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In science the credit goes to the man  
who convinces the world, not to the  
man to whom the idea first occurs.

SIR WILLIAM OSLER



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## ANALYSIS AND USE OF CRYPTOGRAPHY TECHNIQUES IN PROGRAMMING LANGUAGE C#



SCAN ME

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### Abstract

Cryptography is an old idea and science, but its approach exists and plays a large role in modernization today. Conventional cryptographic techniques form the basis of today's cryptographic algorithm. The different categories of algorithms have their respective features; internally, in performance and implementation. Cryptographic schemes and mechanisms have undergone continuous improvement. The application of cryptography has grown increasingly, ranging from limited use in state institutions to widespread use by private individuals and companies. The increased use of the Internet has significantly influenced the nature of applications and the way we communicate. Data security dictates the use of different cryptographic techniques. For this reason, we analyze in detail the various coding techniques by evaluating their performance and efficiency. Regarding the new paradigms in cryptography there are also new cryptographic schemes whose application requires detailed study and analysis. The classical cryptography algorithm is the oldest algorithm that was used long before the cryptographic system was discovered. Currently, the system has been widely applied to secure data, and using new methods in a way to improve existing methods. In this thesis the use of cryptographic methods using the C# programming language will be discussed.

### 1. Introduction

The purpose of this research is to analyze Cryptography techniques in a more convenient way to do more, where you will find more techniques than I teach in theoretical practice, try to introduce them through C# programming languages, and use Visual Studio. The field of analyzing large amounts of data is current because the number of data is increasing every day. Comparing and finding differences in cryptography techniques is also important when analyzing. Each of the techniques has its own characteristics, and therefore Cryptography is a very broad field of research. It involves algorithms and techniques from different disciplines. First, to make the selection of techniques, it is important to specify the data to be analyzed in order to know how to make the algorithm selection.

This study will use comparative methods in order to reach conclusions regarding the performance of cryptography techniques. All the research will be done in a practical way by implementing different code in Visual Studios C# programming

language. The increasing use of the Internet has significantly influenced the nature of applications and the way we communicate. Data security dictates the use of different cryptographic techniques. For this reason, we analyze in detail the various coding techniques by evaluating their performance and efficiency. To understand the importance of applying cryptographic techniques it is enough to know the wide range of applications and services where we have sensitive data. Data storage is one of the basic personal but also operational requirements in ensuring the success of a business initiative such as different banks or companies. The new encryption forms dictated by the computational difficulties of specific schemes consist of data processing without having a private key to the data, including format encoding, symmetric search encryption, functional encryption and homomorphism encryption. Regarding the new paradigms in cryptography there are also new cryptographic schemes whose application requires detailed study and analysis. Quantum cryptography and Turing-complete encryption programs are really new forms and currently have a

good theoretical basis. What poses a challenge in many perfect coding schemes is closely related to the compositionality that is the functional axis of applying a cryptographic algorithm.

## 2. Cryptography Today

Cryptography, in general, is the science of art to preserve the confidentiality of data. Furthermore, there is also a sense of understanding the study of mathematical techniques related to information security aspects such as data confidentiality, and data validation and not all aspects of information security are addressed by cryptography. There are four basic purposes of cryptography which is also an aspect of information security, namely:

1. Confidentiality is a service used to keep information content from anyone who receives it with a secret key to unlock the information that is encrypted.
2. Data Integrity in order to maintain data integrity, the system must have the ability to determine data manipulation by parties who are not entitled to do, inter alia, enter, delete and sign data in current data.
3. Authentication, which relates to identification as a whole system and to the information itself. The parties must communicate on their own. The information presented through the channel must be verified, the authenticity, the content of the data and the time of delivery.
4. Non-repudiation is an attempt to prevent the denial of remittances and the creation of information that transmits or makes.

In cryptography, substitution is a type of identification method, in which each character in plaintext replaces the chipper text with the regular system. The recipient of the message can read the message after performing the decoding process on a message using a method identical to the method used by the sender. The replacement method only changes the characters without changing the structure of the message itself, in contrast to the shift method which changed the wording but did not change the character in the message.

## 3. The use of Methods

The replacement method is divided into several types, namely:

1. Simple substitution is a method of substitution for character.
2. Substitute polygraph is a method that replaces two characters or more.

3. Mono-alphabetical replacement is a method that uses a fixed pattern (eg: Galih password)
4. Poly replacement is the method that the pattern was different as long as the message was.

### 3.1. Coding and Decoding

If we want to keep information confidential, we have two options: to hide the existence of the information or to make the information incomprehensible. Coding is nowadays widely used and is one of the most commonly encountered techniques in various applications. In electronic money schemes, encryption is used to protect symbolic transaction data such as account numbers and transaction quantities, digital signatures can replace handwritten signatures or credit card authorizations, and public key encryption can provide confidentiality. There are a large number of systems that cover such applications, from classic transactions to complex bank payment schemes. Before we get to the basic coding forms and schemes let's look at a number of concepts that we will come across.

- Plain Text - The original or original message to be sent is known as open text.
- Cipher Text - The message on which the cipher is applied is known as the cipher text. In cryptography the initial message "hello" can be converted to such incomprehensible form "Ajd672 # @ 91uk".
- Encoding - The process of converting an open text into encoded text is known as encoding. Cryptography uses encryption techniques to send confidential messages over an unsecured line of communication. The coding process requires two things: a coding algorithm and a key. The encryption algorithm means the technique used and the encryption occurs on the sender side.
- Decoding - An inverse process of decoding is known as decoding, where the encoded text is converted to the original text. Cryptography uses decryption techniques on the recipient's side to retrieve the original message from the encoded text.
- Key - A key is an alphanumeric text or can be a special symbol.

Private keys are used for signature; public keys are used for verification: For example, to sign something digitally, we encrypt it with our private key (usually a hash is created and encrypted). Anyone can decode this data (deciphering the hash value and comparing their hash value to the previous value) and verify that since it is signed by our private key then the data belongs to us. Key selection in cryptography is quite important as it directly affects the security of the encryption algorithm. For example, if

Anna uses key 3 to encode the original text "President" we will have the text as follows "Suhvlghqw".

### 3.2. Cryptographic Algorithms in Use

The most commonly used algorithms in data storage are: 3DES, RSA, Blowfish, Two fish and AES. Also a trend regarding the use of encryption algorithms is their presence in security certificates, various protocols and public-key infrastructures. DES is the first coding standard recommended by NIST and operates with a key (56 bits) and a 64-bit data block. DES has a Festal structure, operates with a bit of bits and is no longer considered a secure algorithm. The 3DES is a DES upgrade, operating with a 64bit block and 192 bit (168 bit) switch. In this algorithm the cipher is applied three times to increase the level and average security time. It is a known fact that 3DES is the slowest method among other block chains. AES (Rijndael) is a block chain and usually operates at 256 bits out of three possible 128, 192 or 256-bit key lengths. It encodes 128-bit data block in 10, 12 and 14 rounds depending on the size of the key. Encryption in AES is fast and flexible; it can be implemented on different platforms especially on small devices, which is an advantage already. The Blowfish algorithm created by Schneider and known since 1993, does not turn out to be broken, at least not completely.

This algorithm is optimized in hardware applications, though like all other figures it is often used in software applications. It is a 64-bit block and receives a variable length key, from 32 to 448 bits: usually 128 bits. Bluefish has a very good performance compared to AES, DES and 3DES. The RSA is named after its creators (Rivets, Shamir, and Adelman) have some operational limitations. With the most commonly used variant (PKCS # 1 v1.5), with a 1024-bit RSA key size, this algorithm can encode a message up to 117 bytes, and receive a 128-byte encoded message. Hash functions are good "randomizers" (the output of a hash function does not display known and expected structures) and this makes it quite suitable for building more complex schemes with good security features and moreover hash functions do not they don't even have keys. SHA is a common term for a cryptographic family of hash functions. Four SHA functions were then added (SHA-224, SHA-256, SHA-384 and SHA-512, known as 'SHA2'). SHA-256 and SHA-512 are relatively new and well known functions. SHA-256 is used by the DKIM (Domain Keys Identified Mail) framework for email signatures in controlling spam and phishing phenomena. SHA-512 is supported by True Crypt software for encrypting disk space and virtual images. Also SHA-256 and SHA-512 are recommended for DNSSEC (Domain Name System Security Extensions) regarding security services that can be added to the DNS protocol. Also hash functions can be used in SSL / TLS technologies that

are standard for encrypting connections between servers and web browsers.

### 3.3. Cryptography Techniques

Cryptography is a broad field but we have analyzed some of the classical encryption techniques such as:

- Caesar Cipher,
- Monoalphabetic Ciphers,
- Playfair Cipher,
- Hill Cipher,
- Polyalphabetic Ciphers,
- Vigenere
- And Rail Fence.

While some of the analog encryption techniques are: Data Encryption Standard (DES) as well Advanced Encryption Standard (AES).

### 3.4. Caesar Cipher

It is a technique in which the letters of the original text are replaced by letters, numbers or other symbols. We can divide traditional symmetric figures into two broad categories: replacement figures and transposition figures.

If the symbols in plain text are alphabetical characters, we replace one character with another. For example, we can replace the letter A with the letter D and the letter T with the letter Z. If the symbols are digits (0 to 9), we can replace 3 with 7 and 2 with 6.

The implementation of the said algorithm in C # follows:

```
namespace Algoritmet
{
    using System;
    using System.Collections.Generic;
    using System.Linq;
    using System.ComponentModel.Composition;
    using System.Data.Common;
    public class Ceaser : SecurityAlgorithm
    {
        readonly int key;
        #region Constructor
        public Ceaser(int key)
        {
            this.key = key;
        }
        #endregion
        #region Public Methods
        public override string Encrypt(string plainText)
        {
            return Process(plainText, Mode.Encrypt);
        }
    }
}
```

```

publicoverride string Decrypt(string cipher)
{
    return Process(cipher, Mode.Decrypt);
}
#endregion
#region Private Methods
private string Process(string message, Mode mode)
{
    string result = string.Empty;
    foreach (char c in message)
    {
        var charposition = alphabet[c];
        var res = Common.GetAlphabetPosition(charposition, key, mode);
        result += alphabet.Keys.ElementAt(res % 26);
    }
    return result;
}
#endregion
}

```

### 3.5. Mono Alphabetic Ciphers

In a mono-alphabetic cipher, a character (or symbol) that is plaintext is always changed to the same character (or symbol) in the cipher text regardless of its position in the text. For example, if the algorithm says that the letter A in plaintext is changed to letter D, then every letter A is changed to letter D. In other words, the relationship between letters in plaintext and cipher text are one-to-one. The simplest mono-alphabetic cipher is the extra digit (or change digit). Assume that plaintext consists of lowercase letters (a to z) and that cipher text consists of uppercase letters (from A to Z). To be able to apply mathematical operations to plaintext and cipher text, we assign numeric values to each letter.

Implementing the said algorithm in C# does the following:

```

namespace Algorithmet
{
    using System;
    using System.Collections.Generic;
    using System.Linq;
    public class Monoalphabetic : SecurityAlgorithm
    {
        readonly Dictionary<char, char> _alphabetShuffled;
        readonly Dictionary<char, char> _alphabetShuffledReverse;
        public Monoalphabetic()
        {
            _alphabetShuffledReverse = new Dictionary<char,
char>();

```

```

        _alphabetShuffled = new Dictionary<char, char>();
        ShuffleAlphabet();
    }
    #region Public Methods
    public override string Encrypt(string plainText)
    {
        return Process(plainText, Mode.Encrypt);
    }
    public override string Decrypt(string cipherText)
    {
        return Process(cipherText, Mode.Decrypt);
    }
    #endregion
    #region Private Methods
    private string Process(string token, Mode mode)
    {
        string result = "";
        for (int i = 0; i < token.Length; i++)
        {
            switch (mode)
            {
                case Mode.Encrypt:
                    result += _alphabetShuffled[token[i]];
                    break;
                case Mode.Decrypt:
                    result += _alphabetShuffledReverse[token[i]];
                    break;
            }
        }
        return result;
    }
    private void ShuffleAlphabet()
    {
        Random r = new Random(DateTime.Now.Millisecond);
        var alphabetCopy = alphabet.Keys.ToList();
        foreach (var character in alphabet.Keys)
        {
            int characterPosition = r.Next(0, alphabetCopy.Count);
            char randomCharacter = alphabetCopy[characterPosition];
            _alphabetShuffled.Add(character, randomCharacter);
            _alphabetShuffledReverse.Add(randomCharacter, character);
            alphabetCopy.RemoveAt(characterPosition);
        }
    }
    #endregion
}

```

### 3.6. Poly Alphabetic Ciphers

In poly alphabetic substitution, each appearance of one character may have another substitution. The relationship between a character in plaintext and a character in cipher text is one-to-many. For example, "a" may be coded as "D" at the beginning of the text, but as "N" in the middle. Poly alphabetic figures have the advantage of concealing the frequency of basic language paper. To create a poly alphabetic cipher, we need to make each character cipher text, which depends on both the corresponding plaintext characters and the position of the plaintext in the message. This implies that our key must be a stream of sub keys, in which each sub key depends somewhat on the position of the simple character that that sub key uses for encryption.

Implementing the said algorithm in C # does the following:

```
public class AutoKey : SecurityAlgorithm
{
    #region Member Variables
    string _key;
    #endregion
    #region Constructor
    public AutoKey(string key)
    {
        this._key = key;
    }
    #endregion
    #region Public Methods
    public override string Encrypt(string plainText)
    {
        return Process(plainText, Mode.Encrypt);
    }
    public override string Decrypt(string cipher)
    {
        return Process(cipher, Mode.Decrypt);
    }
    #endregion
    #region Private Methods
    private string Process(string message, Mode mode)
    {
        _key = DuplicateKey(message);
        return Common.Shift(message, _key, mode, alphabet);
    }
    private string DuplicateKey(string message)
    {
        if (_key.Length < message.Length)
```

```
    {
        int length = message.Length - _key.Length;

        for (int i = 0; i < length; i++)
        {
            _key += message[i];
        }
    }
    return _key;
}
#endregion
}
```

### 3.7. Playfair Cipher

Known as multi-letter cipher. It treats diagrams in the original text as a single unit and translates these units into encoded diagrams. The Play fair algorithm is based on using a 5X5 matrix of letters built using a word. Now the question is how to fill that 5x5 matrix? - To fill it, we need a keyword or a message, after that you fill in the 5x5 word letters from left to right and from top to bottom and then fill in the remaining parts of the matrix with the remaining letters in alphabetical order. The letters I and J are treated as one letter and they are placed in the same matrix box as this - I / J. Plaintext is encoded two letters at a time, so you must first put together plain text. Discovered by British scientist Charles Wheatstone in 1854, it was used as a standard system by the British Army in World War I and the US Army and other allied forces during World War II.

Implementing the said algorithm in C # does the following:

```
public class PlayFair : SecurityAlgorithm
{
    string key;
    public PlayFair(string key)
    {
        this.key = key;
    }
    #region Public Methods
    public override string Encrypt(string plainText)
    {
        return Process(plainText, Mode.Encrypt);
    }
    public override string Decrypt(string cipherText)
    {
        return Process(cipherText, Mode.Decrypt);
    }
    #endregion
    #region Private Methods
```



```

if (i < trimmed.Length - 1 && message[i] == message[i + 1])
//check if two consecutive letters are the same
    {
        result += 'x';
    }
}

if (result.Length % 2 != 0)//check if length is even
    {
        result += 'x';
    }
return result;
}

private void FillMatrix(ICollection<char> key, Dictionary<char,
string> characterPositionsInMatrix, Dictionary<string, char>
positionCharacterInMatrix)
    {
char[,] matrix = new char[5, 5];
int keyPosition = 0, charPosition = 0;
List<char> alphabetPF = alphabet.Keys.ToList();
alphabetPF.Remove('j');
for (int i = 0; i < 5; i++)
    {
for (int j = 0; j < 5; j++)
        {
if (charPosition < key.Count)
            {
matrix[i, j] = key[charPosition]; //fill matrix with
key
alphabetPF.Remove(key[charPosition]);
charPosition++;
}
else //key finished...fill with rest of alphabet
            {
matrix[i, j] = alphabetPF[keyPosition];
keyPosition++;
}
string position = i.ToString() + j.ToString();
//store character positions in dictionary to avoid searching
everytime
characterPositionsInMatrix.Add(matrix[i, j],
position);
positionCharacterInMatrix.Add(position, matrix[i,
j]);
}
}
}

private int RepairNegative(int number)
    {
if (number < 0)
        {

```

```

number += 5;
}
return number;
}
}

```

### 3.8. Vigenere Cipher

Improved Vernami encryption proposed by a military officer named Joseph Mauborgne. Use a key that is as long as the message so that the key does not need to be repeated. The key is used to encrypt and decrypt the single message and then leave it in use. Each new message requires a new key as long as the length of the new message. The schema is invincible produces random output that holds no statistical relation to the original text. Because the encrypted text contains no information about anything that is related to the original text, there is no way to break the code.

Implementing the said algorithm in C # does the following:

```

namespace Algoritmet
{
using System.Collections.Generic;
using System.ComponentModel.Composition;
using System.Data.Common;
public class Vigenere : SecurityAlgorithm
    {
string key;
public Vigenere(string key)
        {
this.key = key;
}
#region Public Methods
public override string Encrypt(string plainText)
        {
return Process(plainText, Mode.Encrypt);
}
public override string Decrypt(string cipherText)
        {
return Process(cipherText, Mode.Decrypt);
}
#endregion
#region Private Methods
private string Process(string message, Mode mode)
        {
key = key.ToString().ToLower().Replace(" ", "");
key = DuplicateKey(message, key);
return Common.Shift(message, key, mode, alphabet);
}
private string DuplicateKey(string message, string key)

```

```

    {
    if (key.Length < message.Length)
        {
    int length = message.Length - key.Length;

    for (int i = 0; i < length; i++)
        {
            key += key[i % key.Length];
        }
    }
    return key;
    }
#endregion
}

```

### 3.9. Rail Fence

Simplified displacement coding. Plaintext is written as a sequence of diagonals and then read off as a sequence of lines. In this technique, the characters of plain text are written in diagonal form at the beginning. This arrangement forms two rows, which resemble the rail track. That is why it is called Rail Fence or Rail Fence. After both rows are produced, the digit text is read consecutively. In the figure of Rail Fence, the plain text is written down and diagonally on successive rails of a fictional fence. When we reach the bottom rail, we pass upward moving diagonally, once we reach the top rail, the direction is changed again. Thus, message alphabets are written in a zigzag manner. After each alphabet is written, the individual rows are combined to obtain the encoding text.

Implementing the said algorithm in C # does the following:

```

namespace Algorimet
{
using System;
using System.ComponentModel.Composition;
publicclass RailFence : SecurityAlgorithm
    {
    readonlyint key;

    public RailFence(int key)
        {
    this.key = key;
        }
#region Public Methods
publicoverridestring Encrypt(string plainText)
    {
    return Process(plainText, Mode.Encrypt);
    }
}

```

```

publicoverridestring Decrypt(string cipherText)
    {
    return Process(cipherText, Mode.Decrypt);
    }
#endregion
#region Private Methods
privatestring Process(string message, Mode mode)
    {
    int rows = key;
    int columns = (int)Math.Ceiling((double)message.Length /
(double)rows);
    char[,] matrix = FillArray(message, rows, columns, mode);
    string result = "";
    foreach (char c in matrix)
        {
            result += c;
        }
    return result;
    }
privatechar[,] FillArray(string message, int rowsCount, int
columnsCount, Mode mode)
    {
    int charPosition = 0;
    int length = 0, width = 0;
    char[,] matrix = newchar[rowsCount, columnsCount];
    switch (mode)
        {
    caseMode.Encrypt:
        length = rowsCount;
        width = columnsCount;
        break;
    caseMode.Decrypt:
        matrix = newchar[columnsCount, rowsCount];
        width = rowsCount;
        length = columnsCount;
        break;
        }
    for (int i = 0; i < width; i++)
        {
    for (int j = 0; j < length; j++)
        {
    if (charPosition < message.Length)
        {
            matrix[j, i] = message[charPosition];
        }
    else
        {
            matrix[j, i] = '*';
        }
        charPosition++;
        }
    }
}

```

```

    }
    } return matrix;
}
}

```

#### 4. Comparison of Algorithms and Conclusions

We will first compare the term cryptography, what it is in a broader sense, comparing it with the term encryption. Cryptography and Encryption have some differences which we will mention below:

- Cryptography is the study of concepts such as encryption, decryption, used to provide secure communication while Encryption is the process of encoding a message with an algorithm.
- Cryptography can be considered a field of study, which incorporates many techniques and technologies, while Encryption is more of a mathematical nature and algorithms.
- Cryptography, being a field of study has a broader category and range of techniques, where encryption is one such technique, while Encryption is one of the aspects of Cryptography that can codify the communication process efficiently.
- Cryptography has a symmetric and asymmetric version, with a concept of a shared rather than a shared key, while Encryption follows the same approach with some specific terms such as cipher text, plaintext, and cipher.
- Cryptography involves working with algorithms with basic cryptographic properties while Encryption is one of the subcategories of Cryptography that uses mathematical algorithms called digits.
- The areas of cryptography include computer programming, algorithm, mathematics, information theory, transmission technology while Encryption is more digitized in nature since the modern age.
- Cryptography includes two major components called Encryption and Decryption while Encryption is a process of storing information to prevent unauthorized and illegal use.

#### 4.1. Comparison of Mono-Alphabetic and Poly Alphabetic Algorithms

Mon A mono-alphabetic digit is one where each symbol in the input (known as 'plaintext ') is mapped to an output fixed symbol (referred to as the predicted figure). Poly alphabetic encoding is any substitution-based cipher using multiple substitution

characters. In the mono-alphabetic figure, after a key is selected each alphabetical character of the plaintext is marked with a unique alphabetic character of the cipher text. On the other hand, in the poly alphabetic code, any alphabetical character of the plaintext can be listed in the alphabetical letters " m " of a cipher text. In mono alphabetic cipher, the relationship between a plaintext character and characters in cipher text is one-to-one, while in Poly alphabetic the relationship between a plaintext character and characters in cipher text is one-to-many.

#### 4.2. Creaser's algorithm

A mono-alphabetic cipher is where each plaintext letter is replaced by another letter to form cipher text. It is a simpler form of replacement figure scheme. This cryptosystem is commonly called Shift Cipher. The concept is to replace each letter of the alphabet with another letter that has been "moved" with a fixed number between 0 and 25. For this type of scheme, both the sender and the receiver agree on a "secret shift number" for the alphabet relocation. This number that is between 0 and 25 becomes the encryption key. Caesar Cipher is not a secure cryptosystem because there are only 26 possible keys to try. An attacker can perform an exhaustive search of keystrokes with limited computing resources available.

