Decision Alternatives	Economic consequences		Loss of expected possibility (LEP) \$
		Good economic Conditions P=60	Bad economic Conditions P=40	
1	Alternative 1	\$ 50,000	\$0	$50000*(0.60)+(0.40)*0=\$30000$
2	Alternative 2	0	70000	$0*(0.60) + 70000*(0.40) =\28000
3	Alternative 3	70000	20000	$70000*(0.60)+20000*(0.40) = \50000

As we can see, the best decision will minimize regret, in this case, by minimizing the expected regret or the loss of possibility. Starting from the fact that the minimal regret is 28000\$, the best decision that should be made would be alternative 2. As we can see, the decision recommended based on the calculation of the expected value, and the one calculated based on the loss of possibility is the same, alternative 2.

As mentioned above we can conclude that the decision made based on the calculation of the expected value and the loss of possibility are entirely depended on the level of objective evaluation of probabilities by the decision-maker, which

means that if incorrect probabilities are used then we will have wrong decisions. It is important that the decision-maker is as accurate as possible in determining probabilities of every economic consequence.

Decision-making Tree

Another usable technique to analyze a decision-making situation is the technique known in literature as the decision tree technique. The decision tree is nothing other than a graph diagram containing decision knot (the root), possible events (branches) and the possible results for each event. In this technique, in the decision tree, the expected value of each result is calculated and the decision is made based on these expected values. The primary profit taken from using the decision tree is the illustration of a prediction, in other words, ensuring a general landscape of the decision-making process.

4.1 An example of decision-making using the decision tree:

Different decisions, probabilities and initial results of the previous example are illustrated in the following decision-making tree. (Fig 1)

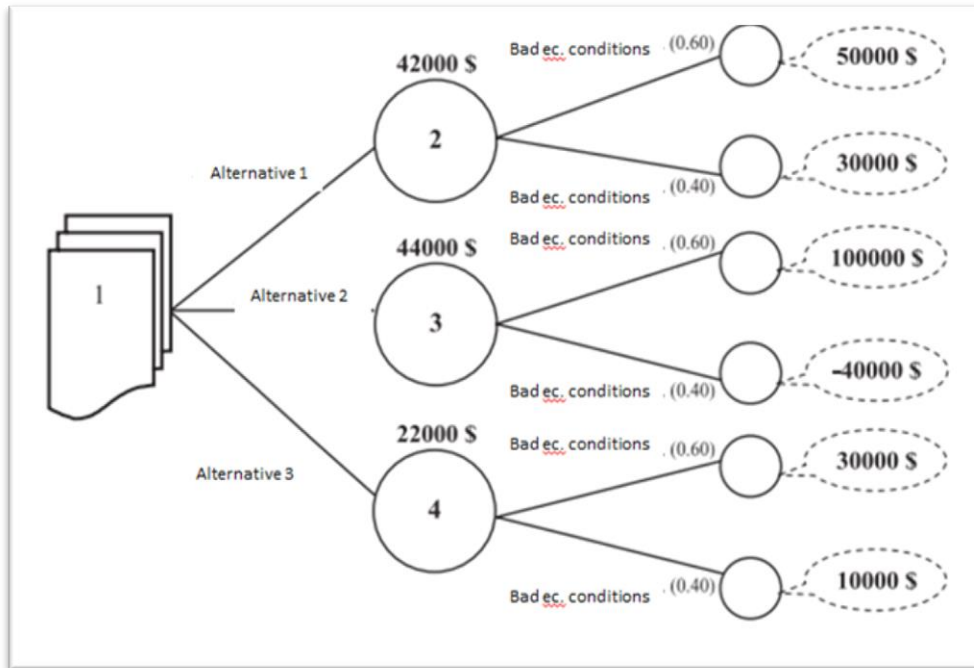


Fig.1 The decision-making tree from table 1 data.

The process of making the best decision using the decision tree, consists on calculating the expected value of each probability knot which result as follows:

o $EV(\text{knot } 2) = 0.60(\$ 50000) + 0.40 (\$ 30000) = \42000

o $EV(\text{knot } 3) = 0.60(\$100000) + 0.40 (\$-40000) = \44000

o $EV(\text{knot } 4) = 0.60(\$ 30000) + 0.40 (\$ 10000) = \22000

These three values are now viewed as expected payments of each of the three branches coming out of knot 1 in the previous graph (Fig.1). Each of these three expected values in knot 2, 3, and 4 are possible results of a decision that results from knot 1. Moving towards knot 1, the chosen branch will results from a probability knot that offers the highest expected value and in our case that is the alternative number 2 with e profit of 44000\$. The decision for this alternative, with a payment of 44 000\$, is the same result we got before using the expected

value criteria. As conclusion we can say that if we make a single decision, then the outcome using the decision tree will result in the same decision and the same expected payment will result as when we used the expected value criteria.

RESULTS AND DISCUSSION

1.1 Decision Analysis with addition information

We discussed above the concept of the expected value in condition of perfect information. We said that if we could ensure perfect information regarding the economic consequences we would face in the future, then without a doubt that the decision maker would make good decisions. But because perfect information is hard to get it is necessary to obtain additional information to enable the improvement of decision-making.

Using the expected value criteria, we found the best decision - the second alternative with the expected value of 44000\$. We also calculated, with perfect information, the expected value of 28000\$. This means that the organization will be prepared to pay 28000\$ for information about economic consequences in favor of quality improvements in the decision making process.

Let us suppose that the organization has decided to employ an expert of economy who would secure additional information about the future economic conditions. The expert studies the economic situation in continuity and the decision of the investor will be supported by his research. Supported by his duties the expert should provide the management with a report containing detailed future economic situation. The report could be positive, testifying that good economic conditions will dominate the future, or negative, inferring that in future we will face bad economic conditions.

Based on the expert and his predictions regarding future economic condition, the leaders of the enterprise should determine the conditioned probabilities of results suitable to different situations provided in the report.

g = good economic conditions

p = bad economic conditions

P = positive economic report

N = negative economic report

Let us suppose that the conditioned probabilities of each result from the report given the chance are:

$$P(P/g) = 0.8$$

$$P(N/g) = 0.2$$

$$P(P/p) = 0.1$$

$$P(N/p) = 0.9$$

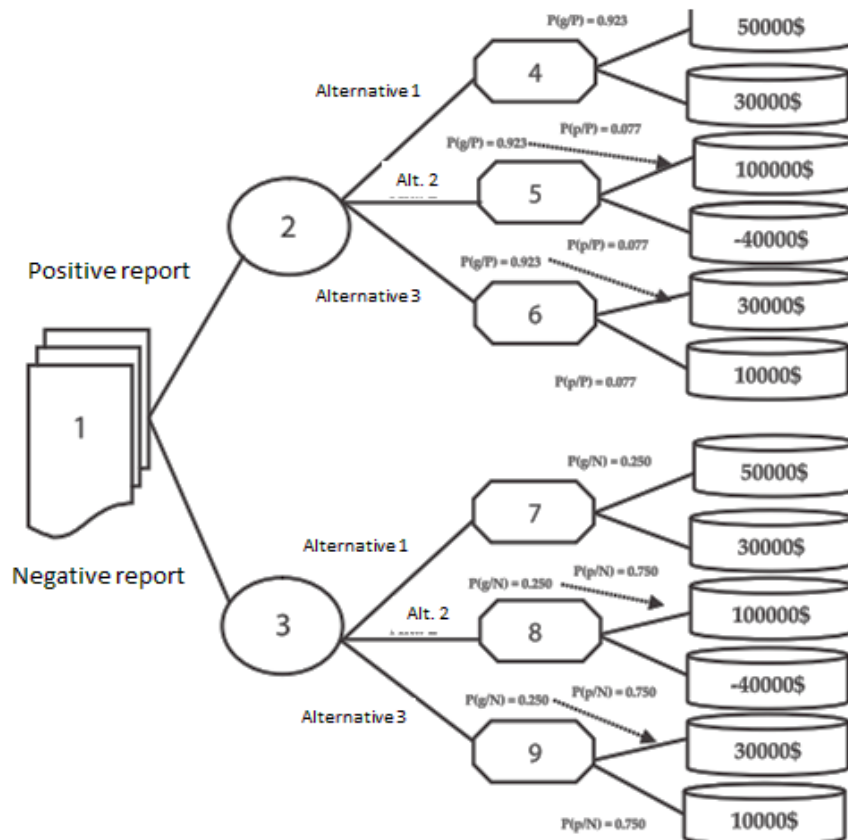
Previous probability which in future will face good economic conditions is 0.6. However, ensuring additional information presented by the expert based on a positive report, the organization could reprocess the previous probability of the possibility of occurrence of good economic condition. Calculations show that previous probability of the possibility of occurrence of good economic conditions is 0.923. Meanwhile, other (subsequent) probabilities are: $P(g/N) = 0.250$, $P(p/P) = 0.077$, $P(p/N) = 0.750$.

Now that the company has processed probabilities of future economic conditions, the issue at hand is how to use that probable information in decision-making

process? The answer could best be determined within the frame of decision-making tree.

Using this decision-making tree, we determined that the suitable decision is alternative 2 with the expected value of 44000\$. But, as we discussed above, the data obtained from the expert offered new possible probabilities. This constitutes, obviously, another additional phase in the decision-making process presented in the decision-making tree in fig.2.

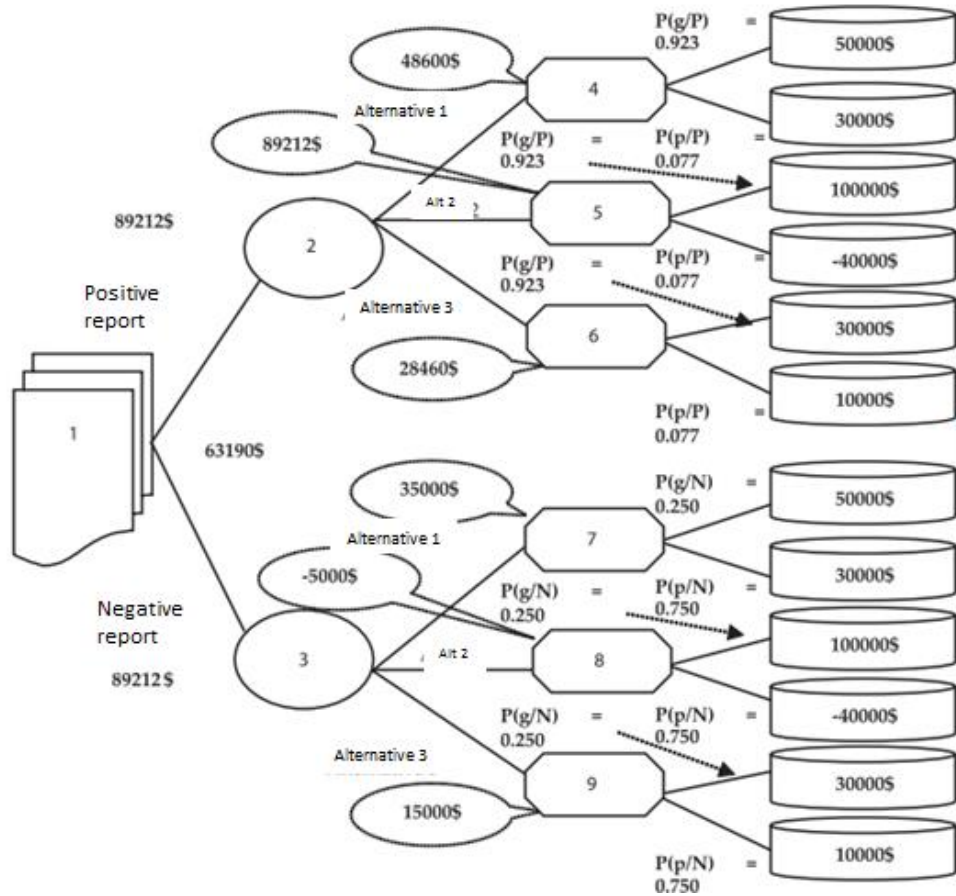
Fig 2. Decision-making tree with subsequent probabilities



This decision-making tree is very similar to the trees in fig. above but for two differences. The first difference has to do with the existence of two new branches in the beginning of the decision-making tree and these new branches represent the two results of the report that could be faced in the future. The second difference is that the probabilities of chance of economic consequences are not given with the previous probabilities in fig.1; instead the subsequent revised probabilities are given. For example, if the report results positively then in fig above a higher branch is reached (from knot 1 to knot 2). If alternative 1 is chosen (the branch from knot 2 to knot 4), the probability of good economic conditions is 0.923, while the probability of bad economic conditions is 0.077. These are subsequent revised probabilities of economic conditions based on the possible positive report. However, before we do the analysis of the expected value using decision-making tree, we need to determine another set of probable information – the probability of the initial branches of a positive or negative economic report. Now we have all the

necessary information to do a decision tree analysis. The analysis of the decision tree for our example is shown in the fig 3 below.

Fig 3. Decision tree analysis



To show how a decision tree works let us start from knot 4 (alternative 1);
 $(Ev \text{ Alternative 1}) = \$50000 \cdot (0.923) + 30,000 \cdot (0.077) = \48460 and that is the expected value of alternative 1 having data from two economic conditions. And in the same way the expected values of alternatives 5, 6, 7, 8 and 9 are calculated. It is supposed that the investor will make the best decision regarding which investment he is going to make based on knot 2 and 3. The decision from knot 2 will be alternative 2 with the expected value of 89,212\$ while the decision on knot 3 will be alternative 3 with an expected value of 35000\$. These two results, from knot 2 and 3 refer precisely the decision strategy. These represent a plan of decisions that should be made having the positive and negative report from the economic expert as a source of data.

CONCLUSIONS

In many situations the decision-maker possesses information about the future occurrences. For this reason, in favor of the decision-making process they can use the probability to make decisions. What needs to be said is that even though the probability can be used, there are some criteria that help the decision-maker. We talked about two of them; the expected monetary value, and the loss of the expected possibility. Using the concept of the expected value, it is necessary that initially the decision-maker estimates the realization possibility of each of

economic consequences. After estimations are done, the expected value is calculated for each decision-making alternative by multiplying each conclusion (from the decision) with the probability of the possibility that these occurrences can happen, and then by adding the respective results. The best decision we could make is the one that results with the highest expected value.

Another decision-making criterion regarding the expected value is the loss of the expected possibility (regret). In this case, we multiply the probability of regret for each outcome and from the other side we multiply the decision results with the probability of occurrence just as we did with the expected monetary value.

In order to analyze a decision-making situation, a technique known in literature as the decision tree technique. According to this technique, in the decision tree the expected value of each result is calculated and the decision is made based on these expected values. The main profit from using the decision tree is the illustration of prediction, in other words obtaining a general panorama (landscape) of the decision-making process.

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REFERENCES

- G. Beierlein, James and Woolverton, W. Michael, Agribusiness Marketing. The Management Perspective, 1991.
- Kume, Vasilika, Managerial Decision-making, 2002, Tiranë, Albania.
- Luthans, Fred and Hodgetts M. Richard, Business, second edition, 1992.
- P. Erikson, Steven et al, Agribusiness Management, third edition, 2002.
- P, Robbins, Stephen, Management, third Edition, 1991.
- W, Taylor, Bernard, Introduction to Management Science, second edition, 1986.

**THE ROLE OF THE GOVERNMENT OF KOSOVO IN THE PROCESS OF
TRANSFORMATION AND PRIVATIZATION OF SOCIALLY OWNED
ENTERPRICES**

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ABSTRACT

After the devastating war of 1999, Kosovo had to start over. Of course, the primary concern was rebuilding the country and setting up the security measures. Both these tasks were given to United Nations. The KFOR mission was in charge of ensuring security, whilst the civil life was entrusted to the so-called UNMIK. The mission of Kosovo was to join the European family. However, in order to do so, there were a lot of conditions that must be satisfied. Prior to the announcement of the independence, among other things, there was a need to transform the property and to move to a democratic political system. The political transition started before the transformation of property. In 2001 the first free elections were held, after which Kosovo formed its parliament and government. The transformation of property started in 2002 organized by the international community, under an organization called Kosovo Trust Agency (KTA). The local government and experts had no say in the methods employed in the privatization process. The international community decide what and when shall be privatized. This agency finished its mission in 2008 after the independence. However, the process of privatization had to continue, and now the Kosovo Privatization Agency took charge, which this time was ran by locals, though the international community still exerted a strong influence. The process of privatization of the social property is almost over, though the process of liquidation continues. The Kosovo government was continually subject to scandals revolving around the privatization process. At no point did this process serve to benefit the people of Kosovo.

KEYWORDS: Privatization, Transformation, Transition, Kosovo.

**THE ROLE OF THE GOVERNMENT OF KOSOVO IN THE PROCESS
OF TRANSFORMATION AND PRIVATIZATION OF SOCIALLY
OWNED ENTERPRICES**

METHODOLOGY OF THE RESEARCH

Statistical method --- this method was used to compare the data from the privatization process in several European countries, former Yugoslavia and Kosovo.

Comparative method--- this method was used to compare the process of privatization in the aforementioned countries.

Analytic method --- this method was used in all its forms, mainly as PEST analysis.

INTRODUCTION

The process of privatization is one of the most important events of the second-half of the last century, as well as this century, both economically, politically, socially, ethically etc. The process of privatization appears to be a simple one at first. It can be understood as a process which assigns someone's property to someone else. However, it turns out that it is quite a complicated process to be applied, which takes a lot of time and work. The privatization is a "general economical reform" (Musa Limani, 2006). This leads us to understand that we are dealing with the social and economic system of a country. Countries and their economic and social systems are created and developed depending on their abilities. The process of privatization is an important part of this development, as it is necessary that the property is defined.

The transformation is property and the process of privatization, have an important effect in the democratization of the society, and the economic and political systems of the country.

The process of the privatization of the Socially Owned Enterprises, from its beginning was something that needed a lot of discussions. Almost everyone has an opinion on this matter. A concurrent point for all opinions is that this process must occur. During its whole longevity this process was accompanied with a lot of mistakes, which continues even nowadays. Kosovo must work hard to make sure that, for the remaining part of the process of privatization, no such mistakes happen, especially during the liquidation process.

Kosovo is a sui generis case for many things, including the process of privatization. The unique part of this process is that it was lead entirely by the internationals, with the locals having no say in the process.

Currently the process of privatization is run by the Kosovo Privatization Agency (KPA), which continues the work of the KTA. This agency works, and has worked, through its five regional offices: Prishtina, Gjilan, Prizren, Mitrovica, Peja.

The process of privatization, from its beginning, created many dilemmas. The main dilemma was whether this process must be governed by the locals or by the internationals. The latter happened. For five years the process ran by the internationals created irreversible damages. Another dilemma was whether the

privatization process must occur before or after the announcement of independence by Kosovo. The former happened.

The concept of the Socially Owned Enterprises existed only in Yugoslavia. For the rest of the world, the concept of social property was unknown. This caused a lot of confusion to the internationals, who did understand this concept very well.

LITERATURE REVIEW

The end of the last century for Europe in general, and for the south-eastern Europe in particular, marked a major turn in the economic development. An important role in this was played by the process of privatization. The privatization in the south-eastern European countries was multidimensional. This process redefined the property rights and the property that had to be privatized. Privatization means a recreation of the institutions of a system, the financial market, the management of corporations, the capital et cetera (David Lipton-Jeffrey Sachs, 1990). This process of privatization requires special legislation and institutions which would implement the legislations. In order to create a legal environment for the privatization of the social property, there needs to be a change in the laws regarding finances, accounting et cetera. There are many ways of privatization, but the main ones are the following two. The first is the so-called the fast privatization, which means that many enterprises are privatized at once. The second is the so-called is the gradual or step-by-step privatization. The first form of privatization was dominant in the south-eastern Europe in order to bypass the socialist system and encourage employment (Joseph M. Dogget).

There is no general agreement among theoreticians which one, the first or the second method, is better. Some authors think that the benefits from privatization are so large such that it must be done as quickly as possible (Stanley Fischer, 1991). Small enterprises must be privatized at once together, perhaps even supported by the government. Large enterprises must turn into corporations. Through the process of privatization there is a change in the ownership of the capital. The capital is no longer an administrative entity (V. Vukotic 1993). The privatization is a part of the economic transition through which there is a transition from a centralist economy, a characteristic of all socialist countries, to a market economy.

The formation of corporations is a first step of the process of privatization. Upon the formation of the corporations, there is a new way of managing them, such as in Poland. From the Polish experience we can learn a new way of managing the privatized enterprises. The privatization of small enterprises, which deal with trade or services, is through "liquidation" (selling all assets of the enterprise), where there are no new corporations being formed. However, depending on the country, the corporations have different role. For example, in Russia, in 1992, the president decreed that all enterprises that consisted of more than 1000 workers or more than 50 million rubles in assets would be corporations.

In Bulgaria (1992) the process of formation of corporations was a competence of government, which gave the competences to the respective ministries for enterprises which had assets less than 10 million lev.

In Hungary, in order to transform enterprises into corporations, it was necessary for permission from the privatization agency, and moreover in those enterprises

where there was a workers council it was necessary for the support of the 2/3 of the workers.

In Slovenia, unlike in the other countries of former Yugoslavia, was more organized in the privatization process. The director of the Office for Macroeconomic Matters of Slovenia, Janez Sustresic (2001) states that one of the best things about privatization is the education of the revisers to estimate the value of the social property.

The process of privatization in Albania was rather different, trying to adjust to the specific needs of the country. The method of privatization used in Albania was based on mainly the workers and managers buying the enterprises (buying from inside); this resulted in a very distributed ownership (Fatmir Mema). Throughout this process there was a lack of help from the financial institutions.

DISCUSSION AND CONCLUSION

An agreement among theoreticians of privatization is that it will bring a new way of planning, production, and generally a new way of economic development. However, only changing from a centralist administration did not suffice to overcome the problems that arose from the privatization, such as the large number of unemployed, low efficiency of investments and slow technological progress.

In order for the privatization to be successful, the government needs to apply appropriate laws and to create institutions that would protect individual property and the corporations. This raises the trust of the local and foreign investors.

Throughout the process of privatization, the role of the government of difference countries differed. In some instances, the government used the privatization for its own personal needs. All this mainly depends on the level of democracy and the transparency of the process. In all post-socialist countries there are two mechanisms through which the government exerts its influence in the process of transformation and privatization of property.

1. The first mechanism relies on the institutional changes, where the government passes laws that are necessary for market economy. This can only be done by the government, to protect the private property, to define the way the monetary system, and to ensure free market.

2. The second mechanism deals with the government's actions in the macroeconomic politics. In this case, the government is a regulator of resources and neutralizer of internal and external factors, et cetera. In this way it controls the process of privatization.

These two mechanisms are related and affect one another. This happens because that the process of transformation and privatization of property in the post-socialist countries occurs in a non-stable macroeconomic environment.

In many countries outside the eastern block, privatization brought a lot of progress, whereas in the eastern block the situation was different. Although, due to the economical situation, the eastern countries were not ready to implement the privatization process, they nevertheless did it. The main goal was to avoid inflation.

In the majority of the post-socialist countries, through the process of privatization, there was the prevalent idea of passing from the centralist economy to the economy of the market, as soon as possible. Using the shock-therapy method has had effects

on the demand for money. For this reason many countries had to deflate the value of their currency. The government exerted its influence in the following ways.

1. Creating a better communication between the enterprises, the citizens and the administration.
2. Having better regional and local cooperation within the country.
3. Holding the administrators accountable for their actions.
4. Creating specific institutions which would play a central role in the process of privatization, and decreasing the role of the government in this process.

Compared to the other countries, the process of privatization in Kosovo is very complex, both in terms of the general approach and the specific methods to apply this process. It was crucial that Kosovo was becoming a country and at the same time it was starting the process of privatization. Up to this point, Kosovo was deprived of the natural right to solve its own problems, because it was not yet a country. After 1999, the conductor of the macroeconomic politics in Kosovo was the United Nations mission called UNMIK (United Nations Interim Administration Mission in Kosovo). This international mission was responsible for everything, expect for protecting the borders. This was the duty of another UN mission, KFOR (Kosovo Force). UNMIK created its own institutions in Kosovo for which it believed that would be needed in Kosovo. It did this through four pillars. The privatization and transformation of property was in the fourth pillar. Initially UNMIK's work was quite promising, however, the fourth pillar that dealt with economic development, lacked clear concepts and strategies. UNMIK used a short-seeing politics. Moreover it had no concept for the private sector. These, and many other similar elements, contributed that Kosovo to remain in economic crises ever after the war. Nevertheless, the process of privatization had to continue, while UNMIK played the role of the government. UNMIK governed with the process of privatization for five years, and, although it had complete power over everything, it cannot be said that its results are something to be proud of.

After the announcement of independence, the locals took charge for this process; however the influence of the international factors remained large. Even after seven years of the process being run by the locals, there is no measurable progress regarding this process. This can be observed in the increase in unemployment. The unemployment reached drastic figures, such that in 2015, about 100'000 young people migrated to western Europe. This happened as a result of loss of hope in a better economical future, as well as political frustration. The Kosovo government acted as if all this is normal, giving no signs that something better will happen. In all this mess, there is no doubt that the process of privatization played an important role, while the government helped this through bad governing and capturing the state for individual needs. The privatization in Kosovo did not bring what was supposed to. It did not satisfy the economical, technological and employment expectations. This process only satisfied the needs of a few individuals.

REFERENCES

- David Lipton- Jeffrey Sachs, Privatiation in Eastern Europe: The Case of Poland ,Brookings Papers on Economic Activity,2/ 1990 pg.294
Legal Aspekts of Privatization in Industry, Economics Comision for Europe, Geneve 1992 pg.14
Joseph M. Dogget- Privatization on Central and Eastern Europe
<http://cog.kent.edu/lib/doggett1>

- Stanley Fischer 1991, Privatization in Eastern Europe, National Bureau of Economic Research Cambridge, 1991 pg.3
Vukotić V., Privatizacija, Institut društvenih nauka, Beograd, 1993, pg.29
Shyqeri Llaci- Jorida Tabaku, Qeverisja e Korporatve, Tiranë: Albpaper, 2010 p.238
Ardian Civici, Kriza Financiare...apo Globale , UET Press 2010, pg. 125
Dr.Selman Selmanaj– Sistemet ekonomike bashkëkohore (Savremeni Ekonomski Sistemi), Prishtina 1996 pg.49
Musa Limani, Makroekonomia Aplikativa, Aplikativna Makroekonomija, Prishtina 2003 pg.73
Milanovic B. Privatization Options and procedures in the Transitions from Socialism in Eastern Europe, Washington DC 1992, pg.49
V.Legal issues in Privatization, United Nation Commission on international Trade Law, Viena, 1993 pg.2

**WOMEN’S ACCESS IN THE JUSTICE SYSTEM.
VIOLENCE IN THE FAMILY, THE TREATMENT OF
CRIMES RELATED TO HONOR IN THE ALBANIAN
JUDICIAL SYSTEM AND ITS IMPACT IN THE
SOCIETY. THE MANAGEMENT OF SPECIFIC
CASES BY PROFESSIONALS**

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ABSTRACT

The concept of the woman in northern Albania, is reflected in the institutions and society, where patriarchal beliefs often become a source of discrimination in the family. Many of the causes for which women go to the court are related with gender discrimination, the lack of respect and love in the family; meanwhile lawsuits filed by men, are based on characters contradictions among them. Domestic violence is another cause for which women seek dissolution of marriage, and require lawsuits to establish orders of protection associated with the lawsuit for dissolution of marriage. “The honour of women”, who are family members, remains a delicate point of pride for the Albanian men, meanwhile “the

men's honour” remained intact in the judicial practise and lawsuits. If we refer to the divorce cases, we notice that the demand to a divorce is the most common by one of the spouses, accompanied by a request for setting a protection order. This study aims to explore the issue of women's representation in the juridical system; transparency and effectiveness through the management of professionals, in advocacy and monitoring. Referring to studies and judicial practises; the years experiences from a social and legal point of view, except the causes we can examine the impact of legal consequences in the society. Part of this study, will be concentrated on gender specific services in giving justice.

Keywords: Women, Albania, Honor, Justice, Professionals

“WOMEN’S ACCESS IN THE JUSTICE SYSTEM. VIOLENCE IN THE FAMILY, THE TREATMENT OF CRIMES RELATED TO HONOR IN THE ALBANIAN JUDICIAL SYSTEM AND ITS IMPACT IN THE SOCIETY. THE MANAGEMENT OF SPECIFIC CASES BY PROFESSIONALS.”

INTRODUCTION

Economic advantage and male solidarity constantly affect the status of women in society, without even they exclude the access to administration or justice. Referring to the law against the violence, the demand for divorce is the documentation that must be accompanied with the claim request for the establishment of a protective order, but usually is the opposite. This is because women have never intention to destroy the marriage, because they hope that under the pressure of denunciation they will make the spouse to change his mind. But the denunciation reinforces the spouse conviction for dissolution of marriage (which signals has been previously gone up against the wife to the most extreme violence). As a result, this separation is not avoidable.

If we refer more concretely to IPO and PO, we can say without any doubt that the most effective legal remedies remain in the protection and safeguard of the victim against any form of violence, and risk to the victims. However, the fact that the issuing of the decision to issue or IPO and PO, protects the victim, there is always space for improvement. Nowadays the women are not informed about what that the law that is connected with the protection of the children. That is the reason that the children in the most of cases are unprotected. The lack of specific and licensed professionals, who can provide information, remains a very big problem. The 60% of the cases, only the victim is covered with PO, and this is based on the monitored decisions. The most problematic character of the perpetrator is obviously proved by judicial evidence (forensic experiment, psychological reports), even by the testimony of children themselves.

LITERATURE REVIEW

Gender discrimination is the most linked with the discrimination, related to the marital status.

