VOLUME 4 • ISSUE 1 • JANUARY - APRIL 2020

PRIZREN SOCIAL SCIENCE JOURNAL

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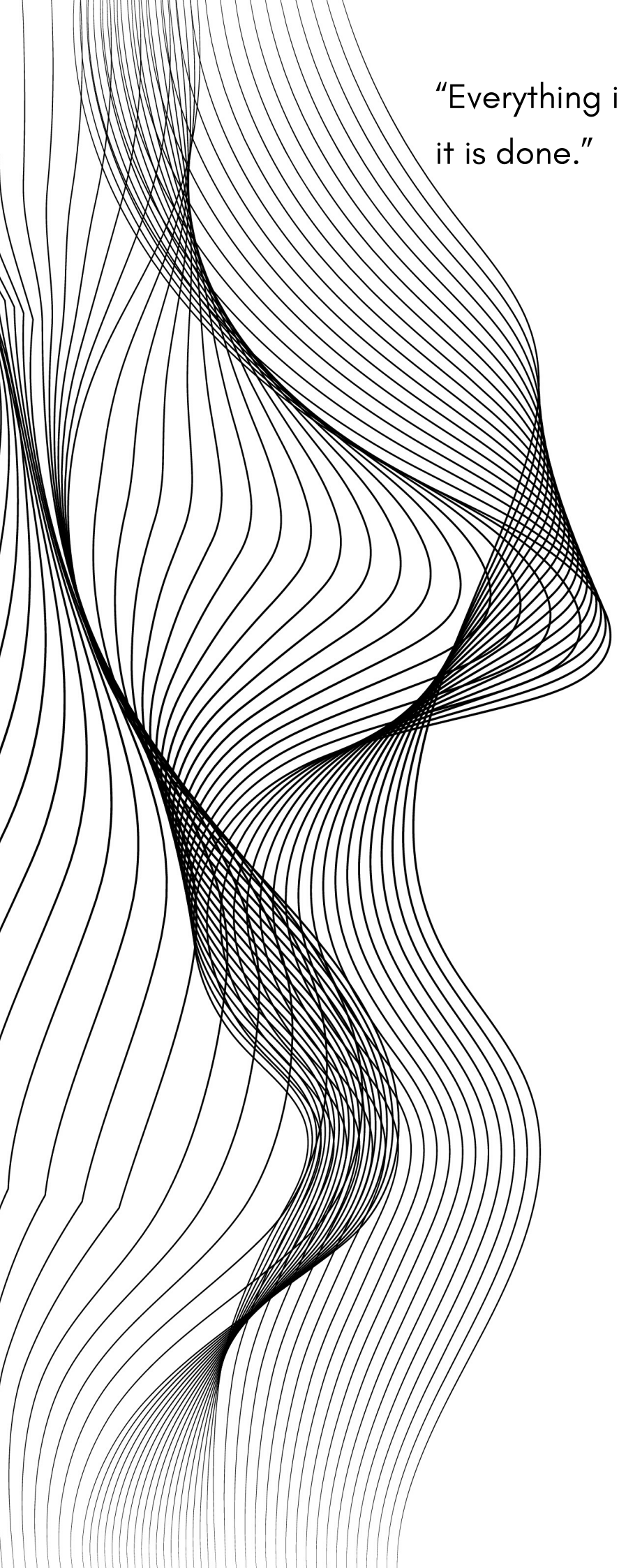
ISSN: 2616-387X **DOI:** 10.32936



"Everything is theoretically impossible, until it is done."

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VOLUME: 4
ISSUE: 1
JANUARY - APRIL, 2020

PRIZREN SOCIAL SCIENCE JOURNAL

ISSN: 2616-387X
DOI: 10.32936

THE EFFECTS OF POLITICAL PARITIES ON WOMEN'S ORGANIZATION

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Article history:

Accepted 30 October2019
Available online 31 April 2020

Keywords:

Women's Organizations,
Political Parties,
Radical Feminist,
Liberal Feminist.

A b s t r a c t

The aim of this research is to analyze statistics to understand the effect of political parties on women organizations and the obstacles they create for these organizations as they work for gaining their members' rights. In the research, the quantitative method was used for collecting data, using a questioner. The research participants were chosen through snowball sampling in Erbil Governorate. The size of the sampling was 195 persons that their level of education was different. For analyzing the collected data SPSS software was used. The findings show that politics to a very low extent were obstacles for women's organization and thus these organizations were unable to effectively operate in obtaining their members' rights. The results also show that women themselves were unable to play an effective role for gaining their rights. In addition, the findings show that not having their own sources of finance makes women's organizations depend on political parties.

1. Introduction

Generally, several civil organizations and groups are founded in every community; these groups are usually established by a group of people in order to serve and provide aids to their members in gaining their rights (Muhseni, 2002: 194). This viewpoint can also imply for women organizations or the feminist organizations as organizations that aim to achieve rights of equality in the roles and responsibilities between women and men either inside and outside the family. Thus, it can be phrased that women organizations strive for achieving equal rights to those of men. Abdul (2011) believes that women organizations have become a means for raising the level of public awareness about women's rights since before such organizations were born and were not entitled to any obvious right or decision in the different political, cultural and socioeconomic aspects in their daily lives in comparison to men. With the appearance of these organizations, they concentrated all their efforts for achieving women's rights, changing the society and eradicating every type of oppression such as gender discriminations that are noticed in the society's roles and responsibilities (Salih, 2005: 22).

Therefore, it can be stated that feminism emphasized that women throughout history have been subjected to oppression and violence in the patriarchal societies, for example, such as inequalities in the rights of expression, working markets, political roles and even in marriage choices between women and men (Abott et all., 2006: 32). Inside Kurdish society (including the Iraqi Kurdistan Region), these organizations have come to existence more regularly or systematically following the establishment of the Kurdistan Regional Government in 1991, even though several organizations and individual women already had been striving for the achievement of women's rights. In this regard, Qadir states that several organizations have been founded after the 1991, up-Rising to advocate the rights of women. However, Qadir believes that without the political parties' support, particularly in terms of financial supports, these organizations would have not been able to settle a single minor problem for women (2009: 48). Based on this perspective, it can be stated that women organizations in the Kurdish society are not independent economically, culturally, socially and so far. Consequently, this dependency of the organizations creates a challenge ahead of securing their rights as well as the decisions that are to be made within the frame of the political parties, not in favor of for women themselves. Through this point of view, it can be noted that women organizations in all societies in general and in the traditional societies in particular have faced several challenges in acquiring their rights equal to that of men. The most noticeable challenge referred to in this research is the impact of

the political parties or the politicization of women organizations, especially by men because most of the authorities of the communities, especially in the traditional communities, are in hands of men and these authorities are exploited by the men for their benefits socially and politically.

1.1 Research problem

Feminism as a social movement strives for achieving women's rights and these strives could be through some institutions such as women organizations. Therefore, in the communities, especially the communities with cultural patriarchal superiority, most of the social or political authorities remain under the power of men; this leads them to use most of the rights and responsibilities for their own benefits and to impose impact on the women, especially in making political decisions since the men deem women as compliant personalities committed to fulfil men's orders and decisions. As a result, women in the patriarchal communities cannot develop their abilities or take part in running the community's affairs the same as men, because women's deviations from any of the society's traditions will negatively impact them and they will become victims of the beliefs the women organizations work for. Consequently, women in such communities forcefully choose silence because, otherwise, they will be subject to risks and often fall victim because of their efforts for achieving their rights in the community (Hassan, 2010: 41).

Following the up-rise in 1991 when the political parties founded the Kurdistan Regional Government, it did not last long when a civil war broke out between the two politically dominant parties of the Kurdistan Region. This left effects on the whole components and institutions of the community. One of these components was that women organizations; too, divided on the Region's political parties. In other words, women organizations were enrolled under the umbrella of the political parties, causing them to totally lose their independency and become a part of the dominant patriarchal culture as these political parties have been run under influence of men.

This patriarchal dominance has spread its ideology among the political parties completely, thus bringing women organizations under its control and its manly thinking. It is obvious that the rights of women are limited in patriarchal communities and even these rights are determined by men. This has clearly reflected in the Kurdistan Region's women's organizations. Also, Qadir believes that in traditional and patriarchal communities, of which the Kurdistan Region can be an example, women's organizations fall under the influence of the political parties. In other words, these organizations make integral parts of the political parties run by men. (2009: 48).

1.2 Research question

• To what extent do political parties hinder women's organizations from achieving their rights?

1.3 Hypothesis of the Research

There is an important statistical connection between literacy and affiliation to political parties as a challenge in front of women's organizations in achieving their rights.

1.4 Aim of the Research

The aim of the researcher is to know about the factors and challenges ahead of women's organizations in their efforts for achieving rights equal with men in daily life roles and responsibilities, such as the obstacle of the political parties in the Kurdistan Region.

2. Literature review

2.1 The background of the feminist movement

The essential goal of a feminist organization or a women's organization is to guarantee civil rights such as removing the obstacles for getting married, education, participation in the work market and in the politics in the community (Beasley, 2005: 30). The feminist organizations' goal is to defend the aforesaid rights for feminism itself. This is an outcome of the differentiations and discriminations witnessed in the different communities; and their essential goal is to insure gender equality between women and men; in other words, women and men culturally are entitled the same rights. Though the concept of feminism does not have a long history in the Kurdistan Region, it has appeared just after 1991, but it dates very long in the western communities. Thus, Salih thinks this concept sources from the Latin word of Femina which means "women" (2005: 22). Readings of the feminism concept by the counters or the anti-women movements which support conservative concepts of which patriarchy is an element probably is more toward underestimating feminist organizations as they see the feminist organizations threatening the social stability. But in fact, as referred by some references, feminism is meant by the achievement of women's rights in roles and responsibilities scientifically and equally with men (Beasley, 2005). Before the establishment of these organizations, particularly in communities as the Kurdistan Region where patriarchy is dominant, such rights including participations in business and political activities, freedom of expression, etc. are deprived from women to a large extent because of the norms and traditions of the communities where men impose their wills. It is worth mentioning, women's organizations in such circumstances cannot freely claim their rights as they would face repression and violence once their claims contradicting the will of the political party supporting

them or whenever contradicting the Kurdish community norms and traditions (Qadir, 2009: 62-63).

But following the appearance of the feminist movement in the form of organizations, this point of view also changed a great deal as these organizations exerted efforts for raising the awareness of women to defend their rights, to release themselves from under the influence of the political parties in which men are mostly dominant and to dedicate in favor of the women. However, Hassan (2010: 24) says whenever women have their own opinions and work for the benefit of their interests, they would face several challenges especially from the political parties. For the same reason, whenever the role of women's organizations are discussed, most of those who hold opposing interests think that these organizations harm the harmony of the community. In this regard, the feminist Suzan Antony says: "women will be beheaded if they do not obey men." She means that if the women express themselves in a way opposing the will of men or beyond the limits determined for them, then they will be silenced and abstracted from power. As it was in the middle age western communities, the women who would claim their rights beyond the common social values and norms, they would have been called as seditious or witches and subjected to the execution of burning by the church authorities (Mahmood, 2018).

Hence, it can be stated that throughout the history whenever women's organizations have tried to prove that women's abilities can be invested in the society the same as men, they would have been opposed by the opposing gender. Also, it is noticed that the political parties that are mostly run by men direct women's organizations in favor of their own interests and of their political parties. In another side, Salih (2005: 43) believes that the Kurdish feminist movements at the current time are inactive movements with no self-determination because if they were under the influence of men in the past, now they are subordinated by the thinking of the political parties and the rulers.

2.2 The political parties and women organizations

The impacts of political parties on women's organizations involve women's organizations within political parties is a complicated and widespread process involving many of the organizations, groups and centers. Women's organizations can be referred to as an example of being subject to the wave of enrolling them within the political parties especially in the traditional societies. Therefore, these organizations cannot manage their affairs regularly and independently, because they are not allowed by the political parties to help women if not in the interest of the party itself. Therefore, it can be stated that involvement in the political parties is one of the challenges in front of these organizations, disabling them to defend the rights of their women members. Also, Salih thinks that the political parties in the Kurdistan Region have not allowed these organizations to undertake their duties independently and freely because they classify the interests of women within the interests of the political parties and leaders. However, the women's organizations, because of their loyalty to their subordinator political parties in which the will of men is dominant, have disappointed women in achieving their rights. At first, they started with the slogan that they will work for the benefit of women and for achieving their rights from men, but this turned otherwise (Salih, 2005).

It might be normal for any political party to have a subordinated women's organization the same as it is in most of the communities and the same as the political parties in the advanced western countries. At the same time, women do not much commit to the will of their parties since they adhere their own policies and work according to their own interests. Though there are women's organizations in the Kurdistan Region, yet they act according to the will and program of their political parties; this is because of the few numbers of women in the decision-making positions and consequently the women cannot have noticeable influence and make decisions in favor of women themselves (Siddiq, 2005).

Still, sometimes women themselves can make challenges ahead of these women's organizations in achieving their rights because of the lesser number of women in comparison to men in the activities of the organizations in the Kurdistan Region. Also, this low rate of women in the political parties and in their activities probably is because of the reticence of the culture and tradition in the Kurdistan Region since the Kurdish culture in a great extent is a patriarch culture that does not allow much opportunities to oppose gender to activate in equal levels. Furthermore, Siddiq believes that these organizations subordinated to the political parties cannot equally achieve women's rights, especially in the right of developing a comprehensive program for their own; in another word, they cannot draft their own policies without the interference of men in the political parties (2005: 12). The radical feminists believes that if the patriarch authority collapses in the communities, then women and men can play equal roles in their daily lives. This is because they think that the reason of suppressing women and not allowing them fair and equal opportunities returns to the influence of men in the patriarchal communities (Abbott et al., 2006: 35).

According to this opinion, in the traditional communities, particularly in the Kurdistan Region and more particularly in the dominant political parties, the rate of the women's presence must be equal or even higher than men in order not to allow this absolute authority in the hands of men who often position women

under influence of the opposite gender or being oppressed. In another word, this is a must for the vital decisions not only to be made by men under the excuse of political and social interests, but equally be in favor of both genders. Thus, women will not be deemed as a week creature by the opposite gender. Meanwhile, the liberal feminists believe that reforms must be comprehensively done in all aspects of the community including the legal, social and educational aspects so as equally is fully achieved among the community members and the whole aspects of the community are run equally by women and men (Abbott et al., 2006: 32). Based on this point of view, this reform is implemented in the community and particularly inside the political parties, then women in general and the women organizations in particular will be able to freely and independently manage their affairs and gain their rights.

3. Methodology

3.1 Quantitative Method

For any research, more than one research method can be used. Weaknesses and strengths of the methods must be estimated prior in identifying the method appropriate for the research, which the researcher intends to produce. The method used in this research is the quantitative method which is specialized for working based on numbers, tables and images for presenting the research results and for showing their relations with the assumption. Through quantitative method, questionnaire tools can be used for collecting the data needed by the researchers for conducting the research (Bryman, 2012). The reason behind choosing this method by the researchers returns in one hand to the importance of the study subject and in the other hand it has been attempted to investigate the subject in a value's quantitative way for the purpose of gaining accurate information. In term of place, the community subject of this research is Erbil Province and the number of research participants in this study are 195 respondents.

3.2 Type of the Research Sampling

In this research, snowball sampling has been used through which the researcher attempts to find the required number of the research participants. As the researcher does not have access to a list of the participants and they cannot be found randomly, this sampling is regarded as non-random (Kumar, 2011: 208). In the first hand, the researcher collects information from a small number of participants whom he thinks have knowledge about the subject of the research. Then, the participants are asked to introduce more participants on the same subject. It means that the first wave of the participants will lead to a larger number of participants. The researcher, then, will find the participants guided by the previous participants to ask them the same questions and thus introduced to the required number of the participants (Omer, 2011:242).

3.3 Data Collection

For obtaining data in this research, the researcher has depended on using questionnaires for which direct meetings are held with the research participants. After gaining the participating samples' consent for meeting and after explaining the purpose of the research to the participants, the questionnaire was distributed on them as they were volunteer participants. The researcher then has collected the questionnaire forms that have been filled by the participants. The answered and received questionnaires were 195 forms. The questionnaires have been reviewed for making sure about that they answered properly and no questions were missed, and also they have been numbered. After checking the questions one by one, the answers were entered into the SPSS program for the purpose of analyzing the gained information. SPSS is a statistics software for quantitative data and the research results are shown in numbers, tables and images (Landanu and Everitt, 2004). The reason behind using questionnaire tools in this research returns to some advantages such as time and financial efficiency among the methods used for collecting the information, the swiftness of collecting the information and also it is easy for analyzing the similarities and the differences between the outcome variables (Bryman, 2012).

3.4 Ethical Issue

In a field research, the researcher must consider a number of issues. For this research, the researcher has tried to gain consent of the participants to voluntarily become research participants and to distribute and receive back the questionnaire in the appropriate time so as not to waste their times. Also, the research participants have been assured that the given information will be kept by the researcher until they are used for the research; afterwards the information will be destroyed. Opportunity has been given to the participants, if required, to give borrowed private information about themselves if they expect negative impact on their personality. Also, it has been tried not to address sensitive questions in the questionnaire in order to avoid leaving negative effects on the participant's personality, position and thinking while taking part in this study.

4. Findings and Discussions

This research attempts to conduct an analysis about the influence of political parties on women's organizations as the research samples consist of (195) people from different levels of literacy/education.

Figure 1. Explanation of literacy levels

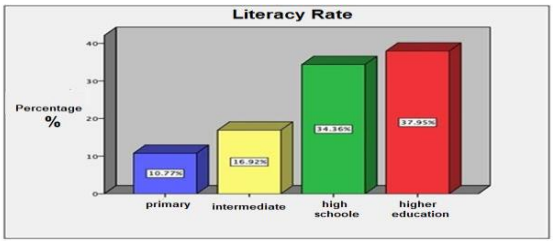

Image 1: shows the literacy levels of the research samples which consist of (195) people. A rate of 37.95% are with higher education level, a rate of 34.36% are with high school educational level while intermediate level makes 16.92% and primary level makes 10.77% of the whole samples. The image clarifies that the literacy and education levels of the participants are different.

Table 1. Relations between education levels and the reasons behind failure of achieving women's rights by the women's organizations.

Chi-Square Test	Total	Patriarchy	Political parties influence on organizations	The women themselves		
Chi-Square =1.990[a]	%100	%57.1	%14.3	%28.6	Primary	Level of literacy
Phi = .101	%100	%54.5	%18.2	%27.3	Intermediate	
Cramer's V= .071	%100	%46.3	%19.4	%34.3	High School	
P-value = .921	%100	%51.4	%13.5	%35.1	Higher Education	
	%100	%50.8	%16.4	%32.8	Total	

The main goal of the women's organizations is to insure the women's rights and achievement of equality in rights and responsibilities between women and men. Henceforward, Qadir (2009) thinks that women and organizations defending the women's rights face persecution whenever they strive for achieving their rights independently and in contrast to the will of the political parties and against the patriarchal norms of the community. As noticed, the participants of this research are from different levels of literacy and education, the levels of primary, intermediate, high school and higher education. Nearly 52% of the participants think that patriarchy hinders the achievement of women's rights.

The answers of those who think that it is because of women themselves who cannot play an effective role in the community make a rate of 32% of the total. However, no obvious difference of the answers of the participants of different literacy levels is noticed in regard whether the involvements within the political parties challenge the achievement of women's rights; their answers make a rate of 20% which is the lowest rate. In this regard, Salih (2005) believes that the political parties have not allowed women parties to act independently and away from the parties' interests. Meanwhile, the research participants' answers mark that political parties have the least effect in hindering the achievement of women's rights. Here, we conclude that the members and supporters who work in these organizations have the same thinking as the thinking and policies of the political parties.

The noticeable answers of the research participants in regard of the hindrance of patriarchy ahead of the achievement of women rights by the women organizations makes the highest rate of the answers. This is similar to the thinking of the radical feminists who think that vanishing or weakening patriarchy in the community will become a factor for the accomplishment of balance between women and men in the community; and thus, this will mitigate the possibilities of persecuting women or negatively influencing them. In another side, according to this viewpoint, with the vanishing or weakening of the patriarchal influence, women organizations will be able to act more freely in running their affairs and in achieving the rights of their members since almost the whole part of life in the traditional communities are controlled by the political parties with mostly men dominance.

Here it becomes clear that the P-value makes (.921) which is more than the expected rate which is (0.05) and also the assumption of none-existence is rejected. In another word, there is no statistical relation between the two variables. See Table No. (1) for more information.

Table 2. Relation between literacy levels and decision-making by the organizations

Chi-Square Test	Total	In favour of women interests	Culturally	Political parties' interests		
Chi-Square = 10.862[a]	%100	%66.7	%19.0	%14.3	Primary	Level of literacy
Phi = .236	%100	%54.5	%22.3	%23.2	Intermediate	
Cramer's V= .136	%100	%67.2	%7.5	%25.3	High School	
P-value = .285	%100	%68.9	%12.2	%18.9	Higher Education	
	%100	%65.6	%12.8	%21.6	Total	

As Beasley (2005) puts it, the prior goal of women's organizations emphasize the achievement of the civil rights and removing challenges in front of women's life areas such as marriage, education, participation in business, and in political life. Accordingly, women's organizations must make decisions in favor of their members. Hence, this research asks the participants whether to and what party their decision-making is relevant to. as it is known, the participant samples have different levels of education and their opinions are close to each other. More than 60% think that their organizations make decisions in favor of women's interests. According to the participants' answers, which

makes the majority, they believe that women's organizations in the Kurdistan Region issue decisions in the interest of their members, not in the interest of the political parties. Those who answered with that the women's organizations make decisions in the interest of the political parties which they are affiliated with make nearly 20% of the total answers.

This matches with the viewpoint of Salih (2005) who thinks that women's organizations have become followers of the thoughts and mentality of the rulers, and particularly the political parties. Even though, this contracts the opinion of the majority who think that women's organizations act and make decisions in favor of their members. It can be concluded that except for some people in this research like Salih who think that women's organizations have become annexes to the political parties and they cannot significantly act without the will of their political parties, yet the majority of the research participants from the different levels of education have shown the contrary. Accordingly, it shows that the women organizations to a good extent have been able to defend the rights of women and make decisions in favor of women.

As a result, it can be cleared that the P-Value equals (.285) which is higher than the standard level of (0.05); here the assumption of absence is rejected. In another word, there is no statistical relation between the two variables. Look at Table No. (2) for more information.

Table 3. The relation between literacy level and lack of independent financial sources as a reason for dependency of women's organizations on the political parties.

Chi-Square Test	Total	Partially	No	Yes		
Chi-Square = 9.242[a]	%100	%76.2	%4.8	%19.0	Primary	Level of literacy
Phi = .218	%100	%42.4	%15.2	%42.4	Intermediate	
Cramer's V= .154	%100	%59.7	%19.4	%20.9	High School	
P-value = .160	%100	%58.1	%14.9	%27.0	Higher Education	
	%100	%57.9	%15.4	%26.7	Total	

Sometimes, decision-making by women's organizations in favor of their members would be challenged because of their dependency on the political parties, especially financial dependency. In this regard, Siddiq (2005) and Qadir (2009) think that when the organizations follow the decisions of their political parties, then they would not be able to develop a special program for their own in the benefit of themselves and of their members because, as one of the reasons, they financially are dependent on the political parties. To a question whether lack of financial sources for the women's organizations is a reason for their dependency on the political parties, as shown in Table No. (3), the research respondents from the different levels of education have answered by nearly 60% that financial sources to an extent is a reason for their dependency on the political parties. Nearly 14% think that financial sources are not a reason for their dependency on the political parties. However, the respondents who answered in (Yes) from all education levels make nearly 26%. This shows that the rate of those who think that lack of financial sources is a reason for women's organizations dependency on politics is more than those who replied by (No) and do not think it as a reason.

As a result of the answers of research participants from the different levels of education it can be figured out that if the women's organizations are dependent on the parties, it is because of lack of independent financial sources. These answers are similar to the opinion of the previous references which state that if the financial sources of the women's organizations are cut by the political parties, the organizations will not be able to conduct any activities for the benefit of the organization or their members. In the traditional communities where most of the decisions and authorities are in the hands of men, financing is always used as a means for subordinating and exploiting the opposite gender.

As a result, it can be cleared that the P-Value equals (.160) which is higher than the standard level of (0.05); here the assumption of absence is rejected. In another word, there is no statistical relation between the two variables. Look at Table No. (3) for more information.

Table 4. The relation between literacy levels and shortening by women organizations in attaining women rights because of their role in the political parties.