#### 4.3. Play fair Cipher

In the Play fair cipher, a master table is first created. The main table is a 5 x 5 alphabet grid table that acts as the key to plaintext encryption. Each of the 25 letters of the alphabet must be unique and one alphabet (usually J) is removed from the table as we only need 25 alphabets instead of 26. If simple writing contains J, then it is replaced by I. The sender and receiver decide on a separate key, and in a main table, the first characters (going left to right) place the key, excluding the same letters. The rest of the table will be filled with the remaining letters of the alphabet, in natural order. It is also a replacement cipher and is difficult to break compared to simple replacement cipher. Cryptanalysis is also possible in the Play fair cipher; however, it would be possible to replace 625 possible letter combinations (25x25 characters) instead of 26 different characters. Play The Play fair cipher was mainly used to protect important but not critical secrets, as it is fast to use and requires no special equipment.

#### 4.4. Vigenere Cipher

Vigenere Cipher was created by taking Caesar's standard cipher to reduce the effectiveness of cryptanalysis in the cipher text and to make a cryptosystem stronger. Certainly this is significantly safer than an ordinary Caesar figure. In history, it was regularly used to protect sensitive political and military information. It was referred to as the unbreakable figure because of the difficulty it posed to cryptanalysis.

Vigenere encryption becomes a cryptosystem of perfect secrecy, called One-Time-Pad. One-Time-Pad has several features:

- The word length is the same as the plaintext length.
- The keyword is a series of randomly generated alphabets.
- The keyword is used only once.

Let's say we encrypt the name "point" with One-Time-Pad. It is a 5 letter text. To break the meticulous figure with brute force, you have to try all the keys options and calculate for  $(26 \times 26 \times 26 \times 26 \times 26) = 26^5 = 11881376$  times. This is for a message with 5 characters or characters. Thus, for a longer message the computation increases exponentially for each additional letter. This makes it logically impossible to break the cipher text with brute force.

## 5. Conclusion

Cryptography encompasses various techniques and technologies including algorithms, mathematics, information theory, transmission, encryption, and more. Information security issues are critical for individuals, institutions and companies worldwide. Nowadays it is difficult to consider a computer system completely secure without the encryption technology. Cryptographic figures and algorithms are basic mechanisms for protecting data and communications. In this paper we have analyzed cryptographic algorithms, their cryptographic features, and created an application where we can encrypt and decrypt various texts. Then we showed each algorithm from an example and how that algorithm works, and finally we compared some of the algorithms in detail. Cryptographic technologies are advancing: new attack techniques, designs and implementations of widely studied algorithms. So it is important to analyze their structure, efficiency and scalability metrics depending on what we need. New coding paradigms that are significant in new systems and technologies and have access to computational theory. There is a constant contradiction between efficiency and computing power. For this reason, we need to solve new difficult problems to provide better cryptographic schemes.

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## KOSOVO INTEGRATION IN EU

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### Abstract

Kosovo is a new state which has just been established and has not yet been fully promoted in the international arena. Kosovo drafted a foreign policy strategy which consisted of key objectives such as lobbying for new recognitions and establishing diplomatic relations with the states that had recognized us. The purpose of the research is to measure the opinion of the citizens of Kosovo on the importance of Kosovo's integration into the EU, to measure the challenges, opportunities of Kosovo's citizens after integration, the impact it has on the economic field and to measure the opinion of state officials and experts on integration in EU.

Total of 400 respondents from all over Kosovo, a senior government official and two integration experts participated in the research. The research was conducted through a survey of citizens through the online platform and interviews with officials. We confirm the results of the research that the citizens of Kosovo will not migrate even after Kosovo's integration into the EU, and the integration of Kosovo has a significant positive impact on the development and economic prosperity of businesses. On the other side, it has been found that there are gender differences in terms of their opinion on the impact that EU integration has, and some citizens fear that integration would negatively affect their lives. So we recommend that Kosovo should be integrated into the EU as soon as possible in order to have a genuine economic development and for this the future legislatures should work seriously on this.

## 1. Introduction

Kosovo is the youngest state in Europe, Kosovo was declared an independent and democratic state on February 17, 2008. Kosovo's independence was declared in full compliance with the plan of Martti Ahtisaari, where according to this plan Kosovo is an independent and multiethnic state which consists of the Albanian majority and other minorities such as the Serb minority, Bosniak, Turk, RAE, etc. The official languages of the Republic of Kosovo are Albanian and Serbian. Immediately after the declaration of independence came the first recognitions of the state of Kosovo by countries which were supporters of the establishment of the Republic of Kosovo. The newly formed state had put the main focus on its promotion in the international sphere trying to secure

as much recognition as possible. In this journey, Kosovo had an opposing party, the Republic of Serbia, which tried to prevent Kosovo from penetrating the international system because it considers it a territorial part of it. Since the declaration of independence until now, a strong diplomatic battle has been taking place between the state of Kosovo and Serbia, where the first party tries to secure as much recognition as possible, while the other party tries to prevent at any cost the internationalization of the state Kosovo.

The state of Kosovo enjoys great support from the above mentioned states. The Republic of Kosovo is a member of over 38 international and regional organizations, among which the most important are the Monetary Fund, the World Bank, the

World Trade Organization, Reconstruction and Development, etc.; while it has failed to join UNESCO and INTERPOL. Kosovo continues to lobby for membership in as many other international organizations as possible, but its primary goal is membership in the UN and other Euro-Atlantic organizations.

## 2. Literature Review

Foreign policy is an organized activity of the state with which it tries to maximize all values and interests in relation to other states. Foreign policy is drafted by the main policy makers of a country who are: the President, the Prime Minister, the Minister of Foreign Affairs and Diplomatic Missions. Foreign policy should be drafted in accordance with state interests. In order to successfully achieve the main goals in foreign relations, Foreign Policy must formulate the main objectives it aims to achieve (Vukadinovic, 1999). Kosovo has also defined its goals and interests which it aims to achieve in the international system and for this has drafted the framework of objectives which contains the primary foreign policy goals which are defined as priorities to be achieved in international relations and One of the main objectives of the foreign policy of the Republic of Kosovo is membership in the European Union (Ministry of Foreign Affairs, 2011).

One of the most important and successful EU policies is Enlargement policy. European policy aims to join the European Organization, all countries that are part of the European continent and aspire to membership in this organization. EU extension policy makes Europe a safer and more stable country, enables us to become stronger and promote our values, and enables us to play our role as a global player on the world stage. Countries willingly integrate into the EU as they value EU membership as a political and economic interest. According to Article 6 of the Treaty on European Union, the EU is founded on the principles of freedom, democracy, respect for human rights, fundamental freedoms, the rule of law and principles which are common to all member states. While Article 44 of the European Union states that any state that respects the principles mentioned in Article 6 can apply to become a member of the European Union, but for states aspiring to membership a long process awaits the fulfillment of the principles of freedom, democracy, respect for human rights, and the rule of law (Dalipi, 2015).

To join the EU, Kosovo must complement the Copenhagen criteria (political, economic and legal criteria) and the additional Madrid criteria and fulfill the obligations arising from the SAA. The political criterion requires the creation of stable institutions, the development of democracy, respect for human and minority rights, the creation of the rule of law, etc (Reka, 2010). To successfully meet the political criteria, the Republic of Kosovo

must focus on the consolidation of the state, the spread of democracy throughout the state and respect for human rights, which includes fundamental freedoms such as: the right to life, the right to life. educated, the right to free expression. Since Kosovo is a multiethnic state, it is necessary to respect the rights of minorities and treat them equally with the Albanian majority. Creating the rule of law is another task for the state of Kosovo, ie creating a rule of law where no one would be above the law, where the same laws would apply to all and where the judiciary is not politically influenced. All obligations arising from the political criterion, Kosovo has them written in the Constitution, but their primary priority should be their implementation in practice.

The Economic Criterion requires meeting the economic standards set by the EU and these standard criteria relate to the free market and the creation of economic capacity to compete with other EU countries (Reka, Holl & Sela, 2010).

To fully meet the economic criteria, Kosovo needs to strengthen the economic sector because Kosovo's economic sector compared to EU member states is quite weak. Market opening and economic cooperation with other countries is necessary, therefore Kosovo should be oriented towards economic cooperation. Kosovo also needs to ensure economic growth which would create sustainable economic stability. Using this economic strategy, Kosovo would be able to successfully meet the economic standards required by the EU.

The Legal Criterion is the ability to implement *acquis communautaire* or harmonize national legislation with that of the EU (Reka, Holl & Sela, 2010).

The State of Kosovo, respectively the relevant authorities in charge of this work should work on the approximation of Kosovo legislation with that of the EU, then all necessary measures should be taken so that the standards of the *acquis communautaire* are part of the legislation of the respective state. Kosovo must approximate all the chapters of the *acquis communautaire* in order to fulfill its obligations deriving from the legal criteria. It is also necessary to train Kosovo lawyers based on EU legislation.

The Stabilization and Association Process (SAP), adopted and put into effect in 1999, is the European Union policy framework for the Western Balkans, within which the process of integration of these countries into the EU until their full membership takes place. Through this process, the EU helps and serves as a guide for each country in the process of their development, so that when they become full members they will be able to implement

European standards, enabling everyone to be able to play his role as a member with full rights and obligations (Qorraj, 2012). On October 27, 2015, the Stabilization and Association Agreement was signed between Kosovo and the EU. This agreement was subsequently ratified by the Assembly of the Republic of Kosovo. The signing and ratification of this agreement brought a new chapter for Kosovo, taking the first step towards European integration. The SAA contains 596 pages, the preamble, 144 articles and X titles, which include general principles up to institutional provisions.

The purposes of this agreement are:

1. Support Kosovo's efforts to strengthen democracy and the rule of law,
2. Contribute to political, economic and institutional stability in Kosovo,
3. To support Kosovo for the development of economic and international cooperation,
4. Support Kosovo's efforts to complete the transition to a functioning market economy.
5. To promote regional cooperation in all areas addressed by this Agreement, etc (Ministry of European Integration, 2010).

All obligations deriving from the chapters of the SAA are obligations which must be fulfilled by the State of Kosovo for a certain term given by the European Union for 10 years. Also after signing the SAA, Kosovo can apply for the status of European Union candidate (Osmanaj, 2018). But one of the main challenges that prevents obtaining candidate status is the non-recognition of the state of Kosovo by the 5 EU member states, but Kosovo must start a lobbying process to ensure eventual recognition by the 5 countries of the European Union, and so will avoid any possible obstacles to obtaining Candidate Status (Hoxhaj, 2016).

After the unilateral declaration of independence of the Republic of Kosovo, neighborly relations between Kosovo and Serbia remain tense. The Serbian side is constantly trying to challenge Kosovo's independence by using a counter-campaign to prevent its recognition and integration into international organizations, but if a country does not have good relations with its neighbors, that country can not join the EU. The European Union initiated the start of talks on neighborly relations between Kosovo and Serbia, which would be mediated by the organization itself. The dialogue for the improvement of relations between these two countries started in 2011, while the first agreement was reached on April 19, 2013, which contained 15 points which included the improvement of relations (Osmanaj, 2018). The points that have to do exactly with the membership in the European Union are points 14 and 15.

Point 14. It has been agreed that neither side will block, or encourage others to block the other side's progress on the relevant EU paths.

Item 15. An implementation committee will be set up by both parties, with the facilitation of the EU (Assembly of the Republic of Kosovo, 2015).

Although the Kosovo-Serbia dialogue began with EU mediation, this dialogue has contributed neither to the strengthening of statehood from within nor to its consolidation from outside. The Republic of Kosovo continues to have difficulty in controlling and exercising sovereignty throughout its territory. While in the international arena, Kosovo continues to be blocked by Serbia in its efforts to advance in international organizations (Osmani, 2016).

The Association Process is known as the core policy of the European Union, which was adopted in 1999 and reaffirmed in Thessaloniki in 2003, on this occasion the Thessaloniki agenda confirms the European perspective for Kosovo (Qorraj, 2012). In the 2012 feasibility process, the EU finds that the criteria for starting SAA negotiations between Kosovo and the EU have been met. Negotiations for the start of the SAA between Kosovo and the EU opened in 2013 and were described by former Prime Minister Hashim Thaçi as a historic day (Ministry of European Integration, 2010).

The international community as a whole supports Kosovo's transition to a contemporary state. However, it is promising that an important part of the international community supports this state of the country, with the overwhelming majority of the EU, the United States, and some other important players, is a good starting point for Kosovo (Mekaj&Aliaj, 2019).

Kosovo as a young state, without sufficient experience in diplomacy, has constantly encountered difficulties in achieving foreign policy objectives, especially in the primary goal, that of EU membership. On the one hand, from the external factor, especially from the Serbian state, which constantly hinders the aspirations of the state of Kosovo for integration in international organizations, a fact that directly affects the development and economic growth of the country; on the side is the internal factor, the incompetence of our diplomats, sometimes the appointment of positions without meritocracy, which has affected the unproductivity and stagnation in the necessary achievements for our new country.

The external factor that mostly hinders Kosovo on the path to EU integration is Serbia. There are two main problems where we

address Serbia: The first problem is lobbying for non-recognition of those states that have not yet recognized us, and the withdrawal of recognitions from those states that have already recognized the state of Kosovo. The second problem is the lobbying of Serbia against the integration of Kosovo in various international organizations for non-membership, e.g. UNESCO, INTERPOL, while Fifa (which despite Serbia's lobbying has accepted us) etc. The other external factor, which hinders Kosovo's integration into the EU, are the 5 EU member states which have not yet recognized Kosovo's independence. We will briefly mention the causes of non-recognition by these 5 countries: in Spain the issue is its internal problems with Catalonia and Basketball; in Greece, although the official justifications for non-recognition are based on these 3 points, which are: Open opposition to international law; Ill-treatment of minorities, mainly Serbs; Creating an organized crime paradise. In fact the main reason lies in Cyprus' problem with Turkey; Cyprus' attitude towards Kosovo is so sharp that it does not even recognize Kosovo documents. Romania has not recognized Kosovo's independence due to the problem with the Hungarian minority. Slovakia, as one of the countries that has not recognized Kosovo's independence so far, has no indication suggesting a 'change of decision' in this regard. Slovakia has been moderate in its liberal contacts. It has a liaison office in Prishtina (KIPRED, 2013).

The other (internal) factor that is very important in foreign policy are the institutional bearers: the President, the Prime Minister, the Minister of Foreign Affairs and the oversight role has the Assembly of the Republic of Kosovo through which all important decisions pass. The foreign policy of the Republic of Kosovo has been characterized by ups and downs. Starting from the cycle of recognitions of the first years of the declaration of independence, until the beginning of a regression which brought not only a stagnation in recognition, but also the withdrawal of recognitions from the states that have recognized us. Also the failure to join international organizations, the failure to meet the criteria for visa liberalization and various diplomatic scandals.

Regarding the future of Kosovo in the EU, given that the Constitution and the laws of the Republic of Kosovo are in full compliance with the European spirit and values, we can conclude that the orientation of Kosovo is clear and unchangeable, as far as regarding integration into the European Union (Halili, 2019).

The future of the European Union, after the exit of Great Britain, has created confusion in some other member states. However, given that the EU is composed of powerful countries such as France, Germany, Italy, Spain, etc., we can consider that the EU will have a secure future. Therefore, Kosovo must continue its Euro-Atlantic orientation to be part of this project.

### **3. Methodology**

The research is of quantitative and qualitative type, where through the survey the citizens of the Republic of Kosovo were surveyed regarding their opinion on Kosovo's integration into the EU, while through interviews Government officials and experts in the field of economy in Kosovo were interviewed. The research aims to measure the opinion of citizens on Kosovo's integration into the EU, the criteria and reasons for accession and the opportunities that Kosovo has in Europe, and experts were asked to measure the impact of economic development if Kosovo integrates, the reasons for non-integration. of Kosovo and the opportunities offered for Kosovo if we integrate into the EU. The total sample in the research is 400 respondents, ie citizens of all ages, where through the survey distributed electronically they have expressed their opinion. The questionnaire is composed of the demographic part and the second part which is focused on their opinion on EU integration, the reasons for non-integration, their expectations in economic and cultural terms. The interview included a senior official of the Government of Kosovo, an expert in the field of economics and a lawyer.

The research lasted 2 months, where the questionnaires were first distributed through Google form in various forums on social networks, then the data were collected and coded in Excel and transferred from Excel to SPSS. In SPSS descriptive, comparative analysis and verification of hypotheses, reliability test and their final interpretation were performed. The interviews were distributed through the e-mail address, where the respondents completed them and sent them to us, notifying them of their submission. Data analysis was done through SPSS program (version 25), and interviews through inductive method. To test the hypotheses, parametric tests T-test and Anova one Way were used, which enabled the comparison and validation of research hypotheses. The data are primary data and were conducted directly by us as students through surveys distributed on social networks and interviews with government officials.

#### **3.1. Purpose of the research**

The main purpose of the research is to measure the opinion of the citizens of the Republic of Kosovo on the importance of Kosovo's integration into the European Union, to measure their opinion on the desire for integration, the impact that this integration has on Kosovo civic life and culture, and the reasons non-integration so far and expectations after EU integration. In addition to this, the aim is to present the opinion of state officials and experts in this field, which was done through an interview.

#### **3.2. Research question and hypotheses**

The main research question is:

1. What is the impact of Kosovo's EU integration regarding the migration of citizens to the EU?

1.1. Is any danger to Kosovo culture after EU integration?

1.2. Would Kosovo's EU integration affect economic development and prosperity?

1.3. Are there gender differences in their opinion in relation to EU integration?

**Hypotheses:**

H01. Regardless of the level of education, Kosovo's integration into the European Union does not affect the opinion of Kosovo citizens to migrate to EU countries.

H1. Regardless of the level of education, Kosovo's integration into the European Union affects the opinion of Kosovo citizens to migrate to EU countries.

H02. There are significant differences between male and female citizens in terms of their opinion on the impact of Kosovo's EU integration on the lives of citizens and the endangerment of our culture.

H2. There are no significant differences between male and female citizens in terms of their opinion on the impact of Kosovo's EU integration on the lives of citizens and the endangerment of our culture.

H03. Citizens who do not want Kosovo's integration into the European Union fear that this negatively affects the lives of Kosovo citizens, compared to citizens who agree that Kosovo should be integrated into the EU.

H3. Citizens who do not want Kosovo's integration into the European Union are not afraid that this will negatively affect the lives of Kosovo citizens, compared to citizens who agree that Kosovo should be integrated into the EU.

H04. Kosovo's integration into the EU has a positive impact on economic development and prosperity.

H4. Kosovo's EU integration does not have a positive impact on economic development and prosperity.

**4. Research Analyze**

In this part will be presented the results from the survey conducted with citizens as well as the analysis of interviews with Government officials and experts in the field of integration in Kosovo. Statistical results were obtained through SPSS program, while interviews were analyzed through inductive method.

**4.1. Reliability test**

The reliability test is realized to verify whether our data meet the statistical requirements. A total of 400 respondents were included in this test.

**Table 1.** Case Processing Summary

		N	%
Cases	Valid	400	100.0
	Excluded <sup>a</sup>	0	0.0
	Total	400	100.0

a. Listwise deletion based on all variables in the procedure.

Based on the following results we see that the reliability test is 0.626 which is above the permissible level of reliability and therefore we say that our data meet the conditions to proceed with further analysis.

**Table 2.** Reliability Statistics

Common Variance	0.626
True Variance	0.060
Error Variance	0.566
Common Inter-Item Correlation	0.096
Reliability of Scale	0.615
Reliability of Scale (Unbiased)	0.617

**4.2. Demographic Results**

A total of 400 respondents participated in the research, of which 89 belong to the age group 18-25 years or 22.3%, 131 belong to the age group 26-35 years or 32.8%, 77 belong to the age group 36-44 years or 19.3%, 59 belong to the age group 45-54 years or 14.8%, 32 age groups 55-65 years or 8% and 12 other age groups 65+ or 3% of them. Of these males were 229 or 57.3%, 149 females or 37.3% and 22 did not respond to this by choosing not to show or 5.5%. With primary qualification were 16 respondents or 4%, 66 were with secondary education or 16.5%, 158 with bachelor level or 39.5%, with master level 116 or 29%, phd were 20 or 5%, while professional were 17 or 4.3% and without qualification were 7 or 1.8%.

**Table 3.** Demographic results of the survey

Age	N	%
18-25 age	89	22.3%
26-35 age	131	32.8%
36-44 age	77	19.3%
45-54 age	59	14.8%
55-65 age	32	8.0%
65+ age	12	3.0%

Sex	N	%
Male	229	57.3%
Female	149	37.3%
I prefer not to tell	22	5.5%
Level of education you have completed?	N	%
Elementary school	16	4.0%
high school	66	16.5%
Bachelor	158	39.5%
Master	116	29.0%
Phd	20	5.0%
Professional / craft course	17	4.3%
No qualification	7	1.8%

### 4.3. Descriptive Results of Citizens' Opinions Regarding Kosovo's Membership in the EU and the Impact of this Integration on the Lives of Citizens and the Sovereignty of Kosovo.

Based on the following results we see that the vast majority of Kosovo citizens who participated in the survey have stated that EU integration is in the interest of Kosovo, where 349 of them said Yes or 87.3%, while 46 others said that this is not in the interest of Kosovo or 11.5% and 1.3% said they do not know. A similar percentage is to the question whether they want Kosovo's integration into the EU, where 86% of them said they wanted, 11.8% did not and 2.3% said they did not know. An interesting debate has arisen in the question of whether Kosovo's integration into the EU affects Kosovo to lose sovereignty, 23.5% say that such a thing will happen, 56.8% say No and 19.8% say they do not know if it will happen or not. According to the opinion of the citizens, Kosovo's integration into the EU will have a positive impact, with 80% saying that there will be positive changes, 10.5% saying that this will happen negatively, 6.5% saying that it will not affect at all and 3% they do not know. Citizens say that with Kosovo's integration into the EU, Kosovo territory will be less vulnerable, where 72.3% say it will be safer, 18.3% say it will not be safe and 9.5% have no knowledge.