According to the Albanian constitution, the principle of equality is so central, giving to any person within its jurisdiction the equal protection of the law. The law rot the discrimination, underlines that "Every juridical action or failure....which creates bases for the denial of equality against a person or group of persons, or which expose them to an unfair, unequal treatment when they are in the same or similar circumstances in comparison with other persons or other groups of persons constitutes discrimination". This means that the elimination of all privileges and of discrimination should be guaranteed for everyone, in every process, or procedure with any authority, especially in the court. The focus of monitoring was upon family, because the family life has huge influence in the quality of life of each individual. The aim of monitoring was to analyze what is sent to the court and becomes subject of judicial conflicts which as a matter of fact cannot be understood from the analysis of single cases.

Monitoring was focused in Shkodra district court and the attention was focused on the court decisions and on the practices on the issues having as their object as follows: Dissolution of marriage and the consequences in relation to marital property, parental responsibility, etc;

Gender impact on the issues related to the Protection Orders;

One of the objectives of monitoring was the identification of the situation of referring to and of implementation of the international and national standards related to gender equality and non-discrimination in the matrimonial and family life as follows: the principle of equality between husband and wife as spouses; the principle of equality between husband and wife as mother and father, so as parents for their children; the principle of equality of children despite the marital status of the parents.

METHODOLOGY

As far as the methodology is concerned, realizing of this publication involves some main steps, such as:

Identification of the Court; Based upon the interest of identifying the typical problems, monitoring is focused on Shkodra; The level of knowledge and competences on the issues of gender equality and nondiscrimination; The experience in relation to offering legal services for the issues object of this monitoring;

Monitoring of the gender aspects in the court decisions of cases having as their object the dissolution of marriage and its consequences. Monitoring is focused on the accessibility of the spouses in the court referring the cases of violence; on the issues of the institution of maternity and paternity; on the problems related to the payment for the alimony; on the aspects of exercising of the parental responsibilities after the family dissolution; etc;

Monitoring the gender aspect of some penal decisions: Monitoring is focused in some criminal offences such as following articles: 130/a of the Criminal Code 'Domestic Violence'; article 43 (a) of the Criminal Code 'Loss of parental responsibilities'

RESULTS

In the period from January 2011 to December 2014 were studied 252 courts case with the subject of which was "Protection Orders" of the district court, in Shkodra

which have been reported to police who work on outside including the monitoring of the judicial sessions.

1.1 Judicial District Court of Shkodra and issues related to protection orders

In 2011's, Shkodra District Court issued 52 Immediate Protection Orders. In 46 cases or 88.4% it put in the verification session of IPO. In 2012's, this court issued 31 Immediate Protection Orders. 27 cases or 87% , it ruled PO (Protection Oorders) issuing the verification session of IPO (Immediate Protection Orders). Referring to data 2013, the 94 monitored issues, to 67 has been issued as PO to the verification session, or 89.3%. But in 2014, by 94 issues monitored, only 70 issued PO, or 74.5%.

Table 1

Court	Period	Cases IPO	PO /	PO	Plaintiff	
					Women	Men
Shkodër	2011	52	100%	88.4%	52 ose 100%	0
	2012	31	100%	87%	31 ose 100%	0
	2013	75	100%	89.3%	75 ose 100%	
	2014	94	100%	74.5%	84 ose 89.3%	10 ose 10.7%

1.2 Women are the most abused in the family

Almost all monitored decisions, results that the accusers are the wife and husband. This tells that the application is filed by the wife against her husband. However there are cases when this claim application is filed by men. This happens when women report violence, men act in the same form, claiming the contrary, pretending that are abused by women. For the whole period of monitoring, in 209 cases, the denunciations were made by the victims to the police, but only in 43 cases, of the victims are directed to referral system such as organizations which work for the protection of victims of domestic violence (municipalities, law enforcement agencies).

1.3 Cases of IPO/PO where women are accusers in particular

Often, though, the victim receives initial courage to apply charges, in main cases they tend to retreat from the judgment. In such cases, it is the duty of the police to submit himself a request for IPO / PO. Petition for protection orders may be submitted at any time. When the petition is filed by the police / prosecutor, is not liable to dismiss the process initiated, even if the victim retreat the process. The same applies to public institutions. However, often claim lawsuit begins as a result of the action of the victim and therefore ceases when it is not legal.

1.4 Causes of cessation of IPO/PO

Generally, the reasons for the cessation of PO, are related to the process of verification. If we refer to the whole period of monitoring, we see that almost all the demands for the employment of IPO, are admitted. Difficulty arises when it was necessary to prove the PO. Some were difficult to prove because they were based only in the conviction of the judge, some of them because of the difficulty to

examine the process of the missing of the forensic expert rapport and the victim was determined to request the termination of PO.

1.5 Children must be the primary subjects of the protection from violence, when the relationship between the perpetrator / victim marks the highest level violence between spouses / former spouses.

It is important for every one to know very well, which are the entities that have the main protection under the law refer to the domestic violence. In the Article 124 / b of the Criminal Code is mentioned that "physical or psychological maltreatment of minors by parents, sister, brother, grandfather, grandmother, legal guardian or any other person who is responsible, will be punished with imprisonment from three months up to two years ". In the subjects which are protected by the legislation on domestic violence, we see that it is important to determine which are the entities that enjoy the main protection under the laws. If they will stop in more detail below, we will conclude that the role of the professional lawyers has been prominent in the defense of victims of domestic violence. Those, when the victims themselves requires protection orders, she denies the fact the children were also violented. In this case, when a decision is given, the children remain discovered, without protection and the perpetrator can contact at any time with them. This problem arises especially when he approaches the children school or the kinder garden. From our experience in working with victims of violence, have noticed that the perpetrator always as is violent with both, the victim and with children. Even in cases where the victims are protected by PO, he manage to punish her - using violence to the children, because they share the same habitat with the perpetrator.

DISCUSSION

Another problem that arose from the wrong implementation of the PO has been the fact that the specific institutions do not act on time to denounce when they are aware of the situation. Based on the law, the referred mechanisms have the obligation to sue within 24 hours. When the victim is accompanied to the respective bodies by a specialist from the field of the special workers, lawyers or psychologists from NGOs, the victim is counseled in order to help her surpass the confusing state in which the victim is found and to be cleared in the explanation of the situation and circumstances. This situation facilitates the social workers job to arrange the facts. Moreover, being accompanied by the lawyer, the victim, may ask for the implementation of the measures that are related to PO, in the relevant verdict that will be issued by the court. The intervention of the law professionals and the presence of the lawyer since the moment of the pleading has many times influenced in changing the consequent verdict. In most cases where law professionals were the representatives of the victims and organizations, it has been required a representative on behalf of the children and in this case the role of the lawyer is obvious. A common phenomenon is when victims are represented by NGOs when there are few licensed lawyers in organizations and part of the National Chamber of Attorney. It is true that victims are addressed to organizations because they cannot afford the financial obligations toward a lawyer as the legal procedure costs but it should not be forgotten that the representative due is part of the lawyer's ethics and a necessary instrument in justice.

Furthermore, in such cases when the law suit has been made from the victim himself, the incidents are not counted even if violence was exercised on children. In article 19/f, law 9669, the court is obligated to listen to the witnesses (in this case social services, children who should be interrogated about the circumstances) and this brings once again the role of the police in the process of giving testimonies and arranging facts without which violence is difficult to be proved. In addition to this, in verdicts represented from professionals the foreseen measures towards the victims have been more effective by evicting the violator out of the house, bringing as a result the security and protection of the victims. It results that in the cases followed from the NGOs of Shkoder, since the moment of the pleading from the law enforcement and when children were victims of exercised violation, these children were subjected as individuals that require protection. But the protection of the children is guaranteed in the moment when the legal representative was paid his dues and when his collaboration with the law enforcement has been effective. In this way, it has been targeted the best interest of the children, insuring their protection and psychological well-being. Verdicts have been based on evidence and facts where the police role in this process has been significantly active. There are 10 verdicts where children result as plaintiffs along with their mothers in this court, whereas the relationship between the violators and the victims marks the highest level of the violence between spouses and former spouses.

Illustrating as below:

In one of the most obvious cases the victim and the children were systematically violated with life threatening incidents from the father and the alcoholic husband referred to and supported in the process of trial from the police. The client was represented from the lawyer since the pleading to the court hearings on establishing the IPO and PO. Based on the court verdict, it was established that the former husband must stay 200m away from the residence of the victim and from the school of the children. Moreover, he was ordered not to contact the plaintiffs. The client was represented in the court hearing from passing the IPO to PO, to whom it was decided a one year PO. This case includes the first protective law based on which the victim under the representation of the lawyer required that the moment the order was implemented, the children must be protected. Specifically in the verdict no. 514 (4908-51-2011), date 22.11.2011 is stated: “the court, after scrutinizing the acts entirely, based on articles 306, 309, 310 Code of Civil Protection; law 9669 date 18.12.2006 “for measures against violence in family relationships as well as in the Constitution of the Republic of Albania, decided: the issue of PO for the plaintiff towards the accused A.T...” and the verdict also states that the violator must not threaten or commit violent acts on the victim and the children. Furthermore, it was ordered that the plaintiff M.T and the two infants must be submitted to rehabilitation programs and the accused A.M must pay a contribution for the nutrition of the children. It goes on: the accused A.M is ordered to submit to the rehabilitation techniques at the Emanuel Community, Shkodra branch and to bring a report related to the duties given from this court”

The protective law includes one of the verdicts that protect the victim and the children as it sets sanctions not only on the victim’s residence but as well as on the children’s school. Such a practice was introduced in 2011 when among several important practices such as the rehabilitation of the victim based on the law of

protection, it was also attached the rehabilitation of the violator in AAC (Anonymous Alcoholics Center). At this point, it is worth mentioning the acceptance of the request for the rehabilitation of the victims near one of the relevant centers, another practice which began to be widely used in the applications for PO. One of the recommendations that came out from this case was how the role of the police and court professionals were significant in the protection of the victims and in relation to the rehabilitation of the violators. The testimony of the police to support the victim and the evidence found from the police contradicted the claims of the accused that the accused, during the period that the violence was exercised, was abroad. Moreover, this case brought into attention the involvement of the social services and the professional psychologists in training cases involving violence. This practice was of great importance for the following cases and in finding recommendations for the changes that are being made to the Albanian law against violence. This case is considered to be a success because of the significant coordination between the judge of the case and the lawyer of the victim, but always in accordance to the equality of power. The presence of a female judge and lawyer and being aware of the violence cases, concluded in a court verdict which became a referred practice for the similar following cases.

1.1 Discussion about the Court of Shkodra related to the honor cases.

Referring the monitoring, it has been noticed that the dissolve of marriage on the request of one of the spouse's remains the most applied. The causes are different, most of them are socio-economical, but those that attract the attention are causes related to embed gender stereotypes. Gender belonging is perceived differently in various countries. Societies tend to prejudice on the gender belonging. In most cases patriarchal convictions are a source of discrimination in families. The concept of the wife as a "slave", being at disposal of her husband's needs and expectations brings as a result the lack of respect towards her and in several cases leads to verbal and physical violence. The honor of the female family members is a delicate point in the pride of the Albanian males. 70% of the law suits from men are based on character incompatibility.

Illustrating as below:

The client E.P asked for legal and psychological help on February 2012. The client stated that she and her children had a history of insults, heavy threats leading to putting their life in danger, physical and psychological violence leading to serious incidents. More specifically since the establishment of the IPO, Mr. A.P became more violent towards the children as well as using an insulting jargon and threats towards the victim. As she could not bear the violence anymore the client addressed the Law Enforcement Bodies and to justice by obtaining the Immediate Protection Order but in the court hearing for the verification of the Protection Order, the accused party rejected the claim that the violator A.P was under depression and had exercised violence on the victim due to the fact that she had been unfaithful to him. He also claimed that he had filmed her as she was undressing and declared that he required the annulment of the marriage.

The footage was not considered as evidence as it violated the freedom and the private life of the individual, but watching it would negatively influence the judgment of the judge. The accused held off his claims the moment he was informed that we could prosecute the person that took the footage (unauthorized).

On the other hand, the victim is the only person in the footage. In the court hearing the lawyer of the victim declared: "The honor of the woman remains a delicate point in the masculine pride, because this can be related to the causes that lead to the dissolve of marriage, but it is not related to the violence exercised on my client" something that related to the verified evidence of violence brought down the claims of the husband to justify the acts of violence and eventually issuing the protection order.

In the court verdict no.253 (51-2012-8419) is stated "the court after considering the law suit, administered the presented evidence, listened to the plaintiff that required acceptance of her pleading, listened to the accused that requested the refusal of the pleading and after considering the case on the whole decided: the issue of the protection order in favor to the plaintiff E.P and her three children..."

CONCLUSIONS

The findings of monitoring, on the main conclusions and on recommendations are related to the legal framework; related to encouraging of the awareness raising; recommendations related to the improvement of the service offered to the public aiming at having access in the institutions and implementation of their rights. Some articles of the Family Code still need to be cleaned from ambiguity in order to avoid inequality that may be hidden behind their neutrality. There are still problems of lack of knowledge of the jurisprudence of Human Rights Court and of lack of implementation of the standards in relation to the right process, etc. In family issues a special role is played by the psychologist.

Regulations in the Family Code of Albania should be accompanied with an adequate role in the evaluation of the highest interest of the child through sublegal acts in relation to the criteria, conditions, financial effects, etc. It has come the need to define better the tasks of the psychologists and of the social workers working at the municipalities, aiming at offering expertise in judicial issues. Meanwhile, when the results show inequality, this should be taken as encouragement for legal reforms and ongoing policies. It often seems that in neutral laws are hidden discriminating consequences from the gender point of view.

The changes in the Criminal Code of Albania is considered as positive steps ahead. The referring mechanism against domestic violence is in need of a better consolidation and co-ordination. In different round tables it is suggested to change the legislation on domestic violence by authorizing police to issue the Protection Order and the Immediate Protection Order, while the verification to be made by the court. To be also foreseen from the procedural point of view, the possibility of notification of the victims of the violence in cases of temporary release of the violator from the institution where he suffers the deprivation of liberty even by foreseeing such a thing in the provision of the decision. It is suggested a better organization of the lists of the stand by judges and of drawing the special lots at the courts in relation to the judges who will judge the Protection Orders aiming at avoiding delays.

If the rights are reflected in the laws, but when these laws are not known as they should, or when important group of laws remain inactive, then it is the same situation with the lack of laws. The work to inform and introduce the women to

their rights should be a continuous work and not to be done just through the activities organized by NGO-s. Information and advice for women should be realized by institutions as well, such as by notaries, by lawyers, by officials of the Immobile Property Registration Office and why not even by the judges within the framework of the legal discretion, etc. An effective form of dissemination of information is the use of mass-media and of other forms of information, for example through the preparation and realizing of specific TV transmissions.

Regarding the access in information and services including legal help and counseling, this issue should be addressed very carefully, because the missing legal help, or lack of financial means to cover the legal help, make the women withdraw from the process. Guaranteeing the legal financial help for the victims should be based upon a strong legal basis by considering this issue a priority, to raise the possibilities for an effective implementation of the law “On the Legal Aid”.

It is recommended to raise the number and to improve the quality of studies undertaken in this field, in order to judge better on the standards of gender equality and non-discrimination in family issues and even wider. In order to see how the trial processes for dissolution of the marriage end we have analyzed the accepted and the dismissed cases which have as their object the dissolution of marriage. Considering the cases from the point of view of gender, will help us to see the consequences of the spouses, according to the gender, firstly for continuing, or for dismissing a process and then by analyzing the reasons and the motives that sends a case towards the legal reasons for dismissing the case.

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REFERENCES

Books

CLCI (2013) "REPORT ON KNOWLEDGE AND IMPLEMENTATION OF THE GENDER EQUALITY STANDARDS IN COURT DECISIONS". This report is prepared under the framework of the implementation of the project: "Pursuing strategic litigation cases to advance women's human rights and increase their access to National and International Protection Bodies". The project is implemented by CLCI, through monitoring of the court decisions for the period January 1, 2011 - 1st of June 2012, supported by United Nations Development Program (UNDP).

CLCI (2013) "INCREASING THE EFFECTIVENESS, TRANSPARENCY AND PUBLIC TRUST IN THE JUDICIARY. The results of monitoring court sessions and studying the Court's Jurisprudence, with regard to the protection of the principle of equality and non-discrimination in Tirana, Elbasan, Shkodra, Vlora". This report is prepared by CLCI, under the framework of the implementation of the program: "Albanian Justice Sector Strengthening Project"- supported by USAID
Criminal Code of Republic of Albania, as amended
Family Code of Republic of Albania, as amended

Journals

"Advocacy" magazine (October 2012)

Website

<http://www.ligjet.org/>

Single Author

Grabova, E. (November 2014) "Women's access in the justice system. Violence in the family, the treatment of crimes related to honor in the Albanian Juridical System" - Conference "Homemade Violence" Venice, Italy

Others

CEDAW- Convention (Law 1769/9.11.1993)

Law "On gender equality in the society "(Law no. 9970/28.7.2008)

Law "On protection against discrimination "(Law no. 221/4.2.2010)

Law" On measures against violence in family relations" (Law no. 9669/18.12.2006,

Review)

Law "On protection of children's rights "(No. 10 347/4.11.2010)

**PROPERTY REGISTRATION OFFICE. PROPERTY
ACTS REGISTRATION IN PUBLIC REGISTERS AND
PROBLEMS CONSIDERED WHILE AUDITING THEM**

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Abstract

Based on executive board decision and chief-registrant Albanian Republic territory is divided in registration zones. Every registration zones operates as a Regional Office of Property Registration and has its residency, account number and stamp. Based on chief-registrant decision every registration zone is divided in local areas without territorial borders, each of them having a unic,unrepeatable number. Registration zone border and local area borders are clearly defined in registration map (HTR). Registration of a property within a local area consists in defining its boundaries and position in registration map and then register property information in a registration card (KPP). What matches a property in the registration map with registration card is property number, unic and unrepeatable within a local area.

In every Registration Office property register is produced manually and electronically including national database divided in primary and secondary information both managed by the Registration Office.Public registers of Registration Office handle information divided in five sections as shown in the registration card where are included: information about the property, its owner, rights and obligations in third persons about this property and limitations from institutions based on law.

According to article 3 of Law number 33 of 21.03.2012 Property Registration Office activity consists in registering all real properties within Albanian Republic territory based on property acts and real rights to them according to the requests from people. Based on this definition the Office has the legal charge to develop and publish national database handled in public registers.

The purpose of this paper is styding Property Registration Office activity and procedure while registrating a proprietary document/act. If we see literature,law and their amendments, court practice and auditing process of this offices we can raise a question whether office activity aims to publish and declare to third persons proprietary documents and their holders rights or has to verify legality and validity of these documents. Also how does process of controling Property Registration Office transform it in a “investigative institution”.

Key words: registration zone, property document, property register, validity verification, law responsibility

**PROPERTY REGISTRATION OFFICE. PROPERTY ACTS
REGISTRATION IN PUBLIC REGISTERS AND PROBLEMS
CONSIDERED WHILE AUDITING THEM**

ACTIVITY OF REAL PROPERTY REGISTRATION OFFICE

Activity of real property registration office is based in terms of law reliability, transparency, legality, priority in registration and establishment of property register by matching proprietary documents with its geographical position. So the Registration office in its activity doesn't have the obligation to analyse legality and validity of proprietary documents. Article 38 of Law number 33 of 21.03.2013 "About real properties registration" defines the obligation of the Office to register every act that brings changes or rights of proprietary. Every holder of these acts or rights on it has to go to the Registration Office to ask for registration within 30 days from acts creation in accordance with fees approved in Minister Council decision. Also law predicts sanctions for proprietary rights holders that bring these acts after 30 days of their creation. According to article 39 of law 33/2012 if a registration demand is presented after 30 days from its creation the demander has to pay an extra fee of 10 % of the registration fee every day of delay. While analysing these facts it doesn't result that Registration Office has to control legality and validity of proprietary documents before registering them. According to article 38 point 3 of law 33/2012 "About real properties registration" and article 196 of Civil Code proprietary documents and acts are forwarded to the Registration Office from institutions that have the according to law authority to create, change or remove rights and obligations that affect these acts: *Courts, Attorney's offices and every other public institution have to forward to the Registration Office copy of decision, act that holds rights in a real property or that declare invalid an act made before.*

According to above reasoning and definitions of article 23 of law 33/2012, staff of Saranda Registration Office don't have any legal responsibility for the way acts and documents are created from other institutions: *Chief-Registrant, Registrant and any other staff member of the Property Registration Office don't have any legal responsibility for documents or acts of third subjects, when their actions or non-actions are in their authority.*

Property Registration Office isn't responsible of the way acts and documents are created from authorised institutions forwarded for registration to the office. Also Property Registration Office doesn't have the legal right to consider an act invalid or to analyse invalidity of a juridical act created from another institution authorised from law to create these acts, so the Office can't be responsible as long as it doesn't have the right to initialize a procedure to object an act. Only the supreme institution or the court can judge validity of these acts.

Problems considered while auditing Property Registration Office

While auditing Property Registration Office, Supreme State Control doesn't consider it as an institution that handles legal documents that prove proprietary, create and manage public registers and maps, so managing all the system of registering real properties. In this auditings are found irregular procedures of registering decisions of Real Properties Restitution and Compensation Office because they were based on court sentences before 01.11.1994. These sentences had on focus definition of property boundaries and position and not giving proprietary document. This reasoning is in objection with registration system because the auditor doesn't separate the procedure of creating the act from authorised institution from forwarding this act for registration.

Property Registration Office doesn't have any responsibility for the way these acts are created in this case decisions of Real Properties Restitution and Compensation Office that are ultimate and obligatory for registration when forwarded to Registration Office. Also auditor has misunderstood the fact that Registration Office has not registered Court sentence but decisions of Real Properties Restitution and Compensation Office that according to law is proprietary document. So these properties aren't registered based on court sentences but on proprietary documents and acts obligatory to be registered.

Registration of these decisions fulfill law standards according to article 193 point h of Civil Code quoting: *Court decisions or other institution decisions that contain earning or recognition of real properties have to be registered in real properties register.*

In this case Real Properties Restitution and Compensation Office decisions are decisions from authorised institution that contain earning property because they are created for this purpose, to reconstitute properties taken from Communist dictatorship and regulate illegal situation on these properties created from dictatorship. According to article 23 of law 33/2012 Registration Office staff isn't responsible for the way acts and documents are created in other institutions. For this reason the office isn't responsible for the documents and the way used for creating the act from authorised institutions that forward these acts to the Office. Also according to article 25 of law 33/2012 "Initial Registration Procedure" the Office has to verify that properties and their confines have to be registered based on below criteria: *Proprietary and confines of properties are defined from proprietary documents according to article 193 of Civil Code*"

In this case while analysing the documents proprietary and confines are defined in the Real Properties Restitution and Compensation Office decision and its associated documents: property map and the formular of handing in the property. The formular emphasizes the fact that the property is handed in to the owner from the institution that handled it.

The owner has all the rights on this property and registration or not in the Office doesn't violate his rights.

Property Registration Office doesn't have the right to judge the validity of a document created from Properties Restitution and Compensation Office or any other institution authorised in law to do so. Only the supreme institution or the court can judge the validity of these acts according to law number 9325 of 29.07.2004 "About restitution and compensation" obligatory to be registered. So its Office's obligation to register these acts according to law 33 of 21.03.2012 "About real properties registration" article 38.

Not registering these acts would bring violation of juridical reliability because proprietary right is a constitutional right. Article 41 of Albanian Republic Constitution quotes "The right of a real property is guaranteed. *"The property is earned with donation, heritage, buying or any other classic way predicted in Civil Code"*. Also this right is sanctioned in article 1 of European Convention of Human Rights quoting : "Any person has the right to make glad of his property". According to the above reasoning not registering property documents in an abusive way would threaten basic human rights defined in Albanian Republic Constitution and European Convention of Human Rights. According to article 4 of law 33/2012 Registration Office activity is based on terms of juridical reliability, transparency, legality, priority in registration and establishment of properties register. For this reason not registering these acts would bring lack of transparency and violation of juridical reliability in disordance with law. This attitude is maintained in sentence number 17/2010 of Constitutional Court. According to the reasoning of Constitutional Court Registration Office is responsible of managing public register where proprietary is registered and then changed. When changing proprietary documents signed at the attorney's office and registering are asked.

So registration in public registers is necessary to change the ownership and not to confirm act's validity. According to article 195 of Civil Code property can not pass to another person if its not registered his name. Every public institution in his constitutional and lawful activity has to respect democratic standards of regular process defined in Constitution (sentence number 75 of 19.04.20002). The court reasons that constitution-maker predicts in article 42/1: Freedom, property and other rights known in Constitution and law can't be violated without a regular legal process, excluding here administrative procedures. Also the court reasons that the property right earned from a public act or ultimate court sentence can't be violated from administrative procedures rather than from court procedure. According to this reasoning property right, earned from the moment of the act creation from authorised institution can't be violated from another institution like Office's activity (by not registering it) except from a court process, because this would bring lack of transparency, violation of juridical reliability and human rights defined in Constitution and European Convention of Human Rights.

Registration Office doesn't create property acts or documents, its role is limited in publishing and declaring according to Unified Sentence of Supreme Court number 1 of 06.01.2009 and is characterised from two principles:

-Declaring principle meaning registration has declaring effects and not creating ones. This doesn't guarantee legality or validity of property documents but only the fact that seller is owner according to registration database. Registration system is a system of declarative publication and of creating rights.

-Priority principle meaning that the first registered in public register is prevalent According to Unified Sentence of Supreme Court number 1 of 06.01.2009, registration in Registration Office has declarative and publishing effects only. This system guarantees only the fact that seller is owner according to registration database but doesn't guarantee absolute validity of acts. This sentence reasons that basic acts of changing property are more important rather than their registration in public registers. Proprietary passes in the moment of signing the act in attorney's office and buyer becomes legal owner the moment act becomes executive earning all rights and obligations to it and this fact isn't violated from registering or not this

act. Registration doesn't have creative role meaning it doesn't confirm documents' validity and doesn't limit the rights to a property. Also registration doesn't affect or guarantee validity or legality of property documents. When property is registered in the Office but court declares property documents absolutely invalid this court can decide to erase registration and resolve negative consequences. The fact property documents can be unregistered proves the fact that registration can't guarantee validity and legality of acts as long as they can be canceled from court. Registration Office's manual of work number 184 of 08.04.1999, capture 4, point 9 doesn't require documents validity analyse from the Office but specifies documents needed to be deposited as below :

1. Restitution and Compensation of Properties Office decision
2. Map of property
3. Inheritance documents
4. Delivery formular of property

Conclusively in all law instances analysed we can't find Office's obligation to verify property documents validity but only verification of documents mentioned in Office's manual of activity. According to court practice, Unified Supreme Court sentence number 24 of 13.03.2002 property is earned based on law number 7693 of 15.04.1993 "About restitution and compensation of former owners" changed not as new way of owning property but correction of a previous situation in discordance with human rights. For this reason all previous acts are canceled.

Restitution and Compensation of Properties Office decisions don't create a new situation but reconstitute legality and justice. Cancellation of above acts aim to reset previous situations correcting in the possible way illegal situation of property rights. According to these acts what is done from communist system is considered unfair predicting restitution of property right to former owners about properties owned before nationalization and sequestration. In many cases Restitution and Compensation of Properties Office decisions are repeatedly audited from Supreme State Control while in their procedures is predicted controlling registration once. So irregularities found from auditing are in discordance with law About Restitution and Compensation of Properties because their decisions are executive documents obligatory to be registered while verification of their legality and validity isn't obligatory for the Registration Office. In these cases Registration Office registers property documents and not acts used to create these documents (court decisions). Also court decisions that have annulled registration refusals are found irregular from auditing. The only legal obligation for the Office about documents forwarded for registration is verification of terms of form and content of these documents according to Manual number 1 of 31.01.2007 About definition of registration procedures in Registration Office, changed with Manual number 2 of 12.09.2012 of Minister Council About acts and elements to be verified from Registration Office . When Registration Office finds out that forwarded documents don't satisfy terms defined in Manual number two they refuse registration but not because of legality of acts, only because of verification of form and content of these elements. According to Manual, Registration Office refuses the property documents only when:

- Legal dates of administrative and judicial appeals aren't done
- Terms of form according to Manual number 2 of 12.09.2012 aren't fulfilled

-Property documents already registered for third persons that aren't part of administrative or judicial act of earning the property.

-According to point 3 of article 37 of law 33/2012 property documents create superposition with before registered acts.

After verification of form and content according to Manual number 2 documents are refused and refusal is approved in Central Office of Properties Registration. If the court decides absolutely invalid act of refusal then the Office proceeds with registration according to article 451 of Civil Procedure Code because court sentence is obligatory to be registered act. In these cases court sentence is being analysed from auditors and registration is considered violation when court sentence can't be judged as illegal or invalid. According to Constitutional Court sentence number 24 of 12.11.2008 ultimate court sentence is supposed to be a judged issue. In accordance with juridical safety principle civil procedure law has sanctioned principle of judged issues that prevents from giving a new sentence about what is judged. According to article 451/a of Civil Code Procedure no court can judge the same accuse with the same participants. Constitutional Court reasons that ultimate court sentence as a judged issue has its purpose to give to the juridical relation not only clarity but also safety. Violation of judged issue principle would bring violation of human rights and freedom and constitutional interests guarantees in article 42 of Constitution, which means juridical safety itself. A juridical relation based on ultimate court sentence can not be violated from administrative procedure or other court decision because juridical safety would be violated and participants would never be sure of their rights. This right based on ultimate court sentences are executive acts obligatory to be registered and judged issues so they can not be violated from auditing. Registration Office procedures for a court sentence are based on Constitution of Albanian Republic, law and unified procedures of Supreme Court and Constitutional Court about registering ultimate court sentence and negative causes in case of not registering. In sentence number 13 of 22.04.2011 about "violation of the right for a fair legal process as a result of not executing ultimate court sentence" is noticed violation of constitutional right for fair legal process as a result of not executing ultimate court sentence. According to Constitutional Court executing a court sentence is crucial for a state of fair principles and notions of fair judgement. No other institution can judge fairness of ultimate court decisions. All of them have to make possible their execution. Principle of state of fairness as a primary principle of a democratic society involves the obligation of public authorities to execute ultimate court sentences. Their complete and effective execution is very important because develops a respectable judging system. In these cases restituting a violated right is not only a matter of courts but also of responsible authorities that execute the ultimate sentence (according to decision number 2 of 01.02.2011 of Constitutional Court). In these circumstances activity of Registration Office, authority obliged to execute court sentences according to law, can not violate these sentences. In any case ultimate court sentences have to be registered. In some other cases registration of court sentences is found violation from auditors because not all participants were present in the process while registration of these sentences can not be canceled because of participation or not of all parts. In judging process of invalidity of refusal procedure all facts are mentioned. Not registering an ultimate court decision would violate juridical safety. According to Civil Code and law court decisions are

objected in upper courts so all levels of process are done and according to article 451 of Civil Code ultimate court sentence is executive act obligatory to be registered.