Chi-Square Test	Total	Partially	No	Yes		
Chi-Square = 17.036[a]	%100	%66.7	%9.5	%23.8	Primary	Level of literacy
Phi = .296	%100	%54.5	%24.2	%21.3	Intermediate	
Cramer's V= .209	%100	%50.7	%41.8	%7.5	High School	
P-value = .009	%100	%35.1	%44.6	%20.3	Higher Education	
	%100	%47.2	%36.4	%16.4	Total	

As Beasley (2005) puts it, the prior goal of the women's organizations emphasizes on the achievement of the civil rights and removing the challenges in front of the women's life areas such as removing marriage challenges, education, and participation in business and in political life. Through looking at answers of the research participants about the question whether the women's organizations disregard defending the right of women, nearly a rate of 30% have answered with (No) thinking that the women's organizations have not neglected their responsibilities in defending the right of women. Meanwhile,

those who have answered by (Yes) make about 18% and they think that the women's organizations have disregarded their responsibilities in defending the rights of women because of the political parties.

This is like the opinion of Siddiq (2005); despite that there are women's organizations in the Kurdistan Region, they act according to the needs and programs of the political parties and their programs are developed by the parties. However those who have answered by (to an extent) make more than 50%; they make the highest rate among the respondents. This shows that the duties of the political parties are also a factor for the women's organizations not to fulfil their responsibilities in the interest of their members and women in general because the interests of their political parties come prior the interests of women. As mentioned in the previous references of this research, if the women's organizations and women in general act in a way opposite to the interests of the political parties, they will face more problems and challenges in their daily life.

As a result, it can be cleared that the P-Value equals (.009) which is higher than the standard level of (0.05); here the assumption of absence is rejected. In another word, there is no statistical relation between the two variables. Look at Table No. (4) for more information.

5. Conclusion

Women's organizations as official organizations have come to existence in the Kurdistan Region following 1991. These organizations have worked either under the influence of the political parties or independently. Therefore, this research attempts to clarify the influence of the political parties on women's organizations. Involvement of the women's organizations within the political parties makes hinderances ahead of the organizations in achieving the rights of women. The research participant who answered the questionnaire are 195 people of different levels of literacy/education. The results of the research show that the political parties in a low rate leave influence on the women's organizations in the Kurdistan Region. However, a major rate of the respondents' answers return the failure in the achievement of the rights of women by the women's organizations to patriarchy, which hinders attaining their rights.

The results of this research show that the answers of the participants are to an extent similar to the opinion of the aforementioned references as they think that the women's organizations are dependent on the political parties because of the lack of financial sources. However, in reply to the question whether the women's organizations in making decisions what aspects do they consider, the majority of the research participants think that the women's organizations make decisions in favor of women, not only in the interest of the political parties. The results of this research shows that women's organizations to a fair extent cannot firmly and independently manage their responsibilities for defending the rights of their members because the political parties politically or financially influence these organizations.

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VOLUME: 4
ISSUE: 1
JANUARY - APRIL, 2020

PRIZREN SOCIAL SCIENCE JOURNAL

ISSN: 2616-387X
DOI: 10.32936

PSYCHOMETRIC PROPERTIES OF THE GEORGIAN VERSION OF THE GRIT SCALE

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Article history:

Accepted 21 November 2019
Available online 31 April 2020

Keywords:

Grit,
Personality traits,
Creative activities,
Creative achievements,
Psychological well-being.

A b s t r a c t

The concept of grit refers to an individual's tendency to keep perseverance and passion for long-term goals despite setbacks or obstacles. The present research examines the psychometric properties of the Georgian version of the Grit. 431 individuals participated in the study. Results from the confirmatory factor analyses (CFA) supported a two-dimensional higher-order structure of grit. The relationship with big five personality traits, creative activities, creative achievements, and psychological well-being demonstrated the construct validity of the Georgian version of the Grit Scale (G-Grit). The Georgian version of the Grit Scale seems well suited for future research purposes.

1. Literature Review

Why do some individuals accomplish more than others with equal intelligence? To answer this question Duckworth and colleagues (2007) introduced the concept of grit as a higher-order personality trait expressed in perseverance and passion for long-term goals (Duckworth, Peterson, Matthews, & Kelly, 2007). One of the factors of grit - consistency of interests - reflects an individual's tendency to maintain focus on the accomplishment of the personally meaningful goals for a long period of time. People with high scores on another factor of grit - perseverance of effort - pursue those goals with sustained effort despite setbacks or obstacles (Duckwort et al., 2007; Duckworth & Gross, 2014). Those with high scores on grit make fewer career changes, than less gritty individuals; the overall score of grit might increase over the life span as older individuals tend to be higher in grit, then younger ones (Duckworth, Peterson, Matthews, & Kelly, 2007).

Grit is considered to be more than just one of the big five personality traits (namely, conscientiousness), as it entails the capacity to sustain both, effort and interest in long-term projects (Duckworth, Peterson, Matthews, & Kelly, 2007). However, besides the similarity between the definitions of grit, on the one hand, and conscientiousness, on the other hand, recent meta-analysis (Credé, Tynan, & Harms, 2017) demonstrate that the relations of grit and its factors to conscientiousness is very strong and positive. Emotional stability and self-control (often addressed as one of the facets of conscientiousness) are strong positive correlates of grit as well (Credé et al., 2017). Agreeableness and extraversion are positively related to both of the factors as well as the overall score of grit, while perseverance of effort solely correlates with openness to experience (Butz, Hanson, Schultz, & Warzynski, 2018; Duckworth et al., 2009). Beyond the talent that is necessary for being successful in a particular domain, the gritty individuals are most likely to engage in the amount of deliberate practice that is required for having a good performance (Duckworth, Kirby, Tsukayama, Berstein, & Ericsson, 2011). Grit is considered to be a significant predictor of a performance on well-defined tasks, but not on ill-defined ones, where creativity and the readiness to give up unsuccessful strategies is required (Credé, Tynan, & Harms, 2016).

General score of grit is positively related with performance and success in domains of sport (Larkin, O'Connor, & Williams, 2015), military services, sales, academic and everyday life (Eskreis-winkler, Duckworth, Shulman, & Beal, 2014; Credé et

al., 2017; Duckworth et al., 2007). However, the latest studies aimed to examine whether grit is a domain specific or domain general personality trait, have demonstrated mixed results supporting both domain specificity and domain generality of grit (Cormier, Dunn, & Dunn, 2019; Clark & Malecki, 2019; Schmidt, Fleckenstein, Retelsdorf, Eskreis-Winkler, & Möller, 2017).

General grit as well as academic grit scores are positively related to life satisfaction (Credé et al., 2017; Clark & Malecki, 2019; Vainio, & Daukantaitė, 2015). Life satisfaction demonstrates a higher correlation with the perseverance of effort, than with the consistency of interests' scores (Credé et al., 2017). The relationship between grit and different aspects of well-being is partially mediated by a sense of coherence, on the one hand, and authenticity, on the other hand (Vainio, & Daukantaitė, 2015). People experiencing psychological well-being (PWB) focus on a personal growth, they seek for a purpose in life, which might require motivation to pursue long-term goals – characteristic of the gritty individuals (Ryff & Singer, 2008; Vainio, & Daukantaitė, 2015) who seek happiness through engagement and meaning, but not through pleasure (Von Culin, Tsukayama, & Duckworth, 2014).

Although the debate about the predictive validity of grit in explaining various outcomes over and above intelligence or some personality traits is ongoing, there are several instruments developed to measure grit; a 12-item Original Grit Scale (Grit-O; Duckworth et al., 2007) and an eight-item Short Grit Scale (Grit-S; Duckworth & Quinn, 2009) provide domain general scores, while development of the domain specific measures of grit are in the spotlight (i.e. Cormier et al., 2019). These instruments are translated and validated in different countries in Europe and Asia (i.e. Li, Zhao, Kong, Du, Yang, & Wang, 2016; Schmidt, Fleckenstein, Retelsdorf, Eskreis-Winkler, & Moller, 2017) and support the higher-order factor structure of the Grit Scale.

2. Present research

The aim of the research is to examine the psychometric properties of the Georgian translation of the 12-item Original Grit Scale (Grit-O; Duckworth et al., 2007). The 12 item Grit Scale provides two different factors assessing the consistency of interests ("My interests change from year to year"), on the one hand, and perseverance of effort ("Setbacks don't discourage me"), on the other hand. The items are rated on a 5-point Likert-like scale from 1 not at all like me to 5 very much like me. The psychometric properties of the Georgian version of the Grit Scale, specifically, the factor structure, reliability and the relations with other constructs such as big five personality traits, creative achievements, and psychological well-being are examined in the study.

2.1 Method

2.1.1 Participants

The data collection was based on the three independent samples. As the presented results, depending on the relationships with variables under examination, involve either one or two samples, we report only the total sample size, mean age, and reliability coefficients (Cronbach's alphas) for each of the instruments. Altogether, 431 volunteers (241 females) participated in the study (aged from 17 to 66). No compensation has been offered. Participants gave their informed consent and had the possibility to drop out at any time.

2.1.2 Instruments

The Grit Scale. Prior to the present study, two experts prepared independent translations of the Grit Scale. After discussion, the two translated versions were combined to create the first Georgian version of the Grit Scale (G-Grit). Next, the questionnaire was back-translated to check whether the content of items matched the original content. Next, an initial administration of the test was conducted (N = 30) to assess item coherence, as a result of which, several items have been modified. Personality traits. Ten-Item Personality Inventory (TIPI; Gosling, Rentfrow, & Swann, 2003) was used to assess big five personality traits of openness, conscientiousness, extraversion, neuroticism, and agreeableness. Participants rated 10 items on a 7-point Likert-type scale from 1 (disagree strongly) to 7 (agree strongly) based on their degree of agreement with each item. The instrument was translated and validated in the framework of the unpublished research report (Sordia & Martskvishvili, 2019).

Psychological well-being. Psychological well-being was measured by the Psychological Well-Being Scale (PWB; Diener, Wirtz, Biaswas-Diner, Tov, Kim-Prieto, Choi, & Oishi, 2009) which consists of eight items describing important aspects of human functioning (i.e. "I lead a purposeful and meaningful life"). Each item is rated on a 7-point Likert type scale from 1 Strongly disagree to 7 Strongly agree. The inventory provides one general score of psychological well-being. The instrument was translated and validated in the framework of the unpublished research report (Martskvishvili, 2015).

Creative activities and achievements. Creative activities and achievements were assessed by the Georgian version (Martskvishvili & Sordia, 2019) of the Inventory of Creative Activities and Achievements (ICAA; Diedrich, Jauk, Silvia, Gredlein & Neubauer, 2017), which provides creative activities and achievement scores for eight different domains (literature,

music, arts and crafts, creative cooking, sport, visual art, performing art and science and engineering). The creative activity scale consists of six items per domain and asks how frequently a certain activity has been performed in the past 10 years (i.e. "wrote a piece of music" or "wrote a blog entry"). Answers are given on 5-point Likert-type scale (0 = never; 1 = 1–2 times; 2 = 3–5 times; 3 = 6–10 times; 4 = more than 10 times). The creative achievement scale assesses past 10 years' achievements for eight domains on the 11 levels of attainment - ranging from I have never been engaged in this domain to I have already sold some work in this domain. The ICAA provides the domain-specific scores as well as the domain-general scores for creative achievements.

Table 1. Means, standard deviations, and reliability coefficients of the measures

	N	*Item N*	*Chronbach's α*	*M*	*SD*
TIPI					
Openness	98	2	.43	10.37	2.76
Conscientiousness	98	2	.57	10.69	2.88
Extraversion	98	2	.64	8.38	3.57
Agreeableness	98	2	.28	11.11	2.38
Neuroticism	98	2	.65	8.37	3.45
Creative achievements	254	88	.84	5.81	5.22
Creative activities	254	48	.95	1.54	0.69
Psychological well-being	248	8	.82	43.30	7.14

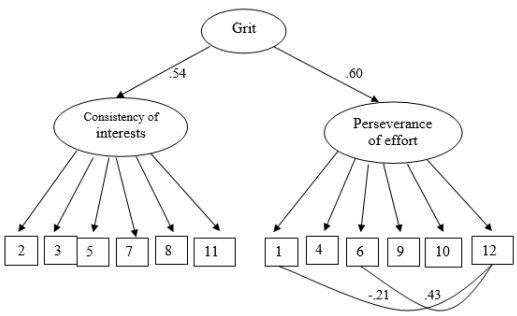
Note. TIPI = Ten-Item Personality Inventory

3. Results

3.1 Factor structure

The CFA for the two-dimensional higher-order model did not fit the data sufficiently: $\chi 2$ (53) = 209.65, CFI = .90, RMSEA = .08. Due to high modification indices, we allowed the correlation between item residuals of three items (Item 1, 6, and Item 8). As the items were similar, these modifications seemed to be theoretically sound. The modified two-dimensional second-order model of grit appeared to fit the data well [$\chi 2(25, N = 431) = 133{,}525$, $p < .001$]. The comparative fit index (CFI) = .95, the Tucker-Lewis fit index (TLI) = .93, and the RMSEA = .06. The two sub-scales - Consistency of Interest (CI), and Perseverance of Effort (PE) were first order latent factors loaded on the first order factor. The factor structure and factor interrelations are presented in Figure 1 and Table 2, respectively.

Figure 1. Standardized factor loadings for the model



3.2 Descriptive statistics and internal consistencies

Minimum, maximum, skewness, and kurtosis of the two factors, and the global grit score are reported in Table 2. Also, mean and standard deviations are provided for men and women, indicating that there are no significant gender differences in terms of grit. The global construct of grit as well as consistency of interest, and perseverance of effort display acceptable reliabilities.

Table 2. Descriptive statistics, internal consistencies and inter correlations of the Grit Scale(N = 431)

	M	*SD*	*Chronbach's α*	*Item N*	Skewness	Kurtosis	Woman		Man				
							M	*SD*	*M*	*SD*	*t*	CI	PE
CI	3.10	.90	.79	6	-.09	-.78	3.08	.89	3.11	.91	.36	-	
PE	3.68	.80	.80	6	-.47	-.04	3.70	.80	3.65	.80	-.68	.25**	-
Grit	3.39	.67	.80	12	-.09	-.41	3.39	.65	3.38	.70	-.16	.82**	.76**

Note. **p< .01; * p< .05; CI = consistency of interests; PE = perseverance of effort.

3.3 Construct validity

Correlations with other constructs are provided in Table 3. Global score of grit as well as its both factors are positively correlated with big five traits of conscientiousness. The relationship between psychological well-being and grit is positive and significant. Creative achievements are positively related with the overall score of grit as well as its factor of persistence of effort.

Table 3. Correlation matrix

	CI	PE	Grit
PWB	.18**	.56**	.43**
Creative achievements	.04	.18**	.13*
Creative activities	.06	.17*	.14*
TIPI			
Neuroticism	-.35**	-.17	-.33**
Conscientiousness	.23*	.37**	.36**
Openness	.04	.24*	.17
Agreeableness	.05	.04	.06
Extraversion	.07	.29**	.21*

Note. *p<.05 **p<.01; PWB = psychological well-being; CI interests; PE = perseverance of

effort

4. Discussion

The present study aimed to examine the psychometric properties of the Georgian translation of the Grit Scale (Duckworth et al., 2007). Confirmatory factor analyses supported the two-factor structure of grit; consistency of interest and perseverance of effort both were the first-order factors. The result is consistent with the theoretical framework of the concept, where grit is considered as a higher-order construct with two lower order facets (Duckworth et al., 2007; Duchworth et al., 2009). Inter-factor correlation of the scale is similar to the results of the previous studies (i.e. Clark & Malecki, 2019) indicating that factors of the Grit Scale; consistency of interests, on the one hand, and perseverance of effort, on the other hand, are interrelated but distinct constructs having different correlates (Credé et al., 2017).

Unlike the meta-analysis (Credé et al., 2017) indicating the very strong correlation between conscientiousness and grit, in the present study, the relationship between conscientiousness and consistency of interests as well as the perseverance of effort scales are positive but moderate. As the big five personality traits are measured by the ten-item personality inventory and conscientiousness is assessed by the only two items, it could be speculated that all the facets of the conscientiousness are not captured by the inventory used in the present study. Those facets, namely, self-control can strengthen the correlation between grit and conscientiousness.

Both factors of grit are positively related to psychological well-being. The relationship between psychological well-being and perseverance of effort is much stronger than the relationship between psychological well-being and consistency of interests as demonstrated in the previous studies (i.e. Credé et al., 2017; Vainio, & Daukantaitė, 2015).

The relationship between grit and educational achievements is thoroughly examined topic, where grit is considered as a significant predictor of performance and success (Credé et al., 2017; Duckworth, Kirby, Tsukayama, Berstein, & Ericsson, 2011). In our study grit was examined as a correlate of creative performance measured by creative activities and achievements. According to the results only the perseverance of effort was related to creative activities as well as creative achievements. Creative activities and achievements are distinct from creative ability and consist of everyday creative activities and real-life creative accomplishments acknowledged by others (Eysenck, 1995; Wallach & Wing, 1969; Diedrich et al., 2017). Creative achievements are predicted by intelligence, creative activities,

emotionality, novelty, and openness to experience (Batey, Furnham, & Safiullina, 2010; Jauk, Benedek, & Neubauer, 2013; Runco, Millar, Acar, & Cramond, 2010; Sordia, Martskvishvili, & Neubauer, in press; Torrance, 1969; Torrance, 2003; Wallach & Wing, 1969). For attaining creative achievements a willingness to overcome obstacles (Sternberg & Lubart, 1991), an intention of being creative (Nickerson, 1985), and to understand and influence other people's emotions are necessary (Sordia et al., in press). Thus, the way to creative achievements might be full of obstacles and gaining creative accomplishments can be related to the individual's tendency to follow personally meaningful goals and overcome any kind of obstacles or setbacks in the way to the goals.

5. Limitation and conclusion

The main limitation of the present study is related to the measurement method of personality traits. We assess big five personality traits with the measure that did not capture all aspects of the traits thoroughly. This could have affected the results of the study. Also, It would be reasonable to assess divergent validity of grit in predicting creative activities and achievements, as well as psychological well-being over and above personality traits. Notwithstanding these restrictions, psychometric properties of the Georgian translation of the Grit Scale are satisfactory. Confirmatory factor analysis confirms two-dimensional second-order factor structure of the Grit Scale. In sum, because of its factor structure, the internal consistencies and validities regarding other constructs, the Georgian version of The Grit Scale seems well suited for future research purposes.

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VOLUME: 4
ISSUE: 1
JANUARY - APRIL, 2020

PRIZREN SOCIAL SCIENCE JOURNAL

ISSN: 2616-387X
DOI: 10.32936

ADVANTAGES, DISADVANTAGES AND THE PERFORMANCE OF FOREIGN DIRECT INVESTMENT IN THE REPUBLIC OF KOSOVO 2008-2019

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Article history:

Accepted 11 January 2020
Available online 31 April 2020

Keywords:

Republic of Kosovo,
Direct Foreign investments,
Business environment,
Economic Development,
Doing Business.

A b s t r a c t

Economic development is an aspiration for every country in the world including Kosovo. Foreign Direct Investment (FDI) plays a very important role in the economic development of Kosovo which is in the process of transition. For Kosovo, it is essential to have an accelerated pace of economic growth, lower unemployment, higher quality of life, lower demographic migration and lower poverty rates, thus attracting FDI has a direct and very important role to play. Although Kosovo has a large number of advantages for attracting foreign investment, there are also a number of challenges or disadvantages that are very evident which negatively impact on current and potential investors in the future. Based on the data analysis, the overall trend of FDI has declined in recent years, therefore it is very important for Kosovo to develop further steps to improve the business climate in Kosovo and attract foreign investments.

The purpose of this paper is to analyze the performance of FDI in Kosovo 2008-2019, to analyze the advantages and disadvantages of doing business in Kosovo, to identify where Kosovo stands in terms of doing business and what is new for Kosovo in a way that improve the business environment and attract foreign investment. To achieve this goal of comparative analysis and identification, the integrative review method was used.

1. Introduction

Given the fact that Kosovo is currently facing various problems and obstacles that directly affect the slacke of economic development, FDI plays a very important role for Kosovo. Kosovo currently has a general lack of financial insufficiency, while on the other hand there is an urgent need to address the unemployment problem and the socio-economic aspect in general. FDI is very important for the state of Kosovo and plays a key role in many different aspects, such as new technologies, new capital, positive impact on marketing and management as well as western experience plays a very important role, therefore as a result this would help economic growth, generate new jobs, increase exports and improve the deficit market (Shkodra, Xhemili, Badivuku-Pantina 2015, 82).

FDI is closely linked to economic growth in different countries and thus FDI plays a very important role for countries in transition such as Kosovo and this is due to the great need these transition contries have for attracting FDI and exploiting them effeciently in the most strategic sectors of their respective economies (Badivuku-Pantina, Zogjani 2015, 28).

According to Ilia Kristo (2004), FDI represents the takeover of various investment operations and they represent the influx of many organizations that include international investment. FDI has its positive and negative aspects in the host country. The host country should have a close relationship with foreign investors and should value their contribution to the economy of the country concerned. FDI is followed by positive and negative aspects in a given country. Positive aspects consist: 1. capital formation; 2. new technologies; 3. geographic and regional development; 4. entrepreneurship and internal competition; 5. employment. Whilst, negative aspects include: 1. individual dominance; 2.

technological dependence; 3. economic plan concerns; 4. cultural changes; 5. avoidance of local government.

The Western Balkans consists of 6 countries: North Macedonia, Kosovo, Albania, Bosnia and Herzegovina, Serbia and Montenegro which have political, economic and social similarities. Western Balkan states, including Kosovo, have many natural and human resources, but are still not being treated seriously by international investors (Jusufi, Lubeniqi 2019, 168). However, the impact of the global financial crisis that reached its peak in 2008 has also been transmitted in the reduction of FDI in the western Balkans including Kosovo, due to the fact that the eurozone countries have been most affected by this crisis and are countries that provide the largest sources of FDI inflows. The emergence of this crisis made these countries face economic hardship and as a result reduced FDI. (Badivuku-Pantina, Alishani 2015, 264)

In October 27, 2015, in Strasbourg, Kosovo signed the Stabilization and Association Agreement. The agreement enables Kosovo to liberalize trade with all European Union (EU) member states, strengthen regional co-operation by aligning its political and economic preferences with EU member states and implement an appropriate institutional framework in order to increase Kosovo's competitiveness. This agreement also includes cooperation between the parties to promote and protect overall investment by focusing on FDI, domestic investment and creating a favorable climate for overall investment, which is very important for Kosovo to revitalize its economic development. (Group for Legal and Political Studies, 2017).

According to WORLD BANK GROUP - Doing Business (2019), Kosovo is ranked 44th in doing business. While according to WORLD BANK - Country Snapshot (2019), Kosovo's medium-term growth outlook is positive, but the country needs to create a sustainable political environment and create a better business climate by attracting investment. In order to attract FDI, Kosovo should take the following measures: systematic increase of political stability, fight against corruption, increase of constant contacts with the Kosovar diaspora, reduction of bureaucracy, facilitation of administrative procedures, strengthening of the legal environment (Riinvest, 2002)

This paper is organized into five sections. The first section begins with an introduction. The second section is about the advantages of doing business in Kosovo. The third section analyzes the disadvantages of doing business in Kosovo. The fourth section analyzes FDI performance for the period 2008-2019. At the end is the section of conclusions.

2. The Advantages of Doing Business in Kosovo

Kosovo has a very favorable and strategic position because it is located in the heart of the Balkans. Distance to regional countries places Kosovo as a very attractive place for attracting FDI and Kosovo offers easy access by road, rail and sea ports such as Thessaloniki to Greece: 329 km, Durres to Albania: 262 km and Bar to Montenegro : 299 km (Ministry of Trade and Industry [MTI], Kosovo Investment and Enterprise Support Agency - [KIESA]). The recent investments of the Republic of Kosovo in highways have positioned Kosovo as a very attractive place for foreign investments, the highways with Albania and Northern Macedonia have positively impacted the reduction of transport time to three hours and one hour respectively. Prishtina International Airport contains regular flights and is connected to almost all international countries.

The workforce which constitute 65% of the population is considered to be the cheapest in the region, multiethnic country and the knowledge of foreign languages make Kosovo very attractive for foreign direct investment (Group for legal and political studies, 2017).

Kosovo is the youngest population in Europe, with an average age of 30.2 years. This workforce is well-trained and this makes Kosovo attractive to foreign investors. There are a number of aspects that make Kosovo attractive for FDI, noting that Kosovo had consistently an average GDP growth rate of 3.5% for 2009-2018. This positive performance is also foreseen for 2019 at the rate of 4.4%, while in 2018 GDP increased 4.1% (Kosovo Reform and Economy Program 2019-2021). Kosovo's economy has continued to increase above the average of the Western Balkans after the global financial crisis. GDP per capita increased from US $ 1,088 in 2000 to US $ 4,108 in 2018. (The World Bank in Kosovo - Country Snapshot, 2019).