**Table 4.** Results of citizens' opinions regarding Kosovo's membership in the EU

Do you think it is in Kosovo's interest to join the European Union?	N	%
Yes, it is in the interest of Kosovo	349	87.3%
No, it is not in Kosovo's interest	46	11.5%
I don't know	5	1.3%
Do you want Kosovo to integrate into the European Union?	N	%
Yes	344	86.0%

No	47	11.8%
I don't know	9	2.3%
With the membership in the European Union, does Kosovo lose its sovereignty?	N	%
Yes, lose	94	23.5%
No, not lose	227	56.8%
I don't know	79	19.8%
How will Kosovo's EU integration affect the lives of citizens?	N	%
Positively	320	80.0%
Negatively	42	10.5%
Not influence	26	6.5%
I don't know	12	3.0%
Do you think that Kosovo's territorial integrity will be less vulnerable to EU integration?	N	%
Yes, Kosovo will be safer	289	72.3%
No, will not be	73	18.3%
I don't know	38	9.5%

### 4.4. Opinion of Citizens Regarding the Work of the Governments of the Republic of Kosovo and the Time When They Think That Integration Will Take Place.

In the question, how much the governments of the Republic of Kosovo have worked in terms of EU integration, we see that we have a great dissatisfaction on the part of citizens, where 11.5% say they have worked hard, 24% say they have worked moderately, 40.5% say that have worked little, 22.3% have worked at all and 1.8% do not know. Citizens have disappointing expectations regarding Kosovo's integration into the EU, where only 18.8% hope that this will happen in the period 2025-2030, 35.8% in the period 2031-2035, 30.8% hope that this will happen in the period 2036-2040 and 14.8% say they do not know.

**Table 5.** Citizens opinion on the governments work on EU integration

How much have the governments of the Republic of Kosovo worked hard enough for EU integration?	N	%
A lot	46	11.5%

on the average	96	24.0%
few	162	40.5%
none	89	22.3%
I don't know	7	1.8%
<b>In which year do you think Kosovo will be integrated into the European Union?</b>		
	<b>N</b>	<b>%</b>
In year 2025-2030	75	18.8%
In year 2031-2035	143	35.8%
In year 2036-2040	123	30.8%
I don't know	59	14.8%

#### 4.5. Citizens' Opinion on the Obstacles That are Affecting Kosovo's Non-Integration Into the EU and the Desire of Citizens To Migrate After Integration and the Agreement with Serbia.

By the opinion of the citizens, the biggest obstacle seen during Kosovo's journey to the EU is the stagnation in the dialogue with Serbia where 38% of respondents expressed, then 20.5% think that it is the non-recognition of Kosovo by 5 EU member states, 16.3% of the non-fulfillment of obligations arising from the Stabilization and Association Agreement, 15% say they lack knowledge, 9.8% as non-fulfillment of the Copenhagen criteria and another 0.5%. What can be considered very positive is that citizens will not migrate to the EU even if Kosovo joins the EU, where 42.8% said No, 39.3% Yes, and 18% have no knowledge. According to the opinion of the citizens of Kosovo, what most hinders Kosovo towards the EU is the internal factor where 31.8% are expressed, the external factor (5 EU member states that are reluctant to recognize Kosovo) with 27.8%, external factor (EU and its bureaucracy), 12% external factor (Serbia and Russia) and 11.5% do not know. The final agreement with Serbia is not seen as a problem or important for 69% of the surveyed citizens, 25% think it is important and 6% do not know.

**Table 6.** Citizens' opinion on the obstacles that are affecting Kosovo's non-integration into the EU and the desire of citizens to migrate after integration and the agreement with Serbia.

<b>What could be the biggest obstacle in Kosovo's path to European Union membership?</b>	<b>N</b>	<b>%</b>
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Not fulfillment the Copenhagen criteria	39	9.8%
Stagnation in the dialogue with Serbia	152	38.0%
Not fulfilling the obligations arising from the Stabilization and Association Agreement	65	16.3%
Non-recognition of Kosovo by 5 member states of the European Union	82	20.5%
I don't know	60	15.0%
Other	2	0.5%
<b>After Kosovo's membership in the EU, would you migrate to one of the EU countries to live?</b>		
	<b>N</b>	<b>%</b>
Yes	157	39.3%
No	171	42.8%
I don't know	72	18.0%
<b>Which factor hinders Kosovo's integration into the European Union the most?</b>		
	<b>N</b>	<b>%</b>
Internal factor (governments and other accompanying institutions)	127	31.8%
External factor (EU and its bureaucracy)	68	17.0%
External factor (5 EU member states reluctant to recognize Kosovo)	111	27.8%
External factor (Serbia and Russia)	48	12.0%
I don't know	46	11.5%
<b>Should a final agreement be reached with Serbia if the exchange of territories would be a condition for Kosovo's membership in the European Union?</b>		
	<b>N</b>	<b>%</b>
Yes, it must achieved	100	25.0%
No, it must not achieved	276	69.0%
I don't know	24	6.0%

#### 4.6. Citizens' Opinion on the Impact of Integration on Kosovo Businesses and the Standards Used So Far by the EU Towards Kosovo, as well as the Impact of the UK Exit from the EU.

Citizens say that businesses are not ready to compete with businesses in EU countries where 51.5% of them say No, 38% say Yes and 10.5% do not know. Most citizens think that the culture of Kosovo or our citizens would not be endangered even after EU integration where 70.3% say that such a thing will not happen, 20.3% yes and 9.5% do not know. We understand that citizens say that the EU is using double standards or 65.3%, 24.8% say no or 10% do not know. Citizens say that even after the exit of Great Britain from the EU there will be no endangerment of this organization where 55.5% say No, 29.3% say Yes and 15.3% have no knowledge.

**Table 7.** Citizens' opinion on the impact of integration on Kosovo businesses

Kosovo businesses			
<b>Do you think that Kosovo businesses are ready to compete with the businesses of European Union countries?</b>			
	N	%	
Yes, are ready	152	38.0%	
No, aren't ready	206	51.5%	
I don't know	42	10.5%	
<b>Do you think that integration to the EU will risk our culture to become like the culture of other EU countries?</b>			
	N	%	
Yes, it is endangered	81	20.3%	
No, it is not endangered	281	70.3%	
I don't know	38	9.5%	
<b>Do you think that the EU uses double standards for the integration process?</b>			
	N	%	
Yes	261	65.3%	

**Table 8.** After Kosovo's membership in the EU, would you migrate to one of the EU countries to live?

	N	Mean	Std. Deviation	Std. Error	95% Confidence Interval for Mean			
					Lower Bound	Upper Bound	Minimum	Maximum
					Elementary school	16	2.13	0.957
High school	66	1.82	0.802	0.099	1.62	2.02	1	3
Bachelor	158	1.80	0.727	0.058	1.69	1.92	1	3
Master	116	1.72	0.640	0.059	1.61	1.84	1	3
Phd	20	1.70	0.657	0.147	1.39	2.01	1	3
Professional / craft course	17	1.88	0.857	0.208	1.44	2.32	1	3
Without qualification	7	1.43	0.535	0.202	0.93	1.92	1	2
Total	400	1.79	0.727	0.036	1.72	1.86	1	3

Based on the following results we see that free degree  $df = 399$ , mean square = 5.28, test F of statistical significance = 1.137 and p value = .340 e which is above the level of reliability of 5%, which means that we accept the hypothesis and We say that

No	99	24.8%
I don't know	40	10.0%
<b>After the exit of Great Britain from the EU, is the future of this organization in doubt?</b>		
	N	%
Yes	117	29.3%
No	222	55.5%
I don't know	61	15.3%

## 4.7. Verification of Hypothesis

### 4.7.1. H01. Regardless of The Level of Education, Kosovo's Integration Into the European Union Does Not Affect the Opinion of Kosovo Citizens to Migrate to EU Countries

To confirm the hypothesis that above I used the Anova test where I have compared the differences in the level of education as an independent variable and their opinion if they would migrate after Kosovo's integration into the EU. Based on the following results we can notice very few differences in the average values, which means that this is a positive picture for our citizens that even after integration there will be no migration.

regardless of the level of education, Kosovo's integration into the European Union does not affect the opinion of Kosovo citizens to migrate to EU countries.

**Table 9.** After Kosovo's membership in the EU, would you migrate to one of the EU countries to live?

	Sum of Squares	df	Mean Square	F	Sig.
Between Groups	3.600	6	0.600	1.137	0.340
Within Groups	207.337	393	0.528		
Total	210.938	399			

**4.7.2. H02. There are Significant Differences Between Male and Female Citizens in Terms of their Opinion on the Impact of Kosovo's Eu Integration on the Lives Of Citizens.**

To confirm the above hypothesis, I used the Independent Sample T-test where I compared the gender ratio in relation to their perceptions on the impact of Kosovo's EU integration on the lives

of citizens and whether our culture would be endangered after EU integration. Based on the following results we see that men have a lower level of their perception on the impact of integration in the lives of Kosovo citizens with an average of 1.23 which means that they are more optimistic in this regard, while women have an average slightly more pessimistic about the impact of Kosovo's EU integration on the lives of its citizens.

**Table 10.** Group Statistics

	Sex	N	Mean	Std. Deviation	Std. Error Mean
How will Kosovo's EU integration affect the lives of citizens?	Male	229	1.23	0.638	0.042
	female	149	1.39	0.777	0.064
Do you think that after EU integration our culture is endangered by the cultures of other peoples of the European Union?	Male	229	1.90	0.511	0.034
	Female	149	1.93	0.559	0.046

Based on the following results we see that in the first factor that if integration affects the lives of citizens, we see that men express higher optimism than women where test F of statistical significance = 13.355, test t = -2.067, degree of freedom df = 376 and p value = .040 which is within the 5% confidence limit.

Our hypothesis is accepted and we say that there are significant significant differences between male and female citizens in terms of their opinion on the impact of Kosovo's EU integration on the lives of citizens.

**Table 11.** Independent Samples Test

		Levene's Test for Equality of Variances		t-test for Equality of Means						
		F	Sig.	t	df	Sig. (2-tailed)	Mean Difference	Std. Error Difference	95% Confidence Interval of the Difference	
									Lower	Upper
How will Kosovo's EU integration affect the lives of citizens?	Equal variances assumed	13.355	0.000	-2.154	376	0.032	-0.158	0.073	-0.302	-0.014
	Equal variances not assumed			-2.067	272.148	0.040	-0.158	0.076	-0.308	-0.007
Do you think that after EU integration our culture is endangered by the cultures of other peoples of the European Union?	Equal variances assumed	0.333	0.564	0.555	376	0.579	-0.031	0.056	-0.141	0.079
	Equal variances not assumed			0.545	295.956	0.586	-0.031	0.057	-0.143	0.081

**4.7.3. H03. Citizens Who Do Not Want Kosovo's Integration into the European Union Fear That This Negatively Affects the Lives of Kosovo Citizens, Compared to Citizens who Agree that Kosovo Should Be Integrated Into the EU**

To confirm the above hypothesis, I used the Independent Sample T-test where I made a comparison between citizens who wanted Kosovo's accession to the EU and those who did not accept as an independent variable and the impact that this integration may have on life of the citizens of Kosovo as a dependent variable. The first results show a high difference, where those who have accepted you have an average of 1.24, compared to those who have accepted EU integration with an average of 1.86.

**Table 12.** Group Statistics

	Do you like Kosovo to integrate into the European Union?	N	Mean	Std. Deviation	Std. Error Mean
How will Kosovo's EU integration affect the lives of citizens?	Yes	344	1.24	0.662	0.036
	No	56	1.86	0.883	0.118

Based on the following results we see that the test F of statistical significance is 15,285, the test t = 65,454, p value = .000 which is within the reliability limit of 1%. So, we accept the hypothesis that citizens who do not want Kosovo's integration into the

European Union are afraid that this negatively affects the lives of Kosovo citizens, compared to citizens who agree that Kosovo should be integrated into the EU.

**Table 13.** Independent Samples Test

		Levene's Test for Equality of Variances		t-test for Equality of Means						
		F	Sig.	t	df	Sig. (2-tailed)	Mean Difference	Std. Error Difference	95% Confidence Interval of the Difference	
									Lower	Upper
How will Kosovo's EU integration affect the lives of citizens?	Equal variances assumed	15.285	0.000	-	398	0.000	-0.619	0.100	-0.816	-0.421
	Equal variances not assumed			6.162	-	65.454	0.000	-0.619	0.123	-0.865

**4.7.4. H04. Kosovo's Integration Into the EU Would Have a Positive Impact on Economic Development and Prosperity.**

This hypothesis has been confirmed through interviews by analyzing the interpretations of three experts in this field, where one of them is a senior official of the Government of Kosovo and the other two are senior experts.

We can conclude that Kosovo has many benefits from EU membership, but it must pay attention to and support Kosovar businesses at all times. The sectors that Kosovo has the opportunity to benefit from are initially the agricultural sector in economic terms, while in broader aspects it is the security aspect which is in fact the main element of investments and economic prosperity of a country, ie the provision of capital investments.

Other benefits include membership in Interpol and improved judicial system.

This shows that our country must be part of the EU as soon as possible to achieve proper development and get out of the 20-year post-war transition. So, Kosovo's integration into the EU would have a positive impact on the development and economic prosperity of our country.

**4.8. Analysis and Interpretation of Interviews**

**4.8.1. Analysis of Interviews with Government Officials and Integration and Foreign Policy Experts**

**Table 14.** interviews with Policy experts

<i>Category</i>	<i>Preliminary interpretation</i>	<i>Text</i>
<p>1 . Do you think that Kosovo businesses are ready and have enough capacity to enter the European market?</p>	<p>According to government officials and experts, we can say that Kosovar businesses are ready but do not meet the necessary conditions to compete with European businesses due to lack of conditions and failure to meet key criteria required by the EU. In this context, the EU is seen as guilty because of the political game it plays and the domestic spectrum because of the high level of corruption. For reasons</p>	<p style="text-align: center;"><b>B.R</b></p> <p>Kosovo businesses, despite their progress, are still not at the level of businesses of EU member states. Therefore, they are not sufficiently ready to compete or compete with foreign businesses. So local businesses need to focus on increasing quality to become compatible with the products of EU member states' businesses. To reach this stage, the state of Kosovo must support their advancement through grants and subsidies, ie make a development policy</p> <p style="text-align: center;"><b>V.Y</b></p> <p>Kosovo businesses will have great initial difficulties in achieving a certain level of competitiveness for the European market. In these difficulties, the Republic of Kosovo must have a much more active commitment, thus undertaking the financing of product and quality standardization, qualification and training of the workforce, ensuring and crediting the financial liquidity of the enterprise, as well as improving the conditions. infrastructure for industry development (primarily electricity supply). This would enable Kosovo enterprises to have ample space and opportunities to invest in capacity building, as well as in improving the production process that would increase its efficiency.</p> <p style="text-align: center;"><b>N.H</b></p> <p>No, Kosovar businesses are still far from such a reality, so we still need time to be equal at the level of the European market with the businesses of EU countries.</p>
<p>2.. With EU membership, would Kosovo benefit more economically if so in which sectors specifically?</p>	<p>According to the opinion of experts and Government officials, it is emphasized that Kosovo would greatly benefit from EU membership starting from the legal aspect, by joining international-Security Institutions,would encourage the agricultural sector to increase production capacities and in all other areas in Kosovo. So membership for Kosovo is a real opportunity for positive change and development and prosperity.</p>	<p style="text-align: center;"><b>B.R</b></p> <p>The very fact that all countries that join the EU, do it of their own free will, this shows that all countries that integrate have benefits in all sectors, especially in the economic one. One of the benefits of different sectors, I think is the opening of markets, so a greater opportunity for economic development of Kosovo through the deportation of local businesses in the wider European market. So through participation in the European market the state of Kosovo would benefit financially a lot.</p> <p style="text-align: center;"><b>N.H</b></p> <p>Non-EU countries have financial assistance restrictions and double customs barriers, so our country's membership in the EU is a priority as we gain equal rights with member states, being exempt from customs duties and the opportunity of the absorber of donations, which is in the interest of the country.</p> <p>The Government of Kosovo has taken several steps to promote agriculture and rural development. In order to improve the economy in rural areas, the budget for the agricultural sector has increased steadily in recent years. This budget is intended for farmers in rural areas to improve productivity and quality of agricultural products.</p> <p style="text-align: center;"><b>V.Y</b></p> <p>In the long run, of course, Kosovo will benefit. But this does not come by itself. Thus, it is the national duty of public authorities together with the private sector in Kosovo to clearly define the economic sectors in which Kosovo has or can build comparative advantages in order to focus both public and private investments to maximize the potential of these sectors. Of course, the food processing industry, the wood industry, but also the mining sector can be sectors of industry in which Kosovo can increase its potential and benefit from them. In particular, we need to focus on sophisticated service sectors which require a much more efficient education system so that the Information Technology sector is one where Kosovo, through economic integration with the EU, manages to maintain a part of great value added within its own economy.</p>

## **4.8.2. Final Interpretation of Interviews**

### **4.8.2.1. Topic 2: Readiness and Capacities of Kosovo Businesses to Enter the European Market.**

We consider Kosovo businesses to have an extraordinary readiness to integrate into the EU, despite their ability to compete in the European market. The Government of Kosovo should create facilities, invest in production and in the agricultural sector in order for Kosovo businesses to be ready and closer to meeting the criteria required by the EU. The main causes of non-fulfillment of conditions by businesses are corruption and nepotism, which are the main destructive factors of prosperity and opportunities for Kosovo businesses to meet the criteria. Kosovo businesses are in a neglected way, especially the production and agriculture sector, due to long-term and genuine non-planning by the Government of Kosovo since the declaration of Independence. Recently there has been a greater, but not enough, approach, and if this continues then the risk is that even if Kosovo joins the EU, then Kosovo businesses, manufacturing or industry and agriculture will not be ready to compete with European businesses. This requires detailed planning, investment and maximum support by the Government of Kosovo to all business sectors.

### **4.8.2.2. Topic 3: Potential Economic Benefit of Kosovo with EU Membership**

We can conclude that Kosovo has many benefits from EU membership, but it must pay attention to and support Kosovar businesses at all times. The sectors that Kosovo has the opportunity to benefit from are initially the agricultural sector in economic terms, while in broader aspects it is the security aspect which is in fact the main element of investments and economic prosperity of a country, ie the provision of capital investments. Other benefits include membership in Interpol and the improvement of the judiciary.

## **5. Conclusions and Recommendations**

In the research was attended by a total of 400 respondents, a sufficient number to represent the public opinion on Kosovo's

integration into the EU, as well as officials and experts in the field of integration and policy. The age groups of the participants were from 18 years old to over 65 years old, while the gender difference was 57.3% male participation and 37.3% female, with a relatively high level of bachelor and master education. Based on the results, we conclude that the citizens of Kosovo are ready for EU integration and think that this is in the interest of Kosovo, clarifying that this integration will not have an impact on the loss of Kosovo's sovereignty, not excluding others. who think differently. Citizens' lives are considered to be more positive for most citizens, and there are those who are skeptical about this work. They say that the governments have not worked properly and this shows that they are the main responsible that Kosovo has not joined so far, and there is a pessimism that Kosovo will join in a short period. As the biggest obstacle we see the dialogue with Serbia and the non-recognition of Kosovo by 5 EU countries, while on the other hand the internal factor is equivalent to the first two which shows that we have both internal and external problems in terms of Kosovo's integration into the EU. They say they would not migrate even after Kosovo's EU membership, and that an agreement with Serbia should not be a precondition for membership. On the other side, businesses are viewed with high skepticism regarding their competition with European companies, as it is considered that they do not meet the right conditions and that a lot of work needs to be done in this regard. The citizens of Kosovo say that the EU is using double standards for Kosovo's integration into the EU and the exit of Great Britain does not see a problem for the future of the EU. On the other side, experts say that although changes have been made and there has been some prosperity on the road to the EU, it is still not enough due to the high level of corruption, nepotism and organized crime. These are the key factors that are hindering Kosovo in its EU Integration and without improving and working in this direction, they do not see any quick solution. Regarding the recommendations in relation to the results, we address the Government of Kosovo to create the action plan for achieving Kosovo 's main objective, which is EU integration. Initially, work must be done to reduce corruption and nepotism, to carry out vetting at all institutional levels, to fight organized crime. To achieve these, the political scene in Kosovo must achieve stability and work hard in this direction. On the contrary, without political stability it will not be possible to achieve any of the objectives, much less EU integration.

The Government of Kosovo must provide suitable conditions for Kosovo businesses to be ready and meet the conditions to compete with European Union businesses. This should be fast and efficient, so that economic development is then more stable and employment is possible in our country. This gap is affecting the

brain drain of Kosovo and this is very harmful, as it is happening constantly without noticing it much.

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# THE IMPACT OF MOTIVATION ON ORGANIZATIONAL COMMITMENT: AN EMPIRICAL STUDY WITH KOSOVAR EMPLOYEES



SCAN ME

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## Abstract

Motivation and organizational commitment are determinant factors that directly influence in the success of the organization. Work motivation is the process that initiates and maintains goal-directed performance, commitment encourages employees to voluntarily engage in the organization and have an intention to be member of organization for long term. This study investigates the relationship between motivation and organizational commitment. An online survey was conducted with 207 participants across Kosovo. The results of regression analysis shows that motivation has a significant effect in organizational commitment. The model summary shows that work motivation explains 36% of change in organizational commitment. The coefficient of work motivation shows that work motivation has a strong and positive effect on organizational commitment. Positive and strong correlation is found between work motivation (WM) and organizational commitment (OC). As much the employees are motivated that means they automatically will increase the job performance.

## 1. Introduction

Recent research in organizational behaviour has paid attention to the concepts that represent a departure from the traditional approach of studying work place behaviour. Work motivation has emerged as one of the important organization behavior that affects performance at work (Darolia & Darolia, 2010). Organizational commitment can be inferred from an individual's degree of association with an organization, as the individual is willing to dedicate significant time and effort to the organization without monetary purposes. Affective commitment is an individuals' emotional or psychological attachment to, identification with, and participation in the organization (Bang et al, 2012). Organizational commitment and intrinsic motivation are important constructs in the human resources (HR) and organization behavior (OB) field. Both constructs share the personal characteristics and contextual characteristics for their antecedents. Moreover, they are two of the most frequently used variables for satisfaction, performance, change, and innovation and creativity. Although the consequences of organizational commitment and intrinsic motivation are not in the scope of this study, they ultimately influence employee job/career satisfaction and turnover, organizational performance, and employee

creativity and innovation (Joo & Lim, 2009). Work motivation is the process that initiates and maintains goal-directed performance. Motivation prevents or nudges us to convert intent into action. It also controls our decisions to persist at a specific work goal in the face of distractions and the press of other priorities. (Clar, 2003).

The purpose of this paper is to identify the factors that effects employee motivation and examining the relationship between motivation and organizational commitment.