CONCLUSIONS

Properties Registration Office is as an institution obliged from law to register real properties within territory of Albanian Republic based on property documents or restitution of rights on properties according to demands deposited from holders of these rights. Property documents and acts are forwarded to Registration Office from authorities that create them. Registration Office manages property documents registered in registers and maps. Registration has on purpose publishing and declaring, when owner proves that has legitimate interests in a property he has the right to take information and copy of documents deposited in Registration Office. This Office doesn't create acts and doesn't guarantee absolute validity of them as long as property documents can be violated from supreme administrative authority or the court. Registration system is a system of publishing and declaring, that makes interested people know rights and obligations in real properties registered in public registers.

BIBLIOGRAPHY

1.Literature

- Elezi, I. (1999) "Albanian Juridical Thinking". Tirane: Albin.
Latifi, J. (2000) "Civil Right" General Part. Tirane: Ilar.
Nuni, A. (2009) "Civil Right", General Part. Tirane.
Nuni, A. (2001) "Juridical Acts". Tirane: Julvin.
Nuni, A. (2007) "E Drejta e Biznesit". Tirane: Morava
Semini, M. (1998) "Contract and Obligation Right", general part. Tirane: Aferdita.
Semini, M. (1998) "Contract and Obligation Right", special part, Tirane: Aferdita.
Shehu, A. (1998) "Ownership". Tirane.
Tafaj, F - Tusha, V. (2000) "Civil procedure", lecture. Tirane: Pegi

2. Primary Sources

- Albanian Republic Constitution of 1998.
Civil Code Procedure of Albanian Republic with court practice, Tirane: Luarasi 2003.
Civil Code of Albanian Republic, Tirane :Luarasi 2007.
Manual number 2 of 28.09.2012 of Minister Council "About terms of forms and content to be verified from Registration Office"
Law nr.33 of 21.04.2012, "About registration of real properties", changed
Law nr.7829 of 01.06.1994 "About attorneys", changed.
Sentence number 23 of 13.03.2002 and of 01.04.2002, of , " United Tribunals of Supreme Court".
Sentence number 24 of 13.03.2002, of " United Tribunals of Supreme Court".
Sentence number 13 date 09.03.2006, of " United Tribunals of Supreme Court".
Sentence number 6 date 24.01.2007, of " United Tribunals of Supreme Court".
Sentence number 1 date 06.01.2009, of " United Tribunals of Supreme Court".

Sentence number 5 date 08.01.2009-20.01.2009, of "United Tribunals of Supreme Court".

**CHECK-POINT WITH VPN THE OPPORTUNITIES
AND SECURITY THAT OFFERS. PRACTICAL
IMPLEMENTATION OF THE CHECK POINT AS AN
INTERNAL NETWORK IN A COMPANY.**

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ABSTRACT

Increasingly as a result of new services and new technologies, intranets, different institutions or companies are exposed to malevolent attacks which often exceed the limit of attempted causing losses in a specified grade of service offered, destruction of information even greater monetary loss. Such a thing makes the security one of the main factors to be taken into consideration during the design and implementation of an intranet and the resources to be provided by it. Therefore in this topic will submit the opportunities and security that offers the use of Check Point VPN as a security policy and critical step towards securing the network of an organization or institution. Network security should not be seen under individual perspectives of installation of a firewall or the configuration of a VPN connection. SVN architecture (Secure Virtual Network) provided by Checkpoint includes all aspects of the network security in a single product and easy way to use, further with a GUI interface. Package Check Point Next Generation (NG) consists of several products designed to create a total solution on the security issue. After the analysis that will do on functionality and services provides us Checkpoint NG AI packages on implement in the network, after this will see its practical implementation. For this will choose the network, which may be internal network of a company or any sort business and therefore the implementation of security could be a practical example from daily life.

Keywords: Security, Check Point, VPN, Network.

**CHECK-POINT WITH VPN THE OPPORTUNITIES AND SECURITY
THAT OFFERS. PRACTICAL IMPLEMENTATION OF THE CHECK
POINT AS AN INTERNAL NETWORK IN A COMPANY.**

INTRODUCTION

As already we all know, the Internet is making the world we live increasingly "smaller". As a result of its vigorous development the geographical position of people is no longer a fundamental problem because we can talk and play, we buy even and perform business transactions with a person on the other side of the globe in the same way as if he were facing of us. That which before a decade was considered impossible or a miracle of technology today has become a routine process where everyone is invited to participate. All this cannot be achieved, in no way without network security and the tools that provide it which make up the only true measure of security to the "curious" who want to know everything.

Check Point has supplied us with a solution to our digital dilemma. Their excellent VPN-1/FireWall-1 security product can go a long way towards soothing the fears associated with connecting your little neck of the woods to the rest of the world. In its latest incarnation, the market leading VPN-1/FireWall-1 eschews a version number for the term "Next Generation." [1].

First in this topic we will talk about, in general, for security in Nets and security policies, then short information for Firewalls, what is a Firewall and what we are trying to protect using a Firewall. Will handle below with Check-Point as VPN Firewall Package, opportunities and security which Offers, and completing this topic then with Implementation in a Practical Network of Check Point.

LITERATURE REVIEW

Security In Nets, General Concepts

To project a much more secure system should first become acquainted with the persons from whom should be wary, the types of attacks and the target of these attacks thus understanding the critical points and more exposed of our system. Threatening of the security in the network can be categorized as follows:

- Script Kiddies Threats
- Expert Threats; External Attackers
- Internal Attackers

Starting from this division of the types of attackers, then the attacks in the network include the following processes:

- Reconnaissance (the disclosure of as much as information about the victim);
- Exploitation (infiltrating in the network); DoS (Denial of Service).

Security in itself constitutes a cycle that comprising many processes and not a single activity. Security phases are divided into:

- Prevention :The stoppage of threats
- Detection :The process of determining that an attack is happening
- Evaluation and response: Assessment of the problem and of situation
- The correction:Fixing the problem

Once corrective action is performed, prevention is concerned with the application of the new rules in the firewall security or an new ACL (access control list) in

router. IDS (intrusion detection systems) help us identify attacks that may occur. As firewalls and IDS also keep records (logs) which help us evaluating possible problems. Security tools are as follows:

- Prevention → Firewall and router ACL-s
- Detection → IDS
- Evaluation → Logging

Security Policies: A security policy is a critical first step towards securing the network of an organization or institution. Based on all the way this organization deals with issues of security and resources who offered what are the most important. Besides the usage of acceptable security policies, and encryption a good management policy is needed for the application-specific firewall. These policies guide the configuration for an operating system as independently from mistakes and strengthen (by disabling non-essential services and leaving only those indispensable), for the gates to be opened and the procedure to open the new gate. Always it is useful to apply the principle of minimum privilege which states that only the resources that are necessary to do the job should be accessible.

In addition, an information security policy is also extremely beneficial to the security manager because it provides, at an executive level, a mandated framework for ensuring the confidentiality, integrity, and availability of an organization's information assets. What this means is that the security manager has some weight in his or her corner for budget requests when he or she has an approved information security policy.[1] Finally, for the security administrator, having a written and approved policy can ensure that you are able to deploy Check Point NG in a way that it minimizes disruption to business.[1]

Firewalls And Their Characteristics

What is a firewall?

In general terms a firewall is a software or a hardware ASIC which assesses and analyzes the network traffic and filters it based on a set of rules defined by the security policy. In this sense Firewalls are similar to the router because routers serve to control the traffic of packets TCP / IP. For each packet firewall compares known components of the package with set of security rules and decides whether packets will be allowed to pass.

As it said a firewall can be a hardware device or a software program that runs on a secure host computer. In each case must have at least two interfaces, one for internal network that will protect, considered secure, and one for the external public network considered not secure. Figures below are two cases where the firewall is a hardware ASIC or simply a software which runs on a normal computer.

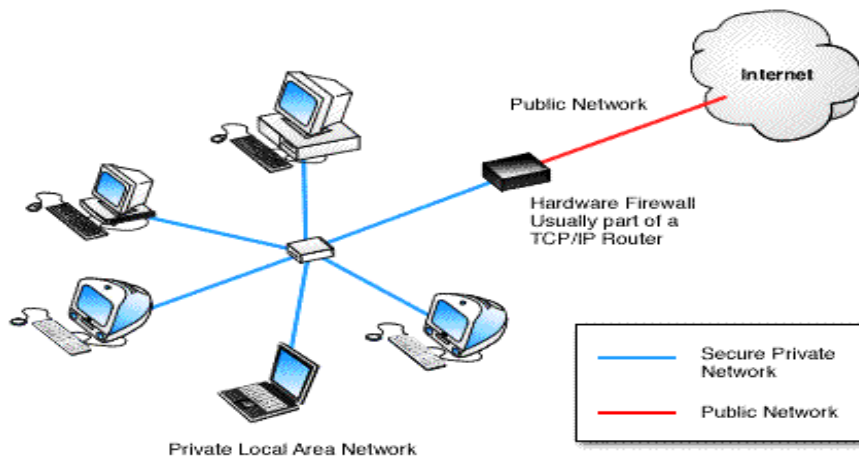


Figure 1. VPN

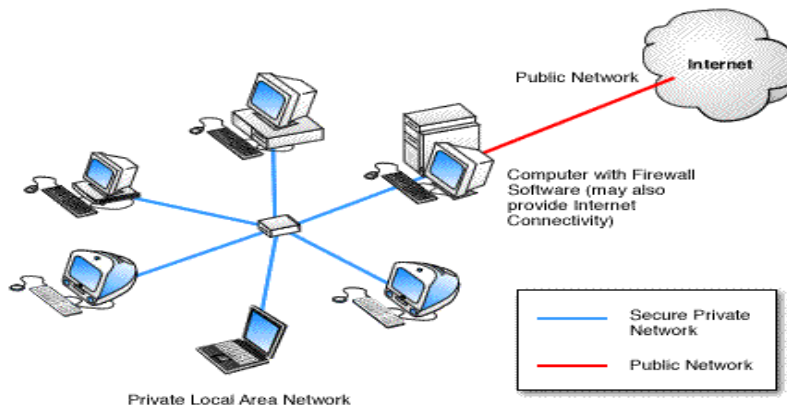


Figure 2. VPN with Firewall Software

2.2 What do a Firewall

A firewall examines all packages that routing between two or more networks connected to interfaces of the firewall to see if these packages fulfill the specified criteria. If this condition is completed packets allowed to pass, otherwise they are rejected (Discard). So the main purpose of using the firewall is imposition of network security in communication between the internal and external. A firewall can make the authentication of users who are authorized to communicate through it, according to a predefined security policy.

Check-Point As VPN Firewall Package, Opportunities And Security Which Offers

Introduction

Once we treated in general firewall and their functioning and the services offered is the moment to focus on a specific product that will make the final solution of our problems regarding network security. Package Check Point Next Generation (NG)

consists of several products designed to create a total solution on the security issue. SVN architecture (Secure Virtual Network) provided by Checkpoint includes all aspects of network security in a single product and easy to use, further with a GUI interface. SVN architecture looks across the enterprise network in general not just the local network including LAN and its WAN connections, but by handle and the VPN user connected to the distance.

Check Point products Package Next Generation (NG) is designed to fulfill the needs of security and management required by SVN architecture. Thus the use of Firewall 1 / VPN first as internal network protection and as secure terminal point for all VPN traffic meets the priority needs of security for all companies. Secure Client is designed to build SecuRemote functionality allowing security managers to set and impose security policies for client platforms associated with VPN services. To assist in the management of the network, two new tools were integrated in the product suite NG. Meta IP allows management of DNS and DHCP servers, while the floodgate-1 provides management Quality of Service (QoS) very necessary on the Internet and VPN connections. Finally to provide detailed information on security checkpoint has integrated Reporting Module. By combining the eight such products in a single suite, NG gives us all security managers and network together with appropriate tools so essential in today's networks in a single package, integrated and scalable.

Architecture Checkpoint Firewall-1 / VPN-1 NG

Package Check Point Firewall-1 / VPN-1 includes the following products:

1. **SmartClient:** Is a GUI application that allows the system administrator to configure and monitor the Enforcement Module. He is the main application that contains tools for configuration of firewall or and the VPN connections. SmartCenter Server: Called differently in previous versions of Check Point management server is the central point of architecture Check Point. He used to distribute security policies to the Enforcement Modules and to maintain log files which then were upload to management stations (SmartClient). Well Management Server takes over the functions of maintenance policies and of files log by facilitated work to the inspection modules which are responsible for the implementation of access control, authentication of clients and sessions and of address translation by means of NAT. In the center of Check Point architecture stands precisely Management Module. This module is configured by using GUI clients (SmartClient) which can be installed on the same platform where is installed the SmartCenter or in another platform.
2. **Enforcement Module:** Summary the module inspection and the security servers Firewall-1 and VPN-1. It is installed in an Internet gateway or in network access points. By definition an access point is the point where the local network is connected so is accessible to the external network. Security policies defined by the administrator of firewall generates a script which is written in INSPECT language that is the native language of checkpoint suite. The code which compiled from this script is loading to enforcement module that protects the network.
3. **SVN foundation:** is considered as Check Point operating system (CPOS). SVN has the ability to configure and manage firewall security, VPN networks, allocation of bandwidth, IP in addressing etc.

4. **OPSEC:** Nothing can be considered perfect, so Check Point created a program to allow other developer and manufacturing firms to meet the standard package with additional products and services. So OPSEC provides Check Point package compatibility with other applications of the third party.

Installation Of Check Point

Choosing the platform and configuration is the main problem that must be solved before starts installing the module Checkpoint. Accurate installation of Firewall-1 at the proper platform reflects directly in the success of security designed infrastructure. Firewall-1 is the main problem that must be solved before starts installing of the Checkpoint module. As we know Firewall-1 is compatible with many platforms including those Solaris, Unix, Windows, but also in Nokia or Nortel modules specially designed for this work. Another option that can be used is Checkpoint SecurePlatform comprising an operating system and software Checkpoint Firewall-1/ VPN 1. In the table below are provided minimum standards hardware and software that are required to install management modules and GUI clients of the package Check Point NG.

Table.1 Minimum Hardware Requirements.

System Requirements	Enforcement module and Server Management	Clients GUI (SmartClient)
Operating System	Microsoft Win2000 Server, Advanced Server Windows NT 4.0 + SP6a Sun Solaris 7.0 (32 bit) Sun Solaris 8.0 (32 ose 64 bit) Red Hat Linux (6.0, 7.0, 7.2, 8.0 -) CheckPoint SecurePlatform	Microsoft Win2000, Windows 98/ME Windows NT 4.0 +SP4, SP5, SP6a Sun Solaris Sparc
Disc Space	40 MB	40 MB
CPU	300 MHZ +	300 MHZ +
RAM	128 MB	32 MB
Network Interface	ATM,Ethernet,Fast Ethernet, Gigabit Ethernet, FDDI, Token Ring	All supported by the operating system

Firewall's performance will depend more on the type of hardware that will choose. It is recommended that the hardware settings used to be at least the double of minimal parameters specified in Table 1 above. Thus the Management Server will save the log files to each of the modules that will control so that must have enough free space on disk, memory and CPU to manage all connections.

METHODOLOGY

Analysis of the functionality and services that offers us the Checkpoint NG AI packages at implementation on network and the establishment of the base of rules for the security policy constitute the main methodology that configures the advantage of this paper.

The Package Check Point Next Generation (NG) consists of Several Products Designed to create a total solution on the issue of security. With the Next Generation software, you can manage multiple firewalls from a central

management server, and can now centrally manage licenses and software upgrades with the SecureUpdate application. [1]

SVN architecture (Secure Virtual Network) offered by the Checkpoint includes all aspects of network security in a single product and easy to use, further with a GUI interface.

Having addressed the firewall and user VPN capabilities most companies are looking for, NG turned to address the user management problems identified by the SVN. Two products were added to the suite to enable security managers to easily manage users and accounts.[1] Finally to provide detailed information on safety and the use not only of the products of NG package but and other applications of the third party (third-party), Checkpoint has integrated Reporting Module. Combining these eighth products in a single suite, NG gives us all security managers and network together with appropriate tools so essential in today's networks in a single package, integrated and scalable.

RESULTS

Implementation In A Practical Network Of Check Point

1. Introduction

Once we analyzed the functionality and services provides us the Checkpoint NG AI packages to the network implementation, now is the moment to see its practical implementation. For this we have chosen network, the infrastructure of which is given in the figure below. This may be the internal network of a company or business and therefore whatever the implementation of safety could be a practical example from everyday life. The implementation is done in Bunkie Company's network that operates in Albania.

2. Network Infrastructure

The network is designed to be built according to the following schema. For security reasons servers which are accessible from the Internet Web Server such as Apache, SMTP Relay which manages the inbound and outbound emails and DNS Sever are placed in a DMZ are located in a DMZ thus isolated from the internal subnet of the company where are located the most important servers as DB server that may have confidential information that should not get out of company are located in a DMZ thus isolated from the internal subnet of the company where are located the most important servers as DB server that may have confidential information that should not get out of company. In internal network is located the Management Server of SmartCenter firewall and also the SmartClient GUI that will administer firewall and will be at the center of our attention. Let's look in more detail the integral parts of internal network:

- **Internal MailServer:** Is the server that manages the system's internal electronic mail of the company. There is installed the Microsoft Exchange 2000
- **PDC, DHCP Server:** The Domain Controller of the company. It is installed in Active Directory where are specified all computers and user accounts of the company.
- **Database Server:** It maintained the database of the company that contains all information about its operation. There are also saved all the documents used by the employees of the company.
- **SmartCenter Server:** Is the server that manages firewall and that stores log data recorded by the reinforcement module.
- **Web Server:** Server that manages the company's Web site.

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- **SMTP Relay:** It is the server that manages inbound and outbound traffic to e-mail so that manages e-mails that are run inside and outside of the internal network to company.
- **DNS Server:** The server that provides DNS service for the company's internal computers.

The Internet in Internal network is provided by ISP through a dedicated DSL line. With the help of VPN the internal network resources will be accessed by several remote users which may be partners of the company or mobile employees.

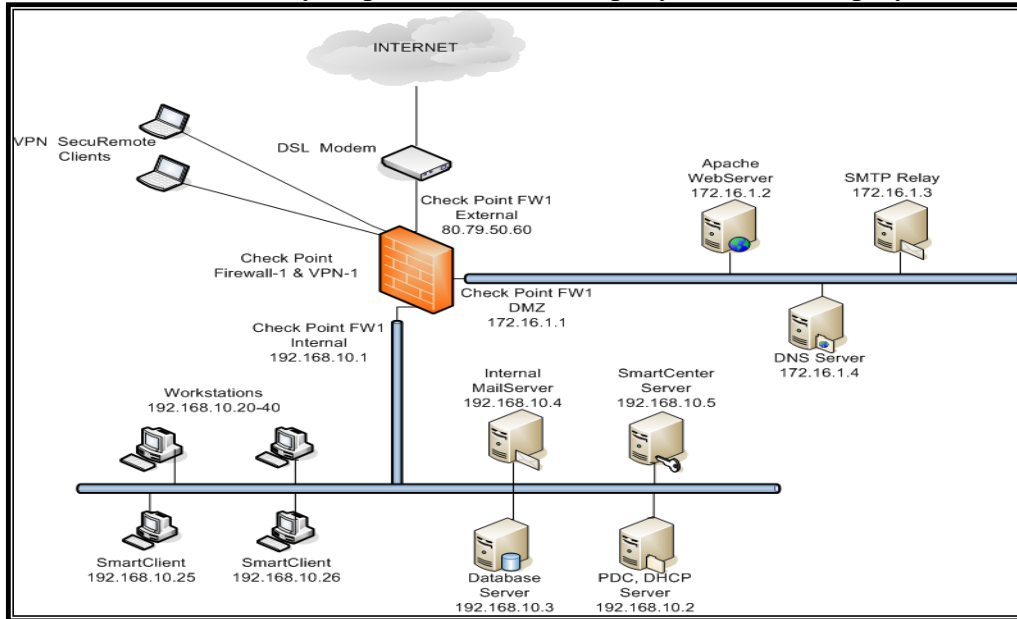


Figure 3. Internet Infrastructure

For simplicity, we chose the case when this module is a Windows 2000 platform where are active only necessary services for its operation as a firewall. Must have three network interfaces configured as in the figure. The mask used shall be that default 24 corresponding to the subnet mask 255.255.255.0. Once we set up all three network interfaces reinforcement module and activate IP forwarding we can then begin installing Firewall-1 & VPN-1 to the computer, the SmartClient to the management server and GUI clients. During installation of SmartClient shall be asked to make registration of licenses for our product Check Point, determining the GUI clients by giving the IP addresses to computers on the network where we installed SmartClient respectively 192.168.10.25 and 192.168.10.26 and the creation of entities with the administrative rights on SmartCenter management server. At the end will be and Initialization internal certification authority. All these procedures are explained in chapter three for the installation and configuration of Check Point NG.

3. Creation Of Network Objects

Before configuring the Base of Rules must to create network objects in the server management. To realize this we follow the following steps associated with the respective figures:

Choose corporate-gw object representing our network firewall and give Edit. We will create two objects Networks which will be named Internal and DMZ as in figures below

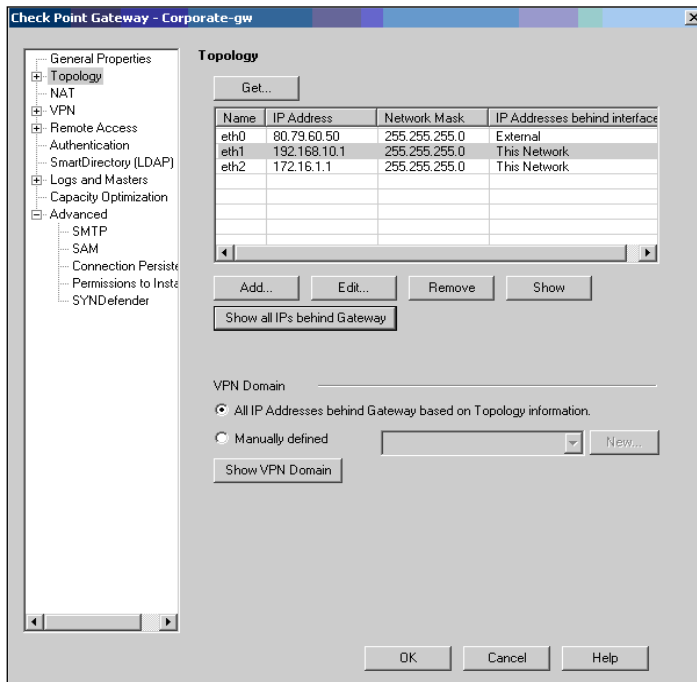


Figure 4. Corporate-gw

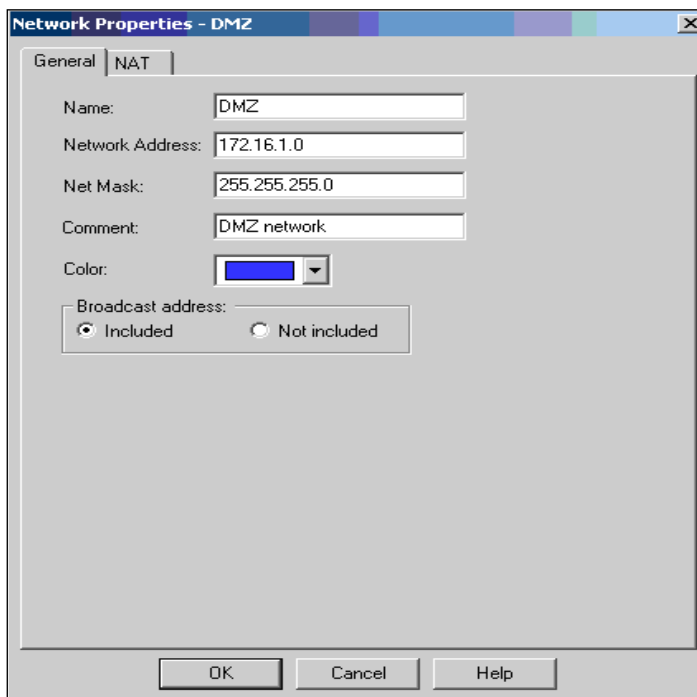


Figure 5. Creation of a DMZ

At the two objects have allowed NAT to hide modality and all internal addresses are hidden behind the IP address of external interface. The example of the creation of the object that represents WebServer is given in figure below.

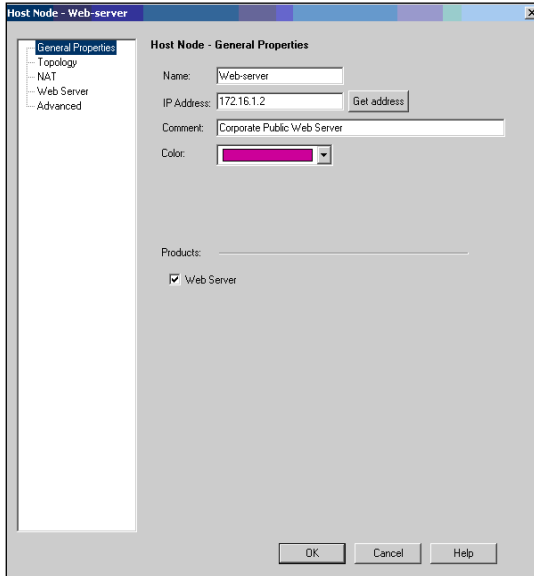


Figure 6. Object that represents WebServer

To General Properties we will give the WebServer's name and its IP address. On Topology will create network interface Web Server by marking once again the IP address and Subnet Mask. We will apply the NAT mechanism. To Web Server menu we choose the Enforcement Module that will serve as protection and which in our case is called Corporate_gw firewall. The same procedure will follow also for other hosts that are part of our network and to be included in the security policy. At the end the view of the tree of objects in the main window of SmartDashboard will be like this:

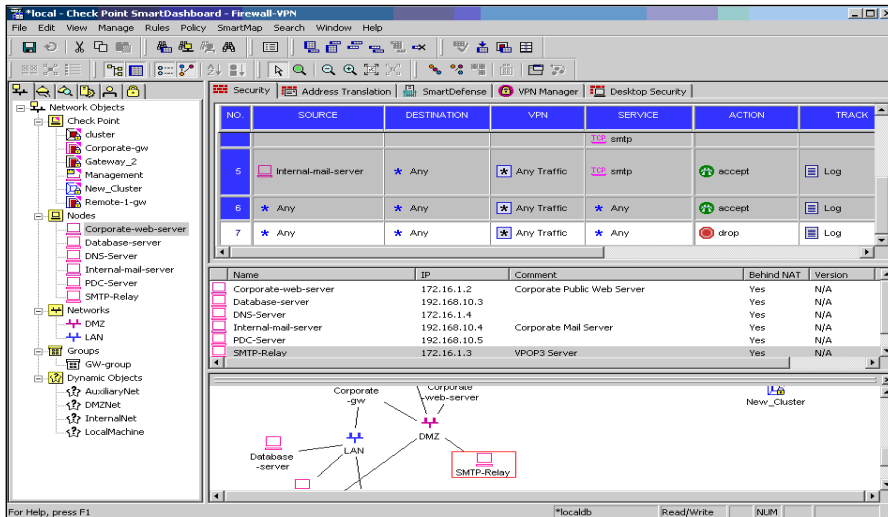


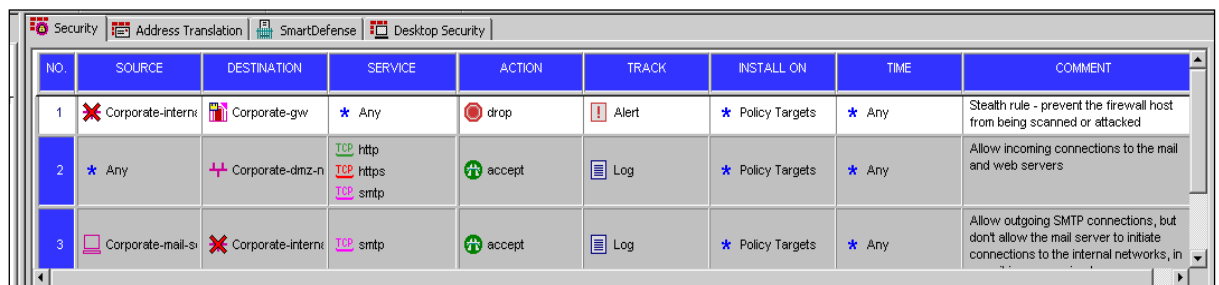
Figure 7. Tree of objects of the SmartDashboard

4. Creation Of Base Of Rules

The first thing to be done is to identify the allowed traffic and then everything else will be disallowed. Such thing depends on many factors such as the services that will offer the company, the IT operations staff etc. In the following table is defined allowed traffic.