Kosovo has dynamically made efforts to stimulate the formal economy and boost investment, therefore in 2015 Kosovo implemented the new fiscal package aimed to promote the formal economy and attracting different investments. This package is also extremely attractive for FDI where Corporate Income Tax of 10% (MTI - KIESA) is foreseen. In addition, the Law on Strategic Investments that aims to facilitate market access for investors in key sectors has also been ratified: 1. Energy with infrastructure and Mining; 2. Transport and Telecommunication; 3. Tourism; 4. Processing industry; 5. Agriculture and Food Industry; 6. Health; 7. Industrial and Technological Parks; 8. Wastewater and Waste Management. The Law on Strategic Investments aims to identify priority sectors that affect economic development, contribute to employment growth, the applying new technologies, increase

exports, reduce trade deficits and increase welfare of citizens in general. (Strategic Investments in the Republic of Kosovo, 2017). In addition, in Kosovo there is a large number of sectors that can attract FDI, a very important sector is Information and Communication Technology (ICT), while on the other hand there is a huge investment potential for the metal extraction and processing industry. Also, the natural potential is rich with: coal, zinc, ores and lead, therefore all these assets make Kosovo very attractive for FDI. (Çollaku, 2018).

3. The Disadvantages of Doing Business in Kosovo

Although Kosovo has a large number of advantages for attracting foreign investment, there are also a number of challenges or disadvantages that are very evident and which negatively impact on current and potential investors for the future. It is very important for Kosovo to develop further steps to improve the climate of doing business in Kosovo and attract foreign investment. Kosovo is currently very limited in attracting FDI due to poor communication and lack of information sharing with international markets and the international economic environment. Unstable political stability, high corruption, lack of transparency, slow reforms to the business environment, poor perception of foreign investors and citizens of the Kosovo diaspora are all challenges and disadvantages faced by current and potential foreign investors in Kosovo. (Group for Legal and Political Studies, 2017). Kosovo is currently facing a lack of rule of law and this is a very important aspect of Kosovo's position with a bad and unattractive perception for foreign investors (Çollaku, 2018). Kosovo does not stand well in the informal economy either, which according to Southeast European Leadership for Development and Integrity (SELDI), (2016) the informal economy is estimated at 31% of the GDP.

Group for Legal and Political Studies cooperated with the European Investors Council (EIC), (2017), conducted a study with foreign investors operating in Kosovo, with the aim of identifying foreign investors' perceptions of investments in Kosovo and the climate of doing business in Kosovo. The paper will focus on highlighting only the aspect of disadvantages that respondents have highlighted. A total of 16 investors have been randomly selected from European Union (EU) and European Free Association (EFTA) countries. The survey was conducted during July-September 2016 and the respondents were those investors who started investing after 2000 and after 2005. The disadvantages of the respondents were as follows:

Table 1. Investors perception

	Negative	**Positive**	**Neutral**
Infrastructure	37.50%	0	62.50%
Labor-Related Matters	12.50%	12.50%	75%
Political Factors	93.75%	0	6.25%
Rule of Law	93.75%	0	6.25%
Socal Factors	18.75%	37.50%	43.75%
Financing	25%	6.25%	68.75%

Source: Group for Legal and Political Studies

-Institutional incompetence, weak rule of law, corruptin, weak legislative implementation, frequent legislative changes.

-Lack of incentives, adequate treatment and security for investitors.

-Ambiguous and inconsistent regulations, weak contract enforcement

-Lack of functional administration, incompetent courts, corrupt public procurement, immature guverment

-Market instability, lack of standards, lack of guverment will towards creating favorable environment, bureaucrycy, ethinic tensions.

-Clientelism

-Kosova’s Image

-Education.

4. The Performance of Foreign Direct Investments in the Republic of Kosovo 2008-2019

Given the positive impact that foreign investments have on the economy, developing countries are interested in attracting FDI. Over the last decade, Kosovo has been maximally committed to attracting FDI by making various reforms to improve the business environment in order to affect economic growth, increase employment and welfare and aim to reduce poverty. Foreign investment during the period 2008-2019 has not been positive. The trend of FDI during this period has steadily declined and this has been due to many factors according to the report (Group for legal and political studies, 2017). The decline in FDI has been a result of high corruption, the lack of rule of law, organized crime, and the unstable political stability facing Kosovo, while on the other hand, the slow process with many problems within the privatization process have had a negative impact on foreign investments. Nevertheles, according to Nadie Ahmeti (2019), political instability has been one of the factors that has adversely affected FDI. However, the impact of the global financial crisis that reached its peak in 2008 has also been transmitted to the reduction of FDI in the western Balkans including Kosovo, as a result of the fact that the eurozone countries have been most affected by this crisis and are countries that provide the largest sources of FDI inflows, then with the emergence of the crisis these countries have faced economic difficulties and as a result FDI has decreased (Badivuku-Pantina, Alishani 2015, 264). The trend of FDI over these years is shown in the table below:

Table 2. Foreign Direct Investment – based on economic activity

Investments' value within the reporting period: in millions of Euros

Years	Total	Agriculture	Mines	Industry	Energy	Construction	Trading Services	Hotels and Restaurants	Transport and Communication	Financial Services	Real Estate	Other services	Other activities
2008	369.9	8.5	17.4	53.7	16.7	16.5	10.1	2.1	51	109.6	62.2	2.1	23
2009	287.4	13.1	7	57.6	8.7	35.5	16.2	2.4	21.9	75.3	43.9	2.7	3.2
2010	368.5	0.9	17.7	101.1	-	54.2	6.8	-	-15.9	39.4	75.5	1.3	87.6
2011	384.4	0.6	-5.2	46.9	0.2	133.1	11.6	0.2	29	33	60.5	11.3	63.2
2012	229.1	0.3	-25	27.4	2.2	31.1	9.3	0.5	32.4	22.4	115.7	1.8	11
2013	280.2	0.4	-14.1	11.5	48.8	17.3	14.6	0.8	51	4.4	136.1	3.3	6.2
2014	151.2	0.2	4.2	-34	13.4	-19.9	8.4	0.4	-9.1	41.9	142.1	2.2	1.4
2015	308.8	1	-36.9	20.7	11.9	46.3	12	0	-6.1	64.3	189.6	4.5	1.4
2016	220	1.2	-19.1	4.6	3.4	28.2	14.5	0.7	-9.4	19	167.6	9.4	-0.6
2017	255.4	-1.3	-4.9	5.7	-1	5	10.3	0.8	-7.9	55	187.2	4.9	1.6
2018	272.1	0.1	-2.7	-16	26.2	24.8	20.2	1.8	-16.6	14.5	207.5	10.3	2
2019	229	1.4	-1.6	-4.1	16	12.1	-8.6	1.1	1.7	11.2	173.8	5.9	7.3

Source: Central Bank of Kosovo

According to statistical data analysis, the value of FDI for the reporting period 2008-2019 has decreased.

Based on chronological analysis, if we compare the last three years of the reporting period, the trend of foreign investments has been approximately the same. However, if we rely on the general trend of FDI, the highest amount of investment was in 2008 with 369.9 million Euro invested, while the lowest amount of foreign investment was in 2014 with 151.2 million Euro. Real Estate, Financial Services and Construction are among the most important sectors where the highest value of investments by foreign investors is achieved. According to the chronological analysis, in the real estate sector from 2008 to 2019, the value of investments has been increasing year after year. In the Financial

Services sector as the second most attractive sector, the value of investments was large but does not reflect any trend of progressive growth, however the trend of investments in this sector has been the same. While in the Construction sector as the third most important sector for foreign investments, the lowest value of investments was in 2014, while the highest in 2011, but as a general conclusion the trend of investments in the construction sector has been the same.

Foreign direct investment has consistently been driven by many international countries that have directed capital flows into

Kosovo. The country of origin of these investments varies in the general trend. The following table shows the FDI origin according to the analysis for the period 2008-2019:

Table 3. Direct Investment - by Countries

The Value of investments within the reporting period, in millions of Euros

Years	Austria	Germany	Slovenia	UK	Switzerland	Turkey	Netherlands	USA	France
2008	51.3	44	44.3	36.6	32.1	23.8	25.9	4.8	3.5
2009	15.5	75.2	50.8	6.2	22.7	14.5	23.1	11.8	6
2010	21.1	91.5	34	38.9	35.1	4.9	17.2	12.6	3.8
2011	19.6	66.6	16.2	80.1	30.9	34.7	4.7	14.3	0.2
2012	0.2	49.2	8	14.3	39.7	62.7	-26.7	8.5	6.9
2013	10.7	21.7	7	10.7	41.7	88.6	-0.1	12.7	3.8
2014	30.3	39.4	-9.4	-39.5	38.2	20	-7.8	14.7	3.3
2015	33.5	45.3	5.6	26.6	72.9	55.4	-36.4	25	3.2
2016	9.9	25.7	-4.5	13.6	61.8	42.7	-23.1	23	2.8
2017	20.3	55.9	1.2	27	50.6	29.5	-14.1	20.3	3.6
2018	11.2	60.3	-8.7	57.4	71	12.2	-39.7	35.5	5.6
2019	3.2	57.4	10.3	-10.3	39.5	4.7	-4.1	28.6	2.8

Source: Central Bank of Kosovo

Based to chronological data analysis, the greatest investing countries are Germany and Switzerland, followed by Turkey and the UK. Over the years, the flow of investment originating from Germany and Switzerland has been increasing, while it is interesting to note that the Netherlands has had a negative investment trend since 2012. It is very important to note if we focus on the United States of America (US) that the overall trend of investment is constantly increasing. The value of the largest investments from Germany was in 2010 with 91.5 million euros, while the lowest value was in 2013 with 21.7 million euros. On the other hand, if we look Switzerland, the highest value of investment was € 72.9 million in 2015, while the lowest value of investment was € 22.7 million in 2009.

5. Conclusion

Based on the data analysis, the performance and trend of foreign direct investment has been negative, over the years the trend of foreign direct investment has declined. According to the comparative period data analysis, the most important sectors to invest by foreign investors have not changed. The most important sectors that have absorbed most investments remain Real Estate, Financial Services and Construction. However, all three sectors have declined since 2017, and this is an indication that the market is saturating. According to data analysis, Germany, Switzerland and Turkey remain the leading countries with most investments during this decade. The high level of investment from Turkey is directly linked to the privatization of electricity distribution and investment in the new airport terminal. While the other two countries that have been leading the FDI, Germany and Switzerland, the investment flow is also due to the concentration of the Kosovar diaspora in these countries. FDI remains vital to Kosovo's economy, therefore the Kosovo government needs to develop a concrete strategy and plan for attracting and protecting foreign investors. The Government of Kosovo should dynamically and as quickly as possible begin the process of reforming the business environment, aiming to improve the ranking and doing business at the national level in a higher and more positive order. Kosovo has many advantages and natural resources for attracting foreign investors, but on the other hand Kosovo lacks specific FDI attaractive policies. Kosovo should start the fight against corruption and organized crime as soon as as possible in order to become attractive for FDI. If Kosovo institutions do not address the fight against corruption as the first and most important step, then Kosovo will not be able to improve the image for attracting FDI. In order to achieve a better ranking of doing business in Kosovo and to gain the attraction and positive perception of Foreign Investors, it is crucial that Kosovo succeeds in overcoming a large number of long term challenges that it faces, therefore it is very important for Kosovo to achieve political stability, combat and reduce the informal economy, have reliable electricity supply, strengthen the rule of law, and achieve normalization of relations with Serbia. On the other hand, it is very important to improve the education system with the aim of improving and enhancing the quality of the workforce, matching them with the needs of employers and the needs of the market in general.

Kosovo institutions should have the support of everyone, including every citizen of Kosovo in order to improve the environment and climate of doing business. Everyone should bare in mind that without FDI, Kosovo will not be able to have economic development in general.

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VOLUME: 4
ISSUE: 1
JANUARY - APRIL, 2020

PRIZREN SOCIAL SCIENCE JOURNAL

ISSN: 2616-387X
DOI: 10.32936

HEXA HELIX: STAKEHOLDER MODEL IN THE MANAGEMENT OF FLOODPLAIN OF LAKE TEMPE

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Article history:

Accepted 01 March 2020
Available online 31 April 2020

Keywords:
Stakeholders mapping,
Penta Helix,
Flood Disaster Management,
Lake Tempe.

A b s t r a c t

The main problem in the management of the floodplain of Lake Tempe is the weak involvement of affected communities in disaster management. The purpose of this research is to comprehensively analyze and map stakeholders in managing floodplain. The penta helix concept is used in stakeholder mapping. This research applied mixed methods, qualitative and quantitative. Data collection was done through in-depth interviews with various parties who understand the problem of research and direct observation "pre", "whilst", and "post" a disaster occured. Affected communities are found to be an important part of the disaster management stage. Affected communities, who have been the object of disaster, should be the subject of disaster management. The recommendation for the results of this research is that the concept of five stakeholders in penta helix was not sufficient in disaster management. Affected communities deserve to be placed as one of the stakeholders, in addition to the government, business world, universities, NGOs, mass media. This six-stakeholder concept is called "hexa helix".

1. Introduction

Indonesia is a disaster-prone country, because it faces disasters either at any time or in a certain time. Disaster management must be handled in an integrated, holistic and comprehensive manner. Overcoming the problem of disaster various parties have been involved, but the important role of the state cannot be ignored. The Preamble to the 1945 Constitution of the Republic of Indonesia mandates that the government must be the main party in charge of disaster management. The implementation of the mandate is that the government together with the House of Representatives of the Republic of Indonesia (DPR RI) in 2007 established the Law of the Republic of Indonesia Number 24 of 2007 concerning Disaster Management as a legal basis for the implementation of disaster management.

The Disaster Management Law regulates responsibilities based on values, institutions and the distribution of authority. Although the implementation of disaster management has been regulated by law and its implementing regulations, there are still many issues that need to be reviewed, related to harmony to the role of stakeholders.

The research of stakeholders came from management and business administration studies (Brugha and Varvasovszky, 2000), this research developed and was applied in broader scientific studies, such as in political science, public policy, development studies and environmental studies. The concept and understanding of stakeholders depend on the academic interests or perceptions of the scientists who research them (Billgren and Holme, 2008). The researchers clarified their views in line with

their beliefs and positions about who can be seen as stakeholders so that there is no bias in identifying stakeholders (Stoney and Winstanley. 2001). The opinion of Christopher Stoney and Diana Winstanley regarding the definition and concept of stakeholders is very dependent on the viewpoint of the researcher.

Freeman stated that stakeholders are a group of people or individuals who influence each other and are influenced by the achievement of certain goals of the organization (Freeman, 1984). Biset believes that stakeholders are people with an interest or attention to an issue (Azheri, 2012). Steve Rowlinson and Yan Ki Fiona Cheung define stakeholders as each individual or group that can influence the performance and achievement of organizational or project goals (Rowlinson and Cheung, 2008). Derek Walker, Arthur Shelley and Lynda Bourne define stakeholders are individuals or groups who have interests, rights or ownership in the project, and can contribute, influenced by the project, both work or project results (Walker et.al., 2008).

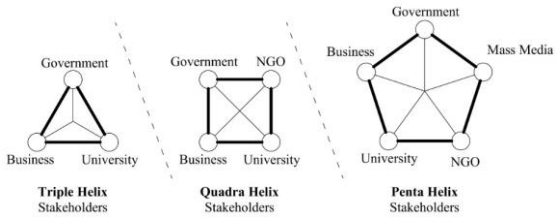
Some of these definitions indicate that stakeholders are individuals or groups who have an interest in the problem or activity to be resolved. Stakeholders who will be examined in the management of floodplain of Lake Tempe are individuals or groups/institutions involved and either directly or indirectly affected by the flood disaster.

The penta helix stakeholder analysis model is a comprehensive stakeholder theory. The concept of penta helix defines stakeholders into 5 (five) groups, namely (1) government; (2) business world; (3) universities; (4) non-government organizations (NGOs); and (5) mass media (Mohr and Spekman, 1994). Collaboration of 5 (five) stakeholders is expected to synergistically interact with each other so as to realize a quality policy and oriented to the public interest. The penta helix concept was built and developed on two previous stakeholder models of the triple helix theory and the quadra helix theory. Triple helix theory consists of government (government), business (business) and university (academician), while quadra helix stakeholders are added by one stakeholder namely civil society or civil society organizations (non-government organizations). The penta helix stakeholders are perfected to 5 (five) by adding mass media.

The concept of the triple helix can be traced to its development since the second world war. The second world war brought out the concept of a comprehensive relationship between science (academics), the industrial sector or trade (business world) and the public sector (government). This trilogy relationship is very clear and interdependent. The public sector, namely the government, uses a tax base to fund knowledge institutions in researching innovative technologies and products, especially the technology and innovation of war armanents. The business sector yields the results of research and innovation and finally the public sector, namely the government, gets results through tax collection. Another theory of the triad partnership is known as the "iron triangle" theory and the "Advocacy Coalition Framework" theory (AFC). The iron triangle theory is based on the thought of Ralph Pulitzer (1919), which explains that there are three very influential forces in the administration of government namely the legislative, executive and interest groups (Reynolds, 2015). The basic concept of this theory is actually based on the idea that the bureaucracy always tries to build its power like any other organization. Whereas the most influential interest groups are business and industry groups who lobby for the executive and legislative branches. Quadruple helix is a stakeholder concept that perfects the previous concept by incorporating the fourth dimension, each of which has a very valuable contribution in an activity. The fourth dimension, namely "users" from the perspective of the company (economy), seems to be treated as a consumer rather than a partner for the creation of shared innovation. Several studies have shown that this fourth dimension is interpreted as a stakeholder of a non-governmental organization that has a stake in solving a problem. Quadruple helix brings the actors closer and brings the conversation to the lowest level of stakeholders.

The latest development of the stakeholder model is penta helix. Penta helix goes far beyond, technology and science enter the dimensions of space involving previously existing models. The fifth stakeholder is the media. The media is considered capable of influencing and becoming a part that must be taken into account in stakeholder mapping. The penta helix concept is an ideal tool for mapping the complexity of stakeholders, for example in the economic world the penta helix concept is able to provide a solution to the consumer market-based business innovation model.

Figure 1. Triple Helix Stakeholder Concept, Quadra Helix and Penta Helix



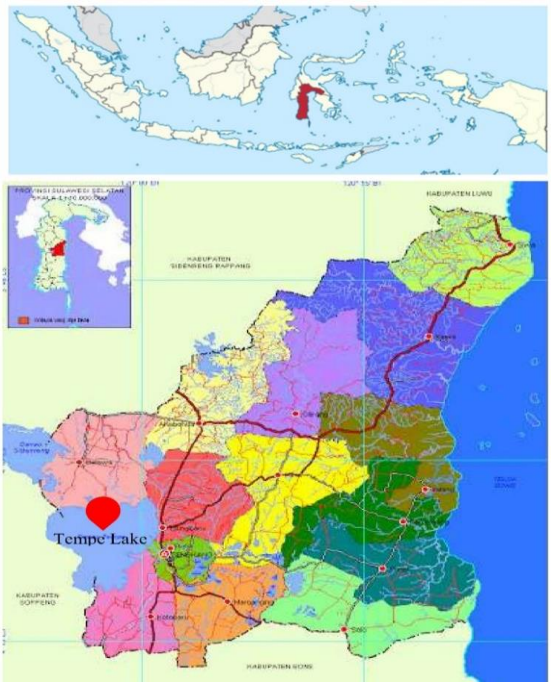
Source: Processed by researchers from various 2019 sources

Several previous studies have shown that empirically the concept of penta helix is a comprehensive concept in stakeholder mapping. Sturesson, Lindmark and Roos research concluded that the penta helix model is very useful for solving multi-stakeholder problems in which stakeholders represent various interests in one

location or one case (Sturesson et.al., 2009). Other researches conducted by Muhyi, Chan, Sukoco, and Herawaty, show that the concept of penta helix can help analyze and map "relationship problems" between stakeholders (Muhyi et. al., 2017). Whereas the research of Halibas, Sibayan, and Maata explained that the involvement of penta helix stakeholders can show the stakeholders who are able to encourage and make innovation (Halibas et. Al., 2017).

The location of this stakeholder mapping research is located on the Tempe lakeside in South Sulawesi Province, Indonesia. Data collection was carried out in Wajo Regency, in 4 (four) villages, namely (1) Wiringpalennae; (2) Salomenraleng; (3) Laelo Urban; and (4) Mattirotappareng. These four areas represent the character of the areas of 51 villages along the Tempe lakeside which experienced floodplain.

Figure 2. Location Map of Lake Tempe, Wajo Regency, South Sulawesi Province, Indonesia



Source: Wajo Regency Regional Development Planning Agency 2019

Lake Tempe waters will overflow and flood the surrounding area every year, better known as floodplain. The time span of floodplain is approximately 3 (three) to 5 (five) months. The lake water surface elevation varies between 3 m above sea level during the dry season to 10 m above sea level during floods (Ramadhan, Triyanti, & Koeshendrajana, 2017). The areas that were inundated partly were residential areas on Tempe lakeside.

Figure 3. Lake Paparan Tempe Flood Conditions in 2019, South Sulawesi Province – Indonesia

Source: Researcher Documentation in 2019

From the research of policies, empirical facts and stakeholder theory, the research question "**why are the affected communities always considered as victims or objects in the disaster management**?"

2. Research methods

The method used in this research is the mixed method. Qualitative methods as the main method and quantitative methods as other methods (secondary). The research began with a complete mapping of the stakeholders involved based on the penta helix theory. The second stage, the researchers collected existing documents both official documents from the government and other documents related to the management of floodplain of Lake Tempe. The third stage, in-depth interviews with parties who understand the flood management of floodplain of Lake Tempe. The selection of informants was based on the criteria of individuals who were directly involved in flood management and/or are victims of flooding. At this stage observation was also carried out by observing each stage of floodplain disaster management. Observations were made to obtain in-depth and comprehensive information about stakeholders.

After the stakeholder mapping was successfully carried out the next step was to conduct a survey by distributing questionnaires to flood affected communities. The questionnaire revealed stakeholder perceptions of the management of floodplain of Lake Tempe. The fifth stage, the answers to the questionnaire were tested using multiple linear statistical analysis (Multiple Linear Regression). This analysis is used to determine the level of significance of stakeholder involvement (independent variables) on flood disaster management (dependent variable). The results of the analysis indicate the significance of the level of influence of each stakeholder on flood management. The last stage of the research is concluding the research fndings.

3. Discussion

3.1 Stakeholder Mapping

The results of research applying the penta helix theory in stakeholder mapping for floodplain management can be explained as follows:

3.1.1 Government

The government is a stakeholder that has the biggest role in the flood management. The government is the main role because it is supported by the ability of funding, regulation, number of personnel and adequate infrastructure to be involved in disaster management.

Law of the Republic of Indonesia Number 24 of 2007 concerning Disaster Management (UU-24, 2017), states that the disaster management coordinator is the central government in this case BNPB and/or BPBD for provincial/district/city governments). BNPB / BPBD as the coordinator communicates in preparing action plans that need to be taken especially in the case of an emergency including in preparing the command of all stakeholders in disaster management (Perka-BNPB, 2008). Specifically in the case of Lake Tempe flooding, the BPBD at the district level coordinates and communicates with all stakeholders involved without exception, so that disaster management can be carried out quickly, effectively, efficiently and remains targeted. The government organizations involved include the parliament to the organization of technical implementing devices including the military and police as well as the lowest elements of government namely the village/village administration. The government has strong financial support in disaster management through relevant agencies that have prepared budgets for activities in the happening of a disaster (PP-22, 2015). Provision of funding is based on regulations on the use of funds.

Regulatory support is used to mobilize available resources, including personnel and supporting facilities/equipment. The amount of personnel and equipment comes from military support, police and social disaster organizations, including members of the fire brigade and civil service police units (UU-34, 2004; UU-2, 2002; PP-16, 2018). This great support shows the government is a very dominant stakeholder in flood disaster management. In accordance with the mandate of government regulation has the obligation and responsibility to pay attention to disaster victims in each cycle of disaster management in a planned manner.

The military, police and Satpol PP, and Pusdalops (Centers for controlling disaster management operations) are government organizations that have a role in providing disaster data and information support related to the flood disaster exposure to Lake Tempe [19]. The data and information support helps all stakeholders involved can make policies according to the level of disaster. Another stakeholder from the government element is the Disaster Preparedness Team that is actively involved with other volunteers to participate in disaster management (Perka-BNPB, 2008).

3.1.2. Business World

The business world gives attention as a form of social obligation to disaster casualties. Funding support as an embodiment of Corporate Social Responsibility (CSR) and (charity) from entrepreneurs. CSR is provided in the form of logistics to disaster affected communities. The business world cooperates with the government in the distribution of aids, although sometimes it also distributes the aids directly to the community.

The results of identification of the business world as a stakeholder show that national scale companies up to local businessmen are involved in charity activities around flooded areas. National scale companies pay attention by channeling aid through CSR as a form of corporate social responsibility with the environment in which the company is located. Local entrepreneurs individually or collectively channel aid in the form of charity.