## 2. Literature Review

### 2.1. Motivation

The topic of employee motivation plays a central role in the field of management, both practically and theoretically (Steers et al, 2004). Within the field of work motivation, as in the broader field of motivated or regulated behavior, much of the work falls within the cognitive tradition that evolved out of the work (Gagne & Deci, 2005). The question about employee motivation has played a central role in management practice and theory since 20th century (Toode et al, 2011). Several definitions of motivation are

available in the literature. Robbins & Judge (2017) define motivation as the processes that account for an individual's intensity, direction, and persistence of effort toward attaining a goal. Yusof et al, (2013) explained motivation as the willingness of an individual to do something and conditioned by actions to satisfy needs. Sherif et al, (2014) define motivation as the strength of the people to make them able to choose specific work, to stay and work hard in the given position. Motivation encourages employees internally towards the actions which help them to achieve the goals or specific task which is assigned to him (Sohail et al, 2014). Motivation is defined as the forces, drives, needs, tension states, or other mechanisms that starts and maintain voluntary activity towards the achievement of personal goals (E.E & Abraham, 2013) Motivation raises question on why people behave in the way they do it (Tella, 2007). Motivated people are those who have made a conscious decision to try considerably to achieve something they appreciate (Ismajli et al, 2015).

## **2.2. Motivation Theories**

There are many different theories that try and help explain motivation. Some of them are: Maslow's Hierarchy of Needs, Herzberg's Two-Factor, Theory, Theory X & Y etc.

### **2.2.1. Maslow's Hierarchy of Needs**

In 1954, Maslow first published Motivation and Personality, which introduced his theory about how people satisfy various personal needs in the context of their work. He postulated, based on his observations as a humanistic psychologist, that there is a general pattern of needs recognition and satisfaction that people follow in generally the same sequence (Gawel, 1997). Maslow proposed that if people grew up in an environment in which their needs are not meet, they would be unlikely to function healthy, well-adjusted individual (Kaur, 2013). Maslow refused to believe that behavior was predetermined by the environment or subconscious, but he believed it was the consequence of human choices (Wilson & Madsen, 2006). Maslow expressed the importance of elements such as job and play interaction, the discipline of hard work, creativity, and freedom of one's opinion (Shoura & Singh, 1999). The theory has influenced the writings of many prominent authors in the field of management and organizational behavior (Wahba & Bridwell, 1976). Maslow's Hierarchy of Needs is often used as an example of motivational theory in both practitioner and scholarly journals, yet considerable motivational research is being conducted that is not widely known, nor applied in practical settings (Kroth, 2007).

### **2.2.2. Herzberg's Two-Factor Theory**

Frederick Herzberg in a bid to understand question and the issue of employee satisfaction and motivation in the 1950s and 60s set out to determine the effect of attitude on motivation by asking

people to describe situations where they felt really good and really bad about their jobs (Dartey-Baah & Amoako, 2011). Herzberg's influential need theory of the 1960's, the Two-Factor Theory, suggests that humans have two different sets of needs and that the different elements of the work situation satisfies or dissatisfies these needs (Lundberg et al, 2009). Herzberg made a theoretical departure from the traditional continuum concept by suggesting that job satisfaction was hypothesized to operate on a continuum which ranged from high to no job satisfaction-while job dissatisfaction operated on another continuum which ranged from no to high job dissatisfaction (Maidani, 1991).

### **2.2.3. Theory X and Y**

The 'Theory X' management assumes employees are inherently lazy and will avoid work if they can and that they inherently dislike work, theory Y is a participative style of management which assumes that people will exercise self-direction and selfcontrol in achieving the organizational goals and objectives (Hattangadi, 2015). Theory X and Y created by McGregor has been a valid basic principle from which to develop positive management style and techniques. McGregor's ideas suggest that there are two fundamental approaches to managing people. Several managers influenced by theory x, and generally get poor results. On the other hand, liberal managers use theory y, which produces better performance and results, and allows people to grow and develop (Mohamed & Nor, 2013). Theory X managers emphasize the chain of command, reward-or-punishment motivational techniques, and close supervision of subordinate behavior along rigidly defined behavioral parameters, Theory Y managers attempt to structure the work environment so that employee goals coincide with organizational goals, resulting presumably in greater creativity and productivity (Aydin, 2012).

## **2.3. Types of Motivation**

Vallerand & O'Connor, (1989) mentioned four types of motivation; Intrinsic motivation, self-determined extrinsic, nonself-determined extrinsic, and amotivation which are assumed to have a number of consequences for adaptation and well-being.

### **2.3.1. Intrinsic Motivation**

Intrinsic motivation is a type of motivation based in people's natural interest in various activities that provide novelty and challenge. Intrinsically motivated behaviors do not require external rewards; rather, they are an expression of a person's sense of who they are, of what interests them. Intrinsically motivated behaviors have what is referred to in attribution theory as an internal perceived locus of causality; people experience the causes of their intrinsically motivated behaviors to be internal to themselves (Deci & Ryan, 2009). In general, intrinsic motivation (IM) refers to engaging in an activity purely for the pleasure and

satisfaction derived from doing the activity (Pelletier, etj., 1995). According to the theory, intrinsic motivation is based in the organismic needs for competence and self-determination (Reeve & L.Deci, 1996).

### **2.3.2. Self-Determined Motivation**

Self-determination theory is a prominent framework used to understand the antecedents and outcomes of PA-related. SDT allows for exploration of not only the amount of motivation towards PE, but also the extent to which motivation is self-determined in nature. Motivation can be experienced at both the global (i.e., across different life contexts) and situational levels. While global self-determination impacts motivation, we were particularly interested in how situational motivation (specific to a PE lesson) and features of the class environment influenced PA levels. (Lonsdale et al, 2009).

### **2.3.3 Non-Self-Determined Extrinsic Motivation**

In the field of organizational behavior, researchers in the tradition of SDT argue outspokenly for the difference between intrinsic and extrinsic motivation for two reasons. First, when people are intrinsically motivated, “the correlates and consequences are more positive in terms of the quality of their behavior as well as their health and well-being”. Second, extrinsic motivation is negatively related to intrinsic motivation . Therefore, according to SDT, an incentive that actually strengthens extrinsic motivation will, at the same time, undermine intrinsic motivation. Furthermore, given how the two types of motivation are defined, it is difficult to explain how and why intrinsic and extrinsic motivation should be positively related. The actions of performing an activity to experience the pleasure and satisfaction inherent in that activity and performing the same activity to procure positive consequences or avoid negative consequences are logically incompatible because this creates a cognitive challenge, and individuals usually concentrate on the more salient cue when acting (Kuvaas et al, 2017).

### **2.3.4 Amotivation**

A last concept posited by self-determination theory is amotivation. Amotivation pertains to the lack of intentionality and therefore refers to the relative absence of motivation (neither intrinsic nor extrinsic). Amotivated individuals experience feelings of incompetence and expectancies of uncontrollability (Guay, et al, 2015). Amotivation is a state of lacking any intention to engage in a behavior and is a completely non-self-determined form of regulation. External regulation involves engaging in a behavior only in order to satisfy external pressures or to achieve externally imposed rewards. Introjected regulation involves the

internalization of external controls, which are then applied through self-imposed pressures in order to avoid guilt or to maintain self-esteem. Identification involves a conscious acceptance of the behavior as being important in order to achieve personally valued outcomes. Integrated regulation concerns the assimilation of identified regulation so that engaging in the behavior is fully congruent with one’s sense of self. Intrinsic regulation involves taking part in an activity for the enjoyment and satisfaction inherent in engaging in the behavior itself (Markland & Tobin, 2004).

## **2.4. Organizational Commitment**

Organizational commitment is defined as a psychological state that binds the individual to the organization and is a three - dimensions concept. First, affective commitment refers to the employee's emotional attachment to, identification with, and involvement in the organization. Second continuance commitment refers to an awareness of the costs associated with leaving the organization. Third, normative commitment reflects a feeling of obligation to continue employment (Castaing, 2006). Organizational commitment and job involvement have been major themes in the organizational literature, especially with regard to the prediction of organizational outcomes, such as turnover (Huselid & Day, 1991). Cohen (2007) argue that concept of commitment represents a component of attitudinal commitment because he emphasized the awareness of the costs associated with leaving the organization. Affective Commitment reflects commitment based on emotional ties the employee develops with the organization primarily via positive work experiences (Jaros, 2007). Commitment represents something beyond more passive loyalty to an organization (Mowday, Steers, & Porter, 1979). The attitude theorists view commitment as something of a ‘black box’, the contents of which are determined by a range of organizational and individual factors such as personal characteristics, role-related features, structural characteristics and work experiences (Oliver, 1990). Indeed, majority organizational commitment studies have been concerned on compensated employee rather than focused on nonprofit worker (Rahmawati et al, 2015).

## **2.5. Relationship Between Motivation And Organizational Commitment**

The different authors in their previous paper have found that exist an important relationship between motivation and organizational commitment: Pitaloka & Sofia (2014) found that Organization commitment significantly affect organization behavior of internal auditor. Commitment encourages employees to voluntarily engage in the organization and have an intention to be member of organization for long term. This can encourage the emergence of OCB behavior-organization oriented. With the commitment,

employees being bound and loyal to the organization. Joo & Lim (2009) found that when employees perceived that an organization provided a better organizational learning culture, they were more likely to realize job complexity, which in turn affected organizational commitment. Altindis (2011) in his finding found that the results indicated that intrinsic motivation of health professionals was explained mostly by affective and normative commitment. Also affective and normative commitment impact on intrinsic motivation was more than continuance commitment. The most effective factor on extrinsic motivation was normative commitment. Continuance commitment had effect on extrinsic motivation less than normative commitment. Also it was seen that the affective commitment had the lowest effect on external motivation. Al-Madi et al, (2017) after statistical analyses found that the majority of employees choose “Tactful discipline” as their best source of motivation with (4.0103) as a mean value, they feel a nice treatment and behavior from their colleagues and they consider that as a big motivation for them. The Second preferred factor was “Supervisor’s help with personal problems” with (3.1134) as a mean value, which is indicate to the importance of strong relationship between employees for participants and organizational commitment. Manzoor (2010) found that An internally satisfied, delighted and motivated worker or employee is actually a productive employee in an organization which contributes in efficiency and effectiveness of organization which leads to maximization of profits. Rahim & Jam’an (2018) after statistical analyses finds that motivation has a positive and significant effect on employee performance through media and organizational commitment variables with a value of  $p = 0.00 < 0.05$  and a coefficient of 0.453. It coefficient value shows that the better the organizational commitment of an employee, the motivation will also increase, so if employees’ motivation increases it will affect the performance of the employee. If the employees’ performance increases then it will have impact on overall performance of the organization.

### 3. Methodology

#### 3.1. Sampling Procedure

In order to gather data, we have conducted an online survey with employees from Kosovo. A questionnaire was developed for this purpose. 207 surveys were found valuable for analysis purposes. 58% of the participants were male and 42% female. 59,9% of the participants belonged to the 20-29 age interval. 49,3% have a bachelor’s degree. 60,4% live in urban area, 59,4% are single, 42% have a 301-600-euro income level. 71% work in private sector and 55,6% have 0-5 years job experience.

#### 3.2. Measures

Work Motivation was measured using 13 items adopted from William (2010). Sample items include “My company provide fair

promotion opportunities, Promotion should be based on performance, My job is beneficial to my career. Using a five-point Likert scale ranging from 1 for ‘strongly disagree’ to 5 for ‘strongly agree’, participants were asked to assess each item.

Organizational Commitment was measured using 5 items adopted from Leisink & Steijn (2015), sample items include “ I do not really feel as if this department/unit’s problems are my own, I feel emotionally attached to this department/unit, This department/unit has a great deal of personal meaning for me. Using a five-point Likert scale ranging from 1 for ‘strongly disagree’ to 5 for ‘strongly agree’, participants were asked to assess each item.

### 4. Findings and Results

Before proceeding with hypothesis testing, we have firstly conducted an Exploratory Factor Analysis (EFA), since the questionnaire was translated into a different language. Table 2 reports the results of EFA. As it was expected, two factors were revealed at the end of the EFA. KMO value ( $KMO = ,907$ ) suggested that our data are very suitable to perform EFA. The value of total explained variance was 59,635 and this is beyond the accepted threshold ,50. Nonetheless, some items from Work Motivation scale and one item from Organizational Commitment scale were removed due to low weights. The first factor includes the items of work motivation; therefore, this factor is named as Work Motivation (WM). The second factor includes the items of organizational commitment, hence, labelled as Organizational Commitment (OC). After EFA, we performed reliability analysis for both factors. The Cronbach’s Alpha coefficient for Work Motivation (WM) is ,912 and this value shows that this scale is very reliable. However, the Cronbach’s Alpha coefficient for Organizational Commitment (OC) was under ,70 for four items. We deleted the OC1 item from the scale, and then the scale’s reliability increased to ,795. This value shows that the scale of OC is also reliable. The overall Cronbach’s Alpha coefficient for 12 items is ,917.

Table 4 reports the means and standard deviations, and correlations among all variables included in the survey. Positive and strong correlation ( $r=.599, p<.01$ ) is found between work motivation (WM) and organizational commitment (OC). WM is positively related to income ( $r=.239, p<.01$ ). OC is positively associated with age ( $r=.160, p<.05$ ), income ( $r=.148, p<.05$ ) and job tenure ( $r=.169, p<.05$ ), and negatively with sector ( $r=-.142, p<.05$ ).

**Table 1.** Sample statistics (n=207)

Variable		Frequency	Percent
Gender	Male	120	58.0
	Female	87	42.0
Age	20-29	124	59.9
	30-39	52	25.1
	40-49	21	10.1
	50-59	7	3.4
	60+	3	1.4
Education	Primary school	5	2.4
	High school	37	17.9
	Bachelor	102	49.3
	Master & PhD	63	30.4
Settlement	Urban	125	60.4
	Rural	82	39.6
Status	Single	123	59.4
	Married	76	36.7
	Divorced & Widow	8	3.9
Income	0-300 euro	70	33.8
	301-600 euro	87	42.0
	601-900 euro	23	11.1
	901-1200 euro	17	8.2
	Over 1200 euro	10	4.8
Sector	Public	60	29.0
	Private	147	71.0
Job tenure	0-5 years	115	55.6
	6-10 years	54	26.1
	11-15 years	20	9.7
	More than 15 years	18	8.7

**Table 2** Exploratory Factor Analysis (EA)

	Component			Total Explained Variance
	WM	OC	KMO	
WM6	.809		.907	59.635
WM9	.802			
WM4	.786			
WM1	.781			
WM12	.775			
WM10	.756			
WM13	.715			
WM5	.702			
WM3	.501			
OC3		.778		
OC2		.778		
OC5		.600		
OC1		.526		

*Extraction Method: Principal Component Analysis. Rotation Method: Varimax with Kaiser Normalization.  
a. Rotation converged in 3 iterations.*

**Table 3.** Reliability Analysis

Variable	Cronbach's Alpha	N of Items
WM	.912	9
OC	.795	3
Total reliability	.917	12

Finally, in Table 5, we have reported the results of regression analysis to test the effect of work motivation on organizational commitment. The model summary shows that work motivation explains 36% of change in organizational commitment. The coefficient of work motivation ( $\beta=.572$ ,  $p<.000$ ) shows that work motivation has a strong and positive effect on organizational commitment. This result shows support for our hypothesis.

## 5. Conclusion and Discussion

This study examined the relationship between motivation and dedication to the organization. The findings showed that motivation has a positive influence on organizational commitment as well as regression analysis showed that motivation has a positive effect on overall organizational involvement. Employees that are well motivated are directly

involved in the success of the organization. Motivation and organization commitment goes together so an well motivation means automatically well organizational commitment. Kim, (2006) found that exist an important relationship between motivation and organizational commitment especially an important relationship between job satisfaction and organizational commitment. Austen & Zacny, (2015) also found an positive relationship between motivation and organizational commitment. Ates & Buluc, (2017) found that and intrinsic motivation is the best indicator of motivation.

**Table 4.** Descriptive Statistics and Correlation Analysis

	Mean	St. Dev.	1	2	3	4	5	6	7	8	9	10
1 WM	3.405	.882	1									
2 OC	3.647	.841	<b>.599**</b>	1								
3 gender	1.42	.495	-.110	.008	1							
4 age	1.61	.906	-.094	<b>.160*</b>	.007	1						
5 education	3.08	.759	.103	.106	-.009	-.105	1					
6 settlement	1.40	.490	-.047	-.044	-.049	.029	<b>-.213**</b>	1				
7 status	1.45	.605	-.066	.075	.057	<b>.526**</b>	<b>-.204**</b>	-.037	1			
8 income	2.08	1.101	<b>.239**</b>	<b>.148*</b>	-.099	<b>.344**</b>	.062	-.043	<b>.228**</b>	1		
9 sector	1.71	.455	-.070	<b>-.142*</b>	-.125	<b>-.309**</b>	<b>-.230**</b>	.082	<b>-.225**</b>	<b>-.185**</b>	1	
10 tenure	1.71	.961	-.007	<b>.169*</b>	-.053	<b>.810**</b>	-.056	-.048	<b>.508**</b>	<b>.330**</b>	<b>-.223**</b>	1

\*\**. Correlation is significant at the 0.01 level (2-tailed).* \**. Correlation is significant at the 0.05 level (2-tailed).*

**Table 5.** Linear Regression Results

Dependent Variable	Independent Variables	$\beta$	t	p	F	Model (p)	R	R <sup>2</sup>
OC	Constant	1.701	9.065	.000	114.808	.000	.599	.359
	WM	.572	10.715	.000				

### 5.1 Contribution

This current study demonstrates the impact of motivation on participation in the organization. The morale of the employee must be taken into account by all the company if they want to accomplish their goals as the findings of this study indicates that the more motivated the workers are, they are more involved in the workplace and that directly implies the success of the organizations. Kosovar companies must have in consideration the employee motivation otherwise they can lost them and the cost for

the company will be high because at least are the employess who makes alive a company.

### 5.2 Limitations and Suggestions for Future Research

This research does have some limitations. First, the online survey was completed by research participants, and data collection is limited to the people who could reach the link. The questionnaire was too long and that may have caused a lot of people to start and leave the questionnaire without finishing. Second, this study's

findings are limited to only the sample. Although the survey was attended by different people across Kosovo, making a generalisation is not enough. The results may not represent all of Kosovo's workforce population. Future studies will also concentrate on discrepancies between different employee hierarchies in motivation and organizational engagement, in this type next studies may find other findings that will support other study.

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## ASSESSMENT OF ENVIRONMENTAL NOISE IN CITIES, A THEORETICAL APPROACH



SCAN ME

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### Abstract

Environmental noise is a major problem with increasing presence in cities; its effects are not only assimilated into the environment, but also impact on human health. Noise sources are part of the city's daily life and it has not yet been given due attention, although prolonged exposure causes often irreversible physiological and psychosomatic damage.

This paper presents a theoretical approach from several authors that expose the different tools that can be used the measurement and evaluation of environmental noise. These authors, to explain the causes and effect of environmental noise in cities consider various variables such as: sound pressure levels, weather conditions and urban structure.

## 1. Introduction

Cities are strategic spaces for societies to move towards sustainable development. According to the World Bank today (2020), about 55% of the world's population, or 4.2 billion people, live in cities.

The quality of life of the inhabitants of a city is closely linked to its environment, however, all cities face a worrying environmental degradation, with high levels of pollution (ECLAC and UN-Habitat, 2017). A report issued by the World Health Organization (WHO) indicates that environmental noise is the second leading cause of disease due to environmental reasons, behind air pollution and not only as an environmental nuisance, but also a public health problem of the modern world (Fritschi, Brown, Kim, Schwela, & Kephelopoulos, 2011), as it generates cardiovascular disease and contributes to harmful effects on the health and well-being of the population (Podor & Borsfoldi-Nagy, 2018). WHO (2011) recognizes that the acoustic quality of the city's sound environment is not simply an aspect of the urban environment, but a public health problem. Exposure to environmental noise, meanwhile, causes physiological and

psychosomatic damage often irreversible to more than 120 million people worldwide and 13 million in the member countries of the Organization for Economic Cooperation, OECD (Birgitta, Lindval, & Schwela, 1999).

In 2002, the European Parliament defined the concept of environmental noise as that unwanted or harmful external sound generated by human activities, including noise emitted by means of transport, by road, rail and air traffic and by industrial activity sites ("DIRECTIVE 2002/49/EC", 2002). Noise-generating sources are part of the daily life of the city, however, due attention has not been paid to environmental noise pollution because its effect is not immediate (García Rodríguez, 2006).

The World Health Organization (WHO, 2011), in the Burden of disease from environmental noise report warns that the civilization of noise is in the face of health, and although the excess sound that alters normal environmental conditions in a given area is not cumulative or transferred, it has a serious impact on people's quality of life if not adequately controlled.

Faced with this challenge, several countries have made efforts to regulate the allowable maximum noise emission limits in the environment through regulatory frameworks on noise pollution. That is why it is necessary to quantify the level of noise emissions in cities.

The aim of this paper is to highlight common methods of environmental noise assessment. By studying the level of environmental noise pollution in cities through the sound pressure level, updated information on the existing noise situation would be generated based on a noise indicator, indicating places where there is excess of any relevant limit value in force, the number of people affected or the number of dwellings exposed to certain values of a noise indicator, for decision-making.

## **2. Addressing the Problem of Noise Pollution Related to Environmental Noise**

In the world, different studies have been carried out to approach the problem represented by noise, where the affected or exposed population has been characterized, works with empirical or simplified approaches, identifying sources and making maps.

An assessment of urban environmental noise was carried out in the La Candelaria neighborhood, located in the interior of the municipality of Medellín, Colombia. The information was processed in the SPSS 11.0 program and information was obtained through surveys on the degree of noise disturbance, noise sources and days and times of increased noise presence. Sound pressure levels were measured in this neighbourhood and compared to the permissible limits set out in Resolution 8321 of 1983. A 200 meter by 200 metre rettier mesh was used for the selection of measuring points, superimposed on the Prado neighbourhood, and the center of each grid was determined as a measuring point; measurements were made at each point on Wednesdays, Fridays and Sundays for 12 continuous hours, from 7 am to 7 pm. These points were located near the facades of the houses, not less than one meter from any reflective surface, with the microphone in the direction of the public roads and between 3 and 4 meters high above ground level; In addition, the weather conditions and other standards in this regard provided for in Colombian regulations and the International Organization for Standardization (ISO 1996) were taken into account. Measurements were made with a Quest Q-100 dosimeter. The data obtained by the dosimeter was processed in Excel, then in a geographic information system by interpolating three points noise maps of the Prado neighborhood were obtained. (Ortega & Cardona, 2005).