Table.2 Allowed traffic

Source	Source Location	Destination	Location of Destination	Number of Gates
X	X	SMTP Relay	DMZ Net	25 TCP
X	X	Web Server	DMZ Net	80 TCP (http) 443 TCP(https)
X	X	DNS Server	DMZ Net	53 TCP 53 UDP
SMTP Relay	Internal Net	Internal Mail Server	Internal Net	25 TCP
Internal Mail Server	Internal Net	SMTP Relay	DMZ Net	25 TCP
X	Internal Net	X	X	80 TCP 443 TCP
Web Server	Internal Net	X	X	53 TCP 53 UDP
IT sector	Internal Net	X	X	20 TCP 21 TCP
IT sector	Internal Net	X	X	23 TCP
IT sector	Internal Net	X	X	23 TCP
IT sector	Internal Net	X	X	161 UDP



Configuring the Base of Rules. Initially will establish Stealth and Clean Up rules which will be respectively the first and last rules at the Base. The Stealth rules is the rules that rejects and record in the log files the traffic that is destined for Firewall-1. While the rules Clean-Up is the last rules of the Base of Rules and rejects all traffic that is not allowed in the rules above.

Figure 8. Base of Rules

All the rules must be saved at the database server that is located in management server:

Policy menu, Global Properties Command, Accept ICMP requests check option, both options Accept Domain Name Domain over UDP to allow the DNS server to perform its function and be connected to other DNS servers, To the right of each option specify the respective Rule rankings involved on the basis of the rules. We can provide three values First, Before Last and Last. Choose the Before Last option, click Ok, the Install command to the Policy menu.

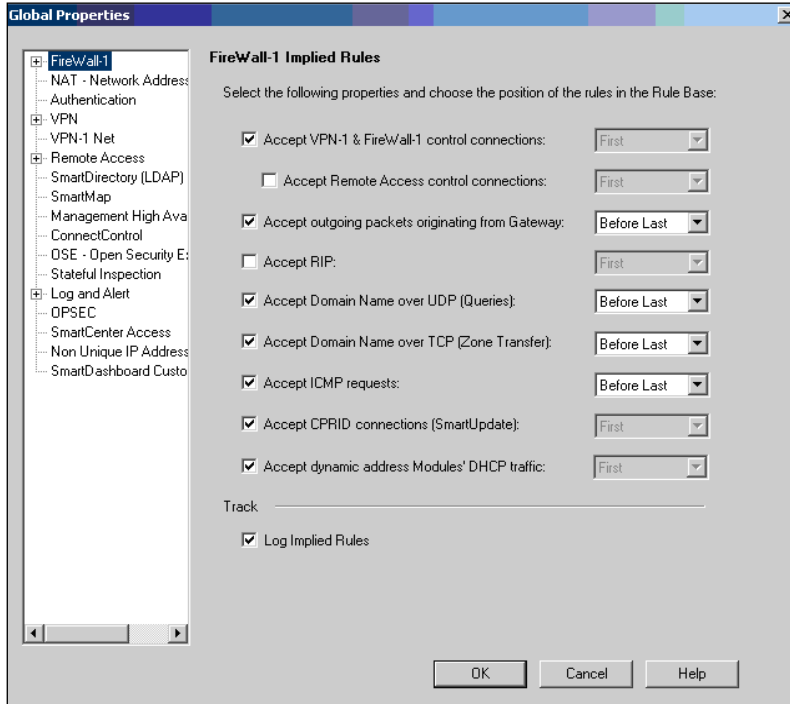


Figure 9. Global Properties

NO.	SOURCE	DESTINATION	VPN	SERVICE	ACTION	TRACK	INSTALL ON	TIME	COMMENT
-	LOCAL MACHINE	* Any	* Any Traffic	* Any	accept	- None	* Policy Targets	* Any	Enable outgoing packets from Module
-	* Any	* Any	* Any Traffic	UDP domain-udp	accept	- None	* Policy Targets	* Any	Enable Domain Name Queries (L
-	* Any	* Any	* Any Traffic	TCP domain-tcp	accept	- None	* Policy Targets	* Any	Enable Domain Name Download
-	* Any	* Any	* Any Traffic	ICMP request	accept	- None	* Policy Targets	* Any	Enable ICMP request
7	* Any	* Any	* Any Traffic	* Any	drop	Log	* Policy Targets	* Any	Clean up rule - block all other co

Figure 10. Base of Rules

5. The Application Of Automatic NAT

NAT mechanism will apply in the internal subnet and at the DMZ. We will use the Hide modality and all the packages that go out of our network will be hidden to address of external interfaces of firewall. To realize the NAT mechanism, choose objects that represent the internal network and the DMZ and give the command Edit. If we choice the Hide Behind Gateway option will be used the external interfaces of firewall. Then we look at the base effects of the rules.

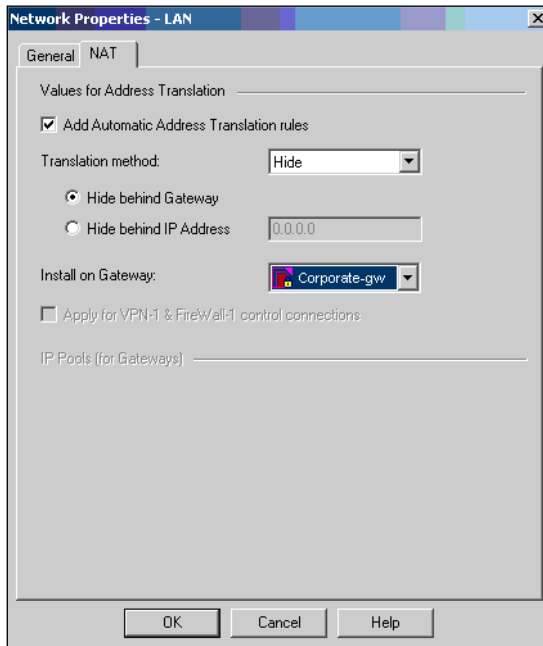


Figure 11. Hide Behind Gateway

NO.	ORIGINAL PACKET			TRANSLATED PACKET			INSTALL ON	COMMENT
	SOURCE	DESTINATION	SERVICE	SOURCE	DESTINATION	SERVICE		
9	DMZ	DMZ	* Any	Original	Original	Original	* All	Automatic rule (see the network object data).
10	DMZ	* Any	* Any	DMZ (Hiding Add)	Original	Original	* All	Automatic rule (see the network object data).
11	LAN	LAN	* Any	Original	Original	Original	Corporate-gw	Automatic rule (see the network object data).
12	LAN	* Any	* Any	LAN (Hiding Add)	Original	Original	Corporate-gw	Automatic rule (see the network object data).

Figure 12. Base of Rules

6. Authentication Of Users

After we applied NAT-in automatic is the time to configure the user authentication process. We have chosen to use the authentication of the user type since it is independent of the client's computer that is used but is oriented toward the user's profile. Such a thing is very suitable for domain user accounts which can log on at any computer that takes part in the domain. Authentication can be used for many purposes. For example, we may use authentication to restrict user access to various network resources by dividing by departments. Being that the rules of authentication using user groups and not individual user environments we must first define the groups that will use and then create users in them. We can create a specific template for users. In this way the creation of new user becomes simple. For creating users, templates or users groups go to **User** icon in the tree of objects or to the **Manage** menu, **Users** and **Administrators**, **New**. We create a template for Users firewall.

At **General** menu we give the template's name that we are creating. While at **Groups** menu we specify in which of group will be parts the users that will be created from this template.

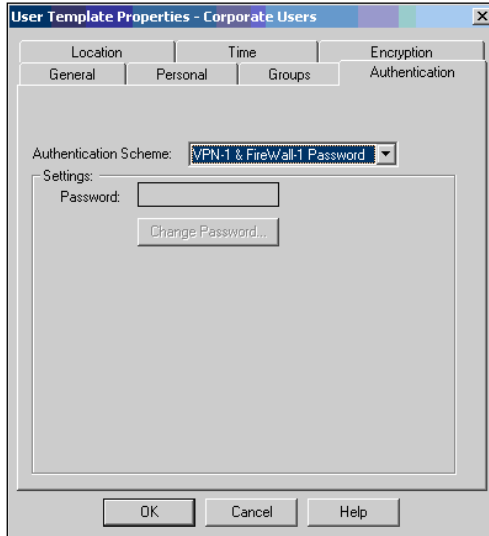


Figure 13. Corporate Users

For Users we have created two groups: Local_Users representing the company's internal employees and Mobile_Users representing mobile Users that access the network by VPN connections. Of special importance for us is the Authentication menu because there is specified the authentication schema to be used. A preferred schema would be RADIUS but in the absence of a RADIUS server we have chosen the schema which realizes the authentication with the help of Firewall-1 module password as shown in the figure. At the end we give the menu command **Install Database** at **Policy** menu so all the changes that are made to be saved to the user database. In **Authentication** select the authentication scheme that will use. While other options do not changes.

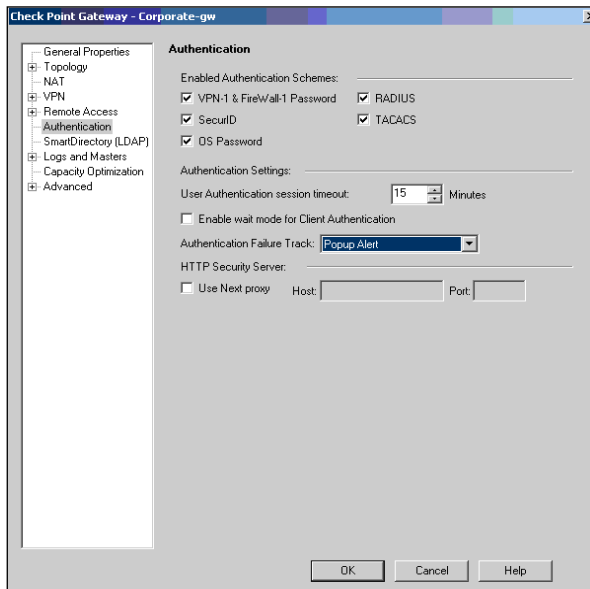


Figure 14. Check Point Gateway

To Service field we specify the services we wish to authenticate while to Action field will choose User_Auth which represents user authentication action. The last step is the establishment of the rule of the authentication on the basis of rules. To Service field we specify the services we wish for authentication while to Action field will

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choose User_Auth which represents user authentication action. The last step is the establishment of the rule of the authentication on the basis of rules.

NO.	SOURCE	DESTINATION	VPN	SERVICE	ACTION	TRACK	INSTALL ON	TIME	COMMENT
6	Internal-mail-server	Any	Any Traffic	smtp	accept	Log	Policy Targets	Any	Allow outgoing SMTP connections, but don't allow the mail server to initiate connections to the internal networks, in case it is compromised
7	Any	Any	Any Traffic	Any	accept	Log	Policy Targets	Any	User access to DMZ servers and Internet
8	Local_Users@LAN	Any	Any Traffic	telnet snmp ftp	User Auth	Log	Policy Targets	Any	Regula e autentikimit te userave
9	Any	Any	Any Traffic	Any	drop	Log	Policy Targets	Any	Clean up rule - block all other connections

Figure 15. Base of Rules

7. The Realization Of VPN

Now is the time to configure the VPN connection for remote Users who may be partners of the company or its mobile agents. VPN connection type will be client-gateway. First must be configured the enforcement module of our company and must be installed the VPN client software: SecuRemote or SecureClient.

Give the command **Edit**, at **General Properties** choose **SecureClient Policy Server**, at **VPN** menu click to **Traditional Mode Configuration, Exportable** option for **SecuRemote/ SecureClient, Ok**.

Now we need to configure the **Global Properties** to **Policy** menu.

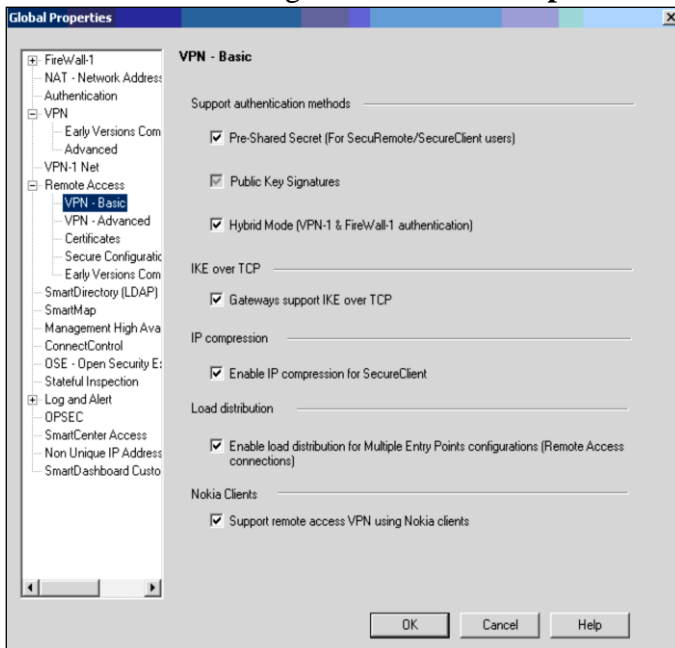


Figure 16. Global Properties

Remote Access, VPN-Basic menu, **Pre-Shared Secret** option and other option show in the figure. The **Pre-Shared Secret** option allows the usage of a common password for client authentication. Thus the exchange of keys will be realized with 3DES encryption schema because we use symmetrical switch while to verify the integrity of the data we will use the MD5 hash function.

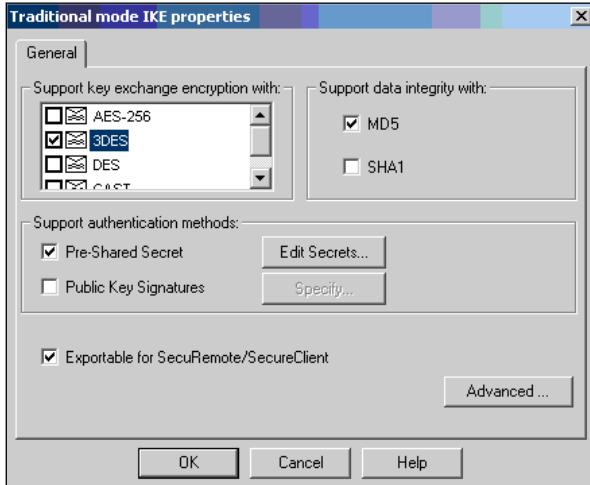


Figure 17. 3DES encryption scheme

In the Rule of VPN connectivity the field Source will contain the group of remote users while the Destination field may contain a network, a server or servers group. Service field will be completed as needed while the field Action will contain the Encrypt Client action.

NO.	SOURCE	DESTINATION	VPN	SERVICE	ACTION	TRACK	INSTALL ON	TIME	COMMENT
5	* Any	* Any	* Any Traffic	http https smtp	accept	Log	* Policy Targets	* Any	Allow incoming connections to the... and web servers
6	Internal-mail-server	* Any	* Any Traffic	smtp	accept	Log	* Policy Targets	* Any	Allow outgoing SMTP connections, but don't allow the mail server to initiate connections to the internal networks, case it is compromised
7	Remote_Users@Any	DMZ LAN	* Any Traffic	http ftp https	Client Encrypt	Log	* Policy Targets	* Any	Regulla per lidhen VPN
8	* Any	* Any	* Any Traffic	* Any	drop	Log	* Policy Targets	* Any	Clean up rule - block all other connect...

Figure 18. Rules of VPN connectivity

Respectively the Inbound rules will block the connections coming from Internet into computer where is installed the SecureClient while Outbound rules will allow connections that the Internet are addressed.

Inbound Rules						
NO.	SOURCE	DESKTOP	SERVICE	ACTION	TRACK	COMMENT
1	* Any	All Users@Any	* Any	Block	Log	Block incoming connections from the Internet

Outbound Rules						
NO.	DESKTOP	DESTINATION	SERVICE	ACTION	TRACK	COMMENT
2	All Users@Any	* Any	* Any	Accept	Log	Allow outgoing connections to the Internet

Figure 19. Outbound Rule

After we finish with VPN module configuration must continue with the installation and configuration of clients SecuRemote /SecureClient. Both these programs are found in the CD packet checkpoint and will install on the computers that will be

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used by the mobile Users to connect to our network. We need to add the VPN module to which the connection will be realized. For this go to the File menu, Name, IP and give the IP address of the external interfaces to our firewall. Finally we have to create a new security rule which would allow users to have access on the network. This rule will be the same with the security rule we created to firewall. At this point VPN connection is ready and can control the log data to see if the tunnel is created.

CONCLUSIONS

Many organizations and companies use Check Point VPN technologies on the Internet to have a sure channel so that remote offices or mobile user accounts have access to their internal network. For many of them the VPN have replaced perfectly dedicated point-to-point connections, which are very expensive to install and maintain. While a VPN connection using an existing Internet connection and establish a secure communication channel. VPN use different cryptographic procedures to authenticate user and to ensure that the data will remain private. VPNs use authentication to ensure that only authorized persons are allowed to access network resources. That is to say VPN is an encrypted tunnel. Check Point has supplied us with a solution to our digital dilemma. Their excellent VPN-1/FireWall-1 security product can go a long way towards soothing the fears associated with connecting your little neck of the woods to the rest of the world. The functionality and services that offers us the Checkpoint NG AI packages to the network implementation are very important when it comes to its practical implementation in a real network. This may be the internal network of a company or business and therefore whatever the implementation of safety could be a practical example from everyday life.

REFERENCES

Books

1. Cherie Amon , Allen V.Keele, Daniel Kligerman, Drew Simonis , Corey Pincock (March, 2002) Check Point NG Security Administration – Syngress.

Journals

2. *SC Magazine Awards 2014, Feb. 25, 2014* • San Francisco, Barracuda Firewall, Check Point NG Firewall -1 Administration Guide – Check Point Technologies

Manuals

3. Check Point Firewall -1 VPN Manual – Check Point Technologies. *Manuals are taken from Bankers Company, operate in Albania.*

Website

4. *Learn more about Computer Security.* Available from World Wide Web: www.syngress.com

5. *Syngress IT Security Project Management Handbook.* Available from World Wide Web: www.syngress.com

6. www.checkpoint.com

7. www.globalknowledge.com

THE NATIONAL STATES AND POLITICAL EUROPE AS A PUBLIC SPACE. NATIONALIZATION AND EUROPEANIZATION

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Abstract : The integration as a process of values and European integration as a great economic and political progress. Political Europe is under construction while the economic and monetary processes are matured, precede but do not avoid the primary role of the policy. The inconsistency of the political processes with other processes because the parallel integration processes are not of a stage, but of many levels. The European identity and national identity, and the differences between the national state and the construction of Europe. The national state sovereignty and the common negotiated sovereignty that is exercised jointly since aspects of the country's sovereignty are left. The enlargement of the community with other states in different levels of development varies in configurations and combinations; requires codification and revision of the EU treaties. Boundaries of the national states and their historical and political burden. Borders in the context of Europe and the change of the contents of internal and external borders. European space and EU citizenship. European values of citizenship that highlight the individual in the common individualistic developments. Europe has its European citizens with their national identity. EU highlights the preservation of the special values of the national identity. The individual as a subject of the international law, it is consolidated even more in the European Law. The political Europe and the Maastricht Treaty as the founding act of the European citizenship. The europeanization of politics, the political European space as a public , social space to play the role of the regulator in the social and civic behavior. The European citizenship of the common space in confrontation with the consolidated national identity, is developing and under construction due to the slow development of the European public spaces. The strengthening of the EU democracy through citizen participation in the European public and political life.

Keywords: The political Europe, integration, Europeanisation, borders, the European space, citizenship, national identity, etc.

THE NATIONAL STATES AND POLITICAL EUROPE AS A PUBLIC SPACE. NATIONALIZATION AND EUROPEANIZATION.

Introduction. In the developing countries the word 'integration' it is mentioned everyday, the concept of 'integration'. In fact the meaning of the word 'integration' is much broader and in all cases it is related to the economic, social and political

cohesion. The simple perception presupposes achieving the individual values and norms that respond to life in the society, in the community. While in the context of States integration expresses the interaction of the ethnic communities and countries between them, without infringing the integrity of the national state but that influences the change of the political nature of the state or national sovereignty. EU integration constitutes the particular areas where the process has started, its development stages, the states position of engagement and programming of membership deadlines in processes. During the course of the integration process, it is clearly seen the imperfect unfinished nature of the political Europe that differs and it is consolidated from the national states-with defined identity that transfer values of the sovereignty to EU by transforming themselves and relations between other states. Europe or the EU of these days is not a successive of the problems of the past and we also find other elements in the development processes, which are elements that led the European countries to the Union. Even though the new elements are mostly political elements or political factors in the development process of the contemporary Europe it is noted that the greater progress is economic rather than the political. If we say that the EU is politically unfinished, so we do not have its final shape-so the political Europe is under construction while the economic and monetary process is near its consolidation and completion and the market transformations through the market and Euro are the reason for the movement, development and progress.

Even though the economy has preceded, the primary role of the policy it is not avoided by enabling the foreign policy extensions and the common security, the citizenship and fundamental rights of the European citizens, the space for freedom, security and justice. We have a mismatch of the political processes with the other economic, democratic processes, of the defense, international policy, of the liberalization, of the human rights because the parallel integration processes are not simultaneous, and also the Member States have different levels of participation according to their internal interest.

The integration processes began their journey as democratic processes in the shape of mechanisms dictated initially without the political participation of the citizens of the national states and without taking decisions as European citizens. The performance of the processes, the unification of the markets, of the currency of some EU policies contributed to the rapprochement between the European citizens and the consolidation towards the European identity. European territories and the democracy despite the significant Europeanization of the social and political elements take time and work for Europe to belong to the citizens. Political Europe is also often affected by the crises relating to the functioning of the EU and the problems of the global crisis.

1. The national states and political Europe. The internal structure of the national state and the fundamental principles of the European construction.

According to the position that the EU Member State has (a position that is conditioned by some elements, demographic, social and professional, but the main element is the national identity-as this element carries political, social and cultural information) and the position of the person, the citizen of a country is different, as well as his/her approach to a problem of the EU. To this it added even the reason

that the individual comes from a society with a central government, to adapt to the polycentric Europe.

Differences between the national state and political Europe. But before this we distinguish the element 'state' and the element 'nation'. In short, in other words 'state' constitutes the framework, the institutional aspect and jurisdiction over a territory. While the 'nation' constitutes the filling element of the state framework, the community that is connected within its cultural and moral essence which in historical continuity express the common life of the particular community that is labeled 'nation' for the effect of same elements that its individuals have.

As a result of many factors and characteristics in Europe we have a mosaic of European countries even though they are formed at different times and under the influence of various factors on their essential shape they also have common or similar structural elements, common features. One of the elements of the national state is 'sovereignty' which inside the state is expressed through the independence and political institutions when through the principles of democracy, derives the institutional legitimacy.

While in the construction of a united Europe as a result of the agreements, negotiations and cooperations it is shown the common sovereignty. The states after performing agreements with each other and in groups, delegate a part of their sovereignty, part of the sovereignty of the nation-state, in terms of EU institutions, powers to be regulated jointly, a compromise which is achieved and accepted politically and negotiable. And it should be understood in this way-Europe is developed through the transfer from states of aspects of national sovereignty of the Member States in the joint institutions where the sovereignty will be exercised jointly by the Community institutions which take supranational character.

The establishment of the joint sovereignties or community institutions to exercise a part of the national sovereignty jointly with other countries brings the multiplication of the institutions to exercise various aspects of sovereignty. As well as the expansion of the community, membership of another state brings new points of view and reports of the combinations and European political configurations, it harasses the balances and the internal community relations; this is because the countries come from different stages and form historical experience of different regimes. We recall here the EU membership after the 1990, the former communist countries of the Central, Eastern and Southeastern Europe that came after the dictatorships that kept them isolated for about half a century, Slovenia, Estonia, Latvia, Lithuania, Hungary, Czech Republic, Poland, Slovakia, Romania, Bulgaria and up to Croatia- and the 28 EU member on 1 July 2013. "Mitigation" of the problems for the realization of the joint sovereignty, the maintenance of a certain number of institutions and the correction that must occur for not destructing the internal balances when a new state becomes a member, makes codification and revision of EU treaties. The countries accept the cession of the sovereignty aspects sustained by other aspects of member countries and without prejudice to national identity by seeing the compromises as difficult but necessary to raise the level of development and partnership.

2. Political load limits in the national states and the European Union citizenship

In the ordinary meaning the border of a state constitutes the politic mark that separates the internal life of the country from the external life, where internal values are expressed in the collective memory, political representation, belongingness and the same identity, a common perspective. In the case of Albania and Albanians the national indicators do not end at the borders because Albania restricts as a territory from all the territorial sides with its other half and Albanians with more than the half of the nation remained within the borders of neighboring Balkan republics: Montenegro, Serbia, Kosovo, Macedonia, Greece. The political border that separates the countries in the years of history won a political burden because its defense presupposes the defense of the nation, non-fragmentation of land of the nation-state, as the most powerful countries saw an opportunity to expand their territories by force, violence in the damage of other nations. And now that there is a sort of balance between states and under the influence of international institutions, there are still performances of the breach of peace, regional securities balances and war hotbeds in different regions of the globe, in recent decades and in Europe, in the former Yugoslavia, Ukraine etc.

The states and borders in Europe in general are seen as national states in whose geographical territory are put elements with same national identity and where national sovereignty is exercised politically. But also in Western Europe there is not a complete consistency between the state and this nation as for the French, Italians, Germans etc. However for the Member States, political Europe there is another orientation and not a military confrontation. But this does not mean that the issue of the borders and their revision is not an open question! However, given that borders in Europe in general, are stabilized and after the war in the former Yugoslavia, except the situation in Ukraine; Europe, namely the European Union has no intention of amending its geographical and cultural borders. But with the development of a united Europe and the transfer of powers from Member States to the Union, through agreements, treaties like the Schengen Agreement, the Treaty of Maastricht, Market Common Space of Freedom, Security and Justice, etc. the political content and the political load of boundaries of the national states changes of the Member States by undermining the functions of internal borders in the EU and strengthening the EU's external borders.

In the EU the internal borders distinguish the national space and the existence of the Country Member and guarantee the national and European citizenship, allowing free movement of citizens without political checks of the citizens made that the European citizenship to complete the national and not to replace it.

EU's external borders are not the borders of the states, but they are the borders with tranferred powers through agreements of the Member States towards the EU institutions, supranational political institutions, supranational, that only one state cannot carry out. With the enlargement of the external borders of the member states they move and expand the united Europe. The aim of the integration of this important process that has involved all Europe and Eastern Europe, the Western Balkans is to include all the European countries that want integration into the EU, preserving their national identity. So the European space is a space of compromises and agreements, a negotiated space that represents long-term stability and peace.

2. European orientation and European values of citizenship.

The European project is a long process and it is difficult to find the right and the full information even in its political institutions to judge for the "specifics" of Europe. European orientations and the political processes that they bring to the democratic societies of the Member countries (and not only) give us an overview of the European values.

The European values highlight the individual as an important value, thus they reinforce the individual character and weaken traditional collective aspects, but we also have a reinforcement of the common values for the Europeans but they are at different levels set by the country, professional and social position, age and sex of the individual. Hence, the behaviour of the European citizens is interrelated in different socio-cultural contexts and it is processed differently from the joint individualistic developments. However the vector, the direction of movement shows that Europe is in a tendency to wipe out differences of the values between the European citizens. But for all aspects of the citizenship values there are different levels set by the EU region, ie different levels in different regions. In the conviction of the European citizen to judge the functioning of European democracy and its values, the most influential factor is the national-ethnicity factors which they continue to give more importance than to the European identity. Thus it is clear that Europe has its European citizens associated with their national identity.

The fundamental rights of the individual, the person in international law and political Europe.

The realization of economic and monetary objectives as the main direction in the political construction of Europe, in the European treaties point out the worker. Further liberalization, economic and political coordinated with the rights of citizens leads to the construction of the European citizenship even though it is a big challenge because of the confrontation with the national citizenship of the member countries. But this confrontation can be avoided and both citizenships become complementary to each other, the national citizenship to be considered the main citizenship and the European citizenship-as a complementary. By treaty to treaty the position of the individual is clarified and it is passed from the worker to the individual rights, the person through the concept of a European citizen. Thus the Treaty of Rome saw the individual just as a worker. The full concept of European citizenship it is set by the Maastricht Treaty, when previously the Unique European Act in 1980 for the first time took into consideration the citizens and certain rights on the profession. The Maastricht Treaty brings the main rights of European citizenship, while the Treaty of Nice and the Convention on the future of Europe in 2001 in the Charter of Fundamental Rights put the citizenship in six core values and the concept of the person is admitted. Different meetings of the leading political institutions of the EU encouraged the promotion of European citizenship to advance the European affiliation. The Maastricht Treaty is the founding act of the European citizenship. And it was passed from the economic citizenship of the '50s to the Union citizenship with the civil, political, and social rights of all Europeans, these rights that allow the participation in decision-making and orientation of the European future. In the recent decades the individual is gaining significant status in international law by becoming subject and not simply the object, being equated with the state-subject, why not passing it. The assessment of

the basic rights form the community and the passage to the individual is a big qualitative hop. In the EU, we are in the forefront of human rights assessment of the individual, the person, specified these in the Charter of Fundamental Rights of the Constitutional Treaty.

3. European political space and public space.

The increasing adaptation of Europe is a political process that requires investments and new political spaces and new ways of interaction. Frequently political and social movements in Europe reject the ways of political action and European directives because often together with the establishment and development process occur even the processes that affect the common interest of a community For example. The environmental pollution from the activity of large enterprises, from the pollution of the sea by ships etc. Political and trade union movements (or social) developed through member countries until recently never took the European form, ie to appear as European manifestations, but remained in local and regional aspects and dimensions.