3.1.3 Universities

Universities conducted many studies on Lake Tempe. The research was conducted on the physical characteristics and life of the community around Lake Tempe, so that the general public can understand Lake Tempe more comprehensively. The universities, which is located in the vicinity of the flood area, also provided assistance, both in the form of phisycal helps and basic needs for disaster casualties.

3.1.4 NGOs

Non-governmental communities (NGOs) involved in handling the floodplain of Lake Tempe were identified from religious communities and other organizations that have a concern for disasters. This communities became volunteers, and provided assistance in the form of equipment and logistics. NGO involvement in disaster management coordinates with the government and other parties. The involvement of NGOs was quite large, especially the support of personnel or volunteers. Many volunteers were deployed to the location of the flood directly together with other stakeholders. This community in general have been equipped with skills related to disaster tasks so that their existence is considered to be very helpful in managing at every stage of the disaster.

3.1.5 Mass Media

The mass media has a role in the dissemination of information on disasters that occured, both in the form of printed, electronic and internet media. Access and dissemination of information related

to disasters can open opportunities for disaster casualties to get attention and assistance. Internet media, especially social media, is very instrumental in providing information quickly and accurately to other stakeholders. The use of social media was the most effective and efficient means.

3.1.6 Affected Communities: Object or Subject?

In each stage of the disaster cycle it is always associated with very complex stakeholders (Brilly and Polic, 2005). The penta helix concept is a mapping of the involvement of external stakeholders. External stakeholders tend to view affected communities as objects worthy of assistance. The results of the research through in-depth interviews, direct observation strengthened by statistical tests showed that stakeholders who have a very strong influence on the disaster management of floodplain of Lake Tempe flood disasters other than the government are the affected communities themselves.

Significance test to determine the effect of each stakeholder on disaster management was done by using multiple regression statistical analysis techniques. This analysis technique is called as quantitative data quantification technique which is transformed from quantitative data. Quantification was likely to ranking purposes (Tashakkori and Teddlie, 1998).

Statistical test results show that 6 (six) mapped stakeholders represent 94.8% of the stakeholders involved. F test results prove that 6 (six) stakeholders that have been mapped jointly influence the management of the floodplain disaster of Lake Tempe. The results of the t test statistic indicate that the affected communities as stakeholders have a high level of significance and ranks second which influences the management of floodplain of Lake Tempe after the government (see the attachment of the results of statistical analysis). The statistical test results show that in the management of floodplain of Lake Tempe, affected communities should not be placed in positions as objects but subjects that must be involved as stakeholders. This finding means that the use of the Penta Helix concept in stakeholder mapping for the management of the tempe lake flood disaster needs to be updated to six stakeholders namely the government, the private sector, NGOs, universities, mass media and affected communities.

The placement of affected communities as subjects in flood management is strengthened by the results of research showing the ability of affected communities to adapt to floods that come twice every year. The ability to adapt is a form of social capital. Social capital can be identified as "social bonding capital", which is a bond or close feeling between people who are in the same situation. Forms of social capital Bonding include: (1) family ties; (2) culture, religion, customs and language; (3) livelihoods; (4) social facilities and public services; (5) social norms; (6) legal and customary rules; (7) settlements and (8) have long lived [22].

Statistical test results show that 6 (six) mapped stakeholders represent 94.8% of the stakeholders involved. F test results prove that 6 (six) stakeholders who have been mapped jointly influence the management of the flood disaster exposure to Lake Tempe. The results of the t test statistic indicate that the affected communities as stakeholders have a high level of significance and ranks second which influences the management of Lake Tempe flood exposure after the government (see the attachment of the results of statistical analysis). The statistical test results show that in the management of Lake Tempe flood exposure, affected communities should not be placed in positions as objects but subjects that must be involved as stakeholders. This finding means that the use of the Penta Helix concept in stakeholder mapping for the management of the tempe lake flood disaster needs to be updated to six stakeholders namely the government, the private sector, NGOs, universities, mass media and affected communities.

Affected communities who belongs to the casualties of floods have an independence in managing floods, so that if a "catastrophic" flood comes they are ready to deal with taking various actions at each stage of the disaster. The community does not fully view floods as mere disasters, but as an annual routine that brings blessings to the economic life of the family. The income of the fishing community will increase when the flood arrives. Flooding makes Lake Tempe become more widespread. This condition means the area of fishing becomes wider. Flooding also provides an opportunity for fish to develop properly because dry land that has been flooded for several months can provide a large food source for fish.

4. Conclusion

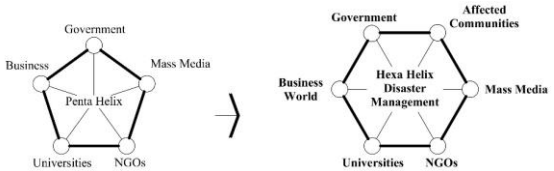
Stakeholders in the concept of the penta helix consist of the government, business world, universities, NGOs and the mass media play a role in every stage of disaster management of floodplain of Lake Tempe. The government is the main stakeholder in the management of floodplain of Lake Tempe.

It was found that there were other stakeholders who played an important role but were not mapped with the concept of penta helix stakeholder analysis, namely affected communities as disaster casualties. Disaster casualties are important parts of the disaster management stage, because before other stakeholders are involved disaster casualties have already taken action that needs to be prepared in managing the disasters. Affected communities should be part of the solution to the problems caused by flooding.

Affected communities should not have seen as objects but should be considered as subjects.

From the results of qualitative and quantitative data analysis, it was concluded that stakeholder mapping with the concept of penta helix has not been able to comprehensively describe the stakeholders involved in the disaster management of the floodplain of Lake Tempe. Researchers provide recommendations to improve the concept of Penta Helix to Hexa "Hexa Helix" by adding one stakeholder, the affected community. The new concept of Hexa helix stakeholders consists of 6 (six) actors, namely: (1) government; (2) business world; (3) universities; (4) NGOs; (5) mass media; and (6) affected communities (see figure 3). The placement of affected communities as the sixth stakeholder because they have the ability to adapt to floods and have a role as the spearhead in flood management.

Figure 4. New Hexa Helix Stakeholder Concept



Source: Research Results

The results of the statistical analysis (see t test in the appendix table), if arranged based on the value of the t test, then the sequence of stakeholders can be arranged as follows:

1. Government
2. Affected Communities;
3. NGOs;
4. Business World;
5. Mass Media; and
6. Universities.

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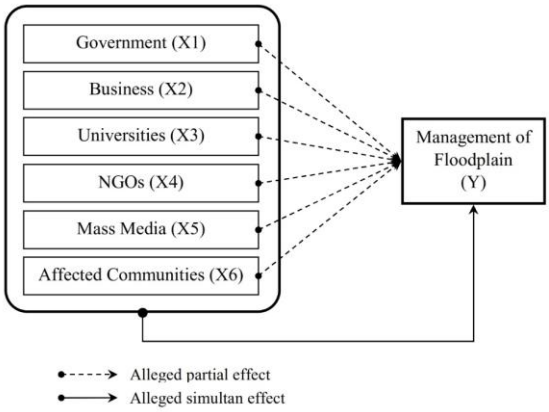
APPENDIX of Statistical Analysis

The framework of the conceptual model of statistical analysis testing the results of stakeholder mapping is as follows:

Figure 5. Conceptual Model Analysis Framework



Source: Researcher Analysis Results

The results of multiple regression tests were carried out with the help of SPSS application version 25. The test results in this research will be explained in the form of: (1) determination coefficient; (2) F test; and the last (3) t test. Following are the results of each test:

1. Determination Coefficient

The determination coefficient is to measure how far the ability of the model in explaining the variation of the dependent variable. The following table is the coefficient of determination generated in the research:

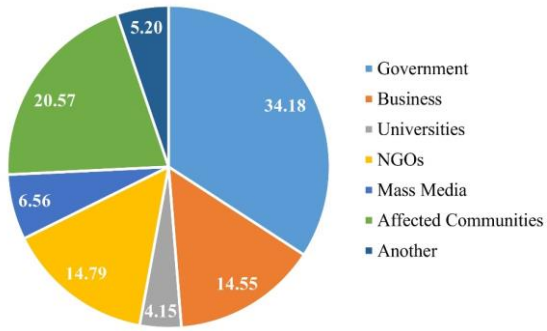
Table 1. Model Summary

Model	*R*	*R Square*	*Adjusted R Square*	*Std. Error of the Estimate*
1	0.974	0.948	0.939	0.313

Source: Research Regression Analysis 2019

Based on the table above it can be seen that the value of R2 is 0.948, this means that of the 6 (six) mapped stakeholders who have represented the stakeholders involved at 94.8%. While there are still other unmapped stakeholders of 5.2% (100% - 94.8% = 5.2%). Mapped stakeholders are the most dominant stakeholders in the management of floodplain of Lake Tempe.

Figure 6. Percentage of Stakeholder Engagement with Management of Floodplain of Lake Tempe



Source: Processed from Research Regression Analysis Results

2. Simultaneous Significance Test (Test F)

The F test shows whether all independent variables (6 stakeholders) included in the model have a joint (simultaneous) effect on the dependent variable (disaster management). The results of the F test calculation, in the following table:

Table 2. Simultaneous Significance Test Results (Statistical Test F)

Model		Sum of Squares	df	Mean Square	F	Sig.
1	Regression	59.170	6	9.862	100.741	0.000
	Residual	3.230	33	0.098		
	Total	62.400	39			

Source: Research Regression Analysis 20193.

Based on ANOVA test or F statistical test, the calculated F value is 100.741 with a probability level of 0.000. The probability is smaller when compared to 0.05, then the regression model can be said to be an independent variable (6 stakeholders) simultaneously (simultaneously) significantly influencing disaster management.

3. Partial Influences Significance Test (t Test)

The t test shows how far the influence of one independent variable (6 stakeholders) individually (partial) in explaining the dependent variable (disaster management).

Table 3. Partial Influences Significance Test (t Test)

Model	Unstandardized Coefficients		Standardized Coefficients	t	Sig.
	B	Std. Error	Beta		
(Constant)	3.780	0.493		7.670	0.000
Government	0.255	0.030	0.555	8.377	0.000
Business	0.101	0.028	0.187	3.567	0.001
Universities	0.035	0.034	0.043	1.016	0.317
NGOs	0.125	0.034	0.203	3.627	0.001
Mass Media	0.078	0.049	0.065	1.608	0.117
Affected Communities	0.128	0.025	0.243	5.043	0.000

Source: Research Regression Analysis 2019

T test results indicate the significance value of the mass media and the university does not significantly influence the management of floodplane of Lake Tempe because of the value (significance level> 0.05). While the government, business world, NGOs, and affected communities have a significant influence in the management of Lake Tempe flooding (significance level <0.05).

VOLUME: 4
ISSUE: 1
JANUARY - APRIL, 2020

PRIZREN SOCIAL SCIENCE JOURNAL

ISSN: 2616-387X
DOI: 10.32936

ADOLESCENT PREGNANCY: OCCURRENCE AND CONSEQUENCES

SCAN ME

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Article history:

Accepted 05 January 2020
Available online 31 April 2020

Keywords:

Adolescents,
Pregnancy,
Adolescent Pregnancy,
Teenagers,
Family,
Contraception..

A b s t r a c t

Adolescent pregnancy is a problem that societies face, regardless of the level of development. Despite the availability of information and the availability of contraception, as well as the right to an abortion that is guaranteed in most of the modern societies, countries face many cases of adolescent pregnancies. Pregnancy in the period of adolescence irreversibly changes the lives of minors. It has influence on their health, their education, social life and their future as adults. Also, the families of the under-aged parents are directly affected by the consequences, disrupting the functionality of the family.

In a wider sense, the health system and social functioning are burdened in their entirety. Therefore, it's important to prevent adolescent pregnancies. Contraception is the primary protection against unwanted pregnancy and insufficient and inconsistent application of contraception, as well as the lack of information among young people about the available methods of contraception can be one of the main causes of adolescent pregnancies. Integrated sexuality education for adolescents can be great benefit to educate adolescents about risk factors of pregnancy in early life. The influence of parents is crucial in the prevention of adolescent pregnancy. This paper intention is to analyses current situation on this topic, through available indicators on birth rates, maternal and children mortality worldwide. Qualitative research conducted between the student (18-22), should give more information about use of contraception between young people, their opinion about importance of contraception… Important questions are: Are they well informed about contraception; are the contraception products available; Are they feel free enough to talk with their parents on those topics...etc.

1. Introduction

The period of pregnancy, the birth and the care for infants is especially important period that influence woman health. Throughout history, many maternal and childhood lives have been lost as a result of ignorance, lack of adequate health protection and care. In the developed countries, the healthy nutrition and better living conditions, good care during pregnancy and childbirth, contribute to reduce maternal mortality.

In the least developed countries, maternal mortality is still high, around 1800 per 100,000 newborns, while in industrialized countries it is about 15 per 100,000 (WHO, 2018).

Maternity mortality is related to socioeconomic conditions, the general health of the woman, and education. Age of conception and the number of previous pregnancies can be a risk factor. Healthcare system care is very important as guarantee for good pregnancy outcome.

Bed socioeconomic conditions like law income and unemployment have negative influence on health in general. Proper nutrition, contagious disease control and education are basic guarantee that women will enter their reproductive age, physically and mentally fit for childbirth and upbringing. According to WHO, UNICEF and UN, women's literacy affects the survival rate of newborns. A literate mother can use appropriate literature and not just to rely on tradition. The degree of education is proportional to the chances of employment and family income (Tulchinsky and Varavikova 2014).

Health issues, in the field of reproduction, refer to the planning and preparation of pregnancy, as well as professional care during pregnancy, delivery and the postpartum period. Health education and preventive measures are extremely important. Quitting smoking, alcohol, drugs and other risky behavior, at least during pregnancy, is an important step to protect mother and child mortality

2. Current conditions

Reproduction is influenced by social, cultural, religious and other factors, as well as by existing contraceptive techniques. Due to the availability of contraception funds, better education, greater chances for women's employment, reproductive trends have changed in the industrialized countries where birth rates are declining, unlike to underdeveloped countries where they have the opposite problem, uncontrolled childbearing, resulting in children they cannot take care of (Radulovic, 2018).

The global maternal mortality is continuously decreasing. Since 1990 it has decreased by 44%, from a total of 385 to 100,000 liveborn at 215 per 100,000. However, in 1997, worldwide, 585,000 women died from complications of pregnancy and childbirth, of which 99% were from underdeveloped countries. Between 1990 and 1997, maternal mortality ranged from 1,000 to 100,000 in the less developed countries, from 100 to 500 in the middle-income countries, less than 10 in industrialized countries, and somewhere below 5 to 100,000 (Israel, Sweden, Switzerland). In the Republic of North Macedonia, in 1990, maternal mortality was 14 per 100,000 lives births, while in 2015 it was 8 per 100,000 liveborn. According to the Millennium Development Goals 2008 National Report, "annual fluctuations and the relatively low maternal mortality rate can be due to insufficient or inadequate reporting" (UN, 2008).

Adolescent pregnancy is an important issue for several reasons. For example, there are health risks for the baby. Children who are born of adolescent mothers are more likely to suffer from health, social and emotional problems than children born from older mothers. Also, women who become pregnant during their teenage years have increased risk of medical complications, such as premature death and social consequences. Adolescent pregnancy is a big problem, not only for the underdeveloped countries, but it is a global phenomenon. Adolescent pregnancies are a complex social, educational and labor problem that is not easily solvable. This is a growing problem in other industrialized countries. Globally about 40% of all pregnancies are unintended. Many of these pregnancies occur to be adolescents, as well. In developing countries, the marriage of teenagers and children causes serious health problems to the emotionally immature mothers who have caught up in the trap of life without the possibility of education or employment (Tulchinsky and Varavikova, 2014).

One report on technical guidance on sexuality education from UNESCO shows that in Europe, France the number of adolescent pregnancies has dramatically increased between 2011 and 2013. According to the statistics in France, there were 100,000 students (18-22 age)' pregnancies in 2013 compared to 81,000 in 2012 and 68,000 in 2011 (UNESCO, 2018)

According to the World Health Organization (WHO), about 17 million adolescents gave birth annually. France has an extremely high adolescent pregnancy rate (330 per 1,000) compared to Europe (20,000). The United Nations says that if the rise of adolescent pregnancies in the world does not stop, the number of mothers under 15 years of the current two million a year, by 2030, would rise to three million (UNFPA, 2018).

The use of contraception is crucial in the prevention of adolescent pregnancies. In the Republic of North Macedonia, the use of modern contraceptives is at a very low level with a prevalence rate of contraceptive use of 10%. Adolescents and younger adults use family planning services less than other population groups. In 2007, only 1.1% of women under 19 years of age used contraceptives. The number of abortions is continuously declining and in 2007 it was 26.8 per 100 births. However, given the low prevalence of contraceptives as a method for family planning, it may be a serious problem of inadequate reporting in relation to the actual number of abortions. According to the report of the United Nations Population Fund (UNFPA) about Republic of North Macedonia, abortion is a widely used method of contraception and is implemented, among other, in institutions that do not report on these cases (UN, 2017).

3. Adolescent pregnancy

Adolescent or teenage pregnancy, also known as juvenile pregnancy, is a pregnancy of women under the age of 20 years. A woman may get pregnant from sexual intercourse after she began ovulating, which may be before her first menstrual cycle (menarche), but usually occurs after the beginning of her periods

(WHO, 2004) For well-nourished women, the menarche usually takes place at the age of 12 or 13 years.

Pregnant juvenile teenagers face many challenges with pregnancy same as other women. However, there are additional concerns for those under the age of 15 because they are less likely to be enough physically developed to maintain a healthy pregnancy or to give birth (Mayor, 2004). For the girls aged 15-19 years, the risks are more related to socioeconomic factors than to the biological effects of age. In the article "The Health consequences of teenage fertility". Family planning Perspectives it is mentioned that the risks of low weight at birth, premature birth, anemia and pre-eclampsia are associated with the biological era, which is noticeable at adolescent birth even after controlling other risk factors (such as access to prenatal care, etc.) (Lotto and Ezeci ,2004).

In the developed countries, underage pregnancies are associated with social problems, including lower educational levels, poverty, and other negative outcomes in adolescent children. Adolescent pregnancy in developed countries is usually out of wedlock, a situation that brings social stigma in many communities and cultures. Contrary to this, adolescent parents in developing countries are often married, and their pregnancy is greeted by the family and society. However, in these societies, early pregnancy can be combined with malnutrition and poor health care that will cause medical problem.

According to the United Nations Population Fund (UNFPA), "Pregnancy among girls under the age of 18 has irreparable consequences. It violates the rights of girls with life-threatening consequences in terms of sexual and reproductive health and represents high development costs for communities, especially in encouraging the cycle of poverty." The health consequences include not yet being physically prepared for pregnancy and childbirth, leading to complications and malnutrition, as most adolescents tend to come from low-income households. The risk of maternal death of girls under 15 years of age in low- and middle-income countries is greater than of women in their twenties years of age. Adolescent pregnancy also affects girls' education and income potential, as many are forced to give up school, which ultimately threatens the future possibilities and economic prospects (UNFPA, 2018).

Several studies examined the socioeconomic, medical and psychological impact of pregnancy and adolescent parenting. Factors, such as poverty or social support, may be more important than the mother's age at birth. Many solutions have been proposed to remove negative consequents. Adolescent parents who can rely on family and community support, social services, and childcare support are more likely to continue their education and get higher paid jobs while progressing with their education (Stepp, 2009)

A holistic approach is needed to address the adolescent pregnancy. This means that it does not focus on changing the behavior of girls, but rather addresses the root causes of adolescent pregnancy, such as poverty, gender inequality, social pressures and compulsion. This approach should include "providing comprehensive sexuality education for all young people, investing in girls' education, preventing marriages from children, sexual violence and compulsion, building gender equitable societies by empowering girls and involving men and boys and securing access to adolescents to information about sexual and reproductive health, as well as services that welcome and facilitate their choice." (WHO, 2004).

Dysfunctional families (parents either have little or no time to talk to their children about sex and sexuality or discuss the use of contraceptives), poverty (girls give sex services for money, clothes and other items), lack of information about sex and contraception media (in 2014, 26% of television programs displayed explicit sex scenes) alcohol abuse, which often leads to risky behavior, are all involved as causes of unwanted pregnancy - especially among adolescents.

4. Inappropriate use of contraception as a cause of adolescent pregnancy

Contraception is an important part of the overall sexual and reproductive health of young people. It is a very important part of family planning, and therefore it is extremely important to all young people, especially because it represents a way of controlling one's own life, one's own health, controlling one's own future and achieving a family when the person is physically and mentally mature. Although contraception is characteristically a way to prevent unwanted and unplanned pregnancies, in all modern societies it is used as a protection against various diseases, as well. However, on daily basis we hear information about the increasing number of abortions, adolescent pregnancy, and an increased number of young people with sexually transmitted diseases. This topic is more present today than in the past twenty years, but statistics show that the current situation in the Republic of North Macedonia is not at an enviable level. According to the available data, regarding the use of contraceptives, it can be noticed that the Republic of North Macedonia is on the same level as the African countries (UNICEF 2008, HERA 2018).

In the last few years, some progress has been made in this section: various state campaigns for informing young people about the benefits of contraception, greater presence of non-governmental

organizations dealing with this issue, etc. But that is not enough; the current situation in the Republic of North Macedonia can not be compared to the developed countries and their conditions. We continue to face a large number of abortions, illegal abortion, adolescent pregnancies, and sexually transmitted diseases among young people.

One of the reasons for inconsistent use of contraception is the big barriers faced by young people. Nowadays, in the 21st century in the Republic of North Macedonia, at a time when the world is working to promote modern contraception, young people still encounter many obstacles every day. These obstacles become more relevant for the young people to use contraception and thus take care of their health. According HERA Organization, Institute of public health and UNICEF report on sexual health of young people in Republic of North Macedonia, the most common barriers that become a hurdle to the young people are: closed door, low level of information, high prices, difficult access, condemning views, lack of organizations and centers that would advise young people. (UNICEF, 2008, Institute for public health 2009; HERA, 2017)

Every day, many young people are denied the right to choose precisely because of these reasons. Barriers, i.e. obstacles, prevent the access of young people to contraceptives (HERA, 2017). Such fact is confirmed by Jovanovski (2017) - Director of HERA: "About 60 percent of the population does not use any contraception in Macedonia, while only 14 percent use modern contraception; every fourth woman in Macedonia uses the traditional method of interrupted sexual intercourse."

In addition to this conclusion are the results of a research conducted among the students at the Faculty of Philosophy at the Ss. Cyril and Methodius University in Skopje, in which around 200 students aged 18-22 years answered questions related to their habits for the use of contraception. The students were asked if they used contraceptives while having sexual relation. On this question from a total of 200 respondents, 30 of them answered that they used contraceptives, 150 of them did not use them, and also 20 respondents answered that they used contraceptives only at times.

As may be noted, most of them responded negatively (150). Of those who responded to using contraception, it can be noted that this attitude most dominates among older girls, at the age of 22 years old. While the younger female population either does not use contraceptives or uses them in certain situations. This is most often due to their negligence and thoughtlessness or insufficient information. In terms of gender, according to the obtained results, we can see that the female population uses more contraceptives than the male population. Namely, only 30 male respondents reported using contraception. It is important to note that the majority of women respondents who reported using contraceptive methods were older, as a result of their experience and higher level of information. While those boys who declare that they do not use contraceptives, are usually at the age of 18 years old.

Furthermore, the respondents were asked how well they were informed about the types of available contraceptives. From the results obtained, it can be noted that girls are informed about contraceptives, but only for specific types of them. Only a handful of them are informed about all existing types of contraceptives. Taking into consideration all of the above it can be noted that young girls are poorly informed about modern contraception, which in fact leads to their low usage. It is positive that the percentage of girls who do not know any of the existing types of contraceptive methods is low.

When analyzing the answers, out of 200 respondents, 100 of them were informed with all types of contraceptives, 30 respondents did not know about the types of contraceptives and their purpose at all, while 70 of the respondents heard and were familiar with only some of them.

This situation indicates a great risk to the possibility of adolescent pregnancy. Considering that contraception is the primary protection against unwanted pregnancy, it is logical that the insufficient and inconsistent application of contraception, as well as the lack of information among young people about the available methods of contraception, is one of the main causes of adolescent pregnancies.

5. Adolescents do not talk to their parents about their sexual health

In the absence of integrated sexuality education for adolescents, the influence of parents is crucial in the prevention of adolescent pregnancy. But how many of the parents talk to their children and how many of the children feel free to entrust parents with such questions and problems? The research mentioned above, shows a negative picture of this relationship. The question asked of how many students were talking to their parents about sexual relations, possible pregnancy and protection from it, they answered negatively.