In the city of Cartagena, Colombia, the determination of noise levels was made in the second section of TransCaribe. Measurements were made at four different times (10:00 am,

11:00 am, 12:00 am and 1:00 pm) for a period of six days with the help of a Cel sonometer, model 573; which was used in the environmental measurement mode by octave bands, performing measurement episodes of at least 15 minutes per hour, and recording the values obtained for further processing. Measurements were made by installing the equipment on a tripod at 1.5 m high and the equipment was calibrated before and after each measurement day. The continuous sound level of decibels per hour (LAeq) and the maximum recorded per hour was recorded. The results were compared to the benchmarks raised by the Ministry of Environment, Housing and Territorial Development (Castro, Tirado, & Manjarrez, 2007).

In the city of Lima, a study of noise pollution from vehicle noise was carried out on Javier Prado Avenue, the main road and of greater vehicle congestion. To learn about the impact of the noise, both passers-by and drivers were found along the avenue at 07:00-09:00 and 15:00-19:00 hours. Information on noise and noise sources was obtained (Santos de la Cruz, 2007).

Environmental noise assessment was carried out in the city of Puerto Montt, Chile, carrying out an empirical study, with noise measurements at different points in the city, and a subjective study on community noise, using a survey.

Finally, an average annual noise map was developed for the evaluated area of the city, and the perception and degree of discomfort of the environmental noise that the inhabitants have was obtained (Lobos Vega, 2008).

In the city of Medellín, Colombia, a methodology was developed with the support of geographic information systems to model environmental noise, through a spatial database, called SIGCARES, a multi-crime spatial analysis model was subsequently designed for the location of the most vulnerable areas and, finally, a noise map was developed in a vulnerable area with LeqA values, through a spatial analysis model called SIGNAS, developed with the Model Builder tool of ESRI's ArcGis program (Tafur Jiménez and Castro Castro, 2008).

The noise produced by motor transport on Aguilera Street in the historic center of Santiago de Cuba, Cuba, was evaluated. First, the peak time was considered in the day and monitoring was carried out on weekdays. The method consisted of obtaining the noise level with a Model CR: 272 Cirrus brandEd Integrator Sonometer made by British. Measurements were made as close to the source; 1.0 m from the street and 1.20 m above the level of the street. Wind speed was deemed not to exceed 3 m/s. For the implementation of this method, the dependencies between traffic density (number of vehicles per hour) and statistical levels of

acoustic pressure (Fajardo-Segarra, 2012) were taken into account.

A study was conducted on environmental pollution from noise and emissions of particulate matter associated with mobile sources in the Pereira - Dosquebradas conurbation, Manizales, Colombia, with the aim of analyzing the health relationship with these pollutants. Measurements of vehicle flow and environmental noise were performed at three sites of interest for vehicle congestion. From this data, models were developed to estimate environmental noise from vehicle flow conditions and two simulation models are proposed bringing out characteristics of population growth dynamics, vehicle flow and possible emissions of particulate matter, to estimate the potential effect on health and induced costs associated with pollution. (Morales Pinzón & Arias Mendoza, 2013).

Acoustic pollution from fixed and mobile sources was determined on the road to Samborondón in Ecuador. The Extech 407730 – Sound Level Meter sonometer and Garmin 60 CSx brand GPS were used to measure the sound pressure levels of the avenue, while for data collection the automatic scale of the sonometer was programmed, with a "slow" time weighting of one second. The sonometer was located at point 0, at a height of 1.5 m from the ground at each site, three periods were selected based on the high vehicular concurrence of the city; these are: 08:00-12:00 h, 13:00-17:00 h and 17:01- 21:00 h. The results are expressed based on compliance with the regulations permissible according to the Tulas and the percentage increase between the day and night period (Guijarro Peralta, Terán Narváez, & Valdez González, 2015).

The level of noise pollution of vehicular origin was evaluated in the town of Chapinero, Bogota, Colombia, performing measurements of vehicular noise on the intersections with the highest vehicle flow 36 x 2 samples of 10 minutes were taken, time that was defined, from a presampling, as sufficient to stabilize the continuous equivalent level (LAeq). Measurements were carried out during peak hours during working days, without rain and with dry pavement. An integrative type ii sonometer equipped with a windproof display, with A and slow weights, located on a tripod at 1.2 m high, 1 m from the track and more than 2 meters from the facades, pointing to the center of the intersection. The descriptors evaluated included the continuous (LAeq), maximum (LMáx), minimum (LMín) and 10th (L10) and 90 (L90) percentiles equivalent levels. On the information gathered, descriptive statistics were carried out that were confronted with national regulations (Resolution No. 627 of 2006; mavdt 2006) contemplating land use in each station. Additionally, two averages comparison tests were conducted

through Student's t-statistic to compare the sound pressure level (noise) with the presence and absence of buses, and between morning and afternoon measurements. The indicators of intensity LAeq/LNorma, variability L10 / L90 and risk (fuzzy conjunction of the previous two) were also calculated, proposed by Ramírez (2011; cited by González, Antonio, & Calle, 2015) using the programs SPSS v.15, Kyplot v.2.0, Matlab and past v. 1.89.

Noise pollution was assessed in the historic center of matamoros city, Tamaulipas, Mexico, in two stages; the first was to assess noise levels and the second stage collected information on people's perception of environmental noise. All fieldwork was carried out from Monday to Friday. For the assessment of noise levels, a 50 m long reticular mesh by 50 m wide was drawn on a plane, covering a total of 139 km<sup>2</sup>. The screen in the plane determined a total of 75 points for the development of the measurements. For data collection in relation to noise levels, five different periods were determined at one-hour intervals at each point, within a 8:00 a.m. to 6:00 p.m. For the measurement of noise levels, the sonometers were located 3 m from any facade that could reflect the sound; at the height of 1.5 m. The equipment used were integrator sonometers type I, brand Quest Technologies, model Sound Pro SE/DL. Acoustic calibrators of the same brand, model QC-10/QC-20 were used each start and end of each measurement day. These equipment were programmed to provide measurements in A-weight and low rapid response (F), obtaining the following units of measurement: LAeqT, maximum sound level (Lmax), minimum sound level (Lmin) and data recovery was through QuestSuit Professional II software. With the LAeqT value calculated in each hour the daytime sound level (Ld) was determined for a period of 10 h, which is obtained by integrating the five samples obtained from each interval (Zamorano González, Peña Cárdenas, Parra Sierra, Velázquez Narváez, & Vargas Martínez, 2015).. The second part of the study was to assess people's perception of environmental noise pollution. An adaptation of the questionnaire "Assessment of urban noise" (Barrigón, et al., 2002b) was used for this purpose.

A noise map was developed in the urban area of the city of Cuenca, Ecuador, using the ordinary Kriging geostatistical interpolation technique. The study proceeded with the determination of sampling sites based on traffic density, then recorded environmental noise measurements and subsequently systematized and evaluated the information raised through the statistical method "ordinary kriging" (Delgado & Martinez, 2015).

A simplified method was evaluated and applied to generate a traffic noise map of the city of Valdivia, Chile. Experimental design involved simplifying cartographic information in

buildings by grouping houses into a block, and classifying vehicle traffic flows into categories to generate a low-cost noise map. The streets were classified according to the official road classification of the country. The segregation of light, heavy and motorbike vehicles was done to account for the flow of traffic. In addition, a number of traffic noise models were compared with many measurements, and therefore the RLS-90 road traffic model was chosen to generate the city noise map using computer-aided noise reduction (CadnaA) software. The methodology developed in this study seems to be desirable in developing countries to obtain accurate approximations to develop low-cost traffic noise maps (Bastián-Monarch, Suarez, & Arenas, 2016).

A noise map was produced for the metropolitan area of Mexico City (ZMVM), the noise maps in the Azcapotzalco delegation and the specific case study of the Hidalgo Garden. The process involved the collection of data in situ, equipped with a general sound level meter to obtain the Leq and LAeq parameters, in a minimum period of five minutes based on ISO 1996-1:2003 for Mexico; the construction of simulation models on noise maps, based on urban, geographic and statistical information; field data validation centre; simulation model with the use of the CadnaA specialist programme and the prediction of results (Rodríguez, Garay, Lancón, & Gerardo, 2016).

The spatial characteristics of road traffic noise were analyzed at morning, afternoon and evening weather intervals on different road networks in Dhanbad City, India. The basic instrument for recording noise levels was a Bruel & Kjaer 2238 integration sound meter and for noise contour maps the ArcGIS version 10.3 geographic information system (Debnath & Singh, 2018) was used.

Exposure to noise of vulnerable population groups in The city of Barcelona, Spain, was assessed. The assessment of noise levels was carried out using two methods of analysis, real measurements and simulation, long-term measures were made, with a minimum duration of 24 hours, and short-term measures, with a minimum duration of 15 minutes, highlighting the sources causing and giving a typology to the streets. A fourth Lden index was also calculated as recommended by Directive 2002/49/EC (Lagonigro, Martori, & Apparicio, 2018).

A method was developed to assess a population exposed to urban traffic in the main urban area of Guangzhou, China. The method was based on points of interest (POIs) and the execution of a cluster analysis for regions according to the properties of the POIs, with the functional regions of environmental noise (NFR) of the urban area presented. Then the surrounding POIs were used to infer the type of buildings, and according to the attraction of

the different types of buildings and the entire population of the region, the distribution of the population was calculated at the level of the building. (Wang, Chen, & Cai, 2018).

The level of exposure of the population to traffic noise was evaluated in the Pinheiros neighborhood, located in the municipality of Sao Paulo, Brazil. The study was conducted in two parts: 1) Noise Assessment, with the creation of neighborhood noise maps under study, and 2) the application of a questionnaire to determine the perception of neighborhood residents about the effects of this exhibition (Mary Paiva, Alves Cardoso, & Trombetta Zannin, 2019).

### 3. Conclusions

The regulation of asset confiscation sanctions in the KUP Law, based on the type that the tax crime is a white collar crime, so that in law enforcement there must be resistance against the perpetrators by adding sanctions of asset confiscation in the KUP Law in order to create a deterrent effect and benefit. Alternative assets confiscation in the KUP Act can be through the model of Criminal Base Forfeiture (CB) and Non-Criminal Base Forfeiture (NSB), as stated in Law Number 31 of 1999 Jo Law Number 20 of 2001 concerning Eradication of Corruption Crime by placing seizure assets as additional crimes, as well as the state can still make a civil suit against perpetrators of criminal acts of corruption. Considering the huge state loss caused by this tax crime, a strategy to save state losses is needed, both in the level of investigation, prosecution and execution stage. For example, a country can still conduct a civil suit if the suspect dies during an investigation, prosecution or execution. Methods like this have not been regulated in the KUP Law. Though this method is very important considering the state is very dependent on taxes in developing the country.

Asset saving model in the future KUP Act can be through CB and NSB, considering the state is very dependent on taxes, so efforts to save assets due to criminal acts must also be extraordinary. For example, in Law Number 31 of 1999 Jo Law Number 20 of 2001 concerning Eradication of Corruption Crimes includes articles to pursue and save state financial losses including by conducting a civil suit if the suspect/defendant dies before the case is decided by a judge. Even the state can still file a lawsuit against the property of a convicted person obtained from the results of a criminal act of corruption, if the assets are found later and have not been seized when the case has been decided by a judge.

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## THE IMPACT OF DIGITALISATION ON HUMAN RESOURCES DEVELOPMENT



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### Abstract

The paper is a summary of the studies conducted by several authors on the impact of digitalisation on human resource management. In the paper the filtering is done by classifying the authors according to the data and results. The first division presents a general summary of the positive and negative aspects of Digitalisation in HRM processes. The second section talks about the impact of digitalisation on the recruitment process, its impact on the recruitment process, the changes which happened in the improvement aspects. The latest part emphasizes the impact of digitalisation on the training and development process, on the importance of digitalisation in training in this case in the hotels' sector. The literature used in the paper is mainly taken from prestigious journals to increase the quality of the paper, as well as geographical filtering of the works which has been done in this relation, taking works by authors from different countries. Digitalisation is one of the essential processes of technological change, changes that affected every HRM process. The drastic changes made in human resources have created and accelerated many other changes in HR processes. Most authors point out that digitalisation and technological developments have created an ever-changing era, some of them emphasize the importance of digitalisation at work, and some others think that the HRM course has changed completely. Russian authors discuss the impact of the Digitalisation process on employees by discussing the aspect of negative sides. Nevertheless, all the authors agree that digitalisation and technological change are inevitable and that investing in this aspect is indisputable. As the world rotates, everything is in motion.

### 1. Introduction

The world is continually changing, every moment circumstances change (situation, environment, technology, etc.), any change affects the organization, whether in decision making or any area of the organization's management. We are witnessing enormous changes brought by technology hence creating a completely different flow; it changed the approach and business prospects. In fact, every day we have a fusion of technology within every sphere of life, in every day more and more we adapt our daily actions according to these changes, and as a result, technology facilitates our life in general. This made it one of the most current and studied topics continuously. Any organization tends to have in its ranks people with the right skills and abilities to perform the certain tasks, but this is only one of many requirements of the HR department.

An obvious problem in all organizations today is the human resources management, the maintenance of the employees, fluctuation stoppage, evaluation etc. Today organizations use advanced methods and systems for human resource management. The impact of technology especially the information technology is very emphasized in the economy knowledge where information is the primary input. Human resource management has changed over the years from the traditional style of HR creating a human resources strategy, to the impact of technology on improving the quality of human resource performance.

### 2. Literature Review About The Impact of Digitalisation in Human Resources Development

Regarding the impact of Digitalisation on human resource development have been conducted several essential research papers by various authors. Researchers have generally tried to identify the importance of Digitalisation in increasing employee performance as well as the growth of effectiveness of the work they perform. Alena Federova, Anastasia Zarubina, Yulia Pikulina, Aleskey Moscovskikh, Tatiana Balandina, Tatiana Gafurova in their research Digitalisation of the Human Resource Management highlight the fact that: Digitalisation, automation, and robotization have a significant impact on labour market transformation. New technologies are changing the usual functionality of workers in various professional fields. Digital tools are introduced in business processes, including human resources management processes (Federova, Alena Zarubina, Anastasia Pikulina, Yulia Moscovskikh, Aleskey Balandina, Tatiana Gafurova, Tatiana, 2019).

Jane Indira JA emphasizes that: Digitalisation is a tool that speeds up the communication process by reducing cost, and helping organizations be more productive and work more efficiently and be more effective. (Indira, Jane, 2020). Jeroen Meijerinka, Mark Boonsb, Anne Keeganc and Janet Marlerd found that: HRM is affected indirectly from how Digitalisation developments may affect the future of work. Digital technologies will change the organization and nature of work (Meijerinka, Jeroen Boonsb, Mark Keeganc, Anne Marlerd, Janet, 2018). Camila Bengston, Moa Bloom found that: Perceptions of changing customer preferences are only a small fraction when viewed through a wider lens, as digitization changes general human behaviour; it gives the sense that everyone is affected (Bengsston, Camila Bloom, Moa, 2017). Deotima Saha and Deepika Pandita in their research found that: Employees of the Industrial Revolution known to be manual workers and those of the Information Age as employees of knowledge, employees in today's Technological era are a new type of generation known as Native Digital (Saha, Dontima Deepika, Pandita, 2017).

Pratyush Tripathi found that: E-HRM allows all performance appraisals to be done online, on the corporate web interface. This means that the manager and employee can submit performance data directly to the Human Resources department in electronic form. This practice, although is criticized for lack of written evidence, reduces paperwork. Receipts are used for both directors and supervisors, and they can significantly reduce time and cost for the HRM department (Tripathi, Pratyush, 2013).

Digitalisation is a natural development at work. The digital office covers all the technologies that people use to work - both currently in operations. (Aradhna, Yadav Jacob, Alexander Veenam Shenoy, 2007).

Digitalisation in human resource management helps enterprises to modernize human resource functions and provides them with a competitive advantage (Anastasiia Mazurchenko, Katerina Maršiková, 2019).

Alena Federova and Olga Koropets in their publication Digitalisation of human resource management practices and its impact on employee wellbeing among others found: According to that, the following data are taken. The majority of respondents (86%) fear work stoppages associated with sudden power outages and "freezing" of computer equipment; 52.6% of respondents fear that the elderly will lose their jobs due to difficulties in mastering new technologies; 17.5% of respondent's point to the high cost of new technologies and low-quality software they use. The risk of unemployment due to robotization worries 21% of respondents; 14% indicated potential risks of damaging database loss. There have also been individual concerns about the degradation of thinking ("a computer will think of us and our thinking will degrade"), a negative impact on the ability to express our thoughts grammatically and synthetically correctly, and the fear of the fall of "humanity" in the social sphere. (Federova, ALENA Koropets, OLGA, 2019).

**Table 1.** An example of A narrative analysis of the thematic core "Potential concerns about the introduction of information and communication technologies in organization of work).

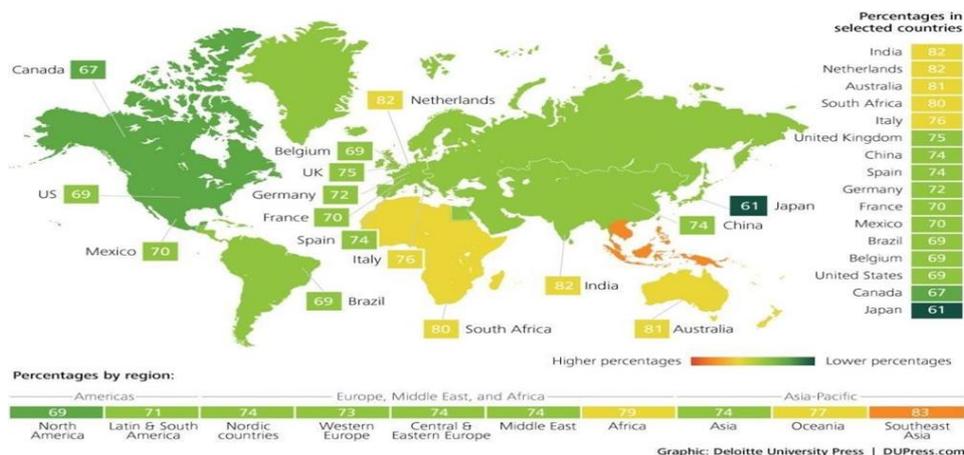
Concerns	Keywords	Quotes
Technology malfunction	electrical energy, glitches program, technical errors, freezing, e impossible for him	"I work as a teacher. Devices can fail at any time, computer can be turned off, an energy failure can occur, and animation will not work due to change in-office program. Therefore, it is not a fact that the classic board is not useful. "Only you have to turn off the electricity, and all the work in our office is on paralyzed."

	worked	
Unappropriate quality of equipment	cost, price, quality of small software, quality equipment	<p>"The quality of the equipment is not always adequate; our organization cannot afford expensive equipment and high quality software. "</p> <p>"Unfortunately, for the full Digitalisation of work, there are no programs qualitative enough. The ones that work available slowly and freeze."</p>
difficulties in possession technology faced the elderly	retirement age skills difficulties for mastery, the elderly, adaptation of pensioners, adult generation	<p>"The elderly will find it harder and harder to find one job because they have little in terms of digital skills. "</p> <p>"The adult generation does not adhere to technologies (given the growth of retirement age, it is difficult to adapt)"</p>
Unemployment for due to extinction of works	robotization of job losses, eradication of unemployment professions	<p>"Robotics threatens the extinction of several recruitment functions." "I am afraid that a number of professions will disappear because of robotics and Digitalisation, and I will have nowhere to work. "</p>
Loss risk of data	hackers, data loss, data theft of personal information	<p>"In our work, there is always the risk of data retaliation, theft of copyright technologies. "Once, an employee in our office, when fired, copied the client base for his personal use and it was not possible to prove anything. "</p>

*Source:* Federova, ALENA Koropets,OLGA, Digitalisation of human resource management practices and its impact on employees' well-being, 2019.

According to Deloitte of this year study, only 38% of companies are even thinking about digital HR, and only 9 % are fully ready. Nearly three-quarters of companies, or 72 %, believe this is a significant priority, and 32 % identify it as very important so that it will be a large area of opportunity for HR in 2016. See the figure 1 for our survey respondents' estimates. The importance of digital HR in global regions and selected numbers.

**Figure 1.** Digital HR: Percentage of respondents rating this trend “important” or “very important”.



**Source:** Digital Transformation and its Impact on Organizations’ Human Resource Management

Eshan and Binoy (2018) in their work emphasize that Digitalisation has a great impact on the recruitment process and on the training-development of the workforce:

**1.1 - Digitalisation in recruitment:** Recruitment and selection are the first and most important functions of HRM. The HRM process starts with the recruitment, followed by the completion of the selection of the candidate. Now the global human resource employment revolution has become easy and cost-effective due to the online social network. Electronic recruitment is designed to make the recruitment process more efficient and effective. The candidate can complete their necessary information (Resume) name, email, experience, qualifications and skills after completing all the details that the candidate can upload the resume. The company recruitment team will shortlist, and they will inform the candidate again. Even with the help of digitalisation, many companies use social media platforms like Facebook, LinkedIn, Skype (video conferencing) etc.

**1.2 - Digitalisation in Training and development:** is one of the constituent parts of the star hotel industry. Proper training and development provided to employees will lead to the success in the goals and objectives of the organisation. In the past, hotel training and development took place through demos, lectures, book references, which took time usually time and effort for management to engage staff in training and development.

However, due to digitalisation in training and development, the human resources department has moved forward. Modern technology which has been used like displaying work-related videos, online courses, computerised learning methods, reading through soft copies has revolutionised teaching techniques. Once the employee joins the hotel, management creates employee documentation and creates a personalised account for that employee. All SOPs (Standard Operating Procedures) of hotel

operations are stored on the computer, and any employee who feels difficult in performing the work can refer to the SOP fed into the system and move forward with his tasks. (Mr.Eshan, Dr.Binoy, 2018).

Author Pranjali Gagali in another research, pays attention to the impact of digitalisation on social networks as well as its significant impact, which has managed to bring a new reform in business. In recent years, digitalisation has deepened confidence in data analytics, social networking, and mobile technologies, and has dramatically reformed the role of communication in business. To take advantage of technological advances towards stakeholder engagement as well as adaptation to digital transformation, some organisations have taken substantial steps to develop a strategic framework for organisational priorities. Business executives have played a vital role in including paradigms by fostering newer perspectives on human communication, reducing functional hierarchies, and supporting the engagement of internal and external stakeholders. It is clear that while digitalisation has brought many challenges, it has also allowed organisations to reformulate their public image, build meaningful value-based dialogue on public platforms, and strengthen their objectives through a well-designed function, of human resource management (Pranjali Gagali, 2018).