Only after the global crisis of the recent years the social and political movements exceeded the national dimensions and having approximately the same motto, they included a good part of the EU member states and so a part of the movements involved Greece, Italy, Spain, Portugal, other movements involved Germany, the Netherlands, Belgium, or even the social movements of Britain, Ireland, Denmark. These social movements that took a political character (since some movements turned into political formations in Italy, Greece, Spain etc) they parallelized their activity of massive confrontation with the crisis situation and the institutional solutions that EU provided, reached their peak at the moment taht the political Europe was giving its support to the exit from the crisis; by considering the investments and the way of resolving the situation inadequate, the problem of high unemployment, the increase of inflation, the risk of collapse of the euro zone, etc.

The difficult loaded period of social movements for nearly two years coincided with the period of risk of bankruptcy of Greece and euro exit (Grexit), by transforming these movements in sending political messages to the member state and EU, by increasing in government forces the Greek Sirizën of A.Cipra and the movement of the Five-StarsPepe Grilos-where Italy became the touchstone for support to overcome the situation the seven economy of the world and one of the major EU economies. The march of the dissatisfied, of the non-represented, unemployed people... it is not restrained, as the return of hope is not guaranteed yet, nor the inclusive access to public space and nor the solution to issues of concern to the community, because the space in which the action is communicated and assessed is still incomplete public space and does not allow for greater involvement in judgement and up to the possibility of changing social and political conditions for public spaces for political participation of European citizens in political decision making is still a tight space. The public space since it is not a political or technical institution it is not part of the execution of the power and the European directives but for the communication between individuals, groups, ideas; disclosure of opinions can be presented as potential space for significant contribution to the social development of the common and play the role of the regulator in the social and civic behavior of the individual and the community,

even though this space in the EU has not clarified or highlighted the political conditioning, but it is a space of the participatory democracy and communication. In the path of expanding the political participation of European citizens and the disclosure of European citizenship, there are needed great efforts and powerful developments of actions and opinions to increase the size of the public space and the transformation of its elements in the political space elements. The opinion will is growing along with the active participation of the individual; of course this is transformed in political element by bringing the economic, legal space towards the approach of a political public space.

4. European political and social space.

European public space differs from national public space, since the latter is a traditional space with recognized experiences generally similar in different countries and of course traditionally different because of its different elements of these spaces of these nations. But the big change of the European public space is constituted by the fusion of elements with different ethnic and cultural origin that are difficult to be combined and become complementary to each other to form a whole European public space.

Formations, the national political forces in the European Parliament generally come represented as such separated and maintain the configuration and the national habit of local representation of the Country Member. So even the political debate in the selected central European institutions preserves the context of a debate with political and national criteria that the political frustration is in its national center, in the place of origin and rarely happens that it appears and unfolds with European, Community criteria and to deal with problems of other member countries. In most cases the political Europe preserves the aspect of a reality with a national context and the European political space remains neglected, marginalized, underdeveloped.

A few groups, political formations have put aside the representation with national character and to be introduced as the political strength of the European ranking and to deal with the problems with a community, common point of view, outside of the national context. Despite the designations, the major political groups of the left and right, socialist, democratic and liberal; they do not resemble as European political formations but as a party or national fronts.

Only a decade before the group of Greens with the European Free Alliance expressed political notions of the European level away from the national clichés of the national policies.

Meanwhile, in the syndicate plan, the syndicate organization under the European Trade Union Confederation (ETUC) constituted the official social partner because it included syndicates from 28 member countries, by playing the role of the equilibrant with the European economic forces of the capital by demanding the rights of workers, combating discrimination, protection of the environment through dialogue, negotiations and achieving the social pact in the European social space.

The large and joint syndical organization enables the best distribution of European social activities. But it is hampered because for the syndical organizations (or social) it is difficult to speak with one voice on the European social problems because there is the crisis of internal democracy of social representation everywhere which also leads to the weakness of the social movement.

5. European citizenship of the common space.

The consolidated national citizenship and narrowness that the treaties offer for the European citizenship delay the strengthening of the European public space and make that the development of the European citizenship to be under construction. Because the European citizenship it is formed and consolidated through the political instruments while it can be strengthened even naturally, through the natural processes of raising the level of community citizenship elements.

Because the strengthening of the European identity comes from the monetary and economic effects, from the political will of the European institutions and public spaces. With all the aspects of the community, the common space; various processes of accession; various dates of the union-delay the rapid strengthening of the identity through the collective memory with elements and fragmented gears hamper the common memory even from the major historical changes changes between the regions and peoples.

Ethnicity is consolidated, vulnerable and sensitive, wrought in time, connected with history. The European citizenship even when it is developed does not hit the national identity and it has a few motifs that strengthen it as a citizenship. This is associated with the common public space and political reasons that associate the citizens in the European sense through the economic-monetary and social aspects- ie common interests in the public space of the political, economic and cultural reality of Europe.

The European identity is developed slowly, as well as the Europe of citizens because of the slow development of the European public spaces. The participation of the citizens in the European political and public life strengthens the democracy and the Union.

Conclusions:

All European countries are involved in the processes of integration and development of the EU, at different levels, since even the political Europe, as well as the European political integration is a whole integration processes taken from countries with political, society, social and tradition variety, with different goals and political objectives.

The political Europe itself is a multiplicity of Europes simultaneous with mosaic models according to the member countries that join the will and leave a part of the sovereignty to build a Europe of rights, representation and citizenship.

Political Europe it is constructed by the member countries but it does not resemble them neither in construction, nor in operation or in the identity.

The borders in Europe lose their political and historical load to benefit the EU citizens and they are boundaries that move politically with the enlargement of the United Europe.

European integration is a long process that brings and highlights the values and the individual, the person; European values of citizenship while maintaining the national identity of the citizens of the countries they come from.

The Maastricht Treaty laid the foundation of the European citizenship to make the Europe of the citizens with an expanded European democracy where the citizens can have the opportunity to assess and influence on the European orientation.

Citizens' expectations are higher from what has been offered to the European citizenship, however it has raised hopes and increases their commitment something which indicates the Europeanisation of the policy.

The public space can be presented as potential space for real contribution to the social development of the common society and as a regulator in the social and civic behavior.

There are aspects that hinder the strengthening of European public space and with along with it even the European citizenship that is under construction.

There is no clash between national identity and European identity, between the Nationalism and Europeanization; they complement each other and through the national identities the mosaic of European citizenship is developed.

Literature :

1. Antissier, Anne-Marie—L'Union européenne et la culture. La documentation française 2004.
2. Dacheux Eric—L'Europe qui se consrult. L'Universite de Saint Etienne 2003.
3. Dokumente përmbledhëse të Traktateve të BE.
4. Dumont G. F.—Leç racines de l'identite européenne. Paris—Economika 1999.
5. Papa Kostaq, PhD c—Investimet si pararendës dhe gjenerues të rëndësishëm të procesit të integritit të Shqipërisë dhe Ballkanit Perndimor në BE. Konferencë ndërkombëtare 5.4.2013, Ulqin, Mali i Zi.
6. Papa Kostaq, PhD c—E Drejta, Morali, Integrimi dhe Shqiptaria. Vepër me esse 2012-14. Tiranë 2014.
7. Papa Kostaq, PhD c—Politika në Shqipërinë postkomuniste dhe Tranzicioni i vështirë shqiptar. Integrimi në BE si rrugë e daljes nga tranzicioni. Konferencë Ndërkombëtare,27-29.3.2015, Dubrovnik, Kroaci.
8. Papa Kostaq, PhD c—Teori bashkohore të të drejtës.-vepër në proces. Tiranë 2015.
9. Rehfeld Udo—Instituti i Kërkimeve ekonomike e sociale, IRES 2004.
10. Soin Robert—L'Europe politique: Historie, crises, developpements et perspectives des processus d'integration. 2005, Papyrus, Tiranë 2008.
11. ëëë.Europa.eu.int, <http://Evropa.eu.int/>

**ORGANIZATIONAL CULTURE EFFECTS OVER THE
IMPLEMENTATION OF TOTAL QUALITY
MANAGEMENT IN PUBLIC INSTITUTIONS -
KOSOVO CASE**

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ABSTRACT

Total Quality Management (TQM) is a philosophy management method, the importance of which continuously has been growing after '90. There is relatively short time since Kosovo Public Institutions are practically doing their activity as a part of an independent Country, and as such day by day they are facing with different management challenges which continuously are becoming more rough and tough towards the EU integration process.

Total Quality Management within Public Institutions, is led by the phase of establishment and implementation of Quality management Systems based on ISO 9001. In this process, through an deep empiric study in three Kosovo Public Institutions, we have tried to identify the advantage and disadvantage factors towards the successful implementation of quality management system in time, as a consequence of TQM. Moreover, we were focused on the organizational culture. Analyses over norms, trusts, principals that do characterize the organizational culture of Kosovo Institutions, its crossing with the political context and the Public Administration law will serve to model changes that should be projected in order to successfully implement the TQM. In the function of the disadvantage factor analyses, organizational cultural elements, and the changes model, there will be used a number questionnaires and interviews with relevant people.

Keywords: organizational culture, total quality management, public administration, Kosovo, organizational change.

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INTRODUCTION

Public institutions in Kosovo are relatively new and as such have not yet created any stage of sustainable development in the context of advancing organizational culture which could have been compared with states that have already passed a similar transitional period of development, consolidation, respectively, advance of organizational culture in public institutions. Moreover, if we add to this the fact of repression and collective expulsion of Albanian majority from public administration system before the war, that of post-war of international interim administration by UNMIK, during which Kosovo was flooded from a diversity of civil servants personalities of different "organizational cultures" from all the countries represented at the United Nations Organization, that of consolidation of Kosovo's provisional public institutions affected by various interests and "organizational cultures", similar to the states of the holders of those institutions from which they were coming from, international transitional administration, frequently intertwined with political overtones and political ambitions of various local political structures, of certain individual or group interests, which in certain stages and continuously were competing to install militant party structure, often without substantive criteria, and completely dependent from them. Structures which simply in continuation since the post-war era until today due to lack of a combination of any of the relevant components (professional skills, perception of the his / her role, motivation, reward/incentive, courage for changes, professional ethics, responsibility and accountability to society/public, institutional work tradition and culture, and so forth) of organizational behaviour, even after 15 years have not yet achieved that in its framework to install, develop and consolidate a model of organizational culture on the basis of which easily could model changes for the purpose of advancing it, respectively development and functioning successfully other respective systems of quality management, namely, Total Quality Management within the Public Institutions of Kosovo.

However, despite this, recently several public institutions lead by leaders with a more pragmatic approach and knowledge and more advanced. Either because of their will aiming change of the existing situation, respectively, total reform of the system and the establishment of a more functioning internal organizational/institutional system which would indirectly reflect the quality of services, improve system efficiency respectively, which would differentiate them in the context of general organizational culture, leadership style, service quality or functionality of the system by other public institutions. Either because of the desire to be equal with relevant peer institutions globally. Either because of the influence of powerful international donor organizations which have as their mission the professionalization, enhancing effectiveness and efficiency, respectively, advancing/modernizing internal functioning of relevant public institutions in Kosovo in general, have enabled that some public institutions through hiring of relevant consultants establish, functionalize, consolidate and even internationally

certify by international accredited certification bodies their internal quality management system in accordance with international Standards ISO 9001:2008.

The fact that some public institutions have already set up, developed, operationalized and even certified a Quality Management System, should be evaluated positively because it really is an achievement towards improving the current state of Quality Management System within the institution, although functioning of such Quality Management System, as a result of existing organizational cultures, in most cases has gone through turmoil or different ups and downs!

However, largest and most intensive work comes only after the establishment and functioning of the Quality Management System! In this regard, even the international organization for Quality Management ISO has provided for the purpose of system consolidation, respectively, creation of organizational culture, during the first three years after the certification of the system, have a constant supervision of functionality, respectively, continuous improvement of the quality management system by certification bodies through regular annual audits. All this due to the fact that during the three years is foreseen that the relevant institutions or organizations already manage to create such a culture in order to maintain organizational quality management system, respectively, its continuous development and improvement. Something which not everywhere within Kosovo's public institutions functions under such a principle, due to the fact that despite the establishment of the same quality management system by the same experts, various components of organizational culture, of one or the other institution have affected in a very specific way in the time dynamic, effectiveness, complexity and efficiency of each of the systems established and operationalized within the relevant public institutions of Kosovo.

This actually is the fundamental reason why we have chosen to address the organizational culture, because it is this element with its characteristics is continuously challenging the establishment and functioning of the Quality Management System not only in the public institutions, but also in a considerable part of private enterprises in Kosovo, irrespectively that to the latter, organizational culture perhaps also as a result of competition has evolved to a higher level, but again, the overall situation there still leaves much to be desired. In order to present the impact of organizational culture on the functioning of Quality Management System within the Public Institutions of Kosovo, we, our empirical study, have more focused on three public institutions of Kosovo (Kosovo Chamber of Commerce, Kosovo Civil Aviation Authority and the Ministry of Economic Development, Department of Energy and Mines respectively) in which have already been developed, functionalized, respectively to KCC internationally certified by international bodies, accredited under the Quality Management System according to international standards ISO 9001: 2008. During this study we tried to show, respectively, identify relevant factors which directly or indirectly impede or facilitate the establishment and functioning of the quality management system within the terms and other relevant criteria set out.

LITERATURE REVIEW

Already, have almost been accepted as definition that organizational culture is considered "as a model of basic assumptions, values and norms which a group of

employees have developed or invented them by learning how to solve the problems of external adaptation and internal integration, and that the same can easily be transferred to the new members of the organization as a valuable way of thinking and feeling about these issues”.

Zeitz, Johanhesson and Ritchie (1997) admits that the success of the programs of TQM is based on changing the organizational culture and that TQM techniques are only tools for change. Westbrook (1993) considers that if an organization desires to adopt TQM as a guiding principle, it starts with management efforts to create a culture that would support such a change. Hilderbrand (1991), in his study on organizational culture and TQM emphasizes that the existing basic assumptions are the primary condition for successful implementation of TQM, as assumptions that affect the process of implementing TQM, can be contrary to the existing organizational culture. Kekäle (1998) identified several deep-rooted assumptions which affect the implementation of TQM and came to the conclusion that the organization has two options to meet TQM: 1) Selection of an approach that fits with the existing organizational culture and 2) systematic management of organizational change. McNabb Sepiç (1995) are pessimistic about the possibilities of change, since the organizational culture is the main driver in determining the orientation and limits of change in the organization. Reger et al. (1994) in his research about the difficulties that arise during the implementation of TQM, applied cognitive theory of the concept itself to explain why resistance occurs during the planned changes, including those of cultural organization, even by the most loyal members of the organization. Basically, the way to create excellence in innovative organizations (as the highest form of quality achieved in the organization) is characterized by the following attributes: tendency to action, customer satisfaction, operational independence, achievement of the desired level of productivity, support to human resources, active involvement (in problem-solving) with the encouragement for key values; direct participation, application of simple organizational forms, pragmatic approach to staff engagement, and finally, development of capability to resolve many contradictions within the institution.

METHODOLOGY

To study the phenomenon of the impact of organizational culture on the functioning of Total Quality Management, due to the nature of the study, we have chosen to apply the interpretive methodology of relevant expertise based on semi-structured interviews and conducted with senior managers and the Quality Managers of the three above mentioned public institutions against the impact of organizational culture in the process of functioning, consolidation and development of the Quality Management System within the relevant public institutions, which in some form are considered as the pioneer in initiating, respectively, development of such Total Quality Management systems within the Public Institutions of Kosovo. Selection of participants of the three public institutions for these interviews was done deliberately targeting persons respectively in charge of, respectively key/responsible in the process of establishing quality management system within the relevant institutions, for which it was supposed to have a solid experience related directly to the issue researched and who have what to say. The interviews conducted with the above-mentioned officials contained the topic, respectively, the same questions for each of the

officials interviewed and the same have been conducted through making the questions, somewhere in the listed form somewhere depending on the outflow of the conversation of each interview. It is important to note that each officer interviewed was allowed sufficient space to express, explain, discuss the issue of the impact of organizational culture in the process of development, functionality, consolidation and maintenance of Quality Management System within their institution according to perception, feeling, and experience completely personal from his or her point of view! All this with the sole purpose of gathering qualitative data for the impact of organizational culture in the functioning of the Quality Management Systems, respectively Total Quality Management within their public institutions. Afterwards, collected data from the interviews were structured, processed, analyzed, and each response is handled very carefully, in view of more qualitative research of the phenomenon studied.

In order to study the other side of the coin, we conducted a secondary research for the purpose to identify, study and analyze relevant legislation that addresses the issues related to the components of organizational culture within the public institutions of Kosovo.

RESULTS

In the question what were the challenges that respondents were concretely faced with in establishing Quality Management System according to International Standards ISO 9001:2008, almost all had highlighted the issue of organizational culture as one of the most dominating factors which in a one form or another has consistently challenged and continues to challenge even today the establishment, functioning, consolidation and continuous improvement of Quality Management System, despite that every day this challenge is fading. More specifically, the impact of organizational culture in the establishment, functioning, consolidation and maintenance of Quality Management systems, respectively Total Quality Management was expressed more through elements specified below:

Hesitation to Change

Part of the staff in these institutions as a result of: age, gender, continuous inconsistency of their experience in public institutions, lack of relevant qualifications and/or continuous, poor self-esteem, fear to challenge themselves or to face new things, inferiority against others, exclusion from the previous institutional system, education under inadequate conditions, their development or evolution in different family, educational, cultural, national, traditional, social and economic circumstances, made it that they in one way or another be reluctant to change or be involved in changing them, respectively, changing the system in general, out of fear that due to some of the above-mentioned components they could be taken out of the system

Informality

Performance of a series of actions or activities un-documented, either because of certain interests for misuse of position; whether due to low awareness of the relevant process; either because of fear to leave documented track during the transformation of inputs to outputs, of relevant processes for which they are competent. Which, afterwards, within other processes can be evaluated positively

or negatively, or in case of absence of predecessor, processes within the system function without any problem. Whether because of habits formed as a result of neglect or the phenomenon of "social informality in performing activities" developed respectively inherited for many years in Kosovo, since the time before the war, as a result of the expulsion of Albanians from the entire then public system. As well as part of the elderly, who were part of the communist system and which even today continue to be part of the public institutions, as a result of inheriting the centralistic concepts and features from the communist system, respectively of national features of "Kanun" (Code) (word of trust) or by intertwining or diversification of few!

Professional Formation

Lack of adequate training, respectively lack of continuing, formal and non-formal professional education as a result of: a educational system developed under inadequate circumstances and conditions for producing prepared staff of the same level with their colleagues in different countries, as a result of repression and expulsion from the pre-war educational system; of an educational system after the war, not qualitative, non-profiled with the needs and local and global development trends, theoretical, combined not with the practical system of line (serial) production and of non-productive staff; of development, evolution, and facing the civil servants with different socio-cultural and economic circumstances; continuing lack of relevant development, lack of experience in public institutions, low awareness, fear to face new challenges towards self-actualization, resulted that part of officials in these institutions, despite the above mentioned factors continue to be part of the system where can't do much to contribute, but which still continue to present challenge towards complete functioning of Total Quality Management

Role Perception

In a concrete case has resulted to be also closely linked with the issues deriving from the characteristics of national individual, psychological, social, professional, ethical, cultural and social development, which considerably are unstructured and not very much close to the real perception of the position in which they are, respectively, the institution for which they work for, and the role to be reflected to the public! Moreover, in some cases from the wrong perception of the individual's role in the organization has been a tendency of killing creativity, respectively, literal understanding of the individual's role within the relevant position within the organizational system which in given cases have led to impeding relevant processes towards functioning of Total Quality Management or the respective systems

Motivation

Motivating factors has resulted to be different from one to another institution, this for the fact that such public institutions apply different motivational systems for their employees. This in some kind of form results to be closely related also with the positioning and their institutional structure, which features characterize the high-level management or managers (in the context of their professional formation) of relevant institutions and their functional, intellectual and budgetary capacities.

Reward/Incentives

As motivation also reward or incentive has resulted to be different in the three institutions, depending with the position of the relevant institution within public institutions of Kosovo. The study indicates that material reward/incentive of civil servants in the two relevant public institutions (excluding Kosovo Chamber of Commerce as a result of its special status) to be inconsistent with the relevant legislation on Civil Service and State Administration of Kosovo. Which, directly affected, and continues still to produce extremely more advanced reflection of organizational culture of one institution in comparison with that of two other relevant institutions, as a result of rewards and incentives to its civil servants.

The case of the Kosovo Chamber of Commerce, material reward/incentive of officials showed that it depends exclusively on the individual features of management and sustainable development of the institution entirely dependent on development strategies, visionary, executive and operational policies of pertinent institution.

Professional Ethics

Is closely related to individual formation system in the context of education, professional, experience, motivation and social, transformation of outputs of which are combined or put together with other components of individual and group ethics within the institutions is directly reflected in the organizational culture of a public institution. In our case, from interviews it is clearly noted that in an institution where professional formation, material motivation and incentives are higher, professional ethics is much higher than in the two other institutions, which undoubtedly indirectly reflects in the organizational culture of employees of these institutions. However, within public institutions there is a code of ethics and conduct, but its implementation in practice at some institutions still leaves much to be desired, as a result of the direct influence of the constituent elements of organizational culture.

Responsibility and Accountability to the Society/Public

If we refer to the results of our study we see that the level of public responsibility varies from one institution to another. This also depends from the circumstances of individual development, level of general awareness, the level of accountability and that of demanding accountability/responsibility within the institution on behalf of the public. Unfortunately, within these institutions as a result of the overall economic and social situation of the country there are officials still who treat their jobs as the only source from which they must necessarily take but to which should be given in return as little as possible. This in one way or another has made it that organizational culture changes not only between different institutions but also within the institution itself into different organizational units.

Institutional Tradition and Culture of Work

Kosovo has relatively new institutions which have not yet consolidated or turned into tradition the institutional work culture. However, referring to our case study we realize that there are public institutions as those obtained for the study, in which the institutional culture of work through the establishment, functioning and

continuous development of quality management systems day by day is developed and transformed into habits and tradition of organizational culture as inseparable and integral part of total quality management, which may serve as a model for other public institutions of Kosovo as well. Reflection of which hadn't be spared without directly affecting the time dynamic and efficiency of functionality of Total Quality Management system in relevant institutions.

DISCUSSION

Based on relevant study results it comes out that establishing, functionalizing, consolidating and continuous development of Quality management System based on ISO 9001: 2008 respectively Total Quality management within mentioned Kosovo public Institutions in a direct way has been affected by components of existing organizational culture as for example: level of hesitation and resistance towards change, level of informality or implementation of some activities in a non documented way, level of education and professional formation, the form of individual perception of roles within the institution, motivation form, the form and the level of rewarding, incentives, the level of existing professional ethics, level of responsibility and being responsible towards public/society, evolution of tradition and institutional culture within relevant institutions.

Now the affecting level and form of these components changes from one to another institution. From the gathered data it is evident the fact that from three relevant institutions, at the Kosovo Civil Aviation Authority the process of Quality management System establishment has gone under lower problems and challenges, mainly because that the organizational culture of this Institution has been confirmed that it was in a not comparable way with two other institutions. With other words, the personnel of this institution have had: employed mainly young experts professionally formed and qualified in different European and American Countries with high professional and ethical integrity, continuously motivated from the management of this institution in different ways, stimulated/rewarded with much higher salaries compared with the approximate salary of Kosovo Public Institutions. Whereas in two other institutions the low level motivation crossed with the rewarding or material stimulation in a way it is considered to be another very important factor in the cultivation of traditional organizational culture, respectively demotivation of civil servants towards giving their individual and group maximum within their Kosovo public Institution. To which beside their evolution of general organizational culture at the level of the institution, the not proper development of some of its components have been reflected and have affected in different forms during the process of the establishment and fictionalization of their quality management system in compliance with international standards ISO 9001:2008.

CONCLUSIONS

Through this we conclude that there is a direct connection caused between the organizational culture and the fictionalization of Total Quality management within the Kosovo relevant public institutions. This is in due to the fact that the effective and efficient implementation of Total Quality management requires the prior existence of a proper consolidated level of organizational culture, following general training programs including principals of TQM, inclusiveness of

employees within the processes and management decision making process, which without any doubt continuously change the Institutional organizational culture.

The results of the study in fact confirmed the view point that the successful implementation of the Quality management System respectively Total Quality management within Kosovo public Institutions is affected directly from different above mentioned components of organizational culture. In case within the relevant public Institutions is created the compatibility between the above mentioned components of the organizational culture, then the Total Quality Management concept easily can be integrated within the present organizational culture of relevant public institutions as a set of norms and general principles of quality.

The organizational culture is focused in the creation of new values, it provides a unique value to the Institution, it creates a specific image to the public, it is well known from the wider public and within itself empowers and motivates employees to give the maximum they can from them self. Based in the above discussions, with the aim of relevant situation improvement I conclude as following:

In order to establish, functionalize, consolidate and continuously update the Total Quality Management system within an Public Institution, there is a necessary need to further develop and consolidate the specific above referred components of internal Organizational Culture, respectively strictly apply the relevant steps, principals and requirements of relevant International Standard ISO 9001: 2008.

REFERENCES

- Colesca et al (2006). 'Total Quality Management and Organizational change in Public Organizations' *Bucharest Academy of Economic Studies*. Vol. 6, pp (1-4).
- Dewhurst et al. (1999) "TQM in public organizations: an examination of the issues" MCB University Press. Vol. 9, pp 265-273.
- Islam, R dhe Mustapha, M (2008) "Organizational Approach to Total Quality Management: A Case Study" *Asian Journal of Business and Accounting*, 1(2), 2008, 19-38
- Schein, E., *Organizational culture and leadership*, Jossey-Bass, San Francisco, 2004.
- Westbrook, J. D., 1993, *Organizational culture and its relationship to TQM*, *Industrial Management*, Vol. 35 No.1, pp. 1
- Hilderbrandt S., 1991, *Quality culture and TQM*, *Total Quality management*, Vol. 2. No.1, 1-16.
- Kekäle, T., *The Effect Of Organizational Culture on Successes and Failures in Implementation of some Total Quality Management Practices*, *Acta Wasenia*, No. 65, *Industrial Management 1*. University of Vaasa, 1998.
- Kujala, J., *TQM as cultural phenomenon*, Helsinki University of Technology, Dissertation for the degree of Doctor of Technology, 2002.
- Kasongo, C and Moono, (2010) "Factors that lead to a successful TQM implementation" *Laurea Publication*. pp. 1-95
- Mimoza Kasimati, M Manxhari, (2002) " *Sjellje Organizative*", Tirane
- Lane, E (2005). 'Public Administration and Public Management', *Routledge*. UK
- Smith, C. S., Barnes R., Townsend, M. C., *Culture surveys: monitoring and enhancing the impact of change program*, *Total Quality Management* 13. No. 6: 855-861, 2002.

- Kanji, G. K., Yui, H., Total quality culture, *Total Quality Management* 8, No. 6: 417-428, 1997.
- Morikawa and Morrison (2004). 'Who Develops ISO Standards? A Survey of Participation in ISO's International Standards Development Processes', *Pacific Institute for Studies in Development, Environment, and Security*, California USA, pp (1-26)
- Pollit, C and Bouckaert, G (1995). 'Quality improvement in European Public Service'. *Sage*, UK
- Psychogios, A and Priporas, C (2007). 'Understanding Total Quality Management in Context: Qualitative Research on Managers' Awareness of TQM Aspects in the Greek Service Industry' *The Qualitative Report*, Vol. 12, No. 1, pp (40-66)
- Qefalia, A (2010). "Menaxhimi i Cilësisë Totale", *Adelprint*. Tiranë
- Ramanauskiene, J and Ramanauskas, J (2006). 'Application of the Principles of Total Quality Management in the Knowledge Formation' *ENGINEERING ECONOMICS*, No. 1, pp(1-7)

International conventions for internationally punishable crimes

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International conventions for internationally punishable crimes

Violations of international law that represent crimes of international law, are incriminated in many international conventions, rules and regulations of international institutions and statutes of international criminal tribunals and the Rome Statute of the International Criminal Court, and the majority of national legislations. With the evolution of international criminal law we can see the process of criminalization of certain actions by different entities, such as international crimes has been too long. It had to pass a long time since such actions took place of proper legislative national and international pyramid. Difficulty incrimination of such punishable acts as international crimes, is probably determined by the quality of the subjects that can be presented as potential perpetrators of international crimes. Also other factors in prolonging the term of these actions incrimination and trial of persons who commit acts qualified as international crimes, has been the reluctance and the refusal of states to do so by reason that states had to give up from a part of their sovereignty which they understood as absolute. Most incriminating actions as international crimes can be committed during the armed conflict, whether national or international, but not only, for now the most modern legislation incriminated as international crimes prescribed the actions carried out in peacetime, such as terrorism, computer crime,

corruption, economic crime etc. The creation of Nuremberg and Tokyo tribunals after the end of WWII, has ended accountability and impunity of the perpetrators of international crimes. During spawning before the international criminal responsibility of the perpetrators before tribunals the main problem has been the principle of legality, which means that no one can be tried and punished for actions that are performed before they are prescribed by law. It was the violation of the principle of legality, by which criminals want to protect and to escape criminal liability. However, this reasoning as such has no standing to reason that actions qualified as international crimes are provided with the majority of national legislation or international customary law such as: murder, torture, rape, etc., though perhaps not specified declaratively as international crimes, which today are incriminated as the national legislation and the international Conventions or the statutes of international organizations, qualified as international crimes. In a variety of international legal mechanisms, there are still many international conventions which incriminate actions qualified as international crimes. Also, in this regard very important are the statutes of the international ad hoc tribunals and the Rome Statute of the International Criminal Court. International conventions approved by the organizations of international character, are very important source of international criminal law, and as such the ratification by national states become part of national legislation binding on states. The way the ratification and entry into force of international conventions on the national state can be varied depending on what the particular country has foreseen which system. Besides international conventions and norms contained in the Statutes of the ad hoc tribunals or the Rome Statute for the International Criminal Court, in theory, also referred to other resources that are important for the theory of international criminal law, as well as practice. Given the fact that international criminal law is the branch of public international law, we can conclude that the legal sources of public international law, at the same time can also be secondary sources of international criminal law, such as customary law, bilateral or multilateral agreements between countries, the general principles of international criminal law and general principles of international law, general principles of criminal law recognized by the international community, various regulations and other rules of international law and judicial decisions and the opinions of experts. (Cassese, from 2003.13 to 26).