Out of 200 respondents, only 30 answered that they openly and frankly talk to their parents about the topic of sexual relations, 100 respondents that they never talked to their parents about it, while 70 respondents stated that they talk only sometimes, but rarely they talk with their parents.

The majority of the respondents said that they never talk about it with their parents, or they do it very rarely. Only a small percentage of them said they were frankly discussing it with their parents. It is disastrous to conclude that young people (students that were part of this qualitative research) do not talk to their parents about sexual relations, protection and sexually transmitted diseases. The family has most important educational and socialization function. Though, parent is the first person from whom the children learn about all the challenges they will face, and the first one who can notice all the changes in their children. But our results from the conducted research show that there is lack of communication about sexual and reproductive issues in the families. Parents deliberately avoid this topic. Perhaps, that is so because they are not sufficiently informed about it and how they should properly advise their children. Or, simply do not know how to get close to their children and how to start the conversation. It is therefore important to undertake a series of measures through which the parent will become educated more about all aspects of sexual intercourse and complications in the same way, in order to help their children in an appropriate way and direct them to the right path, i.e. to indicate what is a sexual relationship, when there should be relationships, what are the consequences of those relationships, how to act on the prevention. Because, if the parent sincerely and openly talks with the children, and if he knows how to get to know the children with the consequences that can occur, there will be no side effects. However, this situation indicates that insufficient communication and trust between parents and children is one of the reasons that can lead to unwanted pregnancy. Improving this condition can act as a preventive measure in cases of pregnancy among adolescents.

6. Conclusion

Unfortunately, today the problem of early motherhood is at the top of importance. One of the main reasons for teen pregnancy is that adolescents are not using contraception at all, or they are not using it constantly. The reason can be due to the lack of sexual education, at home or in schools. Parents don't have enough time, or they don't feel comfortable to talk with their children about sexual education and to explain all the dangers of sexual life in adolescence period. In addition, sexual education in schools doesn't exist at all or its not implemented well. According to statistics only from adolescents, more than 40% of children were born out of wedlock. About 10 thousand cases of young pregnancy are ended with abortion each year. Pregnant teens represent 10-15% of the total number of pregnant women. And they are not just children from poor families. There are cases of early pregnancy in quite rich, well-off families. Psychologists attribute this to the fact that teens often experience a lack of attention from parents or want to separate themselves from the crowd, to prove something to others, influence of the hormones, changing of emotions, insecurity etc.

Based on the previously conducted surveys and the wide range of the used existing literature on the use of contraceptives and methods in the Republic of North Macedonia, we can conclude that in our country these methods are used insufficiently. This can be due to low incomes (adolescents' budget), price and availability of contraception, people's views, level of information, etc.

Regarding the price, although it does not seem to be the main reason that affects the use of contraceptives, it is still a decisive factor, especially for the young population, which in a large percentage is dependent on the financial resources of the parents. It is therefore considered best to have the simplest contraceptives such as condoms and oral contraception at a more accessible price. Perhaps young people see the cost of contraception as one of the problems, but it is important to note that it is not an obstacle that cannot be solved.

In addition, the fear of condemnation critically affects young people, and in that case, they choose not to protect themselves in sex, in return for not having to endure the condemning views of other people. The most important thing for young people is to get rid of taboos, and to become open and responsible for themselves and their health.

The problem seems to be even more difficult and complex when it comes to the lack of contraceptives, or limited stock. It is therefore extremely difficult for young people to lead a healthy sex life. It is therefore considered important that they seek their sexual and reproductive rights. This would include access to contraceptives.

These barriers are an obstacle on the way of the youth until they learn the process of application of contraceptives but still more research must be done according to more clear views.

On the other hand, timely education and information that are adapted to the appropriate age is a key factor for young people to get to know how important it is to use contraceptives and contraceptives to become part of the everyday life of young people. Through the conducted research we can conclude that it is positive that the percentage of young people who do not know any of the existing types of contraceptive methods is lower, which means that work is being done in the field of informing the young population to get acquainted with them, to see their advantages and disadvantages, and start to apply the methods more often.

The best way to overcome these barriers is when a relevant person advises young people and helps them in their choice. Unfortunately, young people refuse to seek help on time, or simply do not feel comfortable during medical evaluation, so whenever there are some symptoms, they ignore them. However, on the other hand, through the obtained results, we can conclude that medical professionals do not pay enough attention to get close to young people with their advice and to direct them towards the right path when it comes to sexual intercourse and complications that can occur. These professionals are an extremely important segment of the sexual protection of young people, and that is the reason why it is necessary to work with them in several directions. This means that every expert should constantly improve in their area, to learn how to approach the young people, to give the young full counsel and encourage them to take care of their health constantly, etc.,

It is also important for parents to explain to their children what it means to have sexual relations, when to have sexual relations, what are the consequences, but the most important thing is to act on the prevention. However, it can notice that young people do not talk to their parents about sexual relations, protection, and sexually transmitted diseases. Although the parent is the first person from whom the child learns about all the challenges that one will face, and the first one who can notice all the changes in one's child, however, when it comes to the topic of contraception, we can conclude that parents or deliberately avoid this topic because they are not sufficiently informed how to properly advise their children, or simply do not know how to get close and start talking to them on this topic. It is therefore important that a series of measures should be taken, through which parents will be educated more about all aspects of sexual intercourse. Because if the parent sincerely and openly talks with the children, and if the parent knows how to get to know them with the consequences that can occur, there will be no side effects.

Regarding the obtained results, we also see the need of additional education for the young population. This education is needed for both parents and children and can be part of family education. Sexual and reproductive education can take part like separate curricula in the primary and high schools in order to increase the percentage of use of contraceptives. Special courses for parents can be conduct like a short-term workshops or trainings, teaching parent's communication skills, better approach and how to deal with their kid's problems.

All these aspects represent an unbreakable link from the process of sexual health protection to adolescent pregnancy and its consequences. Raising awareness of the importance of sexual and reproductive health as well as improving these areas can help young people in our society be prepared for their era of healthy everyday life and to enter the world of parenting physically and mentally mature individuals.

It affects this fact and is often an unfavorable family atmosphere. Deprived of domestic warmth, teenagers are often looking for attention, care and affection on the side. According to statistics, a large percentage of such situations occur in our country, because there is a great opportunity for obtaining financial benefits after delivery. Based on the above mentioned, we can conclude that adolescent pregnancy and its consequences are an urgent problem for our country. It is therefore very important to pay due attention to your children and parents not to hesitate, first to express the consequences and complications of conceiving the child as an adolescent.

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VOLUME: 4
ISSUE: 1
JANUARY - APRIL, 2020

PRIZREN SOCIAL SCIENCE JOURNAL

ISSN: 2616-387X
DOI: 10.32936

REDUCTION OF NATURAL DISASTER RISK THROUGH CONTINGENCY PLAN IN CILACAP DISTRICT, CENTRAL JAVA PROVINCE, INDONESIA

SCAN ME

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Article history:

Accepted 15 February 2020
Available online 31 April 2020

Keywords:
Contingency Planning,
Mitigation,
Policy.

A b s t r a c t

Cilacap Regency is one of the areas that have the highest level of natural disaster vulnerability in Central Java. Various types of disasters have the opportunity to occur and have an impact on the entire region. To anticipate the impact of these potential natural disasters, the district government has issued a contingency plan to reduce the risk of disasters.

This study aims to describe how to reduce the risk of natural disasters through contingency planning. The study uses a qualitative approach with the case study method. Data and information obtained through focus group discussions (FGD), interviews, and documentation studies. The informants were determined purposively, coming from elements of the government, private sector, and a community of 25 people.

The results of the study illustrate that the role of contingency planning is very important to reduce disaster risk. The contingency plan document clearly contains various guidelines and technical steps taken by stakeholders in anticipating natural disasters. The guidelines for the action plan are supported by techniques that can be easily learned so that the stages of the process of how to anticipate natural disasters can be carried out by anyone. The implementation of a natural disaster risk reduction contingency plan in the Cilacap Regency received support from the implementer, the environment, resources, and disposition.

1. Introduction

Cilacap Regency has the highest level of natural disaster vulnerability in the area of Central Java Province. Cilacap Regency has various types of natural disasters except volcanic eruptions, ranging from natural disasters, landslides, tsunamis, robots, drought / drought, fires and tornadoes which are spread across 24 sub-districts, 15 sub-districts and 269 villages. (National Plan for Natural Disaster Management 2014-2019).

At the level of the Province of Central Java Cilacap Regency ranks first as an area that has disaster vulnerability, at the National level the District Head of Cilacap experienced a change from position 3 to position 17 (IRBI 2016), this change occurred because the local Regional Government and the Regional Disaster Management Agency (BPBD) have speed in responding to every disaster that comes.

Legally formally, the implementation of natural disaster management in Ciluapap District has been regulated in Cilacap District Regulation No. 1 of 2012 concerning the Implementation of Disaster Management. The purpose of these regulations is to provide protection to the community from the threat of disaster, guaranteeing the implementation of planned, integrated, integrated disaster management. coordinated and thorough. Article 44 paragraphs 2 and 3 state that in disaster emergency plans, contingency plans and Standard Operating Procedures (SOPs) can be supplemented which are further stipulated in the Regents' Regulations.

Contingency Plan is one of the important points in the implementation of natural disaster management so that the Regional Government of Cilacap Regency has prepared a Contingency Planning Document for all natural disasters that often occur in the Cilacap Regency.

The process of preparing a natural disaster contingency planning document in Cilacap District involves stakeholders from government, community and business sectors through a focus group discussion (FGD). The FGD aims to obtain information and input in the form of data to prepare a contingency plan document for each natural disaster.

Related to the description above, this paper aims to analyze the Natural Disaster Risk Reduction by using the Contingency Planning Document. Observed phenomena include the role of contingency planning documents and how they are implemented both in context and content in natural disaster risk reduction in Cilacap district.

2. Literature review

2.1 Contingency Concept

Contingencies are a condition that can occur, but not necessarily true (BNPB, 2012). Contingency planning is an attempt to plan something event that might occur, but does not rule out the possibility that the event will not occur. Because there is an element of uncertainty, we need a plan to reduce the consequences that might occur.

Based on a literature search it was found that the concept of contingency has several meanings. First, contingencies are interpreted as a guide to act in reducing the impact of disaster risk (Knight, 2001; GTZI, 2010). Second, contingency is defined as a step in taking action to reduce the impact of disaster risk from training, training, organizing and completing, reviewing plans, early warning, education and public information (Choularton, 2007, BNPB, 2010); response and reaction (Schneider 2004). Third, contingency plans are interpreted as a process of planning ahead, in uncertain circumstances, where scenarios and objectives are agreed upon, managerial and technical actions are determined, and systems for responding to events are structured in order to prevent, or better cope with, the situation or emergency situation encountered. "(Khambali, 2017; BNPB, 2010; IASC, 2008).

Contingency plan is a plan that has been designed in conditions that can be said to be not fixed with the agreed paths or paths, techniques, management and various implementations that have been determined together with various countermeasures. Contingency planning is basically a process of identification and various preparation of plans that can be based on existing contingency conditions.

According to Knight (2001) and Choularton (2007) contingency planning is effective when done following the parameters and functional framework of good emergency preparedness. According to FEMA (2015) emergency preparedness or planning frameworks present important progressive steps to illustrate how levels of government, the private sector, non-governmental organizations and society generally work together to build and maintain the capabilities needed to prevent, protect, mitigate and respond threats and dangers.

In GTZ-International services (2010: 8), the International Strategy for Disaster Reduction (ISDR) sets out the institutions and guidelines for Contingency planning:

(1). The International Accounting Standards Committee (IASC): as a guideline for contingency planning between agencies for humanitarian assistance as a main reference document for contingency planning between agencies whose members are general in nature.
(2). International Federation of Red Cross and Red Crescent Societies (International Federation): guidelines that serve as working tools for disaster response staff in international federations at the local, national, regional and global levels.
(3). National Disaster Management Agency (BNPB): formulates and publishes policies on disaster management and the handling of refugee populations effectively and coordinates the implementation of planned, integrated and comprehensive disaster management activities.

The diversity of definitions confirms the common understanding of planning contingencies must include the initial setup process so that they can make planning or developing strategies and procedures in response to potential crises or emergencies that will occur. This includes developing scenarios (to anticipate crises), determining the responsibilities of all actors who will be involved in identifying roles and resources, the data collection and dissemination process, and organizing each actor so that he is ready when needed, and determining the needs for objectives to be achieved.

Contingency planning is an integral part of the overall preparedness program and needs to be developed for each type of hazard, then updated and trained regularly (Vidiarina, 2010).

Contingency planning made by the IASC provides a general and comprehensive framework to guide joint action between all partners including each agency and / or organization and sector /

group group. The plan does not intend to replace the planning needs of each agency and / or organization with respect to their mandate and responsibilities within the sector / group. However, contingency planning provides focus and integration for the various levels of planning needed to effectively achieve humanitarian response. (GTZ-International services, 2010: 8).

3. Principles of Contingency Planning

Based on workshop reports related to Contingency Planning between the National Disaster Management Agency (BNPB) and GIZ IS PROTECTS, 2012 illustrates that the Working group for contingency planning in the Regional Disaster Management Agency (BPBD) complements the principles of contingency planning as follows: 1. Based on the process of joint compilation & conducted openly 2. Valid only for one type of hazard (Hazard specific) or collateral 3. Has a risk scenario and goals that are mutually agreed upon 4. Has a validity period marked by a trigger 5. When is activated (if there is an indication of disaster and or an official statement / early warning) a. When it will be changed into emergency response operation plan. b. When is deactivation done c. When updated or reviewed 6. Define the roles and duties of each sector (has a division of tasks, authority and clear responsibilities) 7. List realistic resource components 8. Agree on a consensus that has been made together 9. Made to deal with emergencies and the impact of disasters 10. Must be followed up with: a. A series of actions (training / rehearsal, procurement, arrangements) b. Formal adoption c. Monitoring and evaluation The third meaning of the contingency plan above aims to increase preparedness in the face of disasters. Emergency planning must be based on realistic parameters to respond with detailed planning and preparedness (Choularton, 2007). This requires understanding of emergency planning which is very important and relevant to extreme disaster events.

From this definition, several important points can be drawn that contingency planning is:

1. done before an emergency in the form of a planning process going forward.
2. more a process than producing a document.
3. is a process of consensus building to agree on scenarios and objectives to be taken.
4. is a preparedness for emergency response by determining the steps and handling system that will be taken before an emergency occurs.
5. includes efforts that are preventive and also limit the consequences that are likely to occur.

4. Research Methodology

The method used in this research is qualitative. The research seeks to see the interrelationship between the phenomena of contingency plans and sub phenomena that include the process of preparing natural disaster contingency plans in Cilacap district. Creswell (1994: 150-151), in qualitative research conducted through observation, interviews, and document studies. Data collection in this study was carried out with focus group discussions. 25 FGD participants were selected through a purposive method. Data analysis was performed descriptively qualitatively.

5. Research Result

In accordance with the natural disaster contingency planning document in Cilacap District, the person responsible for implementing the natural disaster contingency plan is the Regional Government of Cilacap Regency and in its implementation is assisted by the Regional Natural Disaster Management Agency (BPBD) and Regional Apparatus Organizations, Community, Business World and there are also parties other private parties. Cilacap District Government that records and coordinates all parties involved in the implementation of natural disaster contingency plans so that success or failure in the implementation of the natural disasters contingency planning policy lies in the ability of the Regional Government in recording, coordinating the parties involved. For the Cilacap District, in terms of implementing natural disaster contingency plans, so far it has been running well, often the emergence of natural disasters makes the data of parties involved in organizing natural disasters easily obtainable, and the coordination of Cilacap district government, Regional Disaster Management Agency and Organizations regional apparatus, the community, the business world and all those involved are also going well.

The scope of the implementation of the Cilacap Regency disaster contingency plan is a document that contains policies on strategy, management, efforts and aspects of coordination in disaster management in the event of a disaster (during an emergency response) that is implemented just before a disaster occurs, in circumstances that may occur by the disaster Cilacap Regency Government with coverage of disasters in Cilacap Regency. Related to the scope of the implementation of natural disaster management in the district of Cilacap which includes strategy, management, efforts and aspects of coordination that this applies when the disaster occurs or does not occur, but this illustrates that for the implementation of natural disaster contingency plans in the district of Cilacap , all parties involved are ready if natural disasters really occur.

The Regional Government of Cilacap Regency is responsible for implementing the natural disaster contingency plan and is assisted by the Regional Disaster Management Agency (BPBD).

In terms of responsibility in implementing natural disaster contingency plans in Cilacap Regency, as local government stakeholders assisted by the Regional Disaster Management Agency have been implemented well so that in terms of the scope of the implementation of natural disaster contingency plans that include strategy, management, coordination efforts can be carried out optimally.

6. Discussion

The implementation of mitigation policies and natural disaster contingency plans in Cilacap Regency is a process that must be carried out continuously by individuals, groups and communities in managing all hazards through efforts to minimize the consequences of disasters that may arise from these hazards (mitigation). Mitigation is one of the stages in disaster management. The mitigation phase in its meaning means that preparedness or alertness is an inexpensive way to reduce the effects of the dangers faced by the community compared to other actions, such as evacuation, rehabilitation and reconstruction. Therefore mitigation must be carried out jointly through the Government's agenda, and individually both at and after the event, and before the event. Understanding the interrelated stages in disaster management is done by managing and evaluating so that it does not develop into a disaster. This assessment deals with the physical aspects of the earth better known as geo-risk analysis. Law Number 24 Year 2007 concerning Disaster Management defines disaster as a series of events that pose threats and disrupt people's lives and livelihoods caused by both natural and / or non-natural factors as well as human factors, resulting in casualties, damage to the surrounding environment, material loss and psychological impact. The social, cultural, political and legal dimensions are very important and fundamental in the context of environmental management based on sustainable development. With the issuance of Law No. 24/2007, a derivative policy and the mainstreaming of planning and funding for disaster relief were born. The bill outlines contains an important understanding that is first, there is a change in the disaster paradigm that is focused on pre-disaster or risk reduction. Second, disaster management is no longer reactive but more planned and proactive. Third, the position of the government in this new paradigm is no longer dominant but rather promotes community participation (Faturahman, 2018), by placing the community as a subject, no longer as an object of disaster management. Fourth, the domain of disaster management is no longer an absolute right of the central government but has been decentralized to the regions. In other words, in the context of regional autonomy, the management of disaster management has also become the responsibility of the region, both in the budget and policy areas.

The link between vision and mission and regional development programs in disaster management in the regions. The pre-disaster stage, namely prevention and preparedness, is part of disaster mitigation in each district, including service to the community. Disaster mitigation is carried out as an increase in the capacity of the Regional Government apparatus in Cilacap Regency. Cilacap Regency emphasizes disaster mitigation on environmental aspects. This shows the setting agenda of disaster management policies in Cilacap Regency included in the regional development agenda so that the inclusion of the disaster mitigation agenda is a serious concern of all regional stakeholders to realize disaster-aware communities.

The role of institutions in disaster management itself is a demand from regional autonomy where government administrative authority is needed as an agent of change, but there are values that have been forgotten that in addition to authority, the government also has obligations and responsibilities to the public. If regional autonomy is intended as a gift the authority of local governments to bring development directly to the public, it is also necessary to develop the values of obligations and responsibilities that are the basis of these authorities. Disaster management in the regions involves the joint implementation of all elements of society for that good governance in realizing a culture of disaster awareness as part of development has three important aspects:

1. An administrative system that involves many actors, both from government and non-government elements, because the source of legitimacy comes not only from the constitution and regulations but also from the values that develop in the community.
2. Conflicts that arise are then developed to respond to problems and public interests as a collective
3. Relationship patterns in the environment do not have to be formal and strict institutional structures.

Disaster mitigation and contingency plans are a series of efforts undertaken to reduce disaster risk, both through physical development and awareness and enhancing the ability of the community to deal with the threat of Soehatman Ramli's disaster (2010: 32). Disaster mitigation is also an attempt to reduce or even prevent the impact caused by a disaster, so it is clear that this mitigation is preventive before a disaster event occurs.

Mitigation is one of the stages of disaster management carried out by the Cilacap Regency Regional Disaster Management Agency (BPBD) which is the first stage carried out. In the pre-disaster mitigation phase this is a task carried out by Field I namely the

Prevention and Preparedness Section of the Disaster Management Agency (BPBD) of Cilacap Regency. In accordance with the pre-disaster stages of mitigation, it can be seen with the programs and activities carried out by the Division I Prevention and Preparedness of the BPBD Cilacap Regency are:

Based on the research results of the meeting, there was an agreement to establish cooperation between stakeholders in disaster management through Contingency Plans, but due to the long process, it caused the compilation of natural disaster contingency planning documents in Cilacap district to be replaced with new ones, waiting for the process from the local government. As a basis for natural disaster mitigation, the Government of Cilacap Regency is still guided by the old documents.

Besides this, early warning was also carried out in the disaster contingency plan in Cilacap. The form of early warning in prevention and preparedness which is subsequently carried out by the Regional Disaster Management Agency (BPBD) of Cilacap Regency is to create a warning system in areas adjacent to the river.

The simple disaster warning system is the task of the Cilacap Regency Regional Disaster Management Agency (BPBD) to be able to change the warning system to be even better by using existing technological innovations. Connectivity between water level monitoring equipment in rivers connected to BPBD posts using the latest information technology will facilitate the disaster management system in dealing with impending disasters, so the impact will be low.

7. Factors that support and inhibit

The success of natural disaster contingency plans in Cilacap Regency is determined by many supporting and inhibiting factors involved in policy implementation. In Edwards III's view, policy implementation is influenced by four factors, namely (1) communication, (2) resources, (3) disposition, and (4) bureaucratic structure. The four factors are also related to one another.

Communication of a program can only be implemented well if it is clear to implementers. This concerns the process of delivering information, clarity of information and the consistency of the information conveyed. Resources, including four components namely sufficient staff (number and quality), information needed for decision making, sufficient authority to carry out the duties or responsibilities and facilities needed in implementation.

Disposition or the attitude of the executor is the commitment of the implementer of the program. The bureaucratic structure is based on standard operating procedures that govern the flow of work and the implementation of policies. To facilitate the implementation of policies, dissemination needs to be done well. The management requirements for policy dissemination are four, namely: (1) there is respect from community members for government authorities to explain the need to morally comply with laws made by the authorities; (2) there is awareness to accept the policy. Awareness and willingness to accept and implement policies manifest when policies are considered logical; (3) the belief that policies are made legally; and (4) initially a policy was considered controversial, but over time the policy was considered as something natural.

In setting goals and especially in achieving these goals, there are three important elements of planning that call attention to the need for coordination, there is consistency between the various socioeconomic variables of a community, and setting priorities.

1. Supporting factors

There is a role for the community in disaster management efforts through awareness of the dangers of natural disasters by creating special community organizations and focusing on disaster in Cilacap district. This community organization receives assistance in the form of facilities and infrastructure originating from the private sector in the form of building posts and evacuation equipment. The establishment of this community organization provides the community with information on the status of disasters so that the community can immediately prepare for disaster.

2. Inhibiting factors

According to Edward III's approach, according to the approach, the implementation of government policy is influenced by four variables, which become a supporting factor if all goes well but if not it will become an inhibiting factor. These variables are communication, resources, disposition and bureaucratic structure.

These four factors are interconnected:

a. Communication

The success of the policy requires that the implementation knows what needs to be done. If the goals and objectives of the policy (the target group) will reduce implementation distortion. If the goals and objectives of a policy are unclear or even unknown to the target group, then there is a possibility of resistance from the target group. The implementation of communication on disaster contingency plans in Cilacap Regency through a work program of socialization and simulation as well as the formation of disaster volunteers is done in a series of events. The formation of disaster volunteers begins with the socialization process first. In the implementation of the socialization and simulation process, the

activity implementing committee carried out the planning that had been prepared in the previous stage. In the previous stage, the Cilacap Regency BPBD as the party who formulated the communication message, prepared all communication components. Communicators, messages, media and communicants were prepared by the BPBD of Cilacap Regency as the organizer of the communication activities for the disaster contingency plan.