Author Volker Stein on digitisation states that; taking a closer look at digitalisation, it is defined as the digital representation of signals, information and objects in binary code, enabling computer processing as underlying technology and propulsion of convergence between technological applications of different application fields. Digitalisation has penetrated all spheres of today's business world or contemporary automated manufacturing. In terms of flow effects, it also offers benefits to traditional spheres by making more effective and efficient resources available. Industry 4.0 (cyber system), the Internet of

Things or ubiquitous computing make it a digital megatrend. Nevertheless, digitalisation also has a dark side, as it created new inequalities between individuals, social groups, organisations and nations over digitalisation infrastructure, investment in technology equipment and digitalisation capabilities - the so-called "digital divide" (Volker Stein, 2015).

Meanwhile, according to the E-commerce Europe Report for Eastern Europe, the lowest level of e-commerce business use among European countries is observed in Eastern European countries. In 2012, e-commerce turnover in the emerging economies of Russia, Bulgaria, Romania and other countries reached 13.4 billion Euros, an increase of 32.6% compared to 2011. The leading country also in terms of population the most promising in the e-commerce market in this part of Europe is Russia, with a growth of 33%. In 2013, online sales of goods and services across Eastern Europe were estimated to have reached 19.3 billion euros, which is significantly lower than in Western European countries but with an increase from a year ago. (SHERIFI, Idaver, 2015)

### **3. Study Purpose and Methodology**

#### **3.1. Study purpose**

The purpose of this research is to analyse the importance of technology on human resource development, the strengths and weaknesses that arise—seeing that we are living in an age of technology where everything is changing. The impact of technology is irreplaceable always a need for analysis of the impact of technology management. Ensuring competitive advantage in the market is one of the main challenges of organisations, and this priority is made by human resources, their selection, recruitment, management, evaluation is yet another challenge. A connection between these factors is made possible by technology. In the knowledge market, information is the primary source, and this source is easily accessible through the use of technology. For these reasons, analyses on the impact of technology on human resource management are numerous, because technology provides facilities in human resource management.

#### **3.2. Study Methodology**

On the methodological aspect of the paper, this paper was prepared using analytical methods with secondary data obtained from previous papers related to the digitalisation process in human resource management. The paper is constructed from secondary, descriptive data and presents a general summary of some papers; the papers are filtered classifying them by similarity.

### **4. Results of Secondary Data**

Human life and technology are closely linked; technology has been and is continuously making human life more comfortable. There is a strong correlation between them that has revolutionized the economy, leading every process towards Digitalisation, creation, transfer, storage, dissemination of information, transcending time limits and reducing costs. Providing human resources for companies changed its access, expanded the market, eased access to data, increased performance monitoring and many other things provide Digitalisation "new era" and these changes began to become competitive advantages for businesses, providing advantages competitive through human resources.

Regarding the impact of Digitalisation on the development of HR, many researchers have been applying it which emphasizes the importance of Digitalisation in some processes in HR, emphasizing the positive and negative sides of Digitalisation. A. Federova, A. Zarubina, Y. Pikulina, A. Moscovskikh, T. Balandina, T. Gafurova in their research Digitalisation of the Human Resource Management pointed out that: Digitalisation, automation, and robotization have a significant impact on labour market transformation while J. Indira emphasizes that: Digitalisation is a tool that speeds up the communication process while reducing costs and helps organizations to be more productive and work more effectively and efficiently. J. Meijerinka, M. Boonsb, A. Keeganc and J. Marlerd point out that those digital technologies will change the organization and nature of work. Pratyush Tripathi found that: E-HRM allows all performance appraisals to be done online, on the corporate web interface. Digitalisation in human resource management helps enterprises to modernize human resource functions and provides them with a competitive advantage, emphasizes A. Mazurchenko and K. Marsikova. All the authors mentioned above have emphasized the importance of Digitalisation (technology) in the management process of the HR management process in the transformation of the labour market, process acceleration, communication, efficiency, effectiveness, changing the nature of work, evaluation of performance. All of these are practices already proven by many companies, known as the benefits of Digitalisation. All life today is digitalized, but there are groups of people who think differently about Digitalisation and its impact. In the research of Alena Federova and Olga Koropets Digitalisation of human resource management practices and its impact on employee wellbeing among others found: According to the thematic essence "Possible concerns regarding the introduction of information and communication / digital technology in the organization of work", the following data were obtained. The majority of respondents (86%) fear work stoppages associated with sudden power outages and "freezing" of computer equipment; 52.6% of respondents fear that the elderly will lose their jobs due to difficulties in mastering new technologies;

17.5% of respondents point to the high cost of new technologies and the low-quality software they use. Unemployment risk due to robotization worries 21% of respondents; 14% indicated potential risks of damaging database loss. These data from the research of Alena Federova and Koropet conducted in Russia show a disturbing fact that not all societies are ready for the Digitalisation process. Digitalisation also has a dark side, as it created new inequalities between individuals, social groups, organizations and nations over Digitalisation infrastructure, investments in technology equipment and Digitalisation capabilities - the so-called "digital divide" says Volker Stein.

**Digitalisation in Recruitment:** Recruitment is one of the first and most important processes of HRM. The impact of Digitalisation (technology) is more pronounced in this process where the recruitment process has completely changed. Mr Eshan and Dr Binoy in their paper emphasize that the candidate can complete their necessary information (Resume) name, email, experience, qualifications and skills after completing all the details that the candidate can upload their resume and that most of the companies today use social networks like Facebook, LinkedIn, Skype (video conferencing) etc. for recruitment. Today there are different platforms in terms of recruitment platforms which thanks to rapid technological developments are continually changing, and it must be said that Digitalisation has increased the effectiveness of the recruitment process.

**Digitalisation in Training and development:** But due to Digitalisation in training and development, the human resources department has moved forward. Modern technology which has been used as the display of work-related videos, online courses, computerized learning methods, reading through soft copies has revolutionized teaching techniques, says Mr Eshan and Dr Binoy in their research on the impact of Digitalisation of training and development in the hotel sector by making comparisons with the previous time, where training and development in hotels took place through demos, lectures, book references. While now managers have created accounts on the computer where they store training and where they can serve as a reference for specific problems.

## 5. Critical Evaluation

The future is often a myth, unpredictable, but we have to be prepared for everything. Those who think that they can escape the "new age" are wrong. Digitalisation should be understood as a technological process that has already taken place, while the technology itself represents the new human era, which for many societies sees it from a negative perspective because they are not ready for change. It must be understood that adaptation is the primary weapon against change and that some things are

inevitable. Human nature has always been divided into two camps in terms of technology, the "optimists" who have embraced this change and the "pessimists" who continue to oppose it, but everything has to do with the point of view of how we see things. Technology has its impact in every field, be it social, economic or social life itself today is technology, we live in a time when everything is related to technology.

Nevertheless, nothing can replace the human mind; always, the creator is superior. The world's economy has embraced the spirit of change, where everything is adapted to it, and where change has affected the field of Human Resources in almost all its processes such as recruitment, selection, performance, training and development, monitoring and processes others. Digitalisation has dramatically improved human resource management by making it more efficient and effective by facilitating any process. Technology is changing so fast that what gives you an advantage today after a while may be a weakness for you. We can say that technology has broken the essence of time and space, where everything happens in relation to time and space, where the world is more connected than ever. Digitalisation has almost completely changed the management of human resources where all processes have been improved were providing the right people for the job is no longer a problem. However, many organisations continue to avoid the digitalisation process, and this penalises them in the market. Businesses need to invest more in this aspect. Most authors emphasise on digitalisation and technology in general, in internal focus, not once should we use people as tools, the primary basis of an organisation is the people, and the tools are for you to use not people. Digitisation is not created to underestimate human being, but to support him/her, to facilitate his/her work. In the business world, everything is a chain link where all processes are interconnected, where the market is the arena (place) of war, where the consumer is the central pillar (Target, Trophy), where the company is the tool and where the people of the company are the engine its like a race track.

## 6. Conclusions and Recommendations

### 6.1. Conclusions

The digital transformation of human resource management is completely changing the course of the process, radical changes in technology, automation and Digitalisation have changed the traditional form of work, the introduction of artificial intelligence in HRM processes has facilitated problem-solving and automation of some processes. The World Economic Forum study highlighted the competencies that by 2020 will become the highest priority for employers, namely: the ability to solve complex tasks, critical thinking, creativity, ability to manage people, ability to collaborate with others, emotional intelligence, prudence and decision making, service orientation, negotiation

skills, cognitive flexibility (Gray, 2016). The correlation that exists between technological processes (Digitalisation, automation ..) and HR processes (recruitment, selection, performance ...) is extremely pronounced. Radical, rapid change is rapidly increasing the need for an advanced workforce in both its use and adaptation, making this link between Digitalisation and human resources a productive power that resists stiff competition and frequent changes. HRM processes have undergone significant changes which continue today, the recruitment and selection process has changed, with digital platforms, international connections, globalization, social networks and many other aspects that have influenced, training and digital forms of communication have shown its importance even in crisis and pandemic situations such as the current COVID pandemic situation<sup>19</sup>. Nevertheless, we must not stop discussing the achievements of Digitalization, they must be practised, and every innovation every method, successful strategy must be implemented, organizations must allocate funds in terms of technological developments.

## 6.2. Recommendations

Although much research has been done on the impact of digitalisation and other technological processes on human resource management, the main power of technological developments remains in large organizations, the multinational ones which dominate the global market, due to the financial strength many enterprises cannot invest in these changes and stay out of the market, the transition countries also have significant problems which face difficulties in technological adoptions, therefore the state should support enterprises in this regard. Organizers need to share tools and people in the digitization of processes. In the market time is everything, keeping pace with constant change for many companies is overwhelming and fatal in some cases, but today different forms of business are being implemented and markets are expanding, many companies are merging among themselves to face competition. At this rate of change the expectations are that the world concretely economy will change completely and survival will be difficult. The most erroneous decision that an enterprise can make is to bypass change, today we have numerous examples of companies that have failed in this regard (e.g. NOKIA). Digitalisation as a process is entering a completely different phase and very soon is expected to belong to the past, today in the knowledge economy where the cyber system is practiced, is the latest word of technology. But in a changing world where technology changes, so do people, changing requirements, consumer desires, with an ever-increasing demand there is hope for everything and innovations are always welcome and make us more visionary.

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## THE USE OF CONTRACTED FORMS OF ALBANIAN LANGUAGE IN ELECTRONIC MEDIA TEXTS



SCAN ME

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### Abstract

The contracted forms of literary Albanian are of dative case of all person's singular and plural and of the accusative case in the third person singular and plural. In certain syntactic constructions they merge and thus form connected contracted forms. When used near each other, the first is dative, while the second is accusative. Their use according to the norm are correct. Their topic in the sentence is arranged and a linguist or a lecturer should not miss the omissions in texts with short, separate, or connected forms. On the contrary, we encounter misuses of short forms of Albanian in texts of published and electronic media. They are incorrectly used in some syntactic constructions, marked by case in case, one by one. Contracted form locations and their referral to a different pronoun or name as a repetition of an object appear to be harmonized with the respective forms as an object or its repetition. They are placed in front of the verb forms of each tense. Except in imperative they have a double topic. The contracted forms during usage in the dative and accusative cases directly mark direct or indirect object. The contracted forms of the first and second person singular and plural, in the dative case, are often used to mark directly the indirect object. The misuse of the contracted forms is more common in the third person of the dative case when i.e. singular (i) is used instead of plural (u). We also encounter the incorrect use of the contracted forms of the second person plural of the dative case (juve) you instead of (atyre u). This research reveals the wrong use of contracted forms in the texts of some electronic media (portals) in Pristina and Tirana.

### 1. Introduction

The contracted forms of literary Albanian are of dative case of all person's singular and plural and of the accusative case in the third person singular and plural (Agalliu, F., Angoni E., Demiraj, Sh., Dhrimo, A., Hysa, E., Lafa, E., Likaj, E. 2002). In certain syntactic constructions they merge and thus form connected contracted forms. When used near each other, the first is dative, while the second is accusative. The connected contracted forms we encounter even in the cases of joining the dative case ( i, u), and the particle of the subjunctive, future tense, infinitive or participle, i.e. *t'i bëhen, t'u bëhen dhe t'ju them, për t'i bërë, për t'u bërë, t'ia thuash; do t'ia tregoj; do ta njoftoj; për t'ia dalë në krye; me t'ia treguar; etj.*" (Kostallari, A., Domi, M., Çabej, E., Lafa, E., 1973).

These connected contracted forms are also present in the cases of joining the form of dative (ty të) and the particle (u) of the past simple of passive voice (u duk), i.e.: "*nuk m'a dha; m'u bë zemra mal; në m'u dhëntë rasti etj.; si t'u duk ; mos t'u ndaftë e mira!; t'u bëftë pushka top!*" etj." (Kostallari, A., Domi, M., Çabej, E., Lafa, E., 1973).

They are placed in front of the verb forms of each tense. Their topic in the sentence is arranged and a linguist or a lecturer should not miss the omissions in texts with short, separate, or connected forms. Their use according to the norm is no doubt correct.

On the contrary, we encounter misuses of short forms of Albanian in texts of published and electronic media. They are incorrectly

used in some syntactic constructions, marked by case in case, one by one.

Contracted form locations and their referral to a different pronoun or name as a repetition of an object appear to be harmonized with the respective forms as an object or its repetition. They are placed in front of the verb forms of each tense. Except in imperative they have a double topic (Agalliu, F., Angoni E., Demiraj, Sh., Dhrimo, A., Hysa, E., Lafe, E., Likaj, E.2002).

Placing before or after a verb, as an inseparable part of it, has made the short forms to be treated as "pre-placed, after-placed, sub-placed agglutinative elements" ... and "brought to the verb almost as so-called prefixes" (Pernaska 2012). Although they are no longer personal pronouns, they have retained their person marking ability. By preserving this ability, they preserve the person of the object and play the role of "verbal clauses" (Pernaska 2012). Short forms retain this ability and mark the object's person for each case, as the datum (*mua më, ty të, atij-asaj i, neve na, juve ju, aryre u*) in all the singular and plural ones, as well as the accusative case in the third singular person (that 'e') and the plural (ata-ato i).

The merging of the short forms and the datum, for each person of personal pronoun, with the short form of the singular and plural third person of the accusative case (Agalliu, F., Angoni E., Demiraj, Sh., Dhrimo, A., Hysa, E., Lafe, E., Likaj, E., 2002), is done based on their own preservation (the singular of the datum and the singular of the accusative: më+e=ma; ty+e=ta; i+e=ia, the plural of datum and the singular of the accusative: na+e=na e; ju+e=jua; u+e=ua, and the singular of datum and the plural of the accusative: më+i=m'i; të+i=t'i; i+i=ia; plural of datum and plural of the accusative: na+i=na i; ju+i=jua; u+i=ua).

The contracted forms during usage in the dative and accusative cases directly mark direct or indirect object. The contracted forms of the first and second person singular and plural, in the dative case, are often used to mark directly the indirect object (Agalliu, F., Angoni E., Demiraj, Sh., Dhrimo, A., Hysa, E., Lafe, E., Likaj, E.2002).

This research reveals the wrong use of contracted forms in the texts of some electronic media (portals) in Pristina and Tirana.

As it is said, the short (contracted) formations of the Albanian language are in most cases a repetition of the direct and indirect object, and they are also a union of two cases, of the dative in all persons and of the accusative in the third person. Using them incorrectly in the texts of some portals induces the curiosity of handling these uses. Their avoidance is not essentially spelling or purely morphological, they are also syntactic. We will extract the

examples, extracted from the texts, to make the analysis more interesting.

## 2. Materials and Methods

In the texts of some electronic media in Pristina and Tirana we have occasionally encountered some misuses of some short forms of pronouns. These forms have been found in certain syntactic constructs, identified in texts of a lot of portals or Albanian newspapers, as in: *Zëri.info, Gazeta: EXPRESS, Indeksonline, koha.net, Telegrafi.com, Bota sot, Botapress, gazeta Shekulli, gazeta Tema, Panorama online*, etc.

The curiosity to research about these uses was spurred more by the repetition of the same uses of short (contracted) forms in the above-mentioned electronic media texts. The most incorrectly used short (contracted) forms that we encounter are: the form *ju* (*juve ju*) instead of *u*, i.e. ...*atyre më pas ju bëhej e qartë...* (Gazeta Tema, 5.09.2018.), form *i* instead of *u*, i.e. ....*kjo i* (*duhet, u ndodh, v.j.*) *ndodh kosovarëve që e mashtrajnë Zvicrën...*(GAZETA: EXPRESS 31.10.2017); *Me këtë mendim dhe qëndrim i rikthehet* (*duhet, u rikthehet, v.j.*) *shteteve në linja etnike...* (GAZETAEXPRESS 31 oktober 2017); connected form *t'i* instead of *t'u*, i.e. *Para se të jetonte në fshehtësi për t'i shpëtuar* (*duhet, t'u shpëtuar, v.j.*) *internimeve të hebrenjve* (Indeksonline 21.09.2018); connected form *iu* instead of *u*, *Mbyllja që iu* (*duhet u është bërë, v.j.*) *është bërë dhjetëra institucioneve arsimore në mbarë vendin* (Gazeta Shekulli 5.09.2018); connected form *ia* instead of *ua*, i.e. *Një qeveri që shkurton buxhetin e arsimit dhe ia shpërdan atë kriminelëve* (Gazeta Shekulli 5.09.2018); unnecessary form *e*, i.e. *Shqipëria socialiste e arriti përsëri lumturinë: gjithcka falas...*(Gazeta Shekulli 5.09.2018); the lack of short form *i* or *e* in certain formations, p.sh. "*Në vitin 2017, autoritetet e Kosovës arrestuan 5 individë të tjerë nën të njëjtat akuza* (Panorama, Sep 19, 2018); *ia* instead of *i*, (*i arrestuan 5 individë...*) stylistically likable, p.sh. *Heshtur apo hapur atij ia kanë dhënë mandatin për të negociuar.....*" (Zëri.info 25 August 2018); It should be, *i kanë dhënë mandatin për të negociuar*, without the forms *e* of accusative, connected with the *i* of the dative in *ia*.

## 3. Results

The contracted forms of literary Albanian are of dative case of all persons singular and plural and of the accusative case in the third person singular and plural. When used near each other, the first is dative, while the second is accusative. The connected contracted forms are encountered in cases of joining the dative *i*, *u*, and particle *të* subjunctive, of the future tense, infinitive and participle, i.e. *t'i bëhen, t'u bëhen dhe t'ju them, për t'i bërë, për t'u bërë, t'ia thuash; do t'ia tregoj; do ta njoftoj etj.*" These connected contracted forms are also present in the cases of joining

the form of dative (ty të) and the particle (u) of the past simple of passive voice u (u duk), i.e.: “*nuk m'a dha; m'u bë zemra mal; në m'u dhëntë rasti etj.; si t'u duk; mos t'u ndaftë e mira!; t'u bëftë pushka top!*” etc.

They are placed in front of the verb forms of each tense. Their topic in the sentence is arranged and a linguist or a lecturer should not miss the omissions in texts with short, separate, or connected forms. On the contrary, we encounter misuses of short forms of Albanian in texts of published and electronic media. This research expounds the misuse of connected short forms found in the texts of some electronic media in Pristina and Tirana. These forms have been found in certain syntactic constructs, identified in texts of a lot of portals or Albanian newspapers, as in: Zëri.info, gazeta EXPRESS, Indeksonline, koha.net, Telegrafi.com, Bota sot, Botapress, gazeta Shekulli, gazeta Tema, Panorama online, etc. The curiosity to research about these uses was spurred more by the repetition of the same uses of short (contracted) forms in the above-mentioned electronic media texts. The most incorrectly used short (contracted) forms that we encounter are: the form ju (juve ju) instead of u, i.e. ...atyre më pas ju bëhej e qartë..., form i instead of u, i.e. ....kjo i (duhet u ndodh, v.j.) ndodh kosovarëve që e mashtronjë Zvicrën...; Me këtë mendim dhe qëndrim i rikthehet (duhet u rikthehet, v.j.) shteteve në linja etnike...; connected form t'i instead of t'u, i.e. Para se të jetonte në fshehtësi për t'i shpëtuar (duhet për t'u shpëtuar, v.j.) internimeve të hebrejve...; connected form iu instead of u, Mbyllja që iu (duhet u është bërë, v.j.) është bërë dhjetëra institucioneve arsimore në mbarë vendin...; connected form ia instead of ua, i.e. Një qeveri që shkurtor buxhetin e arsimit dhe ia shpërdan atë kriminelëve...; unnecessary form e, i.e. Shqipëria socialiste e arriti përsëri lumturinë: gjithëcka falas..., the lack of short form i or e in certain formations, p.sh. “Në vitin 2017, autoritetet e Kosovës arrestuan 5 individë të tjerë nën të njëjtat akuza. ia instead of i, (i arrestuan 5 individë...) stylistically likable, p.sh. Heshitur apo hapur atij ia kanë dhënë mandatin për të negociuar.....”. It should be, i kanë dhënë mandatin për të negociuar, without the forms e of accusative, connected with the i of the dative in ia.

#### 4. Discussion of Findings

It is common to wrongly use the contracted forms, as in the third person of dative case, when the singular of the (i) (atyre i) form is used instead of the plural u (atyre u). Also, the incorrect use of the contracted form of the second-person plural of the dative case ju (juve ju) instead of (atyre u) is often encountered. For misuse of short texts we often find in the texts of Albanian portals, in prestigious newspapers like the newspaper Tema, i.e. “...pasi njoftoheshin për pozicionin e punës atyre më pas ju (në vend të u bëhej) bëhej e qartë puna që duhet të bënin. In the Telegrafi.com, i.e. E gjithë kjo bëhet në kuadër të platformës “Të rëndësishëm

janë njerëzit”, me të cilën njerëzve ju jepet rëndësi më shumë (Gazeta Tema, 5.09.2018). As we mentioned above, in these sentences the contracted form ju second person plural of the dative case instead of u third person dative (It should be: atyre më pas u bëhej..., dhe njerëzve u jepet rëndësi...).