International conventions for internationally punishable crimes

THE COSTUMARY LAW

In almost all areas of law, customary law is presented as additional source, in cases when faced with gaps in legal practice, but is meant only in certain cases. The customary law can be taken as a source of law in certain cases when it is sanctioned by legal norms by the legislative body. This applies to countries with continental system, while in countries with Anglo-Saxon common law system it is estimated as direct source of law. The customary law as a source of law is characteristic of public international law which is considered when two conditions are met, including: permanent practice relatively uniformed states associated with a

particular issue and persuading countries that a set practice is legally binding. (Sean D. Marphy, 2006.78). Countries that are part of the anglosystem are mainly based on judicial precedent in deciding, ie if a previous case is similar to the present case that is being tried then it determined the judgement to be based on the previous one . In opposite of this the continental system is based solely on the written law, while the customary law could become a source of law only if it is sanctioned by legal norms. As far as international criminal law and seeing the practice of the action of international tribunals and the International Criminal Court we can say that it applies a mixed system, initially for making decision on trial issues that appear Statutes dealing rates or international conventions, but also without prejudice to the rules of common law, where in many cases the international court is based on common law rules to determine the content and form of any international rule that deals with harmful action not previously defined the prohibited act. (Cassese, 2003.18)..

2. Bilateral or multilateral agreements between states

Agreements between states are the leading source of international criminal law. In Article 2 of the Vienna Convention for the right deals, it is defined as an international agreement in written form contained in one, two or more related instruments, regardless of denomination. (Sean D. Marphy, 2006.67). International treaties can be classified according to several criteria and that according to the subject, objectives, shape, manner of connection, time that will be in force, geographic area, etc. possibility of accession. According to legal norms treaties are divided into treaty law or the vein rate treaties, and treaties contracts. (Gruda, 2007.56). Through laws , treaties or norm rate are contracted new rules of conduct or confirmed existing rules are defined, obliged customary existing rules or contracted of general character and also those treaties are a direct source of international law. (Gruda, 2007.56) Treaties contracts are agreements between two or more countries and have as their object the regulation of a particular matter between those states. (Gruda, 2007.57). International treaties are the primary sources of international law for the reason that at the time of signature or ratification by the states they become part of national legislation and as such are compulsory. In the chain of written documents of international character, which contain principles and norms of international criminal law, there are statutes of international criminal tribunals and the Rome Statute of the International Criminal Court. As international criminal law has many points related to international humanitarian law, many international conventions which contain norms of international humanitarian law may be submitted to the relevant sources of international criminal law, such as: rates contained in the Convention Hague fourth of 1907, the four Geneva Conventions of 1949, two additional Protocols of 1977 Geneva, and others. (Cassese, 2003.16). Written rules contained in many legal documents of various international entities, have contributed greatly in international criminal law to take place in a proper manner the principle *nullum crimen sine lege scripta*, since with the existence of numerous legal documents which regulate issues of international criminal law, one can escape international criminal responsibility anymore.

3. The general principles of criminal law recognized by the international community

General principles of law recognized by civilized nations as a source of international law are contained in Article 38 of the Statute of the Permanent Court of international law, which is presented as additional source. (Sean D. Marphy, 2006.86). The need for the use of such a supplementary source of international law arises in the case of appearance of legal gaps, which could appear in all legal systems (MNShaw, 2008.81), much more in international criminal law which does not have a unified legislation. Whenever the resolution of a court case finds that there is no law which fully covers that point, he will try to find any relevant rule through general principles governing the legal system, no matter how such principles are based on justice, equality or respect for public policy. (M.N.Shaw, 2008.81). General legal principles present rules which were developed in state domestic law and are fundamental principles of justice, accepted by general legal awareness, such as: the principle on the issue of tried-ed *judicata*, the principle that no one can benefit from its own fault, the principle of prohibition of abuse of the law, the principle of the responsibility arising from illegal acts and the return of what has been gained from groundless enrichment (Gruda2007,61), the principle that no one can be judge of personal case, the principle of the respect for agreements, the principle of a state of disinterest in the affairs of another state, the principle of legal equality of states, the principle of non-discrimination based on race, gender, religious affiliation (Sean D. Marphy, 2006.86 -87), and other principles that were formulated by the national rights and on the basis of an analogy can be used in international law.

4. Judicial desicion

Judicial decisions as sources of international law, presented only as ancillary or supplemental sources. In most of the national legislations with the continental system judicial decisions have legal power only in the case to which it is decided and the parties who are subject to such a decision, and as such can not have any legal force for similar future cases. In Anglo-Saxon legal systems judgments system based on the so-called doctrine of judicial precedents, judicial decisions are taken into account when deciding on a similar issue. In international law, court decisions are only ancillary sources and as such they help the courts to clarify the existence of norms or the existence of implementing rules of international law. (Sean D. Marphy, 2006.88). From the practice of international courts and functioning of tribunals can be established that in many cases decisions earlier taken into account when establishing the various issues that arise. Such practice is applied and perhaps as a result of the existence of multiple rules and regulations contained in many international conventions and other documents and a court or tribunal, not to be repeated the same work that was done by the court or other tribunal, which than can take the analysis of the recourse adoption of a decision has revised all relevant sources, than it may take such analysis and utilize it in the decision that will bring. (Sean D. Marphy, 2006.88). So the role of the courts is not to create law, but to apply in certain cases. and court decisions have an important role in the development of international law, because of legal categories. (Gruda, 2007.62).

5. Expert opinions or doctrines of international law

The doctrine of international law also introduces an aid in the implementation of the law by the courts. The doctrine of international criminal law is the scientific discipline that deals with the study of permanent basic institutions of international criminal law, namely the system of criminal-legal norms, national and international, which are related to international relations and supranational norms and standards . (Kambovbski, 1998.48). Historically, legal doctrine has contributed greatly to the clarification of international rules. (MNShaw, & Cassese 2008.89, 2003.27) Especially it has been important the role of prominent authors in cases where there didn't existed any international treaty and when in a lack of resources it was needed to be required the safest solution ,it should have been sought in mores or practice civilized peoples. (Gruda, 2007.62).

Completion

International law and international criminal law in general , from the object of study as well as the entities are branches of more specific law compared to other branches of the law. This appears as a key element of the international element which in itself interlocks many elements of different countries doing the same slightly more complicated. Even in the wake of legal resources on which it functions and is based, the public of international law is numerous and varied. Although most of them are based on domestic law, still the international element makes them more specific and hence more difficult and more complicated to be clarified and implemented by states, courts, organizations or other institutions of national or international character.

Literature:

- Zejnullah Gruda, E drejta ndërkombëtare publike, Prishtinë, 2007
- Vllado Kambovski, Megjunarodno krivicno pravo,Prosvetno Dello, Skopje,1998
- International Law. M.N. Show. Cambrige University Press, 2008, Translation an Macedonian, Prosvetno dello, 2009
- International Criminal Law, The Legal and Critical Analysis of International Crimes, Volume I, Fehard Malekian,Borgstroms Tryckeri AB, Motala, Upsala, 1991
- Droit penal international, Andre Huet, Renee Koering-Joulin, Depot legal-1 edition:1994 3 edition mise a jour 2005, Septembre, Presses Universitaires de France, 1994 6, avenue Reille, 75014 Paris
- Principles of International law, Sean D. Marphy, George Washington University, 2006 Thomson/West 610 Opperman Drive, P.O. Box 64526 St.Paul, Translation on Macedonian, Ars Lamina, 2011
- International criminal law, Antonio Cassese, Oxford University Press, 2003,Translation on macedonian,Ars Lamina

TERMINATION OF EMPLOYMENT RELATIONSHIP

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Abstract

Employees in working relations, except they have work obligations, they have also the legal right to be protected against any violation of their rights during the establishment of employment and termination of employment. The right to work today in many international instruments, national constitutions and legislation, guaranteeing rights at work relations, including respect for the personality of employees at work, safe and healthy conditions at work, necessary protection at work, limited working hours, breaks which are defined by legislation, fair-wage compensation for work performed, and legal protection in cases of termination of employment. Upon termination of employment, the employee who had lost status and therefore it ceases to enjoy the rights arising from employment, which has carried out during the time he was employed. For these reasons, taking into account the consequences of termination of employment, the legislator has determined the cases and the conditions for employees work termination.

Key words: the rights, obligations, actions and measures undertaken.

Sexual tourism

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Abstract:

Even sexual tourism, or business monitoring, belongs to one of the legal forms and prostitution tolerable intake. Although there but still not official in Kosovo, in many developed countries of the world, there are certain tourist agencies offering escort and companionship of women to various businessmen and tourist visitors. This type of prostitution, the last time, with large circles are using the institutional state, in this form, providing attractive female friendship their foreign friend's politician and diplomat.

Kay words: sexual tourism, right, women, trifurcation, companionship

Sexual tourism

Introduction

If you look carefully these tolerant or permissible forms of prostitution in advanced modern societies, we see that the same, as in legal ways and semi-legal, largely are present in Kosovo?

And finally, to return once again that questions concerning the beginning, which, apparently, still will be left without an adequate response: Do is also a risk that other very painful to have to pay us Kosovars for freedom and the inevitable modernization of our society as a continuation?

Have there been or not prostitution in Kosovo in the past? In the historical context of Kosovo must take as part of Albania as the population belongs to the same lineage, with docks, customs, culture, religion, the same mentality. And until the time until the new states did not exist then this issue in historical terms should be treated as unique in Kosovo, Albania, Macedonia west, south east and south Serbia Montenegro. Besides different geographical atlas which is called Illyria and a rare note we do not have any knowledge regarding this phenomenon to the Illyrians and later to modern Albanians throughout their ethnicity.

Elements of sex tourism

But according to some indirect data it emerges that Illyria was present at the institution of slavery that had to work the land in peacetime and in wartime put under the orders of the master for the defense of the country. In this, scientific wasteland "seem just thought that in Illyria had, sexual freedom" and that the

roads, Via Egnatia "¹¹ inns were full of inns where guests were served by women is popularly known as harlots women. And given that there have been these guesthouses and inns (those built at the crossroads, near the main roads the same as today the existence of motels and hotels) think that even in this area there was the phenomenon of prostitution.

However, when it comes to Albanians some researchers examine the phenomenon that is contemplated from different perspectives and with very negative connotations.

They issue of organized crime, especially Albanians human trafficking, prostitution and smuggling of people attribute, Albanian gene" based on the Kanun of Lek Dukagjin. So these authors Kanun of Lek Dukagjin consider, Bible Albanian Mafia "while others see this phenomenon as part of a global business," organized crime where criminal groups are involved from different sides of the globe.¹². Not being put to protect researcher Barbara Hanel Canon quote which says that "Kanun of Lek Dukagjin," Albanian law Habits Ancient represents a value system that contains detailed rules for the conduct of "right" and trial ... code behavioral offenders to prevent dissonant and order was before their tribe "¹³.

To see the truth of the Kanun of Lek Dukagjin just need the right approach and unambiguous and patience in his study. If bias aside and consider the issuance of the facts then it is clear that nowhere can you find a letter a row who desecrates the figure of Albanian women. Kanun of Lek Dukagjin has several paragraphs where women thus you defended by guns.

Paragraph 835 says: "I waited to begin on men and not on women, children, the home of the cattle ..." otherwise "... will shade on defamation defamation rifle, then tribe on tribe, village by village of mermaid flag flagged".

Section 767 items a) of the Kanun of Lek Dukagjin say: "for women Hick blood drops to 500 penny will give villager to fine".

Albanian women after the Kanun of Lek Dukagjin is protected, even if someone kills the blood does not fall in the 28 states in his head.

According to the head (Nye) 31 if the bride who marries is not "properly" (virgin) husband has the right to wait then a hair or by released but if the husband agrees with her condition allows it Canon but living with Never sell or kill.

Researchers who have not ever read Canon violence against women in Albanian family base its rates exactly but the reality is different.

Paragraph 61 has the following encryption:

(A) The Canon of Lek Dukagjin says "My husband has no right over the life of the woman";

c) The son of assassinated parents ";

d) With the beat with blood, or with the husband killed the wife of a foreign hand honor it requires her husband's blood wound parent ";

e) The husband beat his wife kunetija Women parents beg him not honor on shelves behind her husband. "

¹¹ Sokol L., (2006), Prostitution as a profession: Sociological, p. 63

¹² Ibi.. f. 54

¹³ Hanel B., (2004), Fundamentals of Management for Supervision and Management of Police Service School Policor--Vushtrri, p. 68

So, as you may see the Canon of Lek Dukagjin institutionally it protects women from violence that can be exercised even by her son, husband or brother-and none of these is not entitled to exercise violence upon.

Woman under the Canon of Lek Dukagjin has the right to mediate between persons in immediate nuisance and its word must be respected, rifle must be stopped.¹⁴

The rape of the woman or her abduction considered received honor of her husband and he seeks revenge honor trampled under section 601 and 597 of the Kanun of Lek Dukagjin but you can forgive the perpetrator nobly and without compensation pursuant to paragraph 598 of the Kanun of Lek Dukagjin.

In the new history of Kosovo have dramatic political developments which were also reflected in the social aspects of the population. In such a situation was found former Yugoslavia 90 years to which under Milosevic medieval and with the blessing of various circles within and outside the country violated the constitution and destroy the autonomy of the Socialist Autonomous Province of Kosovo. Parliament, the Government of Kosovo and all its institutions were dispersed by police and military violence. After institutional destruction of Kosovo, Serbia began a fierce military campaign against Yugoslavia and other areas Kosovar youth wanted to send to the war fronts in Slovenia, Croatia and Bosnia and Herzegovina later.

Kosovo alternatives do not accept to be part of the scenario of creating a Greater Serbia, "and therefore underwent an unprecedented political pressure and military-police. Not to serve the invading army of Kosovo Serb youth begin to leave the country and seek refuge in Western European countries.

This migration largely started between 1990-97 through legal and illegal ways to, help "and under the supervision of various traffickers and smugglers who for this, help" pay from 2000 to 20,000 DM per head. The money was paid to hand traffickers who were connected with police and judicial officials installed in Kosovo, especially police officers who work in the sector of issuing passports, border police sector, customs etc. The route they followed to leave was road, sea and air. For transporting them abroad mostly used road transport which was included some Kosovo local transport company. The route they followed was the direction Peja - Mitrovica - Raska - Belgrade - Subotica - Segedin (Hungary) and continues to Germany, Switzerland or any other European country.

Another automobile road was Pristina - Podujevo - Merdare - Nis - Belgrade - Kelebi (border between Vojvodina and Hungary) and continues to European countries. Third Way was Pristina - Peja - Rozhaje Podgorica - Debeli Brijeg - Croatia - Slovenia - Italy and went further in Europe.

Podgorica sometimes proceed the way to Albania through Tuz passing boat (locals call Sule) night and day through Tuzi - Hill Budanit - Nënhelm - (Montenegro) Skadar Lake - Shkodra - Tirana - Durres Italy sub.

This violence committed against Kosovar youth in particular after the 90 intended strategic implementation - ethnic cleansing, which affect the growth of prostitution, people smuggles and human trafficking¹⁵.

¹⁴ Gjeqovi Sh., (1999), the Kanun of Lek Dukagjin, Tirana, p. 123

¹⁵The Kvinna till Kvinna Foundation, 2001 Getting it Right? Presents their concern about multiple brothel that operated in Kosovo during the OSCE Verification Mission in September 1998 and their concern with human trafficking, F. 20,

Since the methods of pressure and military police violence did not meet the policy goals of Milosevic (its military failure in Croatia after the Dayton agreement for Bosnia and Herzegovina, Serbia began military operations against the forces of the newly established KLA and the civilian population which was the basis of its logistics. Serbia impregnated with hegemonic designs based on its military lead projects start qubrilloviqiane ethnic cleansing operation to activate the infamous, Horseshoe "which began with the expulsion of the civilian population (Albanians, and others) from Kosovo.

In making the operation the infamous (December 98- April 99) army and Serbian police began the ethnic cleansing of Kosovo, performing systematic rape of women and girls in camps, rape¹⁶ being turned into sex slaves¹⁷.

Their madness had reached as far as they had created a motivational song, "singing soldiers before military operations" during which heroes might be required before the children and women of enemies".

Rape of women and children had dual purpose: first sexual exploitation by Serb soldiers and paramilitary forces and the second to reduce the moral influence of the people's enemies (Croatian, Bosnian and Albanian) and their defense forces fighting against Serbian aggression.

Despite military lead Serbia in the fight fuck in Kosovo (Kosovo local forces, KLA helped by the intervention 78 days of NATO) but left behind many mass graves, many people missing, many women and girls violated¹⁸, economy and infrastructure destroyed, many villages and towns burned.

But how is the situation today in the territory of Kosovo state. Regularly in the media heard that the Kosovo Police intervenes where arrests, releases and expels citizen of Serbia, Albania, Romania, Moldova, Ukraine, Russia, etc., because they were dealing with prostitution. That all they entered the country primarily through three border crossings as Končulj Merdare, Morin, etc. Also in these information media also announced the arrest of pimps.

But one issue is highly significant that the majority or we can say that all the girls that Kosovo police has identified the victim, nor ever returning to the country they came from. In between can be two factors that define this phenomenon.

The first is that there may be a lack of communication or no cooperation between the police, or that it is even possible to return these girls in Kosovo and continue their activity in prostitution.

Of special importance is the fact that most of these girls are adults, are previously known to police and alleged economic exercise as waitresses or dancers (strip). But not even the minors missing.

"None of them declared that deals with prostitution, or that he was a victim. Those in the statement to police in Kosovo say they have gone voluntarily where they worked in nightclubs, while the Macedonian border authorities had stopped them entering "And he adds" there is no evidence that they are dealing with prostitution, or that the organized one".

¹⁶ Blakaj S.,Rrahmani Z., (2007) Kosova Facts that Won't Keep Silent, ATV Media, Prishtinë f. 160 - 161

¹⁷ Assessment Report on Sexual Violence in Kosovo UNPA 28 May 1999 By D.Serrano Fitamant

¹⁸ Laison Office of Sweden in Prishtina, Kosovo gender analysis, faqe 12, 17 May 2004

So in order to satisfy girls they are well prepared what to declare, or are afraid. It is very difficult to prove that girls imprisoned in Kosovo someone has recruited, enticed, and has introduced the organized crime of prostitution.

The phenomenon of prostitution continues its size to enormous growth, the girls that "imported" but also Kosovo Albanian girls that "exported" to the boss-driven scams that will work an honest job. This phenomenon in Kosovo has received the largest size mainly after the war, was until a few years without status and in its absence it has only grown, and now after independence there is no change to reduce its signs. It should be emphasized that for the period from January to the second ten days of March this year have returned from Kosovo more than 70 women in Albania, which in whole Kosovo police motivating "for lack of documents."

According to a police report of Kosovo, Albania ranks third for the number of Albanian women into prostitution in Kosovo, but with a small percentage compared with the first two countries to keep Moldova and Bulgaria, where Albania is 5-10 % of women who practice prostitution activity.¹⁹.

In Kosovo there are still no proper legislation prohibiting prostitution, while there is no regulation that would legitimize it. Without legal cover, pimps organize prostitution ring through so-called "nightclubs" and "bars" different, where the scene appear "professional dancers", which can accompany you during this evening if you're willing to pay (of course, the money goes Bossy). "The expulsion of more than 70 girls from Albania in less than three months indicates a worrying social phenomenon.

By law it is not legalized phenomenon although it is a de facto legalization silent that incorporate mechanisms to enrich the politicians who are part of the government and the traffickers who in some cases are associated with power.

Even developed countries have made the legalization of this phenomenon, unable to fully eradicate. This form has also brought its positive aspects:

- Increase the budget from taxes and girls clubs exercising this "craft".
- Minimize the possibility of the spread of infectious diseases through forms of prostitution, as health authorities would be obliged to make the supervision of the girls who exercise this activity.
- State Oversight girls who do not wish to continue this activity and their involvement in social networks and real,
- Lack of traffickers to manipulate the "work" that they do, etc. Government of Republic of Kosovo is obliged to take the phenomena that plague the citizens of Kosovo and their impact on the awareness of the consequences of each type of crime. It is a moral and civic duty of all of us to talk about these topics, discuss and make moves that are in the interest of respecting human rights, but without infringing on someone else. I hope that the opening of this debate will encourage further steps debates, which later materialized with legal action. After all, Kosovo is obliged to respect all international conventions understood any of those which are for prostitution.

Reaffirming the provisions relating to trafficking of women and girls found in the documents that have emerged from the relevant international conferences and summits, in particular the strategic objective on the issue of trafficking contained

¹⁹ Kosovo Police report 2011

in the Beijing Declaration and Platform for Action adopted by the Conference of Fourth World Women observed that there is a greater commitment to combating and elimination of prostitution, trafficking and all phenomena which violate women's rights. But in spite of all these efforts again this phenomenon not only not going to eliminate or at least reduce its size but in one form or another is growing. Economic aspect is very important in between. In countries with high economic growth have increased prostitution elite while small countries with economic development have increased prostitution among the poorer classes.

So looked at in terms of the overall security of a country, but also in the global prostitution is a complex challenge that requires effort, commitment and concrete programs to cope keeps, always bearing in mind the legal basis and the respect of human rights.

To succeed in combating this phenomenon believes that certain conditions must be met, inter alia:

- Political will of each country in particular,
- Legal basis of each country in full compliance with international norms which should be taken into account respect for human rights,
- Commitment of various scientific institutions professionally studied the causes, consequences and measures to be taken to prevent prostitution,
- Establishment and professional advancement for law enforcement bodies,
- Cooperation and inter-regional cooperation of law enforcement authorities in fighting organized crime,
- coordination of work between the family, the school, the Center for Social Work, community, community police, prosecution, courts and NGOs, and
- Precision implementation of the Action Plan of the Government in combating trafficking in human beings.

Relying on applicable laws in Kosovo and time requirements to combat this deviant phenomenon in Kosovar society Kosovo Government Action Plan which aims to institutionally ensure the protection of women and children, protection of the family , their health care, assistance to be approached victims of human trafficking, their return to normal life, and advancing their professional preparation for their future, the preparation and education of law enforcement bodies and cooperation between regional fight against organized crime.²⁰

Also, it is very important be viewed on the problem of prostitution, human trafficking, smuggling of migrants, sale of children and human organs from the angle of national security of each country individually.

These inhuman and illegal acts committed by criminal groups directly contribute to political instability, economic and demographic country. And, in this regard must mobilize all relevant national and international level that is responsible in the field of security for cessation of criminal activities of organized crime.

Termination of criminal acts is an important challenge that affects the whole course of economic stability, demographic and policy not only of the country in particular. This effort is not only the duty of the enforcement of public order but for all people everywhere, of all well-intentioned people irrespective of color, religion, idea, nationality and language. Without the contribution of all people of

²⁰ Government of Kosovo Action Plan to Combat Trafficking in Human Beings in Kosovo, Pristina May 17, 2005

good will wherever you are and are not going to stop this phenomenon which destroys not only moral but also existential values of each nation in the world today.

Trafficking in persons under criminal law in Kosovo

Criminal Code of Kosovo²¹ the offense of trafficking in persons provided for in section 139. This offense is envisaged under Chapter XIV entitled: Crimes against international law. Under Article 139 of the Criminal Code of Kosovo, the expression "trafficking in persons" meaning: "the recruitment, transportation, transfer, harboring or receipt of persons by means of threat or use of force or other forms of coercion, abduction, forgery, fraud or abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person for the purpose of exploitation".²² The provisions of the Criminal Code of Kosovo give the definition of the term "exploitation". This term includes, inter alia the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or removal of organs.²³

The object of the offense of trafficking in persons are legal relationship established by the state to ensure freedom of movement under the rules in force, health and human life, and the rules for crossing the state border protected by criminal law against the criminal actions illegal trafficking of persons.²⁴ During the commission of this offense harmed and endangered the most important values of man and society, such as life, health, human dignity, morality, freedom and human rights etc. Therefore, these legal and good values are also considered as protective object of this criminal act. The offense of trafficking in persons can carry anyone who participates in human trafficking.²⁵ This means that this offense carries anyone who recruits, transports, transfers, harbors or receives persons by means of threat or use of force or other forms of coercion, abduction, fraud, deception or abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person for the purpose of exploitation. So, as can be seen, the action of the commission of this offense is defined alternatively. For this basic form of committing this offense is punishable by two to twelve years in prison.²⁶

Conclusion:

The phenomenon of prostitution is a problem for all human society and to this problem is concerned the international community namely institutions largest organizations worldwide. Since the formation of the United Nations Organization is say that a dozen conventions, treaties, regulations, directives and protocols. In this regard these documents are designed to protect women from prostitution, trafficking, or even to each violation of their rights.

²¹ Kosovo's criminal code promulgated UNMIK Regulation No.2003 / 25, dated July 6, 2003 and entered into force on 6 April 2004.

²² Kosovo Criminal Code, Article 139, paragraph 8, point 1.

²³ See Article 139, paragraph 8, section 2 of the Criminal Code of Kosovo

²⁴ I. Elezi, Criminal Law, special part, Tirana, 2009, fq.145-146

²⁵ Shin Article 139 paragraph 1 of the Criminal Code of Kosovo.

²⁶ Neni 139, paragraphs 1.

Of the many documents are: the Convention on the Elimination of All Forms of Discrimination against Women²⁷ and its Optional Protocol²⁸ Convention on the Rights of the Child²⁹ and its Optional Protocol on the sale of children, child prostitution and child pornography³⁰, Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of others³¹ and the United Nations Convention against Transnational Organized Crime³² and their protocols, in particular the Protocol to Prevent Suppression and Punishment of Trafficking in Persons.

Especially Women and Children, that supplements the United Nations Convention against Transnational Organized Crime³³ and the Protocol against the Smuggling of Immigrants by Land, Sea and Air, subsidiary of the United Nations Convention against Transnational Organized Crime³⁴ as well as previous resolutions of the General Assembly and its subordinate body of the Council for Human Rights and the Economic and Social Council and its functional commissions on the issue.

Reference

- Sokol L., (2006), Prostitution as a profession: Sociological, p. 63
Hanel B., (2004), Fundamentals of Management for Supervision and Management of Police Service School Policor--Vushtrri, p. 68
Gjeqovi Sh., (1999), the Kanun of Lek Dukagjin, Tirana, p. 123
The Kvinna till Kvinna Foundation, 2001 Getting it Right? Presents their concern about multiple brothel that operated in Kosovo during the OSCE Verification Mission in September 1998 and their concern with human trafficking, F. 20,
Blakaj S.,Rrahmani Z., (2007) Kosova Facts that Won't Keep Silent, ATV Media, Prishtinë f. 160 -161
Assessment Report on Sexual Violence in Kosovo UNPA 28 May 1999 By D.Serrano Fitamant
Liaison Office of Sweden in Prishtina, Kosovo gender analysis, faqe 12, 17 May 2004
Kosovo Police report 2011
Government of Kosovo Action Plan to Combat Trafficking in Human Beings in Kosovo, Pristina May 17, 2005
Kosovo's criminal code promulgated UNMIK Regulation No.2003 / 25, dated July 6, 2003 and entered into force on 6 April 2004.
I. Elezi, Criminal Law, special part, Tirana, 2009, fq.145-146
United Nations, Treaty Series, Vol.1249, no. 20378 / 20378/ 27531/ 27531' 1342 / 39574 / 39574 / 39574.

²⁷ United Nations, Treaty Series, Vol.1249, no. 20378

²⁸ Ibid., vol. 2131, No. 20378

²⁹ United Nations, Treaty Series, Vol.1249, no. No. 27531

³⁰ Ibid., vol. 2171, No. 27531

³¹ Ibid., vol. 96, No. 1342.

³² Ibid., vol. 2225, No. 39574.

³³ Ibid., vol. 2237, No. 39574.

³⁴ Ibid., vol. 2241, No. 39574.

Confiscation Report of Criminal Assets and Constitutional Guarantees

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Abstract

Confiscation is among the most important legal instruments in the fight against organized crime and money laundering. It is conceived as a formal decision through which can be removed property rights. The implementation field of criminal assets creates a number of problems sometimes insurmountable. One major hurdle is related to the fact that the property, subject of forfeiture at the time of issuing the verdict, is consumed or spent on behalf of third parties and thus saves seizure. In this paper is treated the extent of the confiscation field of action, his report with constitutional guarantees. Takes response questions such as: if violated of the principle of presumption of innocence, passing the burden of proof to the person against whose property is confiscated. Resolving these issues is achieved by analyzing, in a comparative perspective, seizure, referring in particular to the legal interpretations. It's concluded that the seizure is a particular independent procedure from criminal proceedings, so the guarantees of the criminal process cannot be applied in the process of confiscation. The presumption of innocence is closely linked to criminal proceedings, while confiscation is a particular independent procedure from the criminal proceedings, so given that the guarantees of the criminal process cannot be applied in the process of confiscation.