In communicating, communicating messages are carried out by a communicator prepared by the organizing committee to deliver the communicative message to the communicant, in this case the people of Cilacap Regency. The process of selecting communicators in each work program of the Cilacap Regency BPBD was discussed in an internal meeting. The communicator in the work program of socialization and simulation is the person in charge of delivering the communication message that has been prepared in the terms of reference. The communicators in the socialization program and the simulation are the speakers or speakers who have been appointed and prepared by the organizing committee of the activity. While the speakers are chosen based on their capacity and capability as well as the suitability of their work fields. Cilacap Regency BPBD has not only internal speakers in the Cilacap Regency BPBD, but also in several other agencies such as the official or regional government in accordance with the theme and topic of the socialization talks.

b. Resource

Although the contents of the implementation policy and contingency plan have been clearly and consistently communicated, if the implementer lacks of resources it will implement. Implementation will not be effective. These resources can be in the form of human resources, namely competition forementement and financial resources. Resources are important factors for implementing policies to be effective. Without resources, policies are just left to work and become documents.

c. Disposition

Disposition is the character and characteristics or attitudes of the implementor such as commitment, honesty, democratic nature. If the implementor has a good disposition then he will run the policy as well as what the policy maker wants. When an impementor has different characteristics or perspectives from policy makers, the policy implementation process also becomes ineffective.

d. Bureaucratic structure

In charge of implementing the policy has a significant influence on the implementation of the program. One of the important structural aspects of every organization is the existence of standard operating procedures (SOP). SOP is a guideline for every implementor in acting. An organizational structure that is too long will tend to weaken supervision and lead to red tape, which is a complex and complex bureaucratic procedure. This can in turn cause organizational activity to be inflexible.

8. Conclussion

Based on the results of research and discussion, there are several conclusions. in this research, namely:

1. Normatively implementing the natural disaster contingency plan in Cilacap Regency, all actors can contribute to the mitiation planning process and natural disaster contingency plan in Cilacap Regency. This makes good mitigation plans and disaster contingency plans are policies that can solve problems related to disaster mitigation and natural disaster contingency plans in Cilacap District.

2. The process of preparing a contingency plan is prepared jointly by the Office / Institution / Institution of Government and non-Government and business world related to disaster management in Cilacap Regency. This Contingency Plan can be used as material / guidance for cross sectoral agencies / agencies to carry out activities in the context of disaster management and reduce risk / danger. The activation of this Contingency Plan becomes an Operational Plan at the time of a disaster and becomes a reference for each sector / element / agency of the relevant agency. Contingency Plans will be evaluated according to circumstances and changing conditions and will be conducted every 2 (two) years to update data and information. Coordination for the preparation, monitoring and updating of the Contingency Plan is carried out by the Cilacap Regency BPBD or other Institution appointed by the Cilacap Regent. This Contingency Plan will also be followed up with socialization and rehearsals or simulations to the public, especially those in risk areas in Cilacap Regency.

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VOLUME: 4
ISSUE: 1
JANUARY - APRIL, 2020

PRIZREN SOCIAL SCIENCE JOURNAL

ISSN: 2616-387X
DOI: 10.32936

THE RIGHT OF PLEDGE ON MOVABLE ITEMS (PIGNUS) IN REPUBLIC OF KOSOVO

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Article history:

Accepted 20 March 2020
Available online 31 April 2020

Keywords:
The Right of Pledge,
Pignus,
Mortgage,
Pledge Object,
Pledge Principles,
Titles for Obtaining
The Right of Pledge by The Hand Item.

A b s t r a c t

The pledge is an item right based on which its official holder – the pledgee may seek the payment of his/her claims from the item if those aren't paid within certain time limit. The right of pledge in the Republic of Kosovo constitutes a complex occurrence which has various relations on which at one side is the pledgee creditor, and in the other side are debtor pledgor and other third persons. The role of pledge and its affirmation is related to most qualitative changes of claims.

The right of pledge as item right in foreign item (iura in re aliena) makes a history only to a certain degree of economic and social development. In this degree of development there was a need and necessity to secure the other's claims even de facto, by the hand item, by "pledging" of an item. The creditor requires that his claims to the debtor be secured by obtaining of a pledge of debtor item. The debtor's conjunction of creditor by obtaining debtor's item is safer for the creditor to realize its claims, rather than when the debtor secured these claims by his/her personality, bail, personal insurance. In the Kosovo legal system there is possessory pledge, non-possessory pledge and the pledge over the rights.

1. Introduction

Financial turnover in Kosovo, as is the case in the countries of the region, is the basis of the modern economy, whereas ensuring the fulfilment of debtor's obligation is of particular importance in terms of financial turnover. It is widely recognized that there are various forms of ensuring the fulfilment of obligations that are personal as well as non-personal. In terms of securing the creditor's property claims, the most appropriate form is securing judicial real rights through the right of pledge. In modern business practice, the use of loans that are secured by the right of pledge, mortgage and pignus is ever increasing.

The execution of the claim is a problem that continuously concerns the creditor, not only at the time of concluding the legal relationship but even later at the time of maturity of the claim. The property status of the debtor is vital for the creditor and his ability to execute his claim in the future. The creditor has no guarantee that the property status of the debtor will always be stable and solvent. The creditor cannot directly control the work undertaken by the debtor who may face a situation whereby the execution of his claim becomes questionable.

In order to prevent a potential problem regarding the execution of the creditor's claim, the provisions of the substantive law provide for different means, which foresee a safer execution of the creditor's claim.

Our legal system, as is the case with every other legal system, has various means for securing creditor's claims. Substantive provisions foresee the contractual penalty, bail, advance payment, earnest money, surety, penalty, right of retention, and right of pledge.

Of all means provided for securing creditor's claims, right of pledge (pignus and mortgage) represents the oldest and safest means for securing creditor's claims.

Right of pledge means creation of any interest on movable property or on any right through agreement or pursuant to the law,

whereby the pledgee is granted the right to take possession of that property or use that right in order to satisfy any existing and identifiable obligation secured with the pledge.

2. Types of Pledge

Traditionally, the right of pledge is divided into pignus, namely on the right of pledge in movable property, and mortgage, namely the right of pledge on immovable property. When dividing the right of pledge into pignus and mortgage, the type of the property, namely the subject pledged ought to be considered. Thus, if the object of pledge is a movable property it is always a pignus. Meanwhile, in cases where the pledge object is an immovable property, that means that we are dealing with mortgage as a type of the right of pledge . A pledge may be a pignus and a mortgage. The pignus is a right of pledge on movable property, while the mortgage is a right of pledge on immovable property. The difference between the two types of pledge is not only shown by the object of pledge. Another factor that distinguishes the two is that the pignus, according to rules, is handed over to the creditor (pledgee), whereas in the case of mortgage the pledge is recorded in the respective registers . The first person to divide the right of pledge into these two main types, depending on the movable or immovable property, was Hugo Groitus. Back then, he formulated the concept according to which pignus consists of only movable property whereas the mortgage consists of only immovable property.

The mortgage is a real right of the creditor on immovable property of others. The creditor, as foreseen by the law, is entitled to request the compensation of his claim from the value of that immovable property against creditors that do not have a mortgage on it as well as against creditors who have got the mortgage on the property after him, regardless of the change of ownership of the claimed immovable property . The mortgage presents the so-called "real means" of securing claims, although the subject of insurance is the property, respectively the immovable property. Insurance of claims consists of what the debtor pledges, respectively of the immovable property he owns, for the purposes of securing creditor claims. If, within the deadline foreseen in the agreement made between the creditor and debtor, the latter fails to fulfil his debt towards the creditor, consequently the creditor, through legal means, is entitled to satisfy the claim through the forced sale of the immovable property of the debtor.

This concept of pledge has undergone changes in the contemporary law. Nowadays, there is also the mobile mortgage which implies the right of pledge that consists of movable property. However, the pledgee's right over the movable property, similar to immovable property, is recorded in the public books. In such cases, the division of pledge into pignus and mortgage, according to the authors, is based on the delivery of the property. In this case, it is vital to know whether the property is delivered to the pledgee or whether the debtor keeps it. Therefore, the possession of the property is far more important than the type of property that is subject to possession . Law on Property and other Real Rights of the Republic of Kosovo (hereinafter referred to as LPORR) provides for the possessory pledge, non-possessory pledge as well as the pledge over a right in Article 134, paragraphs 1, 2, 3, and 4.

3. Pignus

The pledge over movable properties is called the pignus. It is presented as part of the right of pledge against the right of pledge on immovable property and the right of pledge over rights. Pignus is established through a contract whereby the debtor (or a third party) enters into obligation towards the creditor (pledgee) for delivering any movable property with ownership rights in order to secure the claim. On the other hand, the creditor is obliged to keep the movable property and, after the expiration of the claim, return the same to the pledger without any damage.

The pledge has been named after the Latin word “pignus” which means palm and symbolizes the manner of controlling the property . The pledge represents real means of securing the execution of a contract. It's an accessory contract. This contract is a pledge on the movable property. Indeed, the pledge contract is a contract where the debtor or any third person called the pledger has obligations towards the creditor, or the pledgee, to deliver any movable property in which the right of ownership exists and which is valuable enough to satisfy his/her claim to other creditors, if the claim is not to be paid after the expiration of the claim; the creditor, on the other hand, is obliged to keep the property and after the expiration of the claim, return it to the pledger without any damage . Pignus is the most ancient right of pledge. It is older than fiduciary, far older than mortgage and other rights of pledge. Pignus is a real right on the property of others. The subject of pignus is the movable property, which secures the claim of the pledgee/creditor to the pledger/debtor and is delivered to the pledgee/creditor in retention (in possession), and from its value of the latter satisfies his/her claims. The movable property which comprises the pignus is individually defined. A right can also be the subject of the pignus. Upon submission of the movable property in retention, a pledgee/creditor acquires the real right to that property so after the expiration date of the claim, he/she can legally satisfy his/her claims from the value of the property. The pledge property is only the one that is in use and capable of ensuring the pledgee/creditor with the value that is sufficient to satisfy his/her claims.

4. Titles for Obtaining the Right to Pignus

By way of establishment the right to pignus can be:

- Contractual,
- Judicial, and
- Legal.

4.1 Judicial Work as a Legal Title for Obtaining the Right to Pignus

It is widely known and acceptable that the contract is "titulus turis" built on which the right of pledge is obtained. In addition, obtaining the right of pledge based on the contract rather than the most common legal basis based on which the pledge is incurred and obtained, is a rule . In theory, the contract for pledging the property is a pledge contract and in Latin it is called the contraktus pigneraticius which obliges the debtor or any third party (the pledger) to deliver to the creditor, by way of the right of pledge, the designated movable property, while the other contracting party is obliged to take care of the pledge and, upon the termination of the claim expiration date ensured by the pledge, return it to the pledger .

The right of pledge has not been substantially established by the contract yet. The contract only presents the legal basis (titulus iuris) for obtaining the right of pledge. It even states that it only paves the way for obtaining the right of pledge. Precisely, such a contract is only treated as a precontract. In order to acquire a real right, and in this context, a right of pledge, it is also necessary to undertake another action - the delivery (traditio) of the movable property; meanwhile, in terms of immovable property it is required the registration of the property in the public books. This act, which is qualitatively important for acquiring the right of pledge, is called the method for acquiring a right, or modus acquirendi. Only the acquisiton or the existence of the titulus iuris and the modus acquirendi simultaneously will result in acquiring the right of pledge . Law on Property and other Real Rights of the Republic of Kosovo, Article 136 paragraph 1 and 2 foresees: “The validity of a pledge agreement requires a written document containing the following particulars:

1. the name and address of the pledger and if the pledger is a person other than the debtor;
2. a description of the obligation to be secured; a description of the pledged item;

A statement that the purpose of the agreement is to create a pledge in favour of the pledge holder; the signatures of the parties to the agreement; and the date on which the pledger signs the pledge agreement”.

4.2 Judicial Decision as a Legal Title for Obtaining the Right to Pignus

The right to a judicial pledge on movable properties is acquired by seizure in an enforcement procedure when the debtor has not fulfilled the obligation required and the creditor has proposed compulsory enforcement based on the final decision. This can be an administrative enforcement procedure, and according to some theoreticians, it would be best to call it enforcement pledge right.

The right of pledge also arises by a court decision. Judicial or compulsory pledge on movable property shall be established based on a court decision taken in the enforcement procedure. Upon registration by the judge, the property is individualized. This may be the reason why a delivery act to acquire the right of pledge is not required in case of a compulsory pledge .

Movable properties that are subject to judicial pledge remain under the possession of the pledger/debtor. However, in such cases, there is a possibility for these properties to be transferred under the custody of the court or of the third person. The decision of the court to establish a movable property is similar to cases of the procedure for securing the claim as a precautionary measure and in the procedure for the execution of movable property for the fulfilment of a monetary obligation. Enforcement for movable items is conducted through registration, sequestration, and evaluation, selling of such items and settling the credit from the amount obtained from sale of such items. Creditor gains the right of pledge for inventoried movable items. If the inventory is done in benefit of more creditors, the order of priority of the right on pledge obtained through inventory or writing in the register of inventory for the purpose of sequestration, shall be assigned according to the order of receiving enforcement proposals by the enforcement body.

4.3 Law as a Legal Title for Obtaining the Right to Movable Property

Statutory pledge exists based on the law in favour of legal creditors assigned for certain legal claims, without the consent of the debtor . Within the right of pledge, in some rare cases, the law is presented as a legal title (legal basis) for the establishment of the right to movable property. This includes cases where after the fulfilment of certain conditions, the law considers that in that case, the right of movable property exists. The conditions for this type of pledge are foreseen by law, and in these cases, the consent of the contracting parties is not required for the constitution of the right of pledge . This means that the right of pledge can exist without publicity. This reflects the weak side of the statutory pledge since third parties cannot know about its existence. So when it comes to movable property, there is no need for the debtor

to transfer the property in possession of the pledgee/creditor due to the establishment of the right of pledge, such as the case with the right to voluntary pledge. Furthermore, the statutory pledge may also be granted to persons (carriers, commission agents, freight forwarding agents, warehousers) who at one point were under the possession of the property, but not any longer . The fact that the statutory pledge depends on the fulfilment of the facts set forth by the law means that the debtor's consent is not necessary for the establishment of such a pledge. This pledge will be created even if the debtor opposes its establishment.

The owner of the apartment (house) in use, the lessor, or put differently, in cases when the lessor leases the apartment to the lessee, there is a greater need for securing the lessor's claim on the lease if the lessee fails to fulfil his obligation. The lessor's statutory pledge consists of movable property of the lessee placed (transferred) in the apartment. The statutory pledge consists of the so-called invecta et illata, movable properties which the lessee has in the apartment or on the arable land . Kosovo's LPORR regulates the legal pledge with Article 135 paragraph 1, 2 and 3. Due to the importance of this institute, some cases of legal pledge are mentioned below. One case is the "right of retention" foreseen by Article 267 of the Law on Obligational Relationship of the Republic of Kosovo (hereinafter: the LOR), where the creditor of a claim that has fallen due shall have the right to retain anything of the debtor that is in the creditor’s hands until the claim is paid thereto.

According to Article 643 of the LOR in order to secure payment for the work, recompense for the material used and other claims deriving from a contract for work, the contractor shall have a lien on the things made or repaired and on other objects delivered thereto by the ordering party in connection with the work, as long as they are in the contractor’s possession and the contractor does not relinquish them voluntarily.

According to Article 693 thereof, in order to secure payment for the transport and the refund of the necessary costs incurred by the transport the carrier shall have a lien on the things handed over thereto for transport and in connection with the transport as long as they are in the carrier’s possession or as long as the carrier holds documentation that allows the disposal thereof.

Article 800 of the LOR states - the commission agent shall hold a lien on the things that are the subject of the commission agency contract, as long as such things are therewith or with a person that holds them in possession thereof or as long as a document that allows them to be disposed of by the commission agent is held thereby.

5. Principles of the Right of Pledge

Every right has its own character and characteristics, which distinguish it from others in terms of content, juridical nature, notion. The right of pledge cannot be an exception to it. Based on this, it is easier to distinguish the principles on which the right of pledge is based and which express the essence of the existence and the right of pledge as a real right iura in re aliena.

Had it not been a right on itself, the right of pledge could not have had its own principles and vice versa. The particular principles also distinguish it as a legal institution, as a real right from the other rights, whether it is a real right or obligation . In legal literature different authors differ have different views on the principles of the right of pledge. However, some of these principles are found in the work of most of them.

The most important principles of the right of pledge are:

1. The principle of accessority;
2. The principle of officiality;
3. The principle of speciality;
4. The principle of indivisibility, and
5. The principle of priority.

5.1 The Principle of Accessority

The right of pledge, as a real right on other’s property and securing a creditor's claim in relation to the debtor implies the fact that this right results upon the existence of a binding legal-civil relationship. A right of pledge cannot exist if it is not preceded by the existence of a binding relationship between the debtor and the creditor. A right of pledge cannot be created and exist without the creditor, while the latter exists without the right of pledge. The right of pledge exists with the existence of the claim provided. The right of pledge is created to secure such a claim. It is clear that the right of pledge exists only if there is a certain claim, the realization of which is guaranteed by the right of pledge. The right of pledge presupposes the existence of a certain claim, while the latter conditions the first from which it is secured. All this shows that the right of pledge is not a right established on itself; is not a main independent right. It is dependent on the existence of the claim right, which is an independent right . The accessority of the right of pledge is particularly taken in consideration in the case when the claim or the transfer of the right of claim is transferred to the heir, whereby this transfer from one entity to the other implies the continuity of the right of pledge for securing the claim, no matter who the creditor is in this given case.

Exclusion from the principle of accessority exists in the case of the statutory limitation of the claim that is secured by pledge - the pledgee is entitled to satisfy his/her claim from the value of the property pledged if it is under his/her possession or if the right is

registered in public books. This exclusion from the principle of accessority is also included in some foreign laws, such as (e.g. German law and Swiss law for securing mortgage claims, namely Austrian law and Polish law in the case of pignus . The right of pledge may be constituted for future claims, which is the case of a bail pledge which is granted for a claim that may, but not necessarily arises, and the credit pledge that is granted for a claim that may arise from contracted credit. This right arises immediately with the constitution of the pledge, although the claim is for the future; if the claim does not arise, the right of pledge is terminated . Securing non-existent claims at the moment of the creation of the right of pledge consists of both movable and immovable properties. This at the same time is an exemption from the principle of accessority, according to which, at the moment of the creation of the right of pledge, there must be a claim which is secured by the pledged property and the value which satisfies the claim.

5.2 Principle of Officiality

The right of pledge as property security secures a certain claim of the creditor who is entitled to complete (satisfy) his/her claim from the value of the property, if, upon the execution (maturity) of the claim, the debtor (pledger) fails to meet it; fails to fulfil his/her obligations in due time.

Legal arrangements explicitly provide that the creditor or pledgee has the right, before other creditors, to collect his/her claims by the value of the pledge if his/her claim obligations are not met. However, it should be noted that the creditor cannot satisfy the claim by selling the pledged property himself/herself, but only through court proceedings. The creditor can only address the court, requesting the judge to render a decision by which the pledged property is to be sold at public auction or according to a certain price, when the property already has a stock price or market price. This is a characteristic feature of the principle of officiality, which is preceded by the LPORR of Kosovo. Article 168 of the specified law stipulates that, upon default, a pledge holder may sell, lease or otherwise dispose the pledged item. A sale of a pledged item can be affected by public auction or in any other suitable manner . In accordance with the principle of officiality, the so-called lex commissoria is forbidden. The pledge creditor is forbidden to collect debt from a pledged property based on the unilateral declaration of will, and similarly any contractual provision is also forbidden, which, at the moment of entering into a pledge contract, foresee that the pledged property be transferred to the ownership of the creditor if his claim is not fulfilled or in such case the creditor may hold the pledged property for himself/herself or sell it at a pre-determined price.

This is foreseen in the LPORR of Kosovo in Article 130 paragraph 1 where it is expressly stipulated that" An agreement, entered into before the secured claim has matured, is void if it provides that upon non-payment after maturity of the secured claim the encumbered assets are to become or to be transferred into the ownership of the secured creditor or the encumbered assets are to be sold at a fixed price.

In principle, the creditor's ownership of the pledged property is prohibited. However, the exemptions from this principle are contained by most of the contemporary legal systems including the LPORR of Republic of Kosovo. According to Article 169 of the law in question "the pledge holder may purchase the pledged item only at a public sale or a private sale if the pledge item is sold in a recognized market, or in cases where commonly known standard prices exist for the pledged item.

5.3 Principle of Speciality

By legal nature, the right of pledge is a real right. Real rights are established only on the individually determined property. As a real right, the pledge right cannot be anything else but a property. It is made up of an individually defined property. Thus, the pledge property must be individually defined, whether it is movable or immovable. The pledge is an accessory right and as such depends on the essence of the claim, which is provided by the individually determined pledge property. Thus, this principle implies that with right of pledge only secures the specific claim of a creditor (and not an indefinite number or indefinite amount), and the right of pledge may only exist on certain properties or on many individualized items. There are some exceptions to the principle of specialty.

The first exception is that the right of pledge can secure both future and conditional claims. The right of pledge, can also secure eventual claims, respectively the claim that will emerge or (if emerged) will still exist. This can be the case when a person gives something of his own as insurance for the obligation that may emerge but not necessarily emerges. For example, a person rents the ship on the ocean and leaves his/her watch as a pledge in case he/she damages the ship (bail pledge). Such an exception can be found in the LPORR of Kosovo which in Article 131 stipulates that "A proprietary security right can be granted for securing present, future and conditional claims.

5.4 Principle of Indivisibility

By its very nature, the right of pledge is inherent, while the entirety of the pledged property with all its constituent parts secures the claim of the creditor. The principle of indivisibility implies that the entire pledge property secures the claim until it is fully fulfilled. The right of pledge is indivisible, primarily in

terms of the claim secured through the pledge, and secondly in terms of the pledge property. The meaning of indivisibility consists in that the creditor holds the right of pledge even after the partial fulfilment of the claim, until the debtor pays all the debt. The right of pledge is indivisible even if the obligation is divisible. The claim is complete and as such is secured; the pledge property is complete and only as such provides security. This means that only as a whole the claim is secured by the pledge and that only the pledge property as a whole can secure the claim. The entirety of the claim consists in securing the pledge with all its parts. Meanwhile, the entirety of the pledge property consists in its "ability" to secure the claim with all its components and parts, its accessories and pertinence, as well as harvested and non-harvested (separated) natural and non-natural fruits. In this regard, the LPORR of Kosovo foresees that "the mortgage extends over all parts of the immovable property unit, including the buildings thereupon that are firmly attached to the ground. The mortgage covers all component parts and natural fruit of the immovable property as long as the latter are not separated from the principal thing. The mortgage secures the secured claim until it is completely paid off. A partial payment does not affect the mortgage.

The principle of indivisibility is also dealt with by the most popular civil codes such as the French Civil Code in Article 2114, Austrian Civil Code in Article 457, and the Swiss Civil Code in Article 889.

5.5 Principle of Priority

The right of pledge exists on the designated property. A certain property may be subject to more rights of pledge. The property is pledged for claims of various entities, which in this case are pledgee creditors. This represents a cumulation of the rights of pledge. Cumulation of the rights of pledge may emerge at the same time or at different times. In these cases it is necessary to foresee the possibility of the fulfilment of the secured pledged claims.

The creditor acquires the right of pledge based on which he has the right to collect his claims before other creditors and before those who have acquired the pledge over that item after him. The pledge secures the creditor, not only in relation to the debtor, but also in terms of eventual reflections by others in this matter. Since more rights of pledge compete over the same pledge property, there is a need to regulate the relationship between them. Similarly, acontrario when more creditors have the right of pledge over the same pledge property, from the value of which they are secured, there is a need to establish a relationship between them. The maxim prior tempore, potior iure (First in time, greater in right) has been set long time ago. A particular feature of the mortgage is its range on the registration in public books. It is regulated by the principle of priority, according to which the protection of immovable property rights is determined according to the time of registration in public books. In this way, the order of priority in payments of claims deriving from mortgaged immovable properties is established. This concretely implies that the first mortgaged immovable property will first fulfil the claims of the creditor who first constituted the mortgage, and after that, the claims of the other creditors who constituted the mortgage in that immovable property after him if anything is left, and according to the order. The LPORR of Kosovo has foreseen the principle of the ranking of real rights with Article 118 which stipulates “The ranking of several rights encumbering the same immovable property shall be determined according to their date of entry into the register. Rights that were registered on the same day and at the same time have equal ranking”. Article 119 of the same law provides for the possibility of changing the order of ranks, but in this case an agreement is required between the holders of the rights that are affected by the ranking change. Meanwhile, Article 120 of the law in question provides for the possibility of reservation of priority ranking stating that “the owner of an immovable property when registering an encumbrance on such property may make a reservation that grants authority to have a different, clearly defined right registered with priority ranking over the encumbrance. The right of priority is also foreseen by most of the world's legal systems and is regulated by special laws or civil codes/Article 1209 of the GCC, Article 893 of the SCC, Article 1056 FCC.

6. Entities of the Pignus

The pledge itself does not emerge or come out of thin air; it is established by the people. It is clearly not established by each and every person socialising with others in a rally, in society, or in gatherings, but only by those who enter together in a specific legal relationship, standing opposite one another, for the purpose of realizing any property interest. A relationship, be it social or legal, cannot be conceived without people, without entities. Therefore, it is clear that the people, the entities are needed for the establishment and existence of the legal relationship of the pledge, as for any other civil-legal relationship. One entity is known as the creditor/pledgee and the other is known as the debtor/pledger.