There are frequent misuses of the contracted forms such as singular dative, which is used instead of plural dative. At least a few daily electronic newspapers encounter these uses, the frequency of which makes us believe that such misuses are more than an avoidance. For example: *Kjo i ndodh kosovarëve që e mashtronjë Zvicrën* (GAZETAEXPRESS 31 oktober 2017). Instead of *se Kjo u ndodh kosovarëve që e mashtronjë Zvicrën; Ai ka shprehur mirënjohje për administratën e Donald Trump rreth mbështetjes që po i bën negociatave Kosovë-Serbi, të ndërmjetësuara nga Bashkimi Evropian* (Koha net, 20 shtator 2018), *në vend se ...për administratën e Donald Trump rreth mbështetjes që po u bën negociatave Kosovë-Serbi...*

In another use, in a line with the example above, we do not only make use of the wrong short form, but also the verb bashkohen instead of bashkohet, extract from the context. i.e. *Ai ka bërë me dije se LDK në të ardhmen..... Thotë se edhe protestave të tjera të VV'së mund t'i bashkohen* (GAZETAEXPRESS 18 shtator 2018), *në vend se të shkruhet: protestave të tjera të VV'së mund t'u bashkohet, LDK.*

We also have cases when the short form t'i joins the form i të-së (Likaj 2015, p. 30, 31). Of the subjunctive and i of dative (asaj i, protestës i, v.j.), where i is used instead of u (atyre u, protestave u). When it comes to singular nouns like LDK (bashkohet v.j.) and the noun in plural protestave, it should be “Thotë se edhe protestave të tjera të VV'së mund t'u bashkohet (LDK, v.j.)” (Likaj 2015, p. 30, 31). Also in the next sentence t'u (Sulejmani 1984, p. 72, 73.) is used instead of t'i, i.e....*në Amsterdam, para se të jetonte në fshehtësi për t'i shpëtuar (t'u shpëtuar v.j.) internimeve të hebrejve në kampet famëkeqe naziste në Evropën Lindore* (Indeksonline 21.09.2018).

Another use that we often encounter in electronic printed media is the misuse of short connected form iu, i.e. *Deputetja ... tha se braktisja masive e shkollave nga plot 133 mijë nxënës dhe mbyllja që iu është bërë dhjetëra institucioneve arsimore në mbarë vendin, është një rezultat shkatërrimtar...* (Gazeta Shekulli 5.09.2018).

In the above mentioned sentence, the use of the form iu (...iu është bërë dhjetëra institucioneve) is wrong because the short form u is a repetition of the indirect object expressed by atyre u, (Sulejmani 1984, p. 72, 73.), *u është bërë dhjetëra institucioneve,*

meanwhile i is unnecessary and wrong. If we would have the sentence "... mbyllja që i është bërë institucionit, clearly i is short form and repetition of the indirect object atij i (institucionit i). It is known that i is singular (atij i është bërë...) and u is plural (atyre u është bërë).

The form iu reveals that i- is wrongly used instead of u-, and u- should not be the particle u e of the passive in the past simple. Let us remind that the short form iu is used when dealing with the short form of dative i (asaj, atij i) and the particle u in the passive of past simple, (u bë) si, „mbyllja që iu bë institucionit...”, a “mbyllja që iu bë institucioneve...”, when i (atij i) is the short form of dative and u (u bë) is a particle in the passive of the past tense. Said in other words, the use of the short form iu është bërë is very unnecessary and wrong. It is është bërë in the past simple of the passive makes that the u (në iu bë) to be u = është, so it is not iu është, but “u është bërë institucioneve.

Another misuse of the connected short forms is ia in particular sentences, i.e. *Gjendjen në arsim nuk mund ta ndryshojë një qeveri që shkurtor buxhetin e arsimit dhe ia shpërndan atë kriminelëve të lidhur me pushtetin dhe klientëve të...*, *tha Vokshi ndër të tjera* (Sulejmani 1984, p. 72, 73.). It is known that ia refers to the singular of dative case, (ia shpërndan kriminelit, v.j.). *Buxhten ia shpërndan kriminelit (jo kriminelëve), should be: "...buxhetin e arsimit ua shpërndan atë kriminelëve."*

In the next example the short form i of the dative singular is wrongly used instead of u (Demiraj 2015. p. 175, 176.) of dative plural: *Ai synon të rikthejë "Serbinë e madhe" duke përfshirë gjithë pakicat serbe brenda kufijve politikë të shtetit amë, pa marrë parasysh se me këtë mendim dhe qëndrim i rikthehet shteteve në linja etnike, pra në thelb konflikteve dhe luftërave historike* (Shekulli 5.09.2018). *Ka gjithashtu kritika të forta brenda Kosovës, veçanërisht nga kryeministri..., i cili të premtën i referohej diskutimeve si "ide katastrofike"* (Gazeta Shekulli 5.09.2018). *Ne i kemi premtuar qytetarëve dhe do jemi pranë qytetarëve* (Gazeta Tema, 4.09.2018). "...pa marrë parasysh se me këtë mendim dhe qëndrim i rikthehet shteteve në linja etnike" (Zëri.info 04.9.2018).

Another misuse of the short forms id noticed in the below mentioned sentence where ju (veta e dytë, juve ju dhashë (Demiraj 2015. p. 175, 176.) dhe ju ju pashë (Shkurtaj 2006, p. 154.) is used instead of iu (veta e tretë i+u=i+u). It was said earlier the short form i of the dative is joined with u in the passive of past simple (u bë), i.e. *Gazetarja Klodiana Lala ka thyer heshtjen dhe ka folur për herë të parë publikisht për sulmin që ju bë asaj 6 ditë më parë* (Gazeta Shekulli 5.09.2018). The wrong use of the short form ju (instead of iu) in also noticed in this example: Ky tipi

është akoma gjyqtar dhe atë vit ju shtua pasuria (Gazeta Tema 5.09.2018). So, instead of iu which is a formation of i+u (atij i dhe u shtua, iu shtua) is used ju shtua, i.e. "...dhe të gjithë votuan kundër sepse ashtu ju tha Berisha" (Gazeta Tema 5.09.2018), në vend se të gjithë votuan kundër sepse ashtu iu tha Berisha.

It is to be noticed the wrong use of iu instead of ju in the example: *meqenëse jeni ambasador kaq i qetë, për thënien se jeni ndjerë sikur iu kishin goditur me thikë pas shpine* (Bota sot, 21 SEPTEMBER 2018). The short form iu (iu tha asaj, nga asaj i dhe u tha), is different form ju (juve ju kishin goditur). This wrong usage has a controversial side: What are the causes that lead to constant misuse of short forms. I will try to avoid thinking that these are technical, spelling or lecture lacks.

In the cases of the misuse of the short forms of the pronoun: *Ne jemi të hapur gjatë gjithë kohës, unë pasi e mora veten nga kjo tronditje, mora vendimin që të reagoja, pasi si gazetare nuk isha e frikësuar* (Gazeta Shekulli 5.09.2018), the short form e is repetition of the object atë e, which comes in the phrase e mora veten, a highly used phrase. Stylistically speaking the use of e lowers the stylistic expression that gives the phrase e mora veten (Fjalori i Gjuhës së Sotme Shqipe 1980, p. 1063.).

Even in the sentence: *Shqipëria socialiste e arriti përsëri lumturinë: gjithçka falas...*, (Gazeta Shekulli 5.09.2018) the short form e (e arriti lumturinë) it is unnecessarily used for two reasons, stylistic and consequently arriti complements the subject than the object lumturinë. *Arriti lumturinë* is more like a phrase. So with the short form e arriti the verb refers to the word lumturinë because of the repeated object e, *ku arriti* është qëllimi i kumtimit.

In the sentence: "*Në vitin 2017, autoritetet e Kosovës arrestuan 5 individë të tjerë nën të njëjtat akuza* (Panorama Sep 19, 2018). Is necessary the use of the short form i (i arrestuan 5 individë), as a repetition of the direct object (5 individë i). The repetition of the object is a phenomenon that has evolved with the Albanian language and is characterized as a Balkan language phenomenon (Demiraj 2015. p. 175, 176., 1988. p. 568., Përnaska, 2012. p. 397-398).

In the sentence: "*Vetë klasa politike e Kosovës, parlamenti, partitë politike me apo pa vetëdije, heshtur apo hapur atij ia kanë dhënë mandatin për të negociuar me Serbinë pa vija te kuqe, pa limite.*" (Zëri.info 25 august 2018), the short form ia (atij i, atë e=i+e=ia, ia kanë dhënë mandatin) does not respond completely to the syntactic construction and it is unnecessary the repetition of the short form i=e (atë e, mandatin e=a, atij i kanë dhënë mandatin).

We can encounter the usage of the short for, t'ia in the sentence, *votën e tyre për t'ia ndryshuar emrin Maqedonisë shqiptarët*

*duhet ta shohin si hapje të një kapitulli të ri* (Koha.net 6.09.2018),  
where të +i+e = t'ia.

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## ASSISTED REPRODUCTION AND REPRODUCTIVE RIGHTS - COMPARATIVE ASPECTS BETWEEN REPUBLIC OF NORTH MACEDONIA AND REPUBLIC OF KOSOVO



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### Abstract

Developments in science and technology have, among other things, challenged the family. Human values, which change in step with this technological progress, have faced many legal, moral and ethical dilemmas which await answers from the science on bioethics. We are in such a situation when we discuss about many advances in contemporary and national family law, including new forms of family reproduction that differ from a natural process of child conceiving. The authors in this paper bring comparative aspects of biomedical and family legislation of the Republic of North Macedonia and Republic of Kosovo. Among other things, they emphasize that given the traditional and biological model of the family in our society, new reproductive forms are a very reserved topic in the family and biomedical field, but it awakens a curiosity of discussions on ethics, philosophy and legal regulation of reproduction of human beings in both countries. The numerous stereotypes that prevail in the society of both countries regarding the application of artificial reproduction technology methods are contrary to many legal and medical justifications for couples who do not have the opportunity to become parents in a biological (natural) way.

Therefore, the purpose of the authors is to provide accurate and grounded information through this text about the legal framework and medical options available to all persons who wish to exercise their reproductive right to establish a family.

### 1. Introduction

In the age of rapid development of science and technology, the family has not been left untouched, despite the fact that progress and reforms in family law are slower due to the culture, tradition, customs, the influence of religion and moral. Precisely because of these changes in the concept of parenthood and family, today it is very difficult to give the definition of the institution "family". The majority have an image of the "ideal family" consisting of biological mother, father and children, however, different reasons and circumstances have forced the change of this family model. Today we encounter different forms of family: single-parent families, remarriage and reconstituted families, extramarital families, same-sex families, families created by the new reproductive technologies. In terms of "destabilization" of the

traditional family and the presentation of the contemporary pluralistic family, many questions and dilemmas arise in the reasons that have led to the definition of this new family model (Selmani - Bakiu, 2020).

In this article the authors want to inform the public that despite many obstacles in terms of changes in family processes, technology has played a very big role in terms of advancements in the forms of parenting establishing. Reproduction is no longer an issue which is beyond human control. What was once considered a natural process for conceiving a child, currently, is a conscious and planned transformation in human life in the moment when the one decides to take on the role of parent. In this regard, integral parts of contemporary birth policy are: artificial

conception, in vitro fertilization, surrogate motherhood, childbirth by a single woman with donated genetic material, post-mortem reproduction, conception of a child by three people and many other processes known from biomedical technology. Thus, today there is a wide range of opportunities for reproduction which have influenced the change the birth concept and the establishment of parenthood. Therefore, in a family macro plan there is no universal model of family planning which would be acceptable and appropriate for a legal system (Selmani-Bakui, 2020).

Since the family legislations of the RNM and Kosovo are very similar, almost identical, the two countries have many differences in terms of incorporating some methods of artificial reproduction into their biomedical legislation. Therefore, the intention of the authors is through this paper to provide their references based on the right of reproduction in terms of family planning regulated by the Law on Biomedical Assisted Fertilization of RNM (BAF) and the Law on Reproductive Health of Kosovo. The authors in this paper bring the similarities as well as many differences in terms of types of methods for assisted biomedical reproduction, parental rights and legal status of children born through these methods. During their analysis, they come to concrete conclusions in terms of avoiding legal contradictions and filling legal gaps in the biomedical legislation of both countries, always concerning the best interest of children born through artificial reproduction technology.

## **2. Reproductive Freedom through Biological, Artificial Birth and Refusal to Establish a Family**

The right for reproduction in the function of family planning and establishment is a right guaranteed and protected as a fundamental human right in the Universal Declaration of Human Rights (Article 16) and in the European Convention on Human Rights (Article 12). Parenting is one of the biggest transitions in the life roles of a man and a woman so it is very important in what form and by what methods they will establish their family. Furthermore, "Reproductive rights embrace certain human rights that are already recognized in national laws, international laws and others international human rights documents. These rights rest on the recognition of the basic rights of all couples and individuals to decide freely and responsibly the number, spacing and timing of their children and to have the information and means to do so, and the right to attain the highest standard of sexual and reproductive health. It also includes the right to make decisions concerning reproduction free of discrimination, coercion and violence, as expressed in human rights documents" (International Conference on Population and Development Programme of Action, 2014). The reproductive process is long,

complex, and fraught with danger, especially for women. Successful reproduction requires men and women using conscious and unconscious strategies to give them the greatest chance of success. Successful reproduction is not a random event. It is a carefully calibrated system that has evolved through trial and error over the eons to provide for the greatest chance of human survival, that is, life. Life does not exist without successful reproduction and I believe successful reproduction is furthered by reproductive freedom. While reproductive freedom includes birth control or abortion, the ability to prevent or terminate a pregnancy is just one step in the process of creating life (Sanger, 2004).

An important change which brought the new era of human involvement in medical science, mainly in what was formerly considered the exclusivity of nature, was that the notion of "procreation" that was changed to the notion of "reproduction" which much less associates to the notion of reproduction. The difference between these two notions - "reproduction" which refers to the creation of children as laboratory products and the notion "procreation" which refers to the conception of children through sexual intercourse, announced in the beginning of *in vitro* procedures in everyday human life (Ramsey cited by Mickovik et al., 2016). According to this logic, assisted reproductive technology (ART) does not procreate children but only reproduces them. Therefore, the focus of the notion "reproduction" is in the interest of the rights of adults to "reproduce themselves", and not to create their own offspring (Ibid.). In this regard, it is important to emphasize that everyone can express their right to reproduction in two forms, both as a positive right to reproduction and a negative right to reproduction. The positive right to reproduction means the right of every person to have children and to become a parent. In this case, if this right cannot be exercised naturally, the interested person can exercise this right through medical treatment or through artificial insemination (Zendeli et al., 2020). On the other hand, the negative right to reproduction means the right of the person to decide not to be realized as a parent, i.e. to decide not to have children of his own. This right can be exercised in two ways, preventively and correctively. The preventive way is realized through education and contraception, respectively, sterilization, which can be temporary or permanent. In doing so, the person is free to decide which of the remedies allowed and recommended by medicine will be used. The corrective way of exercising the right not to have children is by applying the right to abortion, which is accepted and regulated in all European countries (Ibid.).

### **2.1. Assisted Reproductive Technology**

From what was stated above, the person can realize the positive right to reproduction in a biological way through the natural process of childbirth, this right can also be realized in an artificial

way through the application of technology methods of artificial reproduction. Therefore, all persons who want to have children, but due to some medical indications are prevented from being fulfilled as parents, biomedicine has enabled them the application of artificial reproduction technology.

The term “reproductive revolution” is not mere hyperbole. Most human reproduction will, of course, continue to occur as the result of sexual intercourse with only the technology of modern obstetrics involved. The major issues of human reproduction will remain access to prenatal and postnatal care, reduction of infant mortality, provision of adequate child care, and access to contraception and abortion (Robertson, 1994).

Assisted reproductive technology (ART)<sup>1</sup> is used to treat infertility. It includes fertility treatments that handle both a

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<sup>1</sup> In order to understand assisted reproduction and how it can help infertile couples, it is important to understand how conception takes place naturally. For traditional conception to occur, the man must ejaculate his semen, the uid containing the sperm, into the woman’s vagina around the time of ovulation, when her ovary releases an egg. Ovulation is a complex event controlled by the pituitary gland, which is located at the base of the brain. e pituitary gland releases follicle-stimulating hormone (FSH), which stimulates follicles in one of the ovaries to begin growing. e follicle produces the hormone estrogen and contains a maturing egg. When an egg is mature, the pituitary gland sends a surge of luteinizing hormone (LH) that causes the follicle to rupture and release (ovulate) a mature egg (Figure 1). To see the stages of embryo development. See more at American Society for Reproductive Medicine (2018). Regarding the Mitochondrial donation, a very important question is does the mitochondrial donor have any rights over the child? A woman who donates their eggs and/or embryos for use in other women’s mitochondrial donation treatment will not be the genetic parent of the resulting child. This is because the mitochondria that they provide makes up less than 1% of the child’s genetics. For this reason, they will not have any legal rights or responsibilities over the child and they remain anonymous. For more see at Human Fertilization and Embryology Authority:

<https://www.hfea.gov.uk/treatments/embryo-testing-and-treatments-for-disease/mitochondrial-donation-treatment/>

<sup>2</sup> Technological reproduction creates an environment of medical experimentation in which virtually anything can be tried on women’s bodies. The claims that the technology is being perfected all the time camouflages the medicalized mutilation inherent in the procedures. In the medical literature, there is also a “violence of abstraction,” where what is done to women is

woman's egg and a man's sperm. It works by removing eggs from a woman's body<sup>2</sup>. The eggs are then mixed with sperm to make embryos. The embryos are then put back in the woman's body. In vitro fertilization (IVF) is the most common and effective type of ART. ART procedures sometimes use donor eggs, donor sperm, or previously frozen embryos. It may also involve a surrogate or gestational carrier. A surrogate is a woman who becomes pregnant with sperm from the male partner of the couple. A gestational carrier becomes pregnant with an egg from the female partner and the sperm from the male partner (American Society for Reproductive Technology, 2020). Types of methods for Artificial Reproduction are: *in vitro* fertilization (IVF), artificial insemination, *posthumous* reproduction, surrogacy, “three parents” technique,<sup>3</sup> single mother by choice.<sup>4</sup> These and many new methods which are constantly part of innovations in biomedical technology, have made it possible for infertile couples

encased in “numbers of pregnancies per laparoscopy” or “selective therapeutic termination of pregnancy.” But women are not abstract, and neither are the mutilations inflicted on women’s bodies (Raymond, 1993).

<sup>3</sup> These variants of IVF techniques would be used to prevent the transmission of maternally inherited mitochondrial DNA (mtDNA) disorders. Such disorders are incurable and may cause illness, disability and death. Neither ‘maternal spindle transfers’ (MST) nor ‘pronuclear transfer’ (PNT) has yet been used anywhere in the world to create children. Both techniques raise new legal, regulatory, ethical and social issues. See more at Riley, 2015.

<sup>4</sup> Medical technology is advancing at a more rapid rate than either layperson can comprehend or legal or ethical standards can address. Consider the developments in reproductive techniques. Years ago, when a woman wanted a baby, her options were readily defined. Now, with continual advancements in medical technology, her options have greatly increased. A woman desiring a child can, for example, be impregnated artificially. Such choices have their advantages and disadvantages. What influence, if any, should the doctor have in presenting these choices to the mother-to-be? Are there any problems for an offspring? Who should be involved in the decisions? Do state laws differ regarding such matters? Ambulatory health care employees need to be aware of the ethical and legal implications of such choices. Medical specialization means more people will be involved in personal health care. Managed care, policies, and providers will in part dictate how choices are made. If hospitalization is necessary, who is in charge, who coordinates, and who approves this care? Who decides the appropriate course of action in the case of conflicting medical opinions? Although specialization may enhance quality health care, it demands

to become parents. In connection with these and many other similar issues, there is a need for family law to deal with the analysis of the legal implications of artificial reproduction, therefore as a result of the application of these methods for childbirth, family law needs to redefine legal notions of family and parenting law (Selmani-Bakiu, 2020). Furthermore, to appreciate the breadth and depth of the reproductive revolution, four aspects of that revolution are separately considered: (1) contraception and abortion; (2) treating infertility; (3) controlling the quality of offspring; and (4) using reproductive capacity for nonreproductive ends (Robertson, 1994).

### **3. New Technologies for Artificial Reproduction as a way of Establishing a Family in the Biomedical Legislation of RNM**

Despite many changes in family legal relations which have imposed scientific and technological developments, the Law on Family of RNM since its adoption in 1992 has not undergone any substantial reform, despite the fact that in RNM, as in all other European countries, dynamic and profound changes have occurred in all segments of marital and family relations (Zendeli et al., 2020). A very important innovation that is in step with all contemporary concepts for starting a family, is the adoption of the Law on Biomedical Assisted Fertilization (BAF) in 2008 and the Law on Amendments to the Law on Biomedical Assisted Fertilization of 2014. With this law all the complex issues related to artificial reproduction technologies are regulated in detail. The Law on BAF regulates the process of artificial insemination, *in vitro* fertilization, posthumous reproduction, as well as the process of childbirth through a surrogate mother with the changes of 2014. The law regulates in detail some very important issues such as: the reasons for the implementation of BAF procedure; autologous fertilization<sup>5</sup> and allogeneic fertilization;<sup>6</sup> types of medical procedure; users of BAF rights; parental rights and user status; donation of genetic materials; realization of the BAF procedure; cryopreservation of genetic material and embryos; authorized health institutions for performing BAF; the role and powers of the State Commission for BAF; state register for BAF;

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greater coordination for clients to benefit from it, and it increases the cost of medical care (Lewis & Tamparo, 2007).

<sup>5</sup> According to Article 3 of the Law, the BAF procedure is performed if the previous treatment has been unsuccessful or the treatment with other methods is hopeless and in cases when the severe hereditary disease can be transmitted to the child. In implementing the BAF procedure, the legislator gives priority to the use of own genetic materials or embryos of potential parents (see article 6 of the Law BAF)

oversight of the BAF procedure as well as criminal offenses in situations of abuse of rights by the BAF procedure. When applying assisted biomedical fertilization, the basic principle from which the Law on BAF starts is the observance of human rights and health standards. In this sense, it is envisaged that the implementation of the biomedical assisted fertilization procedure may be carried out in such a way as to ensure the protection of the human rights, dignity and privacy of the persons against whom the medical procedure is performed and the donors of sperm, eggs and embryos (Zendeli et al., 2020).

The main purpose why biomedical assisted fertilization is performed is to achieve fertilization in accordance with scientific and technical progress, science and medical experience with special emphasis on respect of human rights. According to Article 3 of the Law, the biomedical assisted fertilization procedure is performed if the previous treatment has been unsuccessful or the treatment with other methods is invisible and in cases when the severe hereditary disease can be transmitted to the child (Ibid). Law on BAF provides that as users of biomedical assisted fertilization can be adult and fully capable men and women, who are capable of exercising parental rights, who are married or living in an extramarital union. The right to use the BAF procedure is also available to adult women able to work who are not married or do not live in an extramarital union, if the previous treatment is unsuccessful, and who, according to their age and general health condition, are capable of parental care (Article 8). This means that the model of a contemporary birth rate policy is also the right of a single woman who decided not to marry but to become a parent with her to give birth and raise her only child, however it represents a kind of freedom of family planning (Selmani-Bakiu, 2016) In this regard, the law discriminates on the basis of gender, because this right is not provided for single men as an opportunity to establish a single-parent family. As can be seen, single women and extramarital spouses are the beneficiaries of BAF rights, but this category, including single men, is discriminated against the terms for use of surrogate motherhood which method is reserved only for married spouses (Ibid.).