Keywords: *Seizure, constitutional guarantees, criminal assets, the presumption of innocence, etc..*

Confiscation Report of Criminal Assets and Constitutional Guarantees

Introduction

The confiscation of criminal assets is not a new concept; it has its origins in early civilizations, in obvious need of individuals to retaliate. Prediction of confiscation in Albanian legislation as a tool of preventing and combating organized crime and money laundering through the seizure of assets derives directly or indirectly from criminal activity based on law "anti-mafia"³⁵. Ongoing legal and philosophical

³⁵ Law no. 10192, date 03.12.2009 "On preventing and combating organized crime and trafficking through preventive measures against property". (Anti-Mafia Law)

debates about confiscation of criminal assets is focused on the most sensitive issues such as the burden of proof, the rights of third parties benefiting the criminal assets, extension or not of the seizure also to the heirs, the action of this measure to third persons after alienation or passing on their behalf items that are subject to seizure, confiscation nature of the process, etc. Also, an issue of significant importance of the study is related with the relationship between the legal framework of confiscation and protection of human rights and fundamental freedoms, particularly the observance of constitutional rights and the European Convention for the Protection of Human Rights and Fundamental Human Freedoms, especially observance of the principle of presumption of innocence, the right to a fair trial, legal security, etc.

1. The concept of seizure

In criminal justice systems traditionally are known seizures of assets as a result of their connection with a criminal offense. Confiscation can be defined as a formal decision by which property rights can be removed as a result of a criminal act. Article 1 (point f) of Convention of the United Nations Against Drugs, Vienna 1988, defines forfeiture as: "... a fine where applicable and means permanent taking property by court or by other competent authority".³⁶ Whereas, Article 1 (point d) of the European Convention on Laundering of Proceeds from Crime, Strasbourg, 08.XI.1990, defines confiscation "... as a penalty or a measure ordered by a court by following proceedings in relation to one or some offenses, penalty or measure that ends with deprivation of property".³⁷ Meanwhile, in the Article 36 (point 1) of the Criminal Code of the Republic of Albania, is provided, that "... the seizure must be given by the court and has to do with taking and passing to the favor of the state the tools of committing the offense and the offense criminal products".³⁸ It should be noted that the Vienna Convention allows any authorized competent body to issue confiscation orders, while the Convention of Europe Council restricts this right only for the courts. The same is provided in the Criminal Code of the Republic of Albania, which expressly provides that "*seizure necessarily is given only by the court...*".³⁹ From this point of view, we can conclude that the system chosen by the Republic of Albania offers more guarantees to respect the rights of persons affected by the seizure.

2. The scope of seizure

In the Article 3 (point 3) of the Albanian law "*anti-mafia*"⁴⁰ is predicted that the confiscation of criminal assets is applied also to the assets of persons generated before the entry into force of this Law, as long as the assets are settled during their involvement in criminal activity. Scope of the confiscation of criminal assets, subject to the offense, when extended to the proceeds of crime creates a number of

³⁶ Ratified by Law no. 8722, dated 26.12.2000, "On the adherence of the Republic of Albania in the" United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances. " Article 1 (point f) of the Convention.

³⁷ Ratified by Law no. 8646, dated 20.07.2000 for the ratification of the European Convention "On Laundering, Search, Seizure and Confiscation of the Proceeds of Crime".

³⁸ Criminal Code of the Republic of Albania, Article

³⁹ Ibid, Article 36.

⁴⁰ Law no. 10,192, dated 03.12.2009 "On the prevention and combating of organized crime and trafficking through preventive measures against assets". (Anti-Mafia Law)

problems that sometimes are insurmountable. A significant drawback of seizing the object of the offense, particularly in relation to the proceeds of crime, is the fact that the property, subject to forfeiture at the time of the verdict, is consumed or cannot be traced and thus saves the seizure. In some cases will not be deprived the beneficiaries of criminal proceeds, when the proceeds of crime are no longer in his possession, but could have passed in the possession of third persons. Albanian legislation has solved this problem by expanding the circle of persons associated with the offender, who may be confiscated. In this case it must be ensured the legitimate rights of third parties.⁴¹ According to Article 22 (paragraph 3) of the "Anti-mafia" Law this right belongs to the court, anticipating that when the court trial comes that sequestered assets belongs to third parties, the court mainly with reasoned decision, call them to interfere in the process. Third person within the time period set by the court has the right to file its claims in session and request the other necessary data. The burden of proof under Albanian legislation⁴² to prove that the assets were acquired legally belongs to the person against whose property confiscation is required. So, people need to justify the way of profit, legal origin of their wealth, that wealth is not related to criminal activity of the suspected person, that the property is in the effective possession, thus not fictitious (formal) in their behalf.

How to deal with third parties that have property rights in connection with criminal proceeds?

The European Court of Human Rights, as part of the right to a fair trial⁴³ sets that if third parties have not been able to protect their rights during the trial, the law should allow them to protect their rights after the execution of the seizure. In accordance with these standards, the Albanian legislation in the "*anti-mafia*"⁴⁴ law entitle third parties to intervene in the process and conditioning the confiscation of criminal assets to third parties, if they have earned fictitious legal or stimulus action. In these cases the court determines the invalidity of such legal actions and wealth is considered to belonging to the offender. This is how derive, it's shaped the presumption, that wealth that formally are on behalf of other persons, actually they are in directly or indirectly possessed of the suspected person for committing crimes predicted to the Article 3 (item 1) of the Law Nr. 10192, dated 03.12.2009. Confiscation of value, also known as a cash penalty (fine), contains a certain amount of money to be paid by the offender, which corresponds to the value of proceeds of crime. Albanian legislation, Article 36 (ç)⁴⁵ provides, that may be forfeited any other property, the value of which corresponds to the proceeds of crime. Confiscation of value, in contrast to the confiscation of the product of the offense, has to do with determining the verdict of the amount of money that will be

⁴¹ See Article 3 (point 2) of Law no. 10,192, dated 03.12.2009 "On the prevention and combating of organized crime and trafficking through preventive measures against assets".

⁴² Ibid, Article 21, paragraph 3.

⁴³ See European Court of Human Rights, judgment of 25 February 1993, *Funke v. France*, publ. ECHR, Series A, No.256-A, para. 44 and European Court of Human Rights.

⁴⁴ Ibid, Section 16 "*when during the trial turns out, that sequestered assets belonging to third parties, mainly the court reasoned decision, he calls them to intervene in the process. The third person, within the time period set by the court, has the right to file its claims in session, and to seek other data necessary*" and Article 22 (point 5).

⁴⁵ See Article 36 of the Criminal Code of the Republic of Albania, Publishing House "LUARASI", Tirana, 2005.

confiscated. For the court cannot be enough just the conclusion that there is sufficient discrepancy between the income of the suspect and assets acquired by him, to appreciate that all assets should be seized and confiscated.⁴⁶ In addition, the court must individualize according to the circumstances sufficiently, only for preventive effects of the proceedings the existence of a causal connection between the particular criminal activity of the suspected person (Article 3, paragraph 1)⁴⁷ and legally unjustified benefit of his property. Property which facilitates cleaning crime products should be confiscated. This theory is based on a broad interpretation of 18 USC & 981 (a) (1) (A)⁴⁸ which contains the fact that all assets involved in money laundering will be forfeited. The confiscation of proceeds of criminal offenses should be ordered when a person is found guilty of an offense. This fact constitutes a weak point for seizure procedures.

Article 6 (item 2) of the European Convention of Human Rights, about the presumption of innocence, prevents the seizure of income after the owner died. Explicitly European Court of Human Rights regarding to the fiscal punitive sanctions sets that *"legacy of guilt of the dead is not in accordance with the standards of criminal justice in a society of rule of law"*.⁴⁹ In the "anti-mafia" Albanian law (article 3 (3))⁵⁰ is provided that the seizure may be required in each case to the heirs of the person, subject of the enforcement of this law, but not later than 5 years from the date of death. In this case, confiscation of proceeds of crime is independent from the outcome of the criminal process. Confiscation it's applied according to the Albanian legislation if the provenance of property of the suspected person or other persons (Article 3), which is owned directly or indirectly by a person suspected, it is not legally justified and has to do with the participation/committing of the person suspected to a certain category of crimes. In this sense confiscation cannot be applied, if from the investigation and trial prosecutor's request for the establishment of the seizure of assets turns out that the property was acquired justified legally.

It's violated the principle of presumption of innocence, passing the burden of proof to the person against whose property assets are confiscated?

Constitutional Court of the Republic of Albania⁵¹ has interpreted the presumption of innocence in the sense that ordinary courts should not begin the process with the conviction, that the defendant committed the crime for which he is accused, that the burden of proof is on the prosecution, that any doubt should go in favor of the defendant. Constitutional Court⁵² clarify that this interpretation of Article 30 of the Constitution (presumption of innocence) is closely linked to criminal proceedings, while confiscation is a particular procedure independent from the criminal process, and so the guarantees of the criminal process cannot be applied in the process of

⁴⁶ Unifying Decision of the Supreme Court no. 1 date 25.01.2007.

⁴⁷ Law no. 10,192, dated 03.12.2009 "On the prevention and combat of organized crime and trafficking through preventive measures against assets".

⁴⁸ Crimes and Criminal Procedure - 18 USC Section 981.

⁴⁹ European Court of Human Rights, 29 August 1997, AP, MP and TP v. Switzerland, Reports of Judgments and Decisions (1997 V), 1447, p. 48.

⁵⁰ See Article 3 (point (3) of Law no. 10,192, dated 03.12.2009 "On the prevention and combating of organized crime and trafficking through preventive measures against assets".

⁵¹ See decisions of the Constitutional Court No. 9, dated 28.04.2004; Nr. 23 dated 23.07.2009.

⁵² See Decision No. 4, dated 23.02.2011, the Constitutional Court, pg.37, 38.

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confiscation . In the case of decision of confiscating the property the burden of proof originally it belongs to the prosecutor to argue reasonable suspicion based on indications that a person is participating in organized crime and trafficking, showing that has reasonable grounds to suspect and sufficient data to trial preventive effect, that they are not assets acquired legally, what motivates the existence of their presumption of illegality and as a result, to pass the burden of proof of the suspected person. Thereafter, the burden of proof passes to the suspected person to justify the lawful origin of his estate, to argue the lack of connection with setting property as criminal offenses products or their investments. So, in this process the burden of proof is divided between the prosecutor and the person who will be seized or confiscated.

Following these reasoning and arguments for the necessity of distinguishing between criminal proceedings and preventive process, guarantees of the criminal process for the presumption of innocence are not applicable in preventive process, sanctioned by law subject to review. This technique of the burden of proof determined in the Albanian law "*anti-mafia*" in this regard, according to the Decision of the Constitutional Court⁵³ does not contradict the principle of presumption of innocence. The process of judicial civil forfeiture is similar to any other civil process. Procedures followed in this case are civil and not criminal. The process of forfeiture however is *in rem* and asks from the court to provide jurisdiction over property and not against its owner. Therefore, the court provides "arrest warrant" *in rem*.⁵⁴ Unlike from the civil forfeiture, criminal forfeiture represents a punitive measure against the interests of the owner's property and depends on that person's punishment for serious violations of criminal law. So this kind of seizure it's made in *personam* (persons). According to a general rule, "property that is subject of criminal forfeiture cannot be taken before the final decision sentence."⁵⁵

Conclusions

The Criminal Code of the Republic of Albania, which determines that forfeiture must be given only from the court, shows that our system offers more guarantees to respect the rights of persons affected by the seizure.

Confiscation of property is not placed "blindly" on all assets, in the case when it turns out, that the suspect owns a number of properties, but it's valued and decided on each of them and only for those assets that from the investigation and trial results, that there was justified origin, ancestry legitimate, and verified existence of a causal connection between the particular criminal activity of suspected person and legally unjustified benefit of his wealth.

Constitutional guarantees for the presumption of innocence are conditioned with the defendant in the criminal process and are not applicable to the preventive process. Passing the burden of proof of the suspect for criminal property does not contradict the principle of presumption of innocence, as procedures to be followed in this case are civil and not criminal. The process of forfeiture however is *in rem*,

⁵³ *Ibidem*, pg. 38.

⁵⁴ In Latin "against or in respect of a thing," refers to a legal action directed toward wealth. Thus, if the issue is related to the property, the property - the action is "in rem". "In rem" it is different from "in personam" which is an action directed against a particular person.

⁵⁵ 21 U.S.C. &. 853 and 18 U.S.C. & 952 (federal laws against drugs and money).

to the thing, and not "in personam" and in this case the court shall provide jurisdiction over property and not against its owner.

Literature

1. Law no. 10192, dated 03.12.2009 "On preventing and combating organized crime and trafficking through preventive measures against property". (Anti-Mafia Law)
2. "United Nations Convention Against Illegal Traffic of Narcotic Drugs and Psychotropic Substances", ratified by Law no. 8722, dated 26.12.2000.
3. European Convention "On Laundering, Search, Seizure and Confiscation of the Proceeds of Crime", ratified by Law no. 8646, dated 20.7.2000.
4. Code of the Republic of Albania.
5. FATF
6. European Court of Human Rights, <http://echr.coe.int/Pages/home.aspx?p=caselaë>
7. Crimes and Criminal Procedure - 18 USC Section 981.
8. The decision of the Constitutional Court No. 9, dated 28.04.2004.
9. Decision of the Constitutional Court no. 4, 23.02.2011.
10. U.S.C. & 1615, U.S.C. &. 853 and 18 U.S.C. & 952 (Federal laws against drugs and money laundering)

Public enterprises and performance of privatized firms in

Albania

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Abstract:

Studies where this paper is based are relatively the same methodology followed regarding the selection of samples aiming to study the correlation between the type of ownership (distinguished by type and level of concentration) and other factors and firm performance measure forms different (labor productivity, net profit margin, growth in total factor productivity). For the purposes of this paper we are focused on some of the econometric analysis carried out by being the main target function: behavioral characteristics of different types of owners of privatized companies with massive privatization method.

Kay words: enterprises, performance, privatization, Public sector, Albania

Public enterprises and performance of privatized firms in Albania

Public enterprises, their role and challenges in the development of the country

The number of state-owned enterprises or as otherwise called the public enterprises (PE) significantly increased since early '30's, but particularly after the Second World War as in developed countries and in developing countries. The aim was to Manifold:

- To overcome the problems arising from market deficits and shortfalls in capital
- Promoting economic growth
- Reduction of mass unemployment and
- Ensuring national control over the overall direction of the economy, especially in developing countries.

Providing capital and technology in strategic areas where the private sector or not enter or lacked the necessary capital to invest (as in heavy industry or infrastructures) most governments hoped that through PEs to boost capital formation, the They produce essential commodities at low cost, to increase the number of jobs and contribute significantly to the development of the country. This trend continued until the early 80's.

But a series of negative phenomena as the rise of corruption, inefficiency in management, staff of enterprises overflowing of inflation and increasing budget deficit, made in the 80'th to display the massive failures of governments and limit the role previously defined for public enterprises as key actors in economic development. Despite these and from a reduction that has become the number and weight of public enterprises through the privatization process (which peaked in developing countries in 1997 and although it remains at a low level overall, again privatized has started its gradual growth), again POE continue to have a presence important in many countries are the biggest providers of a range of social services and generating a significant number of jobs.

If you will refer to the figures, it would seem clear that in countries with higher income, the share of enterprises of this type in GDP and investment constitutes respectively 8% and 13%. For middle-income countries these figures are 9% and 17%, while in less developed countries (Least Developed Countries) they are 14% and 28%.

To study the relationship between ownership structure and performance of privatized firms in Albania has undertaken a study in 2003 which is gathering information for 45 firms for a period of 6 years (1997-2002) largely privatized in the MPP. Besides statistical analysis it is also used regression analysis to show the relationship between ownership structure and firm performance. Relying on the reasoning that the ownership structure is endogenous is a technique used 2SLS (Two stage least squares) and in particular a model GMM (Generalized Method of Moments, with kernel based estimation) that produces consistent results and efficient and takes into account problems the heteroskedasticity and autocorrelation that often accompany panel data. Using OLS (ordinary least squares) in the presence of an endogenous variable biased results. The following model is

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assessed with standard techniques (EC2SLS Random Effect) 20 panels used to date in order to compare the results.

In both of equations and to show the firm in year t, and j indicates the j th variable exogenous to the model. PERFit is the firm performance is measured by two alternative indicators: labor productivity and net profit (the ratio of net profit to sales). OWNCONit shows the concentration of ownership and shares measured at the largest owner (LC1). Domi are two dummy variables that indicate the type of dominant owner (two in our case, the "individuals" and "domestic firms"). While Xjit includes all other variables such as firm size, capital intensity, etc. sector. In turn to see which were the main characteristics of firms that determine the type of dominant owner is estimated probit model, which more specifically shows the likelihood that firms attract or find a specific type of dominant owner. The data used for this study are those mentioned above where domestic firms and individuals outside the company were prevalent in 62% of firms in 2002. Other firms have the state, managers, and workers or have no dominant owner. Panel data probit model is used to estimate the model below.

$$ProbINDFIRMS_{it} = \alpha_i + OWNCON97_i + \beta_1 PERFit + \sum \beta_j X_{ijt} + \varepsilon_{it}$$

ProbINDFIRMS_{it} shows the probability that the "individuals" or "firms" will be the dominant owner of the firm in year t. Stock OWNCON97 is the largest owner of the firm at the beginning of the period that we analyze (1997).

PERFit is the performance of the firm in year t, while Xjit are all other variables such as firm size, capital intensity, sector, etc. methods of privatization. Results. Before giving the results of the empirical estimation of the models mentioned above it is important to note that the ownership structure of privatized enterprises has changed much in the years after privatization. This happened in both dimensions, in terms of concentration and type of owner. Starting with the concentration of ownership of data reveal that the average percentage of shares owned by the largest owner has increased from 37% in 1997 to 50% in 2002. The table below shows the changes of types of dominant during the 1997-2002 periods.

Ownership transformation matrix: the number of firms that have changed the type of dominant owner, 1997-2002

Lloji i pronarit mbizotërues*	Nr. i kompanive sipas llojit te pronarit mbizotërues në 1997	Nr. i kompanive sipas llojit te pronarit mbizotërues në 2002					
		A	B	C	D	E	F
Shtetore (A)	8	4	1	1	2	-	-
Kompani të tjera (B)	11	1	10	-	-	-	-
Nga punonjësit (C)	3	-	-	3	-	-	-
Individët (D)	8	-	-	-	7	1	-
Manaxherët (E)	4	-	-	-	-	3	1
Pa pronar dominues (F)	11	-	4	-	4	-	3
Gjithsej	45	5	15	4	13	4	4

* The dominant owner the largest shareholder of the company that owns at least 20% of the shares.

The table shows that domestic firms have increased their dominance in privatized firms during the study period. In 2002, domestic firms are the dominant owner in 15 firms. The data reveal that in five of them domestic firms to own more than 50% of the shares, while in 10 others they hold 20-50% stake. It is to be "emphasizing that the participation of foreign firms in the privatization of small and medium enterprises in Albania until 1996 was too small. The table below shows the empirical results of the model (1) estimated by three techniques, labor productivity is the dependent variable and then when net profit. Results show that LC1 is not important and is not a factor that affects the performance of the firm. These findings are similar to those issued by Demsetz and Lehn (1985) and Demsetz and Villalonga (2001), emphasize that there is no relationship between ownership concentration and firm performance.

In transition countries, where corporate governance mechanisms are weak, ownership concentration is seen as the main mechanism to control them. Studies of these countries have stressed the importance of performance type of dominant firms (Mygind, 1997, Frydman et al., 1997, 1999; Djankov, 1999; Djankov and Murrell, 2000; Megginson and Netters, 2001; Hanousek et al., 2004, etc.). Different types of owners have different incentives and objectives and the most important is that they have different financial abilities. This was particularly the case in Albania, where access was limited financial resources not only at the beginning of the transition period, but even years after the enterprises were privatized. Privatized firms "insiders" and those who had a diffuse ownership were characterized mainly by the lack of savings and limited access to formal financial market. To see if there is any difference in the performance of companies that have different dominant owners, the model included two dummy variables mentioned above.

Factors that determine the concentration of ownership by "outsiders" (individuals or domestic firms)

Independent Variables	(1)	(2)	(3)	(4)
LC1 ne 1997	0.653 * (1.69)		0.573 * (1.69)	
LC3 ne 1997		0.482 ** (2.23)		0.311* (1.60)
Ln	-0.932 *** (-3.03)	-1.069 *** (-3.32)		
Report net profit / sales			-0.085 ** (-2.11)	-0.078 ** (-2.03)
Ln Asset fixes	-0.373 (-0.84)	-0.446 (-1.03)	-0.410 (-0.94)	-0.435 (-1.01)
Ln ratio fixed assets / working	1.033 *** (2.84)	1.037 *** (2.86)	0.515 (1.51)	0.523 (1.56)
Ln ratio fixed assets / working-squared	-0.108 (-1.25)	-0.104 (-1.19)	0.001 (0.00)	-0.010 (-0.11)
Sector manufactures	1.242 (1.16)	0.990 (0.99)	1.357 (1.27)	1.106 (1.09)
The standard deviation of	0.063	0.071	0.083	0.075

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profit	(0.86)	(0.93)	(1.07)	(0.99)
Years of privatization	0.382 (0.76)	0.009 (0.02)	0.447 (0.91)	0.111 (0.30)
The method of privatization	-1.093 (-0.88)	-0.837 (-0.67)	-0.849 (-0.65)	-1.014 (-0.78)
Ind. conflicts of Korp.	-2.764 * (-1.62)	-2.925 * (-1.73)	-3.501 ** (-1.91)	-3.764 ** (-2.10)
constant	0.563 (0.15)	2.473 (0.73)	1.565 (0.40)	3.725 (1.11)
log likelihood	-61.81	-61.20	-64.35	-65.04
LR CHI2 (10)	22.65 ***	29.57 ***	23.27 ***	21.89 ***
Nr. the observations	237	237	237	237

Notes: t test in parentheses; * Significant at 10%; ** Significant at 5%; *** Significant at 1%.

Results for the two types of predominant owners show that when used best econometric methods (both techniques GMM) does not exist any connection between them and labor productivity. However it seems that firms have "individuals" as the dominant owner, are more profitable than other types of firms where the owners are predominant. In EC2SLS model, the two coefficients for "individuals" and "domestic firms" are negative and significant. These conflicting results between GMM and EC2SLS methods are as a result of the shortcomings that EC2SLS methods compared with GMM method.

In general, there is not any significant difference in the performance of firms that are owned by different types of owners. Also, it is important to say that the performance of firms that we studied there was no significant change in the years after privatization.

One other variable interest explained, it is the corporate conflict index (CCI index), which indicates the presence or not of a situation of conflict in the firm. Results show that CCI adversely affect the performance of privatized firms show that a conflictual environment is problematic for their performance. Other variables are important, such as firm size, capital intensity index, managerial independence, etc., but their explanation is not the subject of this study. The estimation results of the model (2) are given in the table below. In order to investigate if there was any influence initial concentration of ownership in the likelihood that "individuals" and "firms" become dominant in a firm, we use the level of concentration of ownership in 1997 (LC1 and LC3). Coefficients of both variables are positive and significant in all regressions of the table. The results show that the coefficients of the two variables used to measure firm performance are negative and significant in all regressions. This shows that the probability that "individuals" and "firms" will become the dominant owner is higher for firms with poor performance. These results can be explained by the possibility that these types of owners try to exert more control on managerial and then enjoy the benefits of control. Jones and Mygind (1999) states that firms with high capital intensity are more likely to be dominated by "outsiders" taking into account their financial ability compared to "insiders". In our case the coefficient of ratio (fixed assets / number of employees) is positive and statistically significant. It seems clear that corporate conflict index (CCI index) is negative and statistically significant. This shows that if there is a

conflict firm it is less possible that "individuals" and "firms" will buy more shares and become the dominant owner in these firms.

Potential tools for improving the management of public enterprises

Contracting

In certain circumstances, governments want to keep state-owned enterprises, but in other situations may contract for some construction services or infrastructure operation and management of some or all of the functions of public enterprises. Contracting for infrastructure and public services allows enterprises to agree to private companies to provide services or facilities that meet government specifications. In general, public enterprises, public bodies contract by three types of contracts: service management and rental contracts.

Services contracts allow public companies to buy services for long-term private sector public enterprises use outsourcing to:

Modernized projects

- to modernize government buildings,
- To acquire defense equipment
- To spread schools, hospitals and prisons.

In many countries the contraction has become one of the most important methods of privatization of water supply services and waste management. In South America, public utility in Chile and Guatemala territorial concessions offered in major cities for private firms to provide, distribute and loading the water supply to the population. In both these countries, tariffs were approved by the government which also monitors the water quality. In Peru, public services contracted private companies for many services including water supply, computer services, electrical, etc.

Contracts management. Public enterprises also use management contracts with private companies to provide services or produce goods more efficiently. They have contracted with international firms to privatize state hotels in Africa and Asia, agro-industry in Senegal, Ivory Coast and Cameroon, as well as mining in Latin America and Africa.

Management contracts allow a private company to take over responsibility of operation and maintenance of public services for a certain period of time and let him free to make management decisions.

Abu Dhabi Persian state brought commercial discipline and effective management in their public services by contracting private sector to manage the power supply. It tenderloin term contracts management competition with a private firm while it enjoyed an advantage in this partnership. Some francophone African countries began in 1980 to use "afterimage system" whereby most municipal services a private contractor to operate and maintain the project's public water supply. The government decided strict rules for setting prices for water supply to the private company paid for municipal project to mitigate the costs of building the water system.

Rental contracts are also widely used for public and commercial operations. Global experience is rich with collaborations / private governmental actions fruitful cooperation can mention some of them: And in Latin America and Africa state industries have been leased to private companies for long-term operations. Government rents electric and water supply enterprises in the Ivory Coast; refineries and mills in Togo; and hotels and farms in Jamaica. Companies who rent enterprises or parts of public enterprises have responsibility for operations, maintenance and replacement of capital assets not fixed. State Railway Authority of Thailand (SRT) successfully experimented during the 1980s and 1990s to contract with private companies to provide services in three City Street that until that period resulted in the loss. Private companies were renting passenger carriages and railway lines from SRT and paid it a fee every 15 days. Private contractors covered all costs of the carriages as well as cleaning service. SRT provided the use of the railway stations, the management staff, as well as train drivers and guards. The three forms of contracting, service, management and lease contracts allow the government to maintain its ownership as public businesses and control of public services, but also to benefit from private sector management and operations and take the income from rents, management fees or service concessions. In appropriate circumstances, contracting with the private sector has increased efficiency, reduced vulnerabilities in the actions of employees and the failure of the contractor, provided protection against monopolistic behavior of contractors or government agencies and has provided the most basic knowledge and better understanding of delivery services.

Public - private partnerships

Another potential means of improving the management of public enterprises is through public-private partnerships (PPP), which are collaborations with corporations, small businesses, non-governmental organizations and civil society organizations to provide goods and social services beneficiaries.

Public enterprises and the private sector cooperate in providing services and infrastructure through a variety of mechanisms including:

- a- concessions
- b- Joint ventures
- c- Informal and voluntary cooperation.

Public-private partnerships allows or promotes the business of domestic and foreign, community groups, cooperatives, private voluntary organizations, small businesses and other NGOs to provide social services. In other countries, public-private partnerships are an intermediate stage in the privatization of state enterprises, or an alternative to privatization.

- The concession is the most common and the most obvious / correct the PPP, but not always the most appropriate solution, national government or municipality will choose the concession, in order to ensure the way with lower cost and better quality high performing public services through the creation of public companies, both through governmental agreements, promoting competition at the stage of selecting the private executor service.

- Joint ventures are a means by which public companies work with the private sector to purchase, merger of state-owned enterprises (keeping a part of the stock

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in profit or strategic enterprises), or joint ownership between the government and private investors. In Oman, p.sh, the government developed a joint venture between public and private enterprises of Oman and Sealand to spread and maintain the port of Salalah. Also in 2002, the city of Ajmanit in UAE formed a joint venture of this kind, the Waste Water Company of Ajmanit with a consortium of Black & Veatch, Thames Eater and other companies to invest \$ 100 million the sewage network that would provide its services to 300,000 people in this country.

The government gave the joint venture a concession of 27 years in which the company would cover its costs by taxing to customers for the service provided.

China has used joint ventures between foreign investors and state enterprises to foreign technology and capital, to learn foreign management and marketing techniques, to enhance and promote joint research and development projects.

The Chinese government also has used joint ventures between state-owned enterprises and foreign private companies to make new investments in infrastructure and facilities management. For example, the spread of telecommunications equipment in the Shanghai area, were financed through joint ventures. Shanghai Bell Telephone Equipment Manufacturing Company and taken to a joint venture between the Chinese Ministry of Post and Telecommunications, Alcatel Bell and the Belgian government to produce equipment for phone companies in China.

Governments in the world use projects with consortia of private companies to build communications infrastructure, transport, airports, water supply, etc. Governments in developed countries economically use build-operation agreements-transfer (BOT) where those buying or renting facilities fully implemented by private investors as companies offset their investment in these facilities operating for a period of time as agreed.

BOT arrangements or agreements build-operation-ownership (BOO) have been widely used in Malaysia and Turkey to build telecommunications systems, highways and water supply systems and to use the concession granted by the government. The consortium usually borrows from international funding agencies and commercial banks using subsequent income from the projects to repay the loans. Another method is using the BOT agreement to build and use independent power plants in China (Shajiao project) and in Pakistan (Hab River project) as well as the Dominican Republic and Costa Rica. These projects typically include limited funding with which the capital increase based on cash flow rather than collateral under the project owners.

Although these offer the governments of developing countries important means of extending services and infrastructure and private sector commercial opportunities to expand their businesses, public-private partnerships are complex arrangements and whether they are drafted and administered properly, can create big problems for the public and private sectors. They often replace civil servants, thus bring political opposition among public officials, unions and associations of civil servants. If public-private partnerships are not well designed and supervised their services, they may be more expensive than those provided by the government. Poorly conceived projects and analyzed improperly failed both in rich countries and poor ones. Corruption can erode public confidence in public-private partnerships, if the contracting process is not transparent and carefully monitored. Lack of sufficient competition can make public partnerships private monopolies that operate with more efficiency, not more than state-owned enterprises. If

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government regulations are too restrictive can lead to deficiency of service provision and whether they are too lax cannot make more responsible private service providers. Contract management cost can be significant.