The creditor/pledgee is the entity for whom the right of pledge is constituted and who has the right to satisfy his claim from the value of the pledged property. He is the holder of the right of pledge. His right acts on all other persons, is an erga omnes entitlement, which means that it is enforceable towards all, the debtor from the relationship of obligation, the pledger, as well as towards third parties. In this legal relationship the debtor is the

person who obliged to fulfil the obligation of the creditor from his/her property, namely the pledger/debtor who has pledged his/her property to secure the claim of the pledgee/creditor. However, the pledger/debtor is not necessarily the same person with the debtor from the obligational relationship because in certain cases there is also a third person who pledges his/her property for securing the creditor's claim for the debtor from the obligational relationship. From the content of Article 133 and 134 of the LPORR of Kosovo it is noticed that the lawmaker names the entities of the right of pledge as the pledger and the pledgee.

7. The Subject of Pignus

In order to constitute the pignus,it ought to have its own subject. The subject of the right of pledge may be any movable property that is in legal circulation, including the share of joint ownership. The property must be individually defined and non-consumable. If the subject of the pledge would be the non-consumable property, then the right of ownership would be transferred to the pledgee who would return the same amount upon termination. In literature, this is called an irregular pledge (irregular pignus). The subject of the right to pignus may also be the right that has a property value. Such rights are: copyright and disclosure, other rights to industrial property, the right incorporated into securities, the right to inheritance, etc.

Subject of the pledge can be properties which were given as the pledge. However, in this case, the pledger shall notify the pledgee and require from him/her to deliver the pledge to the other pledgee upon collection. The LPORR of Kosovo in Article 138 paragraph 1 stipulates that "any movable item or right that is legally transferable can be pledged. Property that is jointly or commonly owned may be pledged only if all joint or common owners consent the pledge. Subsoil minerals and hydro-carbons and rights to subsoil minerals and hydro-carbons can be pledged in accordance with the provisions for the transfer and encumbrance of subsoil minerals and hydro-carbons or such rights in the applicable law . According to the LPORR of Kosovo, subjects of the pledge may also be generic things of the same kind and quality as well as pledge of future items and inventory

8. Conclusions

The right to insurance in the Republic of Kosovo, as every branch of law has undergone considerable changes, adapting to social transformations and the demands of the modern economy. If the right to legal property insurance of Kosovo is comparable to the rights of the countries of the region, it can be inferred that many of the institutions for securing the claims are almost identical. LPORR of the Republic of Kosovo has foreseen the possessory pledge, non-possessory pledge and a right of pledge as a fixture for securing claims.

By all means provided for securing the creditor's claim, the right of pledge (pignus and mortgage) is the oldest and one of most secure means of securing creditor claims. The right of pledge is a real right. It is a real right over other’s properties. It is an iura in re aliena right. The pledge is a real right by which its pledgee or creditor may request payment of his claims from the property if they are not to be paid within the prescribed time limit. Put differently, the right of pledge is a real right to other’s property, and from this right the pledgee has the power to satisfy his/her claim from the pledged property if the debtor fails to fulfil the obligation assigned at the appointed time.

Traditionally, the right of pledge is divided into pignus, namely on the right of pledge in movable property, and mortgage, namely the right of pledge on immovable property. When dividing the right of pledge into pignus and mortgage, the type of the property, namely the subject pledged ought to be considered. Thus, if the object of pledge is a movable property it is always a pignus. Meanwhile, in cases where the pledge object is an immovable property, that means that we are dealing with mortgage as a type of the right of pledge.

In the future, Kosovo's lawmakers should be committed to establish a right to insurance on a variety of movable properties that are important to business activity in order to facilitate access to credit through a legal regime that is in accordance with international standards such as those set by the United Nations Commission on International Trade Law (UNCITRAL) and the World Bank.

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VOLUME: 4
ISSUE: 1
JANUARY - APRIL, 2020

PRIZREN SOCIAL SCIENCE JOURNAL

ISSN: 2616-387X
DOI: 10.32936

IMMATERIAL DAMAGE AND SOME TYPES OF ITS COMPENSATION

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Article history:

Accepted 30 March 2020
Available online 31 April 2020

Keywords:
Damage,
Causing Damage,
Material Damage,
Immaterial Damage,
Compensation of Immaterial Damage,
Criteria For Compensation of Immaterial Damage,
Types of Immaterial Damage.

A b s t r a c t

The purpose of any legal system is the regulation and harmonization of actions between people within their respective societies. Now in almost every thesis of this nature you will come across a reference to one of the principles on which the relationship between people should be constructed; the prohibition to cause damage to another, and in case of non-respecting this principle, as it happens in many cases for various reasons, the obligation of indemnity arises, that aims restoring of a situation which was prior to causing of the damage, and the realization of this target is in direct correlation with the nature of the damage caused, and in case of immaterial damage, it is almost unattainable, target, but that does not affect the need to compensate damages of such nature. The issue of immaterial damage compensation is one of the most controversial and current matters in the theory and judicial practice, and this not only because it includes the matters of protecting an individual, his rights to invulnerability as an individual, but even due to the fact that the lack of criteria for the assessment of immaterial damage, influenced to the reference on various criteria, thus creating a change in judicial practice, in regard to the amount of defined compensation for similar cases. This thesis addresses immaterial damage, in regard to its forms of presentation, and then the procedure of immaterial damage compensation and the criteria based on which are assessed; the nature and the extent of the caused damage for the effect of its compensation.

1. Introduction

Beyond the criteria related to the compensation of immaterial damage, the immaterial damage itself is an institute that is new in itself, and as such we initially find it in French jurisprudence, whereas later, this institute was also developed by German legal theory, thus recognizing a gradual expansion of damage notion, and this development is directly influenced by the concept of personality rights, respectively the rights related to personality such as; rights on liberty, life, name, reputation, etc. All these presents a special category of rights and as such are subject to the protection of private law, except criminal and family law, considering from the constitutional protection which the same enjoy as indivisible, inalienable and invulnerable rights. Considering protection subject, it can be emphasized that differently from material damage, immaterial damage is a generic concept, almost outlined, so difficult to be defined, considering even the terminology used to refer to it, so it has been defined as all damages which are not material in their nature, most commonly noticed as extra-material damage, non-economic damage, moral damage or ideal damage, but there is an growing tendency for it to objectively define the area of lawfully protected immaterial interests. This uncertainty in the terminology of immaterial damage itself, directly influenced on determining the circle of persons to whom this right is addressed, as well as the nature of adequate compensation for the damage suffered, and this uncertainty is caused up to specific situations from judicial practice, making difficulties in proceeding cases of such nature, by providing of merit basis settlement, where the amount of compensation would be satisfactory to the party who suffered the damage, but also to respond to the liability in adequate extent, of the responsible person who caused the damage.

Thus, this thesis will address immaterial damage in the light of these difficulties encountered in judicial practice, by referring relevant cases, combining theoretic and practical aspects, respectively in function of identifying the difficulties of applying

of current provisions, but even the needs on eventual changes, with a target to a fairer settlement of cases of this nature that have an highlighted sensitivity, considering the nature of vulnerable rights and caused damages, which in many cases are irreversible, and that respectively this makes it necessary to consolidate in the legal context the full concept of ”moral damage” and the development of a single system for its calculation.

2. Meaning of Immaterial Damage

The Law on Obligational Relationships of Republic of Kosovo, does not provide a detailed definition of immaterial damage, respectively it only refers to the specific types of this damage, whereas the need for its compensation can be derived from general provisions such as the legal provision which highlights that the damage comprises the diminution of property (ordinary damage), prevention of the appreciation of property (lost profits), the infliction of physical or mental distress or fear on another person, and encroachment upon the reputation of a legal person (immaterial damage). Immaterial damage it can also be created separately from material damage, but in most cases it comes along with it, and as a wide and comprehensive category, including within the same “any damage suffered by the infringement of non-property rights and interests which are part of human values, and which are not a subject of direct market economic assessment”. The Law on Obligational Relationships of Kosovo, provides some types of immaterial damage which can be compensated, setting as a distinguishing criteria not only the type but also the manner in which it is compensated, so in regard to a type of immaterial damage, such as in the event of a infringement of the right of personality, provides the opportunity of achieving the target even in the absence of compensation, whereas for other types of damage which will be addressed in follow up, monetary compensation is foreseen as the only form of compensation, considering the nature of the damage on which compensation is required.

3. Indispensable Criteria for Existence of Immaterial Damage

In any case, either under criteria of proofing of material damage or immaterial damage, it is indispensable the existence of general elements as unlawful action, the damage caused as a result of it, then this action has been committed with guilt and existence of causal link between the action and the damage caused, and that the existence of these criteria which must be fulfilled collectively derives from the legal provision “Any person that inflicts damage on another shall be obliged to reimburse it, unless it is proved that the damage was incurred without the culpability of the former”. The damage may be a consequence of acting or omission, but in any case the action is contradiction of interests and rights of the other, protected by legal order or good practice, and respectively affecting of such interests or rights; is the consequence of harmful action or respectively the damage caused to another person, who must prove the causal link between them, as the existence of damage or damage action in itself, does not present grounds for indemnity, as the lack of identification of the action or damage omission, means that the person from whom the compensation will be required is missing, whereas the lack of proof of a respective consequence, makes the claim for damages unfounded. But the lawmaker as a general criteria has foreseen even the existence of the guilt of the causing damage, which may be on purpose and negligence, while from this general criteria has excluded the damage from the objects or dangerous activities, to which are responsible the holder of dangerous object respectively the person dealing with dangerous activity, regardless of the guilt. In this view, it is important to emphasize the fact that from interpretation of this provision it results in the presumption of guilt being therefore taken for granted, and it is the obligation of the person causing the damage to prove that he/she is not guilty, respectively despite that his/her behavior could have been unlawful was found under such circumstances, that it has been impossible for to avoid it.

4. Types of Immaterial Damage

4.1 Compensation of Immaterial Damage Due to Causing of Fear

Fear is one of the most common forms of immaterial damage, which affects bodily integrity and health damage. The fear presents the subjective element of the injured party, and is a feeling of deep concern, internal psychic experience, unpleasant of the injured party caused by delinquent action of harmful party, in traffic disaster, injuries caused at working place or related to the work. As such, fear can be caused even despite bodily injury and other physical pain. In this way, fear can arise both in the event of an attempted assault but also when the violence is directly caused. The fear can be primary, secondary, direct, indirect, fear of life and fear of healing. To realize the claim for compensation of immaterial damage due to the fear, following criteria must be cumulatively met: a) that the injured subject suffered fear, b) the fear is of high intensity, c) fear has certain duration, fear causes consequences to the injured party, and d) the injured party to file a claim at the competent court for realization of compensation of such damage.

When determining the degree of intensity and duration of fear, the judicial expert must consider the person’s age, health status, person’s gender, place and time of injury, etc., as the effects are not the same for all. This is stressed, as it is known that in children, women or persons with poorer health status, the fear may be of a higher intensity and of longer duration than in adults, which as such may cause consequences. All these circumstances

presented in the report of the judicial expert, are considered by the judge in a free assessment, formed on the basis of his/her internal conviction when the judgment is announced.

In judicial practice there are court decisions in which the courts should consider the extent of bodily injury, duration of fear, experienced intensity, adjudicates to the injured party money compensation. So, in a case the Court of Appeals of Kosovo by judgment Ac. no. 2082/2014 dated 18.01.2017, approved the appeal of the respondent, so it amended the judgment of Basic Court in Pristina C.no.2531/2008 dated 06.12.2013, in regard to immaterial damage for sustained psychical pains, thus adjudicated the amount of 2.900 euro, for the suffered fear adjudicated the amount of 2.700 euro, for reducing of life activity adjudicated the amount of 4.600 euro, and on behalf of deformity adjudicated the amount of 2.350 euro.

Compensation of immaterial damage with money due to causing of fear, presents a satisfaction for the injured party, rather than achieving of any lucrative purpose that is not in compliance with the social purpose of this compensation. It should be highlighted that the right on compensation claim of immaterial damage due to the fear is closely related to the personality of the subject who suffered certain fear.

4.2 Compensation of Immaterial Damage Due to Bodily Injury

This form of immaterial damage compensation is manifested in those cases where the victim sustained extremity fractures, rib fractures, injury of fracture of spinal cord, head fractures or - other injuries in the body, so the injured person suffers physical pain and psychics suffering.

In order to obtain the compensation of immaterial damage due to bodily injury, also at this point, cumulatively, following criteria should be met: bodily harm must be caused, bodily harm should cause physical pain or mental suffering, existence of causal link between the bodily injury and caused physical and psychic suffering of the injured party and the existence of responsible subject. Determination for the compensation of this damage is provided by the court, based on the assessment of the judicial expert, as at this point it is very important to ascertain the intensity and duration of the physical pain and mental suffering of the person.

4.3 Compensation of Immaterial Damage Due to Psychic Suffering

Psychic suffering presents also one of the forms for the compensation of immaterial damage. Psychic suffering, as a special ground for the compensation of immaterial damage, presents a sense of deep concern; respectively an unpleasant internal experience that occurs under the influence of an external risk, whereby the person suffers emotional and psychic's disorders. This form of compensation of immaterial damage is more difficult to be ascertained, as it depends on the psychic constitution and disposition of the injured party, his mentality and other circumstances.

Law on Obligational Relationship of Kosovo (LOR) Article 183 paragraph 1 and paragraph 2, provides that "Just monetary compensation independent of the reimbursement of material damage shall pertain to the injured party for physical distress suffered, for mental distress suffered owing to a reduction in life activities, disfigurement, the defamation of good name or reputation, the truncation of freedom or a personal right, or the death of a close associate, and for fear, if the circumstances of the case, particularly the level and duration of distress and fear, so justify, even if there was no material damage. Upon the decision on the request for the compensation of immaterial damage, as well as for the amount of the compensation, the court shall evaluate the importance of the violation of goods and the purpose to which this compensation shall serve, also in order not to support the tendencies that are not compatible with the nature and the social purpose thereof".

4.4 Compensation of Immaterial Damage Due to Deformity

Deformity as a form of immaterial damage occurs as a result of the infringement of the bodily integrity of the injured subject. Deformity is spoil of the external appearance, of the shape of the human body or any part of it, respectively spoiling of the external appearance of any bodily function. In practice, cases of causing deformity are expressed during injuries caused, during traffic injuries, when using dangerous objects or when dealing with dangerous activities, whereby the injured persons sustains face or head deformations as a result of creating bruises, deformation due to injury or rupture of the hand or foot, or even other parts of the body. After the moment of deformity, loss of the beauty of mentioned person is caused and there is psychic imbalance, a sense of inferiority is created in relation to other members of society, and all of this is reflected in a depressive state, by what often there is a stagnation of the injured person in the profession or in daily life. For the realization of this compensation a deformity should exist, bodily deformation of the injured subject, and deformity to cause spiritual suffering of a certain intensity and duration. The right on compensation for immaterial damage from the deformity is personal and does not pass to the heirs of the injured party. In a real case form Basic Court in Peja – Branch in Klina, by judgment C.no. 418/17 dated 19.12.2018, in regard to the compensation of damage caused by a traffic accident, the

Court obliged the respondent Insurance Company Scardian, with seat in Pristina, to compensate to the claimant the amount of 4000 euro, on behalf of compensation due to bodily deformity.

4.5 Compensation of Immaterial Damage Due to Causing Of Death

Compensation of immaterial damage, due to causing of death, occurs after the death presents a relevant fact to seek the realization of immaterial damage compensation. Most of legislation and judicial practice recognizes this type of immaterial damage.

Law on Obligational Relationsships of Republic of Kosovo (LOR), provides the circle of close family members who are entitled to the compensation of immaterial damage, in case of death or serious disability of the family member. So, Article 184 paragraphs 1 to 4 of LOR provide that "If a person dies the court may award just monetary compensation to his/her immediate family members (spouse, children and parents) for their mental distress. Such compensation may also be awarded to siblings if there was a long-term union for life between them and the deceased or injured party. In the event of a person becoming seriously disabled the court may award his/her spouse, children or parents just monetary compensation for their mental distress. The compensation specified in paragraph 1 and 3 of this article may be awarded by the court to an extra-marital partner if there was a union for life between the partner and the deceased or injured party".

Civil Code of Republic of Albania, Article 643 provided that when e death of a person has been caused, the damage to be compensated is comprised off: "a) living and nutrition expenses for his minor children, consort and parents unable to work who used to be under the responsibility of the dead person, completely or partially, and of the persons who used to live in the dead person's family and who had the right of nutrition by him; b) the necessary expenses of the dead's funeral, according to the personal and family circumstances of the dead person. The person who has caused damage may claim the same protecting means that he would claim to the dead person. The Court taking into consideration all the circumstances of the question might decide the recompense to be given in nature, or in cash, at once or in trances (parts)".

In order to realize the compensation for immaterial damage due to causing of death, the following criteria must be met: the death of a relative is caused, the death causes suffering to his relatives, existence of the causal link between the death caused and the psychic suffering caused, the death to have been caused by unlawful action, and a claim for compensation for immaterial damage must be filed at the court.

5. Filing of Lawsuit

In principle, all rights and interests are protected, even the suit for compensation of non-pecuniary damage may also be filed by anyone claiming the cause of such damage, in which claim must specify the damage it claims to have been caused to him/her by the actions of respondent and the amount of compensation required by the same, as a consequence of the damaging action, since the lawmaker has determined monetary compensation as the only form of compensation, excluding of case of the infringement of a personal right the court may order the publication of the judgment or a correction at the injurer's expense or order that the injurer must retract the statement by which the infringement was committed or do anything else through which it is possible to achieve the purpose achieved via compensation.

Considering even the nature of such cases, the lawmaker has provided that in addition to the general territorial jurisdiction, the lawsuit may also be filed in the court in whose territory the damaging action has been committed or the court in whose territory the consequence of the damage arose, whereas in cases of death or serious bodily injury, the lawsuit may also be filed with the court in the territory of which the claimant has his/her residence, respectively the emplacement. From the reading of the legal provisions, it results that in cases where the injured party accepts the compensation offered by the insurance associations or special compensation funds, the same is not entitled to claim through the lawsuit additional compensation for the damage caused, but there are exemption situations related to the unawareness of parties on the consequences of accepting such amounts of compensation, and in this respect the European Court of Human Rights has in some cases found that the parties' disability that through legal remedies in this case a lawsuit, to seek additional compensation , constituted a violation of Article 6 (1) of the European Convention (the right to a fair trial), arguing that the circumstances under which the victims acted, was reasonable to believe that they had the right to start or continue using legal remedies even after the acceptance of the compensation offer, whereas were not sufficiently clarified on consequences caused by accepting of available funds.

5.1 Lawsuit Statutory Limitation on Damage Compensation

The institute of statutory limitations is an important civil law institute, through which legal deadlines have been settled within which judicial protection might be seek for an alleged right. In this regard, lawmaker has foreseen that compensation claims for damage inflicted shall become statute-barred three (3) years after

the injured party learnt of the damage and of the person that inflicted it, known even as subjective deadline, as it is related to injured party knowledge and its causing party, whereas in each case the claim shall become statute-barred five (5) years after the damage occurred, which is objective deadline, as it is related to the event as objective circumstance, from where the deadline begins. However, there are two exceptional cases of these preclusion deadlines, initially considering a totally specific circumstance related to the juvenile age in the case of created damage by the act of sexual abuse, it is provided that statutory limitation of the claim in this case is fifteen (15) years after the juvenile has reached the age of maturity and secondly, it is related to claims for compensation of damage caused by criminal offences, where the statutory limitation deadline is conditioned by the time set for statutory limitation of criminal prosecution, always if a for a criminal prosecution a longer deadline of statutory limitation is provided.

5.2 Burden of Proof

In court proceeding, the court should require the parties to present evidence of any facts on which the conduct of the proceeding depends or any decision making during this process and in the case of filing a lawsuit, the plaintiff must attach all evidence to the lawsuit, through which he/she claims to prove his/her allegations, respectively in the present case, the damages caused by the respondent, either in their nature and also at the height of the intensity they do have. In this regard, the plaintiff must, through the evidence presented or those proposed to be administered, prove that the damage actually occurred as a result of the respondent's adverse action, but does not mean that the consequence of the damage, respectively the effects have been fully manifested, but as such must be manifested, that is, project-able in a reasonable future, then the damage must be specified, so as to be related to the plaintiff specifically and individually, and the damage must also be "quantifiable", indeed the exact monetary value of the alleged damage must be stated, even tough the Court is not bound by the parties' allegations, but has freedom of action to assess the amount of the damage itself, which is almost in all cases it does so by engaging of an independent expert. But, considering the subjective nature of this damage and particularly its character-appearance, whether in the form of personality infringement, pain or spiritual suffering, it must be assessed as proven by the plaintiff's own proving of the unlawful fact of the third and the link of this fact with the moral infringement suffered, according to the principle of causal regularity, although even the lawmaker itself has related to specific reports and circumstances, the amount of compensation, which is certainly due to the nature and intensity of the pain since the mere presumption that the closer the family or coexistence of sex is, the more severe the emotional distress and pain of the relative of the injured party or victim, thus, the higher the amount of moral compensation to be imposed by the court is. In this regard, it is important to mention the fact that in cases of damage caused by a criminal offense, and where there is a meritorious decision in the criminal proceedings in respect of that event, and the compensation of damage is required in civil proceedings, then the existence of the damage and causing of it, it is taken as proven and that in civil proceedings, only the amount of damage should be set, and in this case, the plaintiff, when filing of the claim, also attaches the final decision of the relevant court issued in criminal proceedings. However, in addition, the plaintiff bears the burden of contention (onus contestatio), which means that the plaintiff must declare about the allegations of the opposing party, as in another situation, these facts can be considered uncontested by the court.

6. Expert Engagement

Almost in all European systems, medical reports serves as ground for the assessment of the damage caused. The Law on Contested Procedure provides that "whenever for proving or clarification of facts or certain circumstances, there is a need for professional knowledge that case Judge does not have", an expert of certain activity should be appointed, and this should be done as result of proposal of parties in proceeding, which are interested of obtaining of evidence through expertise. The role of the expert in court proceeding of this nature, respectively in cases when the civil proceedings takes place for lawsuits on damage compensation, it is very important, since there are respectively experts those who determines the nature and extent of the damage. Some of the most common types of expert witnesses on personal injuries includes the Accident Reconstruction Experts, who uses engineering principles to describe how the accident happened and to determine the most likely cause of the accident, medical experts who concludes the cause and extent of injuries, the most likely cause of pain and current condition, and the need for future medical care, financial experts concludes financial losses by qualifying such items as loss of earning capacity, future medical expenses and permanent injuries, mental health experts, who concludes emotional-psychological or psychological damage due to the damage caused, the manner how this will affect your life. The opinion of the expert or experts is assessed by the court as any other evidence, when it does not convince their opinion it must justify the refusal in the final decision, but may also engage another expert.

7. Criteria for Imposing of Damage

As much as it is clear that no price can compensate a pain, that no amount of money can restore lost function, just as the existence of consistent theoretical criteria or principles in assessing damages of this nature is unclear, apart that compensation should

be aimed at achieving a dual purpose, in one hand the victim's satisfaction and on the other the punishment for causing of damage. The lawmaker in Kosovo was satisfied by conditioning the settlement of compensation based on case circumstances, in particular their intensity and duration of the caused pain, declaring that the court must take care of the importance of infringing the good and the purpose whom this compensation serves, that the same should be in compliance with its nature and social purpose. In this regard, it is important to refer to the regulation on the criteria for the assessment of immaterial damage from auto-liability, drafted by the Central Bank of the Republic of Kosovo, as a good majority of cases are due to accidents of this nature and this regulation presents some criteria on the basis of which certain amounts of compensation have been imposed, such that in the case of spiritual pain due to a decrease in overall life activity, as criteria was considered the type of injury, the part of the body exposed to the injuries, the age of the injured person and the percentage of overall activity decrease, at compensation for bodily pain the nature of consequences is taken into account, whether permanent or temporary, in the case when are permanent, if the reduction in life activity is below 30% or above 30%, whereas the amounts within these percentages are imposed based on pain intensity, especially severe intensity, with severe intensity, medium intensity, in case of fear the intensity and duration of the fear related to spiritual pain due to deformity has been considered, as criteria was considered the high degree of deformity, low medium, gender and age of the injured person, whereas in the case of compensation for spiritual pain due to the death or high serious invalidity of a close relative, as assessment criteria for the compensation values was considered the proximity to deceased person or to whom was caused high serious invalidity. Although initially it seems that within these criteria a fair assessment of the damage caused can be summarized, in a more concrete review, it is evident that these criteria as such, are superficial and do not reflect fairly whole consequence of the adverse action, although such a regulation with tracking tables does not oblige the court when deciding in context of this nature, judicial practice investigates a corresponding in imposing of amounts that are relatively equivalent to those offered by insurance companies. Beyond the intensity and duration, that are objectively approximately quantifiable, taking into account the nature of the injury it can determine even its duration and intensity, there are specific circumstances, that for the authors of this thesis must acquire a substantial weight in determining of the compensation, highlighting the fact that even under the conditions of the existence of infringement of personality rights at a low intensity or short duration, the injured party is entitled to a fair money compensation, since the recognition of such damage, is a satisfaction on itself, beyond the specific amounts that may be set in relation to the damage caused. The assessment of the respective circumstances of the case, such as the subjective conditions of the injured person; age and individual degree of sensitivity to the infringement suffered, his commitment to the moment of infringement, but also the conduct of the causing damage in relation to the event and infringed persons, gives a special dimension to each case, as in all cases the events are experienced in various manners, which are respectively above-mentioned circumstances, that are crucial in this respect, considering that individual characteristics of the victim may increase or reduce the depth (degree) of suffering. If we do refer to aesthetic damage, it is not sufficient only the degree of deformity caused, but also the respective consequences on the life of the injured person, which depends on age, occupation, his engagement, family status, and other elements which determines specific weight of the damage caused, as for a person engaged in the field of modeling even a minimal damage, would be essential as it would deprive him/her of his primary and possibly only engagement in relation to another person, and considering his occupation and his engagement, such injury of that nature and to that degree would be quite insignificant, then, being young and furthermore unmarried, or engaged in any sport, where the appearance has its own significance, suffering of any deformity even at the lowest rate, results with very high consequence.

Thus, compensation should not be related to the degree of deformity, but its result, respectively the relative consequences that such an event has caused on the life of the person who suffered it. The lawmaker did not specified as a special circumstance the financial situation or economic opportunity of causing of damage to be considered, but such circumstance may be derived considering highlighting of the fact that compensation should not be in contradiction to the social purpose in whose function has been foreseen and in this respect, the economic opportunities of the person causing the damage must be a circumstance which should be considered, because if full compensation would be an oppressive burden on the defendant, the same should be reduced.

8. Conclusions

It is evident that the amount of compensation should be defined considering that in one hand, the amount of compensation should not distort the efficiency and cost-effectiveness of insurance systems or welfare, and in the other hand aiming the full compensation of the damage caused. Surely that agreeing of these two principles, on which this entire process must be structured, due to its subjective and internal nature, can not be calculated on tables and schemes estimated only for this purpose, or criteria which refer under abstract conditions, such as intensity or duration, but that the court, relying on the principle of rendering justice according to its internal conviction, established by

considering all the circumstances of the case in their entirety, relying even on eventual normative criteria applicable to the nature of the infringed right or, in their absence, criteria and assessment elements consolidated by judicial practice in solving analogous cases or relevant extrajudicial experience, to define the extent and nature of the compensation in compatibility with the damage caused.

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VOLUME: 4
ISSUE: 1
JANUARY - APRIL, 2020

PRIZREN SOCIAL SCIENCE JOURNAL

ISSN: 2616-387X
DOI: 10.32936

EDUCATION POLICIES IN PRE-UNIVERSITY EDUCATION OF THE REPUBLIC OF KOSOVO FOR NON-MAJORITY COMMUNITIES OF ROMA, ASHKALI AND EGYPTIAN

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Article history:

Accepted 20 March 2020
Available online 31 April 2020

Keywords:
Inclusion,
Children from Non-Majority Communities of Roma, Ashkali and Egyptian,
Education Policy,
Pre-University Education.

A b s t r a c t

The Republic of Kosovo is a country that observes all the rights and obligations of its subjects with no discrimination in national, racial, linguistic sense. Even though we have these rights in place, in practice the situation is different and not very positive. This is since the non-majority communities Roma, Ashkali and Egyptian in Kosovo face several problems in different areas, especially when it comes to their right on integration to education. This paper will address and evaluate current policies and legislation of Kosovo for inclusion in education as a condition for completion of the education system.

This paper will be developed by considering the assessment of the Constitution and relevant legislation referring to the right to education for non-majority communities. Given all this legislation, it will be assessed in harmony with the practical problems that exist regarding access to the education system for non-majority communities. Therefore, this paper aims to bring innovation in this field of research aiming to identify how much the Republic of Kosovo is keeping a pace with the standards for inclusion in the education system, what are the reasons that in current state of play we do not have a satisfactory inclusion in the education by category of children from non-majority communities of Roma, Ashkali and Egyptian in pre-university education.

1. Inclusion of children from non-majority communities of Roma, Ashkali and Egyptian in education system as a constitutional right with the Republic of Kosovo

The Republic of Kosovo is oriented towards the highest universal values of the democratic world, being a direct implementor of international mechanisms that enable the observance of human rights, equality, non-discrimination and inclusion in public and social life for all citizens of Republic of Kosovo. To prove this orientation, the Republic of Kosovo, starting with the Constitution, Laws and other international instruments, has envisaged an equal treatment for all its citizens irrespective of their nation, nationality, religion or other issues that make them different from others. The Constitution of the Republic of Kosovo stipulates that: “The Republic of Kosovo is a state of its citizens. The Republic of Kosovo exercises its authority based on the respect for human rights and freedoms of its citizens and all other individuals within its borders" (Constitution of the Republic of Kosovo, Article 1, paragraph 2). As provided in the Constitution, every citizen of the Republic of Kosovo is provided with a Constitutional assurance that the Republic of Kosovo is their state and the exercise of authority is based on the highest values of the civilized world based on human rights and freedoms. This is where it stems out interrelation of every citizen with the Republic of Kosovo and the mutual obligations, they have towards each other in terms of functioning of the state and establishing of a better living conditions and well-being for all its citizens.

The Republic of Kosovo is a state where the form of Governance and power sharing is stipulated in its Constitution and it: "Kosovo is a democratic Republic based on the principle of separation of powers and the checks and balances among them as provided in

this Constitution. "(Constitution of the Republic of Kosovo, Article 4, paragraph 1). This clearly defines the form of government and that of the separation of powers that is in place for the state to be functional and accountable. What is related to the establishing of better living conditions and well-being, including the education system in Kosovo, is the responsibility of the Government Pillar which stipulates that: “The Government of the Republic of Kosovo is responsible for implementation of laws and state policies and is subject to parliamentarian control.” (Constitution of the Republic of Kosovo, Article 4, paragraph 4). From the mandate vested by Constitution, the Government is the authority that is initially responsible for drafting and proposing policies through draft laws, which are then approved by the Assembly of the Republic of Kosovo. The Government of the Republic of Kosovo is also responsible for the development, reform of the education system in the Republic of Kosovo, initially assessing the situation followed by creation of policies and legal infrastructure that governs, reforms and steers the education system in the Republic of Kosovo. The right to education is a constitutional right for every citizen of the Republic of Kosovo, as envisaged in the Constitution: “Every person enjoys the right to free basic education. Mandatory education is regulated by law and funded by public funds. Public institutions shall ensure equal opportunities to education for everyone in accordance with her/his specific abilities and needs.” (Constitution of the Republic of Kosovo, Article 47, paragraph 1 and 2). This constitution provides for the assurance of every citizen in the Republic of Kosovo who enjoys the right to education by providing them equal opportunities for education. This assurance for the right to education is also a constitutional and legal assurance for the citizens of the Republic of Kosovo who belong to non-majority communities of Roma, Ashkali and Egyptian. By establishing this legal assurance about the right to education for every citizen, the Republic of Kosovo has proven to be a state that within its legal system has incorporated universal human rights values and proves that it is on the right track also with regards in respecting the international mechanisms for which it is obliged to implement and incorporate in the framework of its national policymaking and education legislation.

The State of the Republic of Kosovo, in order to keep a pace with the universal values of the democratic world, within its Constitution has determined the direct implementation of international agreements and instruments such as the "Universal Declaration of Human Rights; The European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols; The International Covenant on Civil and Political Rights and its Protocols; Council of Europe Framework Convention for the Protection of National Minorities; Convention on the Elimination of All Forms of Racial Discrimination; Convention on the Elimination of All Forms of Discrimination against Women; Convention on the Rights of the Child; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment" (Constitution of the Republic of Kosovo, Article 22). All these international instruments are directly applicable in the Republic of Kosovo and have priority over the domestic legislation, which shows the orientation and values that the state of the Republic of Kosovo aims to meet in the future.

These international mechanisms apply to every area as well as in education, and specifically to the rights of the citizens of the Republic of Kosovo from non-majority communities of Roma, Ashkali and Egyptian for their undeniable right to education. The right to education and inclusion in the education system of the Republic of Kosovo is also guaranteed under these mechanisms that are directly embedded into the Constitution of the country and ensure that every citizen is equal in every respect as well as in education.

Non-majority communities of Roma, Ashkali and Egyptian in the Republic of Kosovo have rights that provide them with equal treatment without being discriminated against and impeding their identity, in addition to being equal, they also enjoy special rights. These rights are also enshrined in the Constitution of the Republic of Kosovo, which stipulates that “Residents belonging to the same national or ethnic, linguistic, or religious group traditionally present on the territory of the Republic of Kosovo (Communities) shall have specific rights as set forth in this Constitution in addition to the human rights and fundamental freedoms provided in chapter II of this Constitution." (Constitution of the Republic of Kosovo, Article 57, paragraph 1). The will for equal and special treatment of Roma, Ashkali and Egyptian non-majority communities has materialized as constitutional category, so this is the value that the state of Kosovo possesses in terms of the rights of non-majority communities of Roma, Ashkali and Egyptian. When referring specifically to the right to education of non-majority communities of Roma, Ashkali and Egyptian, the Constitution provides for a good position and that :"Members of communities shall have the right, individually or in community, to: express, maintain and develop their culture and preserve the essential elements of their identity, namely their religion, language, traditions and culture; receive public education in one of the official languages of the Republic of Kosovo of their choice at all levels; receive pre-school, primary and secondary public education, in their own language to the extent prescribed by law, with the thresholds for establishing specific classes or schools for this purpose being lower than normally stipulated for educational institutions; establish and manage their own private educational and training establishments for which public financial assistance

may be granted, in accordance with the law and international standards; use their language and alphabet freely in private and in public; Use their language and alphabet in their relations with the municipal authorities or local offices of central authorities in areas where they represent a sufficient share of the population in accordance with the law. The costs incurred by the use of an interpreter or a translator shall be borne by the competent authorities " (Constitution of the Republic of Kosovo, Article 59, paragraph 1,2,3,4,5,6). From the stipulation of these rights, it can be concluded that there is no discrimination against members of non-majority communities Roma, Ashkali and Egyptian in Kosovo but they are very good positioned in constitutional and legal area, so this is a value that the The Republic of Kosovo holds and considers it to be competitive with the most democratic countries in the world.

2. Legislation stipulating the rights to education and inclusion of non-majority communities of Roma, Ashkali and Egyptian in the Republic of Kosovo

The area of education, as one of the most important areas of the country is specifically governed by the relevant legislation, which aims to establish an education system that will serve the education and preparation of future generations for the labor market and development of society. Communities in the Republic of Kosovo are protected and promoted for equal opportunities, as stipulated in the following: “All persons belonging to communities shall have the right to receive public education at all levels in one of the official languages of Kosovo of their choice. Persons belonging to communities are entitled to pre-school, primary, secondary public education in their own language, even if it is not an official language. The Government of Kosovo shall establish reasonable and viable thresholds for establishing specific classes or schools operating in community languages. The minimum threshold for such classes or schools shall be lower than thresholds normally stipulated for educational institutions and classes. The maximum thresholds shall correspond with the established thresholds normally stipulated for school classes. This shall be regulated by law." (Law no. 03 / l-047 on the Protection and Promotion of the Rights of Communities and their Members in the Republic of Kosovo, Article 8, paragraph). This is an assurance that is governed by law and guarantees communities the education in their language as their fundamental right. In case in point we are entitled to the right to education as a right in principle, while it is regulated in detail with relevant legislation in force which will be addressed in the following of this paper.

Within the framework of the regulation of the education system through relevant legislation, the regulation of the education and training of members of non-majority communities of Roma, Ashkali and Egyptian in Kosovo has not been overlooked. Their rights to education are specified and regulated in the field of education as constitutional and legal rights. Therefore, the right to education starting from preschool is stipulated: " In the places of mixed population, preschools institutions shall provide education in minorities language as well, conform constitutional framework and special Laws." (Law no. 02 / L-52 on Preschool Education, Article 5, paragraph 2). The non-majority communities of Roma, Ashkali and Egyptian through this right are entitled to have access to pre-school education in their language as a legal category constituting best evidence manifesting the rights of non-majority communities Roma, Ashkali and Egyptian to education in their language. The right of non-majority communities Roma, Ashkali and Egyptian to education is a legal category since pre-school and on. This fact shows that the rights of non-majority Roma, Ashkali and Egyptian communities in the Republic of Kosovo from their definition in the Constitution of the country, through relevant legislation, are specified and operationalized in detail in order to be observed as their fundamental rights. This proves once again the commitment of the state of the Republic of Kosovo, in terms of defining their rights and their norm in detail within the relevant legislation in force.

In addition to the rights to education, non-majority communities Roma, Ashkali and Egyptian are also part of the mechanisms related to the education system in the Republic of Kosovo, being in the function of protecting the rights of non-majority communities of Roma, Ashkali and Egyptian. The Non-majority communities of Roma, Ashkali and Egyptian communities within the education system are also part of the Kosovo Parents Council, where , and this is stipulated in “The Ministry issues a by-law on the work of the KPC, the procedures for appointing and electing its members, always involving members of non-majority communities” (Law no. 04 / L-032 on Pre-University Education in the Republic of Kosovo, Article 16, paragraph 3). Even in this mechanism that is part of the education system, non-majority communities Roma, Ashkali and Egyptian are represented and are part of decision-making which is in function of capacity building and rights in the education system for non-majority Roma, Ashkali and Egyptian communities. Being part of this mechanism, non-majority communities of Roma, Ashkali and Egyptian are also part of those mechanisms that have the political scope to make, monitor and develop the education system in Kosovo. In addition to this mechanism at the national level, this right also belongs to the lower one that is the governing council of the public education and training institution stipulating that

"three (3) representatives of parents, including at least one representative of non-majority communities in the municipality if there are any students from those communities in that institution" (Law no. 04 / L-032 on Pre-University Education in the Republic of Kosovo, Article 17, paragraph 2, subparagraph 2.1). This mechanism also provides for the representation of non-majority Roma, Ashkali and Egyptian to each public education institution, enabling them to be part of the governance of the public education institution.

The importance and the stipulation of the right to education of non-majority communities of Roma, Ashkali and Egyptian in Kosovo is also envisaged with the Competences and Responsibilities of the Ministry on Provision of Higher Education, where: "In the exercise of its responsibilities and duties under this law, the Ministry respects and promotes the rights of communities and their members, as set forth in the Law on the Protection and Promotion of the Rights of Communities and their Members in Kosovo." (Law no. 04 / L-037 on Pre-University Education in the Republic of Kosovo, Article 6, paragraph 2).

Regarding inclusion in the education system for non-majority communities Roma, Ashkali and Egyptian communities, the Republic of Kosovo through its education system also governs the aspect of the National Qualification, which is based on the National Qualifications Framework, governed by the National Qualifications Authority. This is stipulated in: "The National Qualifications Authority established under the provisions of this Law shall establish and maintain a comprehensive framework of qualifications." (Law no. 03 / L-060 on Preschool Education, Article 3, paragraph 2). Even in course of governing the specific areas of education, the concept of the Republic of Kosovo is to have inclusiveness, as for the specific part of the education system of qualifications which is also addressed from the perspective of inclusiveness. In terms of its importance, inclusiveness is also defined in terms of defining competencies within institutions for the education system in Kosovo. We find such stipulations within the competences of the Ministry of Education, Science and Technology, which among other things discharges the following responsibilities: "to develop a comprehensive library system, which will include University and and school libraries;" (Law no. 03 / L-068 on Pre-University Education in the Republic of Kosovo, Article 3, item 1;). The importance of inclusion as a right is also demonstrated by the serious approach of the state of the Republic of Kosovo towards inclusion. We also have this concept regarding vocational training as a legal category regulated by the relevant legislation in force. The concept of inclusion is also intertwined with regard to vocational training in the Republic of Kosovo, namely the principles of vocational education and training, where, among other, it is clearly defined as follows: 1. The principles of vocational education and training (hereinafter VET) are: 1.1. inclusiveness; ... " (Law no. 04 / L-138 on Vocational Education and Training, Article 3, paragraph 1, sub-paragraph 1.1). In addition to the fact that inclusion takes up sufficient space in the relevant Constitutional and legal imperative provisions, we also have importance and determination in the part of the principles that are the correct directions and orientations that the educational system of the Republic of Kosovo and the aspect of inclusiveness is heading to.

3. The Current State of Play in the education system in terms of inclusion of non-majority communities of Roma, Ashkali and Egyptian

The non-majority communities of Roma, Ashkali and Egyptian in Kosovo face several problems in different areas, especially when it comes to their integration into the right to education. Challenges and Difficulties for Non-majority Communities Roma, Ashkali and Egyptian are present s of the census stage, language and acceptance by majority communities and it continues with the large socio-economic differences between majority and non-majority communities of Roma, Ashkali and Egyptian. The non-majority communities of Roma, Ashkali and Egyptian in Southeast Europe also have problems of this nature. However, the developments in the early 1990s in Kosovo have left the access to education of these non-majority communities of Roma, Ashkali and Egyptian even more disadvantaged. The position of non-majority communities of Roma, Ashkali and Egyptian in Kosovo has become more difficult due to the recent war in the country where the population was displaced abroad. Approximate estimates from the UN indicate that after the 1999 conflict, the share of non-majority communities of Roma, Ashkali and Egyptian in the population of Kosovo decreased from 100,000 to 35-40,000 members, which significantly affected the inclusion of non-majority communities of Roma, Ashkali and Egyptian in the education system. Although some time has elapsed since, the non-majority communities of Roma, Ashkali and Egyptian still face numerous problems such as their socio-economic status, the phenomena of marginalization, discrimination and segregation. According to the latest data from the Education Information Management System (EMIS) of year 2005/06, from pre-school to upper secondary level, the number of children of non-majority communities of Roma, Ashkali and Egyptian involved is 4527, or 1.1% visa-vis majority community, while according to data from the Ministry of Public Services of May 2007 the number of teaching staff from non-majority communities of Roma, Ashkali and Egyptian employed in education is 140 in total or 0.53%, visa-vis the majority

community. “Overall, if we take the data from the "Roma Decade" and by comparing it with neighboring countries, the number of children who have completed upper secondary level of education is 4.5%, while in Albania is 4.3%, in Serbia 9%, in Macedonia 11.6 % and in Montenegro it is 3.7%.Implementation of this document will mobilize all relevant structures to pave the way for non-majority communities o Roma, Ashkali and Egyptian for full integration, which will enable non-majority communities of Roma, Ashkali and Egyptian to inclusion, preservation and integration, promotion, development and promotion of their identity, tradition and culture.

Current state of education of non-majority communities of Roma, Ashkali and Egyptian as well as Partial integration of non-majority communities of Roma, Ashkali and Egyptian into education during analyzes of the position of non-majority communities of Roma, Ashkali and Egyptian in Kosovo the main factors that have influenced the partial integration of these communities into society were identified. Inadequate mobilization of government bodies, limited government and donor funding, scarce campaigns on the importance of education, lack of initiatives to advocate and lobby for the rights of non-majority communities of Roma, Ashkali and Egyptian are among the key factors that have influenced the partial inclusion of members of the non-majority communities of Roma, Ashkali and Egyptian in Kosovo. Despite the fact that after the conflict in Kosovo, several initiatives have been taken to create a positive climate in the classroom and at school, then programs to motivate students to attend school regularly, such as programs to eliminate illiteracy, fast-paced learning, non-formal education programs and quotas for increasing enrollment in secondary and university education, bringing back to school those who have dropped out of school, concerning remains the fact the number of children involved in pre-university and university education such as and the number of children dropping out and not finishing school is very high. Disadvantaged socio-economic status, low number of educators and teachers from non-majority communities of Roma, Ashkali and Egyptian, lack of education in the Roma language, difficulties in mastering the official language at the beginning of schooling, as well as prejudices and stereotypes towards these communities present some of the other barriers that have made the inclusion of members of these communities in education continue to be at a very low level. Unsatisfactory participation of non-majority communities of Roma, Ashkali and Egyptian in education in Kosovo in the last 7-8 years resulted that children of non-majority communities of Roma, Ashkali and Egyptian in some settlements non-majority communities feel unsafe to continue their education within the regular full-time education system. This has led to the creation of an improvisational education service, which continues to operate in camps like Gjilan and Plemetin camps, which operate in poor working conditions, in some communities with unqualified teachers and in very difficult conditions. The level of teaching and learning at those school has been very low and often not in line with the regular education system, which has prevented students from transferring to regular education. Insufficient cooperation between the Ministry of Education, Science and Technology and non-majority communities of Roma, Ashkali and Egyptian civic society organizations dealing with education issues has made the education authorities unaware of the difficulties and problems they face, which has led to a lack of transparency in making decisions of interest to these communities. Poverty levels, concepts and low levels of education of their parents, inadequate involvement in preschool education, lack of alternative education programs for members of the non-majority communities of Roma, Ashkali and Egyptian are other factors for non-inclusion of these communities in education. The number of children from non-majority communities of Roma, Ashkali and Egyptian who are not enrolled on time, and those who drop out of school is high.

The Ministry of Education, Science and Technology and the OSCE for several years have been providing intensive learning programs for students who have dropped out of school. This type of teaching is offered as an alternative to continuing and completing compulsory education. Many children, due to their difficult economic situation, are forced to drop out of school to work for their parents. The prejudices and stereotypes towards members of non-majority communities of Roma, Ashkali and Egyptian are also evident in the education system, which reflects discrimination against students and parents of these communities. Given that education is a necessary condition for competition in the labor market, it is an imperative for members of non-majority communities of Roma, Ashkali and Egyptian to complete at least primary and secondary education. In order to achieve this, the strategy envisages the development of supportive policies such as: scholarships, quotas for children of non-majority communities of Roma, Ashkali and Egyptian, in order to continue their studies in various fields. Competition in the labor market requires that members of the non-majority communities of Roma, Ashkali and Egyptian be educated and professionally prepared to get a job. Although Kosovo has specific anti-discrimination legislation while education legislation prohibits all forms of discrimination and segregation, there are still cases of discrimination and segregation in practice against members of non-majority communities of Roma, Ashkali and Egyptian.” (Strategy for the Integration of Roma, Ashkali and Egyptian Communities in Kosovo, Education Component 2007-2017, Ministry of Education, Science and Technology).

4. Conclusions

The Republic of Kosovo is an exemplary state in terms of embedding international mechanisms for the protection of human rights and freedoms, embedding these mechanisms directly into the Constitution of the Republic of Kosovo and giving them priority over domestic legislation.

The rights of non-majority communities of Roma, Ashkali and Egyptian are advanced with no distinction from the rights of majority population of the country, where these rights are also constitutional and legal categories, which set out in detail the rights of communities and the obligations of the State of the Republic of Kosovo to exercise these rights.

For non-majority communities of Roma, Ashkali and Egyptian in the Republic of Kosovo, the right to education in the language of communities constitutes a legal category which provides them with the opportunity to use their language and alphabet as fundamental and rights for the development and emancipation of a community subject to their culture and tradition.

The Republic of Kosovo allocates adequate budget for the member's non-majority communities of Roma, Ashkali and Egyptian so they can exercise their fundamental right to education.

The use of native language is of a great interest to non-majority communities of Roma, Ashkali and Egyptian, as provided by the Constitution and legislation of the Republic of Kosovo, that the use of native languages is a fundamental right of non-majority communities of Roma, Ashkali and Egyptian.

As far as the participation of non-majority communities of Roma, Ashkali and Egyptian c in educational mechanisms in the Republic of Kosovo, they are represented in every mechanism that enables them to present and defend their rights in the field of education.

Notwithstanding the fact that the rights of non-majority community of Roma, Ashkali and Egyptian and in particular that of education, are stipulated by the Constitution and the relevant legislation in force, there are challenges and problems in practice with regard to the overall implementation of the legislation, as a result of the lack of full cooperation of the communities, and in particular of the Serbian community with the institutions of the Republic of Kosovo.

Regarding the right to education for non-majority communities of Roma, Ashkali and Egyptian, this also poses some challenges in terms of dropout rates, which is a high figure, for students from non-majority communities of Roma, Ashkali and Egyptian.

The right and access to the education system is also related to the economic and social conditions of the non-majority communities of Roma, Ashkali and Egyptian, which for some communities the economic conditions are poor and these have an impact on access to education as a fundamental right to their development.

The non-majority communities of Roma, Ashkali and Egyptian must get it right that the Republic of Kosovo is their country, therefore they should feel equal in being active in planning and exercising their rights to education and community development.

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