In all cases, governments must carefully compare the costs of contracting with insurance costs directly to services.

Private sector involvement in the provision of services can increase their price and decide weaker segments of the population at a significant disadvantage.

The public sector is importing private initiatives, knowledge, skills and experience, but at the same time being maintain accountability, democratic control, policy-making and the protection of public interests. Public-private partnership can offer innovative and competitive solutions for the same amount of money involved, the risk is allocated to one partner who best manages and mitigates or reduces it, while at the same time processes are open, fair and transparent .

Privatization

Liberalization, privatization, deregulation and decentralization are at the present time some of the concepts we'll call "fashionable" when discussing public sector reforms. There is a random coincidence that liberalization is in charge of goals within the EU, being developed so as an institutional framework of free trade and open competition. Even where competition in the public operations is not possible, the government stimulates through public tendering and contracting concessions. On the other hand, the state (or municipality and beyond municipalities) should guarantee basic regulatory framework to avoid arbitrariness and unfair operations of organizations that stand in the gray area between the public and private sector. Besides the known theoretical dimensions, experts identify two tendencies in public sector reforms in OECD countries:

- the reform based on privatization (objective basis for a market economy)
- Reform based in de / regulation

But both types are intended to regulate the legal framework and public sector activities with today's social environment to enable the merger (to enable cooperation) of private and public sector.

Governments in developing countries have concluded that public enterprises cannot be reformed or restructured in full to be able to perform their functions efficiently and have decided to liquidate, or to privatize them.

Governments in some countries see privatization as a way:

- Redistribution of costs in state-owned enterprises,
- For more profitable investments in infrastructure and social programs;
- To increase the size and dynamism of the private sector;
- distributed to state enterprises beyond and to promote private investment and foreign national.
- Privatization could bring needed revenue to create new jobs for workers replaced by industrial restructuring,
- To reduce the state administrative responsibilities and obligations of government intervention in the management of enterprises
- To provide goods and services to customers efficiently.

Conclusion

Theoretically, a change in the ownership of public enterprises leads to organizational restructuring and changes in behavior that allow state enterprises to

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operate under concurrent aspects and collect revenue. In appropriate circumstances, the transfer of ownership in the private sector will change the organizational characteristics, so that state enterprises begin to operate in ways that allow them to undertake missions clear and accurate, to be more innovative, to manage human resources efficiently and increase productivity through greater efforts at work. Improvements in organizational performance can lead to improvements in financial management, best production of goods and services, more efficient distribution services and creating more employment opportunities.

Reference

- Antczak, M. (2004), Koszty spowolnienia prywatyzacji (The costs of the deceleration of privatization), in Koszty spowolnienia prywatyzacji, Zeszyty BRE Bank – CASE no. 70, Warsaw: CASE.
- Arellano, M. (2003), Panel Data Econometrics, Oxford University Press, New York.
- Atkinson, B. A. and Stiglitz, J. (1980), Lectures on Public Economics, McGraw-Hill, London.
- Demsetz, H. and Lehn, K. (1985), 'The Structure of Corporate Ownership: Causes and Development
- Djankov, S. and Murrell, P. (2002), „Enterprise Restructuring in Transition: A Quantitative Survey, Journal of Economic Literature 40(3), 739-792
- Djankov, S. and Claessens, S. (1997), Enterprise Performance and managers' Profile,
- Djankov, S. and Murrell, P. (2000), The Determinants of Enterprise restructuring in transition: An assessment of the Evidence, The World Bank, Working Paper No. 20942 (September).
- Djankov, S. and Pohl, G. (1997), The Restructuring of Large Firms in Slovakia, The EBRD (1994-2004), Transition Report, European Bank for Reconstruction and Econometrics, Volume 17, pp.189-200
- GTZ (1998), Report on Privatisation Process in Albania 1991-1997, Tirana (August).
- Meggison, W.L. and Netter, J.M. (2001), From State to Market: A Survey of Empirical Studies on Privatization, Journal of Economic Literature 39
- Mygind, N. (1997), The Economic Performance of Employee-Owned Enterprises in the Baltic Countries, Centre for East European Studies, Working Paper No.6 (May)

Contemporary trends in pension reform

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In the world there are professional and universal pension schemes whose intention is pension insurance for all citizens. Many countries aim to provide an old age pension matter the fact if they have paid the contributions or not , many pension schemes are related to the contributions they have paid to individuals. In almost every country there are two ways of managing the pension management and pension funds: public obliged pillars and private pillars which from the current funding provided the financial capital that is invested by retirees by employers and the insured. In various European countries are promoted various reformed ways of pensions, in order to ensure the expected recoverable pensions, these ways seen through new reformed financial aspects pension reform or pension multipillar system. Countries which are part of the EU and OECD are faced with the problem of securing the return of pension funds and give great importance to private saving through occupational pension scheme. Multi-pillar pension combined leadership was the last resort of the problem of retirees, through the conduct of public pension plans and private pension funds. The demographic factor was problematic that more than 30 EU countries were obliged to reform their pensions and functioning through the financial capital of pension insurance, a reform that to the insured it enhanced the confidence to reimbursement at the time of retirement and providing tools to optimize conditions and raises awareness of the contributions of individual investment in the second pillar mandatory pension and saving money for the purpose of investment in voluntary pension insurance, always bearing in mind security retirement pension combined withdrawal of the three-pillars. Insurance reform PAYG pension financial capital which means that an employee (provided) to ensure payment of a pensioner, pension through distributed contributions to the pension fund or in the ratio 1: 1. In 1998 have reformed the pension system in Hungary and Kazakhstan, Poland, 1999, Lithuania in 2001, Croatia in 2002, Estonia, the Bulgarian, Macedonia and Slovenia in 2006, the reason for the reform was the inability of the refunds promised during the payment of contributions during the work. In 2006 almost all European countries have reformed the pension system through the private pension system, where their sole purpose is the stability of the pension system and financial market development in these countries.

Contemporary trends in pension reform

PENSION REFORM IN HUNGARY

An important factor which has forced Hungary to reform the pension system was the decline in the number of employees and decrease the value of revenue from the

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contributions and increasing the value of spending through old age retirement, which means consuming more revenue. Membership in the fund's financial capital required for employees was voluntary and for new employees is required membership in the fund's financial capital required pension. {the law for private funds in Hungary}. Among the first countries which have reformed the pension system in order to prevent risks in the countries of Eastern Europe was Hungary which in the pension system has reformed the new multidimensional pension system comprising three pillars:

- First-pillar day funding
- Second-pillar financial capital required
- Third-pillar voluntary financial capital

The new multidimensional system comprising three pillars is reformed with a view to financial stabilization of the country and overcoming the crisis and with the aim of economic development.

PENSION SYSTEM REFORM IN POLAND

Since the pension system transition was bound to be part of the economic market which comes into play economic restructuring and the decline of employment in the formal sector.

Voluntary pension insurance is organized in two ways :

- Individual Plans
- Professional Scheme

CHARACTERISTICS OF PENSION SYSTEM IN BULGARIA

The labor market is the main factor that affects pension reform. Namely the reduction of state revenues that result in revenue deficit in the pension system. Since 1991-1999 generate as deficit pension system by 0.7% -3.1% of GDP in this period where the number of elderly pensioners respectively increased 5%. (MY-Bulgarian institute for economic studies).

The structure of voluntary pension fund in Bulgaria is such: • pension funds to individual member, funds open base accession to these funds is the way of goodwill on which signed an agreement to join the pension fund and are defined rights and obligations. • occupational pension funds, closed funds, the right to joining the professional pension funds are all natural persons who perform activities in any undertaking, institution or industry and ways of contracting is selected, the company that manages funds and the employer. (HTPP: //www.fsc.bg)

MULTI-PILLAR DESIGN OF THE PENSION SYSTEM IN SLOVENIA

With the independence in 1991 Slovenia inherited the public pension system of socialism. By generating salary pension deficit which in 1992 amounted to 0.3% GDP, which over time added costs of pension payment. In 2000 they introduced the public scheme which began to stabilize reforms which contains pension pillar 4, which will ensure sufficient income stability for future pensioners.

Slovenia has voluntary pension insurance based on individual and professional plan, plans that are defined in contributions

The way of organizing financial plans of pension is as follows :

- Open or closed pension funds administered by banks or insurance companies

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- pension funds managed by pension company and established as a joint stock company in order to manage the assets of its members and the payment of annuities to its members. (<http://espp.ro>).

PENSION REFORM IN CROATIA

In 1998 Croatia eliminated traditional pensions, based on defined pension and put into practice a new formula for calculating pension efficient income enough and of the insured with insufficient income. Croatia followed the Yugoslavian system which was financed from defined pensions and this pension system with such function was faced with a deficit which in 1999 brought the law for pension system, consisting of three pillars and in 2002 began the complete operation of the new changing pension system and in the same year began to work the third pillar pension savings composed of additional voluntary pension security. (<http://www.hafta.hr>).

CONCLUSION

With the defeat of Socialist Yugoslav Federation and the creation of wars that many of these countries were facing, they found a way for financial stabilization, they decided to consult the World Bank for cooperation of pension insurance and pension reform of financial capital pension which includes mandatory pension pillar I, the second pillar of the financial capital required pension fund and third pillar of financial capital voluntary pension insurance, this reform provides stabilization of the country in financial aspects and investment of funds in the financial market of the country and in international financial market, where it will also develop the state capital market and ensure old-age pension for many generations.

REFERENCE

IME –institut bullgar për studime ekonomike

Fadil Kepi-Ja çfar duhet dini mbi pensionet, 2007

Strategji kombëtare për zhvillim dhe integrim 2007-2013

www.hafta.hr

<http://www.knf.gov.pl/index.html>

<http://www.espp.ro>

www.insse.ro

www.fsc.bg

The regulation of Private Pension Funds in Hungary, State Private Funds Supervision 1997

Right to a fair legal process in the Republic of Albania

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Abstract

This subject is addressed due process of law, the rights and obligations of entities criminal proceedings. Originally topic addresses the emergence and historical development of human rights, their origins, from 'Manga Carta Libertatum', and to international and domestic legal provisions of today. Historical treatment is necessary and will therefore appear in any period of time after its due to make an analysis regarding the evolution of the concept of human rights was in its infancy, to be completed in days, achievements and efforts made to a due process. The regulation that makes due process, the European Convention of Human Rights, is a special part of this paper handling. Is this convention, which provides minimum standards under which the Albanian state can not come in the framework of realization of rights of the individual by ensuring a fair trial. In this regard, the interpretation of law by the court should be such as not to restrict further, predicting what the European Convention, in relation to rights and fundamental freedoms.

This paper aims at identifying the subjects that faced the proceedings for implementation of legal requirements in the context of a regular process.

Identified problems indicate that identifies practices which case solutions enforced, due to inadequacy in full with the legislation, or because the interpretation and so not fair to him.

The cost of this impact falls on the party falls on procedural entity that is interested in a fair trial.

What is understood in general terms with the concept due legal process.

Due process is a fundamental constitutional principle enshrined in the Constitution of 1998, as a fundamental right.

Keywords: process, orderly, law, penology, Albania, procedure, trial.

Right to a fair legal process in the Republic of Albania

Introduction and theoretical reliance

The right to a fair hearing a constitutional right of individuals, through which they seek the realization of fair procedures and fair legal. On the one hand this constitutional right is presented as a guarantee for citizens against unjust actions of state authorities and, on the other hand, it is an obligation for the latter not to infringe the rights and freedoms of citizens without providing them with respect regular legal procedures.

European Convention for the Protection of Human Rights and Fundamental Freedoms in its Article 6, entitled "The right to a fair hearing", has sanctioned the right of citizens to be heard fairly, publicly and within reasonable by a court independent and impartial tribunal established by law - as a fundamental right of citizens. In this article of the Convention are included, also the principle of the presumption of innocence for the accused, until their guilt is fully proved by a court decision, as well as some important rights of the accused related to the criminal proceedings against him.

The judiciary and, ultimately, only the judiciary can eventually determine who emerges victorious in inevitable conflict between individuals; between government and the governed, including those accused by the state that have violated the law; between individuals and society and between organizations, both public and private.

The atmosphere that surrounds the courts and formal events in court is unusual and because the courts are unique. They resolve conflicts by applying the law to the facts of particular cases, independently and impartially.

When the law applies to the facts that are brought to court, each party has the absolute right to have an arbitrator who is independent of the parties to the case and their lawyers.

Trials should reflect the goals of the court, such as individual justice in individual litigation, the visibility of individual justice court cases individually, getting a trial to resolve disputes, protection of individuals against arbitrary use of government power and registration legal status. Individual court cases must be given individual attention. The law should apply to every case. Regardless of economic status, for all there should be equal access to the court. Anyone who comes before the court and should be treated with respect, fairly and equally. Litigation and law enforcement on the facts in individual cases should be stable and predictable.

Methodology

During this research and scientific research I have determined those working method which enables more and provide more extensive opportunity to come to the necessary data and simultaneously ensure the proper degree of rationality, economy and self-denial.

I used methods which are:

- Use of official documents
- Method of interviewing
- Method of conversation,
- Statistical-processing method results

With the first method was used official documents from the Ministry of Justice, courts in the counties of Tirana, Shkoder, Elbasan etc. (For more details see chapter 7), OSCE reports, HELINK, judicial institutions, etc.

Also during the research work I used the laws of different periods of time, by-laws, administrative guidelines, various decisions, directives and regulations, programs treatment of prisoners, the internal rules of the institutions, domestic order, the files of convicted persons and literature professional from this scientific field.

During my research it has also helped staff the Prosecutor and the Office of my lawyers, who have contributed to the collection of materials and reports of interest.

Following this method of data collection I used the interview method, in order to

collect research data more accurate and concrete.

The birth and development of the rule of law: historical overview

Democracy can not exist without respect for the rule of law and the latter is inconceivable without democracy. The rule of law is one of three elements functionally related to each other: the rule of law, democracy and human rights, which are the three values that make up a whole. The rule of law is guided by values, which means that basic rights and democracy as a right of the individual to self-determination, are its constituent elements. The rule of law is mainly based on respect for the Constitution. The country already has pure legality constitutionality as busy main features of the rule of law⁵⁶. The rule of law is defined as institutional ideal, which aims to ensure a balance between the law in terms of material and process, as well as between the democratic decision-making power, its ultimate authority and guarantees of justice in the totality of forces on which to build democracy⁵⁷.

Theories or schools of thought on the rule of law have evolved continuously, enabling the contemporary theory of the rule of law, implemented in countries, such as Albania, come in the most perfect. Despite the evolution of the concept of the German school of public law, the concept of school French or Kelzenit theory on the rule of law, this theory today still represents the most controversial issue and also the most important political and legal perspective. The rule of law is considered as the means by which the system of democratic values penetrates the legal mechanisms, so he can not be a right state whatsoever. If state cease human rights, it turns into a state of injustice, however the presence of hierarchy of norms and procedures for such a state is contrary to the system of values that created it. The rule of law is the state that within the limits of constitutional norms, respecting the norms, provides, through its legislative activity, the guarantee of human rights under the control of a specific body tasked to verify compatibility between these laws and human rights⁵⁸.

I ignored for a long time by philosophy, which is often viewed as a single entity concept, even -ideologjik concept of law -shtet today enjoys a very considerable prestige in contemporary philosophy, which coincides, of course, also with recent developments in domestic politics of democracy and international law⁵⁹. The end of the twentieth century saw the disappearance of the conservative authoritarian regimes of the West European (Spain, Portugal, Greece), climbing up the constitutional jurisdictions in most democracies, the collapse of communist regimes in Central and Eastern Europe and, Finally, emergency, although problematic, for a fair international th, which is supposed to limit the sovereignty of states allowing, of course, under certain conditions, sanctions against

⁵⁶ Arnold, Reiner, constitutional law and politics: the separation of powers versus the rule of law ?, published in Sharing and balance between powers: the role of kushtetues|| control, international conference on the occasion of the 20th anniversary of the Constitutional Court, Tirana 7-8 June 2012, fq.92

⁵⁷ Morlino, L. & Palombella, G., Rule of Laë and Democracy: The Rule of Law as an institutional ideal, 2010, Volume 115, IDC Publishers

⁵⁸ Luan Omari, principles and institutions of public law, Tirana 1993, .27

⁵⁹ Raynaud Philippe, right, state judge. The issue of security policy challenges 2006-2007 (Accessible at <http://www.nyustraus.org/publications.html>)

governments guilty of gross violations of fundamental rights; no doubt that these processes can be thought of as heterogeneous, but are centered around the concept of law, so as to make it appear all opposition among states -totalitare, -autoritare or at least -arbitrare and a superior model of state defined by its conformity with the right, without understanding whether the issue is simply the existence of a hierarchy of norms sanctioned as appropriate, or, more radically, if it comes to complying with the state to metajuridike rates such as those of the human rights; in addition we can see that the actors of these transformations are often the same who directed the concept of law to legitimize its actions, as the head of government in transition, constitutional jurisdictions or last communist leaders in an effort to save something from regimes that were dependent (Mikhail Gorbachev wanted to make the Soviet Union a socialist state)⁶⁰.

To recognize the rule of law are the three main requirements: First, the existence of a written constitution, in which defines the principles and basic rules for the exercise of state power. It should be given as clearly the duties and powers of the central state bodies and the recognized principles and basic values of democratic governance. Also, the constitution must serve as the basis and the main source of all laws and other legislation to which the state and society needs. Secondly, recognition and respect for human dignity and fundamental rights and freedoms of citizens. On this basis, also framed a good part of the duties and obligations of the state, among which mention the guarantee of equality of citizens⁶¹. It is the duty of legislation in general and, especially, the Constitution clearly stated that the obligation of recognition and respect for human dignity and human rights and fundamental freedoms by all state bodies. Thirdly, the requirement for the exercise of all state and social activity in accordance with the constitution and laws, conceived it as one of the most fundamental components of the rule of law. Of course priority have constitutional norms on the basis of which subsequently discussed and approved the laws enacted by parliament. On the other hand, the latter serving as the basis and the main orientation for all legal acts and norms which mainly operates the executive authorities on the activities of the judiciary and dispensation of justice in general.⁶²

At the foundation of the rule of law is the principle of separation of powers. It has been more than 200 years since the first projection of this principle, however, life has shown that the rule of law, separation of powers was and remains a fundamental value, which gained new meaning and meaningful. One of the greatest contributions of the fathers of the American Constitution was the inclusion in the theory of separation of powers doctrine of checks and balances, which turned into a year's worth of the Constitution of 1787. It is of crucial importance

⁶⁰ Raynaud Philippe, right, state judge. The issue of security policy challenges 2006-2007 (Accessible at <http://www.nyustraus.org/publications.html>)

⁶¹ Xhezair Zaganjori, Aurela Anastasi, Eralda (Methasani) Cani, the rule of law in the Constitution of the Republic of Albania, by Adel Publishing House, Tirana, 2011, 70-82

⁶² Xhezair Zaganjori, Aurela Anastasi, Eralda (Methasani) Cani, the rule of law in the Constitution of the Republic of Albania, by Adel Publishing House, Tirana, 2011, 70-82

that through a system of checks and balance principle of separation of powers static gains a dimension -dinamik⁶³.

In Albania, the democratic changes of the 90s, was born also need radical changes in the organization of new Albanian democratic state and its institutions. In 1991, the Albanian Parliament approved the law no. 7491 -For the main constitutional provisions, which represents the first constitutional foundation for the construction of the new state, a state of law, democratic and social, based on values and principles such as respect and protection of human dignity, the of his rights and freedoms, private property, equality before the law, separation and balance between the three branches of government (legislative, executive and judicial), etc. This law, in Article 3 thereof, sanctioned: Basic -Parimi state organization is the separation of the legislative, executive and judicial. The people exercise power through their representative bodies and by referendum. Representative bodies are elected by free, general, equal, direct and secret. Provisions of constitutional law at the time the effects spread to 1998, when the Assembly of Albania, by law no. 8417, dated 21.10.1998, approved the Constitution of Albania, the fundamental law of the state. In its Preamble, among others note that: We, the people of Albania, proud and aware of our history, with responsibility for the future, with faith in God, with the determination to build a state of law, social democratic, to guarantee the rights and fundamental freedoms, with a spirit of tolerance and religious coexistence, the commitment to protect the human dignity and personality, and to the prosperity of the whole nation, for peace, welfare, culture and solidarity social ..., establish this Constitution ... ". Later, Article 3 states that: - Pavarësia State ... human dignity, rights and freedoms, social justice, constitutional order, ... are the bases of this state, which has a duty "to respect and to "I protect", while Article 4 further added that: -The law constitutes the basis and the boundaries of state activity. The Constitution is the highest law in the Republic of Albania ... ".⁶⁴

It is natural that there are also many other provisions of the Constitution, which directly or indirectly, related to the principle of the rule of law. In accordance with their implementation has a series of other legal acts adopted with expertise or international consultants, mainly the Council of Europe, through which aims fulfillment of general normative framework guaranteeing specific elements of this principle in everyday life. Taken as a whole, it can be said that the Constitution and legislation create a full and lasting for recognition and implementation of the principle of rule of law in the Albanian reality. (Zaganjori, Anastasi, Methasani)⁶⁵

The meaning of due process under the provisions of the ECHR

Article 6 states that everyone is entitled to a fair hearing. This expression includes many aspects of due process of law, as the right of access to court for a hearing in the presence of the accused, the right not to contribute to their self-incrimination, equality of arms, the right to hearings the opposing party and a reasonable judgment. There is no express guarantee of the right of access to a court in the text

⁶³ Harutyunian, G., President of the Constitutional Court of Republic of Armenia, Characteristics of constitutional justice in the countries of young democracies, presented at Ibero - American Constitutional Conference, Mexico, 2009,157

⁶⁴ Zaganjori/Anastasi/Methasani (Cani), Shteti i së drejtës në Kushtetutën e RSH (2011)fq.20

⁶⁵ Çani, fq.20

of Article 6, but the European Court has held that this provision secures to everyone the right to make any claim in connection with the rights of his / her civil and obligations before a court or tribunal. Article 6 includes the right to be presented in court, in which the right to access, which means the right to start proceedings before courts in civil matters, constitutes one aspect only⁶⁶.

The Court held in *United Kingdom Golder customers* that if Article 6 (1) shall be understood as concerning exclusively the conduct of an action which has been brought before a court, a Contracting State could, without acting in breach of that text must abolish courts, or take away their jurisdiction limited in making decisions for some civil actions and entrust it to organs dependent on the government. . . It would be impossible in the opinion of the Court that Article 6 (1) to describe in detail procedural guarantees afforded to parties in a pending lawsuit and should not be defending it was first possible to benefit from guarantees given, d. m. th. Excess court. Characteristics of a fair judicial process, open and fast will have no value at all if there will be no judicial proceedings. However, the right of access to court is not an absolute right. The Court continued by stating in the *United Kingdom Golder customers* that its very nature calls for regulation (which may change over time and location according to the needs and resources of the community and individuals) drawn up by the State, though such regulations must not to violate the essence of the law at all, nor to enter into conflict with other rights enshrined in the Convention. In its case law the Court has held further that any restrictions would be in accordance with Article 6 if it pursues a legitimate aim and if there is a reasonable relationship of proportionality between the means employed and the aim sought to be fulfilled.⁶⁷

The question of *Golder v the United Kingdom* had to do with a prisoner who had been refused permission to contact his lawyer to present his case to civil defamation against a prison officer. The Court held that this was a violation of Article 6 - the right of access to court must not only exist, but should also be effective. The Court also held that the failure of a prisoner to have confidential consultations except the court hearing with a lawyer depriving him of the right to access to court.⁶⁸

In some case the court rejected the excess due to the nature of litigants. The Court has recognized that restrictions on access to a court for minors, persons with mental problems and disturbing litigants do not follow a legitimate aim. In the case of the *Catholic Church against Greece* broke a court ruled that the applicant had had no legal personality in Greek law. This led to the suspension of the issue of up to make the assessment of his right to property. The European Court, however, stated that it had damaged the core of the right to a court and that he had found a violation of Article 6. The court also found violations when legal proceedings can

⁶⁶Aurela Anastasi, Research Issues of enhancing the efficiency, transparency and public confidence in the Judiciary, the results of the monitoring of hearings and study of judicial jurisprudence on the protection of the principle of equality and non-discrimination, the judicial districts of Tirana, Elbasan, Shkodra Vlora. Monitoring period: February 2012 - October 2013, Tirana, 2013

⁶⁷Aurela Anastasi, Research Issues of enhancing the efficiency, transparency and public confidence in the Judiciary, the results of the monitoring of hearings and study of judicial jurisprudence on the protection of the principle of equality and non-discrimination, the judicial districts of Tirana, Elbasan, Shkodra Vlora. Monitoring period: February 2012 - October 2013, Tirana, 2013

⁶⁸ Edmira Agaj, right to a fair hearing, St. GoVlora, Vlora, 2012

be treated only by another body apart from the direct interest of the applicants in proceedings. In the case of Philis against Greece, the applicant who was an engineer by profession he sought remuneration for work done. This can be followed only by the Technical Chamber of Greece. The Court held that while this procedure may have provided engineers Benefits for specialized legal representation at little cost, was insufficient to justify the removal of the applicant's capacity to pursue an action in his claim.⁶⁹

Conclusions

Right for a due process constitutes a the rights provided in our Constitution and the European Convention which relates to the guarantees offered to parties during a trial in terms of respect for those principles which constitute the essence of the process.

Standards such constitutional right to justice the right to defense, impartiality in the trial, public hearing, presumption of innocence. Constitute the main elements that the Constitutional Court has consolidated in its jurisprudence for understanding as to complete the right to a fair trial.

Right for a due process some of them are of Constitutional Rights that guarantees the right of every person protection the interests of his legitimate address the court or competent bodies.

Fair trial among them complex concept was however reduced to a judgment that held by a court of competent jurisdiction under the relevant laws. Some of them right which includes all trial as the criminal and civil cases. There may this none legitimate reason to deprive any person or any category of this right is important.

A series of articles in the other of the Constitution that guarantee the rights of citizens in general and the rights of individuals in criminal proceedings, directly linked to right to a fair trial (right to defend itself or through counsel legal, right for the rich time and convenience necessary to prepare the defense of their own.)

So they can be obviously subject to judgment by our Constitutional Court where the latter takes into consideration the requirements of individuals for a due process.

Right for a due process some of them are a cornerstone in the system of fundamental rights of people, so it is the duty of all bodies state and not only the Constitutional Court to pay the more attention respect to this fair. For this topic can be written more but emphasize that respect for the fair from all levels of the judge system be a guarantee enough important for all and would increase the credibility of the judicial system.

The functioning of district courts observed no significant improvement, however, needs a better management of them.

The principle of publicity of court hearings is generally respected in all courts observed. Despite improvements in court infrastructures, still have problems which lead to the neglect of the principles and the publicity of hearings.

The independence of the courts and remarks or allegations of corruption continue to be of concern to the Albanian justice system. It has shaken up to some extent the

⁶⁹Aurela Anastasi, Research Issues of enhancing the efficiency, transparency and public confidence in the Judiciary, the results of the monitoring of hearings and study of judicial jurisprudence on the protection of the principle of equality and non-discrimination, the judicial districts of Tirana, Elbasan, Shkodra Vloara. Monitoring period: February 2012 - October 2013, Tirana, 2013

trust of citizens in the judiciary, which has also affected the demand for disqualification of judges.

The organization of work in courts leaves much to be desired. Delays or postponements of court are phenomena common in the courts surveyed. Delays in proceedings have been one of the reasons for seeking the disqualification of judges from the trial. They have an impact on reducing public confidence in the judicial system.

Although many citizens complain about delays and postponements unmotivated hearings, to date there appears to be taking any action against judges concerned.

Effective management of the judicial system depends on the functioning of links to other public administration, especially the local government. Deficiencies of information for addresses, street names, failure of the citizens are some of the causes that affect the smooth running of the judicial system.

Service Bar not always enables timely development and quality of judicial processes.

The right to inform the public at large is respected. Inform parties trial sessions displayed in visible places. Yet there is still room for further improvement.

Citizens are provided the opportunity for direct contacts with leaders and judges of the courts. Waiting times of people in general respected in all courts observed.

Literature

- Arnold, Reiner, constitutional law and politics: the separation of powers versus the rule of law ?, published in Sharing and balance between powers: the role of constitute control, international conference on the occasion of the 20th anniversary of the Constitutional Court, Tirana 7-8 June 2012, fq.92
- Aurela Anastasi, Research Issues of enhancing the efficiency, transparency and public confidence in the Judiciary, the results of the monitoring of hearings and study of judicial jurisprudence on the protection of the principle of equality and non-discrimination, the judicial districts of Tirana, Elbasan, Shkodra Vlora. Monitoring period: February 2012 - October 2013, Tirana, 2013
- Edmira Agaj, right to a fair hearing, St. GoVlora, Vlora, 2012
- Harutuynian, G., President of the Constitutional Court of Republic of Armenia, Characteristics of constitutional justice in the countries of young democracies, presented at Ibero - American Constitutional Conference, Mexico, 2009,157
- Luan Omari, principles and institutions of public law, Tirana 1993, .27
- Morlino, L. & Palombella, G., Rule of Laë and Democracy: The Rule of Law as an institutional ideal, 2010, Volume 115, IDC Publishers
- Raynaud Philippe, right, state judge. The issue of security policy challenges 2006-2007 (Accessible at <http://www.nyustraus.org/publications.html>)
- Xhezair Zaganjori, Aurela Anastasi, Eralda (Methasani) Cani, the rule of law in the Constitution of the Republic of Albania, by Adel Publishing House, Tirana, 2011, 70-82
- Zaganjori/Anastasi/Methasani (Cani), Shteti i së drejtës në Kushtetutën e RSH (2011) fq.20

A stylized, dark grey outline map of Europe is centered on a light blue background with a subtle grid pattern. The map includes major landmasses like the British Isles, Scandinavia, and the Mediterranean region.

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