<sup>6</sup> If in the BAF procedure the own genetic materials of the married or extramarital spouses is not possible to be used, namely, if they are not used in order to prevent the transmission of a serious inherited disease to children, then donated genetic materials or embryos from other persons can be used (Article 7 of the Law BAF).

The Institute of "Surrogate Mother" is also an innovation in the family law and biomedical science of the RNM. Surrogacy, as a biomedical opportunity to solve the couple's infertility problem, was strictly prohibited by the Law on BAF of 2008, however in October 2014, the Parliament of the RM approved the "Law on Amendments to the Law on Biomedical Assisted Fertilization". This law provides a legal and medical solution for gaining parental rights for all those couples who biologically cannot have children (Selmani-Bakiu, 2016). Surrogacy represents the process of conceiving and giving birth to a child for ordering or legal parents by means of a preliminary agreement which has the effect of waiving the parental rights of the gestational mother.<sup>7</sup> In fact, surrogacy enables married couples who cannot have children biologically, but who, for medical reasons, cannot use any of the methods for artificial fertilization, to have their own child, which will be carried and give birth by another woman. Depending on the possibility of fertilization with the genetic material of the legal parents, the born child is genetically related to one, both parents or neither of the parents (Zendeli et al., 2020). *De iure* surrogate motherhood as a method of establishing a family is in detail regulated by law and as a new opportunity for establishing a family for all those couples who refuse adoption as a legal/artificial way to become parents due to bureaucratic procedures in our country but also because they insist on having children with their genetic materials. However, despite the statutory and legal regulation of gaining parental rights through this biomedical method, many other issues are left to be discussed as well: psychological, ethical, and problems related to the mentality of our society to accept surrogacy as an opportunity to become a parent. Other aspects that are in constant discussion and debate are related to the theory on the sanctity of the natural process of pregnancy and the well-known Roman law principle *Mater semper certa est* (The mother is always certain) (Selmani-Bakiu, 2016).

It is important to note that the RNM is one of the countries that legally regulates the posthumous reproduction by the Law on BAF of 2008. According to Article 33 of the Law on BAF "A husband and wife who according to medical indications or experiences in medical science are at risk of infertility for health reasons, within an authorized health institution and with their written statement may preserve their sperm, egg cells, or tissue from the ovary or testicles, for personal use. In the event of the

death of the husband, assisted posthumous biomedical fertilization is permitted with his prior written consent, not later than one year after his death. Technological developments provide the opportunity for the child not only to be born, but also to be conceived after the death of one of the partners. Posthumous reproduction is a technology that enables conception and birth of a child after the death of one or both parents (Selmani-Bakiu, 2018).

It should be noted that this method is only possible if the husband freezes the sperm during his life, but also in cases where the wife or a close family member requests that the sperm be taken after the husband's death (during the 24 hours after death, by the process of electro-ejaculation, semen can be frozen and used postmortem). The second situation of posthumous reproductive application is the freezing of the egg cells by a woman suffering from a disease, after whose death the frozen and then fertilized egg with her husband's sperm will be implanted in the womb of the woman carrying the baby (the surrogate mother). The third situation is that of the freezing of the embryo and implantation of it in the womb of another woman who will bear and give birth to the child after the death of the genetic parents (Selmani-Bakiu, 2020). Although this method is regulated by a positive law in the RNM, its implementation encountered many problems and legal contradictions. The child that will be born post-mortem, does not enjoy the inheritance rights like other children, because this child is not counted in the category of potential heirs according to the Inheritance Law Act of the RM.<sup>8</sup> The next problem arises regarding the paternity of this child. In the event of the death of the husband, posthumous reproduction is permitted with his prior written consent, up to a maximum of 1 year after his death. If posthumous reproduction is applied and if the child is born after the death of the husband (for a period longer than 300 days), then that child will have the status of illegitimate child (according to the Family Law of the RM) due to the fact that the marriage has been seized with the actual death of one of the spouses. In this situation, in order to prove paternity, the procedure for recognizing paternity provided by the Law on Family must be developed (Selmani-Bakiu, 2020). Paternity of a child born out of marriage (in posthumous reproduction) can be accepted before the birth of the child and such an opportunity must be accompanied by legal provisions, with the sole purpose that these

*life (the case nasciturus pro iam nato)*. Due to the fact that in posthumous reproduction the child is conceived after the decedent's death, he / she cannot be considered an heir. It is in no way acceptable to discriminate against children based on the time of conception.

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<sup>7</sup> A gestational mother is a woman "whose uterus was used for the nurturing and development of an embryo into a baby- according to the Medical Dictionary.

<sup>8</sup> According to Article 122 of the Inheritance Law Act, *an heir might be just the person who is born alive at the time of the decedent's death or who has been conceived during the decedent's*

children do not have the problem of denying the biological identity.

From what was mentioned above, it can be clearly concluded that in the RNM are known and legally regulated all methods of artificial reproduction technology, methods that offer the opportunity to establish a family for all couples who on the biological way are prevented from doing the same. The Law on BAF is a well-concepted law which regulates in detail all aspects of the implementation of artificial reproduction procedures. The problem lies in the implementation of this law as well as its harmonization with international conventions and other positive laws of the country. The next problem lies in the principle of the best interest of the child which is not set as the main principle which must be respected during the implementation of these procedures.

#### **4. Assisted Reproductive Technology in Republic of Kosovo - Law on Reproductive Health**

Probably completely coincidental, but in the Republic of Kosovo as well as in the RNM, in 2008 for the first time we have a law which regulates artificial reproduction. Artificially assisted reproduction is regulated by the Law on Reproductive Health in Chapter V with only few articles, from Articles 18 to 26. First, it is important to note that the Law on Reproductive Health (RH) of Kosovo regulates organization, functioning and the supervision of all activities in the field of reproductive health, in the health institutions, and protects reproductive rights of individuals and couples, including also the right to be informed and to have the access to necessary services. Reproductive right is an individual and the couple's right to decide freely and with responsibility on the number, frequency and time when they want to have children, the access right to information, education, communication and instruments which will enable their decisions to be based on evidence (Law on RH, 2007, Article 2).

Pursuant to the Law on RH of Kosovo each individual, regardless of gender, ideological, religious or cultural orientation is guaranteed-ensured the right to information and education for sexual and reproductive health during all his/her life cycle. All persons and couples have the right, respecting wishes of each of the couples, to decide freely about the time, number and birth intervals and to be informed about necessary means for their realization. This Law guarantees to each individual the right to make a decision on realization of reproductive rights according to their free wish and interest without any discrimination, enforcement and violence. Reciprocal respect, understanding, personal integrity, indefeasibility and responsibilities sharing for sexual behaviors and their consequences are the female and male

bilateral obligation (Article 4.1, 4.2, 4.3, 4.4). Sexual and reproductive health and rights are the state of complete physical, mental and social well-being which includes any condition pertaining to the reproductive system and which is not defined solely as the mere absence of disease, dysfunction or insufficiency. Reproductive health and rights are inseparable from the general well-being and proper development of each society. Currently in Kosovo the magnitude of the problem related to reproductive health cannot be accurately described due to lack of data from the Health Information System, lack of evidence, lack of reporting and payment for performance. These shortcomings are disabling the identification of the extent of the problem according to certain features such as: age, place of residence, gender, socio-economic status, etc. (Ministry of Health of the Republic of Kosovo, 2018).

Also, it is important to note that the Republic of Kosovo through its biomedical legislation within the framework of reproductive health enumerates some basic rights, such as: The reproductive right for individuals and couples to decide freely and responsibly on the number, frequency and time when they want to have children; The right to information and education throughout the life cycle; The right to safe motherhood so that every woman can receive the care she needs to be in good health from pregnancy to childbirth; The right to family planning which is the right of individuals and couples to be informed, to predict and to decide freely on the number, frequency and time when they wish to have children; The right to adequate prevention and treatment of infertility; The right to safe termination of pregnancy; The right to services for prevention and treatment of sexually transmitted infections, HIV/AIDS, as well as infections and diseases of the reproductive tract; The right to prevention, early detection and treatment of malignant diseases of the reproductive system and breast cancer (Coalition K10, 2017). Pursuant to the Law on RH assisted reproduction corresponds to free will and couple parental request to have a child and by treating the infertility medical causes or prevent transmission of diseases from parents to child. The assisted reproduction is used in cases when: other infertility treatment methods for a female, male or partners are not productive or suitable and do not guarantee a desired result; It is recommended for the prevention of parent to child transmission of genetic diseases; It is recommended for the prevention of transmission of other diseases which would result in a premature death, mental backwardness and or serious child disability; It is considered as the only alternative for childbirth (Article 18- 20). The assisted reproduction includes the clinical and biological procedures, which enable: artificial insemination; in-vitro fertilization; transfer of embryos; other equivalent techniques, which allow reproduction out of natural process (Article 21). Prior to being subject to assisted reproduction, according to the

Law for the citizens' rights and responsibilities in health care No. 2004/38, the beneficiary couple shall be informed about procedures success or failure; informed about mother and child's risks; evaluated for their motivation; informed about legal opportunities for a child adoption and address-refer to respective social institutions (Article 22). The prohibited activities in the assisted reproduction field are as follows: embryos abuse-misuse for commercial, industrial and experimental purposes; genetic manipulations in embryos; illegal embryos donations; gametes trafficking; gametes mixing; intermediate agreement for a substation maternity, post-mortem insemination without the prior partner's written consent; violence of the confidentiality data right on the gametes donator; selective abortion of embryos of the specific gender; child's gender selection, except to cases with health indications to mother and child (Article 23). Commission formed by the Ministry of Health for medical assisted reproduction will be responsible for activities coordination and supervision of the medical assisted reproduction). Authority and composition of the Commission for medical assisted reproduction will be determined by a sub-legal act (Article 24.1, 24.2). Conditions, requirements for use of the assisted reproduction technologies, artificial insemination and fertilization resulting with embryo's implantation will be determined by a sub-legal act (Article 25). All individuals and couples have the right to be informed about the risks, education and communication based on the evidence, free choice and benefit from use of safe means and methods, resistible and acceptable for family planning (Article 12). Advice providing services for family planning will be provided by health or social trained staff and at institutions, which offer confidentiality. It is the duty of the health or social employee at the health institutions to inform the individual or couple relating to family planning (Article 13.1, 13.2). Acceptable family planning methods and means will be determined by a sub-legal act. Only specialists of gynecology and obstetrics and family doctors are allowed to prescribe contraceptives or recommend use of the means and medical contraceptive technologies (Article 14, 15).

From this it can be concluded that, in the Republic of Kosovo, the legal regulation of assisted reproduction is very deficient, and it is regulated within a legal text which regulates reproductive health in general. Given that the problems with infertility of young couples are increasing more and more, the opportunities that should be offered has to be greater. Information regarding the possibility of applying artificially assisted fertilization is very scarce and it affects the confidence of couples in applying these methods. The practice observes the situations of application of these methods in the nearest regional private hospitals in RNM and Turkey.

As can be seen in the Law on Reproductive Health, surrogacy is prohibited in the Republic of Kosovo as a way of establishing a family, i.e. a woman who has a congenital or acquired absence of a uterus or an anomaly born in the uterus which cannot be corrected with modern surgical procedures or has irreparable damage uterus or if the woman has a congenital or acquired ovarian insufficiency or congenital ovarian anomalies that cannot be corrected with modern surgical procedures or has ovarian damage that cannot be cured, must agree with the fate of not having children. Regarding the post-mortem or posthumous reproduction, the Law on Reproductive Health is very vague in this regard. From Article 23 of the Law it can be concluded that posthumous reproduction is not allowed only without the written consent of the partner, which means that if there is consent, the other partner can give birth to the child after the death of the partner whose genetic material was previously frozen. The law in this regard is very vague and contradictory to the one that prohibits surrogacy while on the other hand does not specify which of the partners can freeze the genetic material and whether this right is recognized under the same conditions to the husband and woman. It should be clarified that if the freezing of genetic material (egg cell and sperm) and embryo is allowed, then posthumous reproduction should be allowed for both male and female partners, with that if the woman dies then the husband can give birth to the child with the frozen egg of the deceased woman through a carrying (surrogate) woman by *in vitro* process. Other details about this method of starting a family are not found in any document or any information with public character.

## 5. Conclusion

It is indisputable that new technologies for artificial reproduction have proved very useful for infertile couples who have managed to realize themselves as parents thanks to their application. The authors in this text provide all the details about the types of these methods and procedures for their implementation in the Republic of North Macedonia and the Republic of Kosovo, emphasizing the similarities and comparisons in these two countries. In both countries since 2008 we have laws that regulate these methods. Compared to the Republic of Kosovo, RNM has shown a more serious approach in this regard, because it has a *sui generis* law which regulates all methods of artificial reproduction and which law is considered as one of the most liberal laws in the region. On the other hand, Kosovo has a lot of work to do in this regard. As mentioned above, the Republic of Kosovo regulates artificial reproduction within the Law on Reproductive Health with a very small number of articles which are contradictory in the part of post-mortem reproduction. Given the need for many young couples who are constantly facing infertility and other reproductive health problems, Kosovo should initiate professional and public debates towards the incorporation of

surrogacy as an opportunity to establish a family for all couples who do not succeed with other biomedical assisted fertilization methods. Finally, the Republic of Kosovo should work harder to promote the rights of artificial reproduction for couples who cannot establish a family in a biological way. Although RNM has a very liberal law, it faces problems of legal contradictions, non-harmonization of the Law Family Act with the UN Convention on the Rights of the Child and the European Convention on Human Rights in terms of non-recognition of the right of the child born through artificial methods to obtain information about their biological origin and other legal gaps which are mentioned in detail by the authors in this text. The authors are of the opinion that with the dynamics in which family processes are changing in these two countries, laws should provide greater opportunities for establishment of parenthood. Laws need to be more liberal, clearer and serve as solutions to the everyday problems that people face. The main principles on which family law should be based are the protection of privacy, family life, equal treatment of the positive right to reproduction as well as the negative right to reproduction, with the sole purpose that every born child is desired by his parents.

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## THE CAESAR LAW FOR THE PROTECTION OF CIVILIANS IN SYRIA: OBJECTIVES AND RAMIFICATIONS



SCAN ME

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### Abstract

This research aims to demonstrate Caesar's law to protect civilians in Syria and its effect on the social and economic circumstances of millions of Syrians stuck in their country because of the state of the siege imposed by the law's sanctions. The question tries to focus on how the law can achieve its human aims under the negative economic consequences it has on civilians, relying on the new political economy approach. It tried to interpret the non-economic activity of politicians under the Economy cover. Accordingly, The United States continues to tighten its hold on the Syrian system to exercise pressure on Syria, and to make political compromises and start significant political reforms immediately. Still, the direct targeting of Syrian economic structures through the law-imposed blockade has isolated the Syrian regime and cut off all official economic ties externally. It is encouraging the escalation of dealings with informal mediators, which has led to a sharp collapse in the Syrian Lira and a significant increase in consumer prices, which has been reflected negatively on the social reality in the light of the marked increase in poverty rates.

## 1. Introduction

After the local economy's catastrophic failure, the Syrian crisis made its first decade. Ten consecutive years of warfare have triggered structural changes in the Syrian economy structure that have evolved and exacerbated the trouble of becoming one of the world's largest war economies. However, the last year has affected this collapsed economy more than the number of ramifications left by the consequences of the Corona pandemic, the sanctions imposed by the USA administration on the Syrian regime, or what is known as the Convention of Caesar's Act. On June 17, 2020, the Caesar Civil Security Act formally entered Syria and added a new collection of U.S. sanctions against the Syrian regime. Additionally, to many Syrian and overseas persons and institutions selling Syrian goods, supplies or military equipment, or even those trying to work in the country's reconstruction.

The U.S. Administration chose to name Caesar regarding the dissident Syrian military photographer who revealed more than 55,000 photos from inside the regime's prisons. Thus, it draws

one of the most critical chapters of documenting the regime's crimes in Syria.

This Act tries to protect civilians from the effects of the conflict in Syria. It contributes theoretically to hunger due to its adverse economic impact, especially after the regime resorted to the use of mediators and commercial brokers to make different supply deals. Effectively, it means the rise of prices, the persistence of the Syrian Lira depreciation, and the increase of poverty rates. It is seen as a problem that the Act establishes a kind of fear at the international level in dealing with any Syrian side, even if it is not a governmental part. In this case, the indirect effect is more severe than the direct impact itself; furthermore, there are other risks addressed by law in the issues of reconstruction and engineering, which means targeting any future attempts to rebuild what the war has destroyed. The Act also pushed foreign insurance or transport companies operating in Syria to deal with the Government through mediators and brokers indirectly, which are reflected negatively on the population (Nasr, 2020).

Amid this controversy, this paper focuses on the following problem: How can the Caesar Act protect the civilians in Syria achieve its humanitarian objectives in the light of the negative economic repercussions that it has on the Syrian people? This approach investigates the feasibility of the Act that got here to defend civilians simultaneously, as its effects are reflected negatively on the Syrian people's financial and social situation.

## 2. Methodology

Theoretically, this paper is based mainly on the entry point of the new political economy, where the entry points out that: "analysis examines the possible linkages between politics and economics based on theories of economics, law, and political and social sciences" (Development, 2008).

The new political economy is essentially the theoretical approach developed by economists, encompassing social choice views. It has proved to be a real foundation for understanding the neo-classical economists' and political scientists' economically irrational policies. In doing so, he presents a practical theory to respond to Robert Bates' difficult question: "Why should rational men adopt public policies that have severe consequences for the societies they govern? The new political economy seeks to understand the non-economic market for political activity, using the analytical language and tools of economists, and in this context, it examines the State; to explain the decision-making of political and bureaucratic elites" (Grindle, 1989).

The new political economy is an essential theoretical input used to clarify the relationship between the political-economic sanctions with the Caesar Act and those sanctions' economic and social implications. Both do not recognize the fate of the millions of Syrians who have been driven into extremes by the ruling political classes in the United States of America and Syria.

## 3. Results and Figures

The Caesar Law for the Protection of Civilian Persons in Syria opens an extensive debate approximately its targets and its capacity to obtain them on the one hand. Its harmful effects on civilians, on the alternative hand, so it could be beneficial to examine the regulation and try and find out the maximum critical bad results it has delivered at the Syrian people. Additionally, seeing the highest vital viable eventualities in their punishments are roughly the fate.

### 3.1. Reading on the Law

According to the U.S. official version, the Caesar Act aims at depriving Syrian President Bashar El-Assad of any chance to turn his military victory on the ground into a political gain through which he devotes his chances of remaining in power indefinitely.

The penalties provided for by the Act target entities working for Assad in four sectors: Oil and natural gas, the aeronautics industry, construction, and engineering, which include direct and oblique guide for the regime, including help for militias sponsored with the aid of using Iran and Russia working in Syria. The penalties are both global and local activities that comply with the Assad system, keeping it from exceeding such liabilities by circumventing them.

Any economic activity will also automatically be prolonged, as will any dealings with Iran and any regional and international actors if they consider investing or working in Syria (Al Shami, 2020).

This means that the Caesar Act, unlike previous sanctions, puts under its authority actors from other institutions and countries involved in such activities, including cross-border business networks deemed necessary for the regime's survival. The most vulnerable are Hezbollah in Lebanon, in particular, and the Assad regime's allies in Russia, China, and Iran (Heydemann, 2020).

The penalties for the Caesar Act entered into force on Wednesday, June 17, 2020. The same day, the State Department and the Treasury Department observed joint action leading to 39 persons and organizations' appointment under direct sanctions. Of these 39 targets, the foreign ministry has set 15 targets under Executive Order No. 13,894, including the renaming of Bashar El-Assad, Iran's militia, General Fatimid, and Bashar al-Assad's wife, Asmaa El-Assad, and the fourth division of the Syrian Arab Army. The Treasury has identified 24 other targets under Executive order 13573 that target institutions as owned or controlled by the Syrian Government, and by Executive order 13582 for foreign institutions providing material assistance or support to the Government in Syria (Caroline E. Brown, 2020).

The U.S. bill attempts to focus on economic sanctions which primarily affect the measures related to the Central Bank of Syria, where all reporting problems have been resolved in terms of the time it takes to issue the report, its form as described in the third item of Article I, and the identification of appropriate congressional committees for supervision, which are listed as follows: The Foreign Affairs Committee, the Financial Services Committee, the House appropriations committee, the Foreign Relations Committee, the Banking, Housing, and Urban Affairs Committee, and the Senate Appropriations Committee (Caesar Syria Civilian Protection Act of 2019).

To extend, focusing on sanctions relating to foreign persons engaged in specific transactions, where sanctions are generally imposed on any unfamiliar person if the President decides to

engage with knowledge in one of the following expressed activities: (Caesar Syria Civilian Protection Act of 2019).

- Caught Providing financial, material or technical support, engaging in a significant deal with the Syrian Government or any other foreign person, whether a military contractor, mercenary, paramilitary force, acting intentionally in an army capacity inside Syria for or on behalf of the Syrian Government, the Government of the Russian Federation or the Government of Iran; Or any sanctioned foreign person with Syria.
- involved in selling or supplying essential goods, services, technology, information, support, or other support dramatically. Facilitates maintenance or extension of the Syrian State's domestic natural gas, petroleum or petroleum products Selling or intended provision of aircraft spares or spare parts for military purposes in Syria for or on behalf of the Syrian Government to any foreign person operating in an area under the direct or indirect control of the Syrian Government or foreign forces associated with the Syrian Government.
- to provide knowingly any essential goods or services associated with the operation of aircraft used for military purposes in Syria.
- Provision- directly or indirectly- of significant construction or engineering services to the Syrian Government.

The penalties insert anyone realized to be involved in such defined operations encompass the withholding of assets. The President sports all powers below the International Economic Emergency Law to withhold assets inside the United States of America, further stopping him from getting into American soil. It is inadmissible for obtaining, ineligible for, or now no longer accepting or returning the visa to the United States, with all legitimate access cancelled, with positive exceptions to the United Nations Headquarters Agreement (Caesar Syria Civilian Protection Act of 2019).

Humanitarian figures or institutions have been excluded from any follow-up, prosecutions, or sanctions if they are active in Syria. This "humanitarian exclusion," reflecting similar humanitarian exceptions in both U.S. and European sanctions against Syria, aims to ensure the flow of humanitarian and medical assistance needed to Syria and mitigate the unintended economic consequences of sanctions on the Syrian people (SJAC, 2020).

The U.S. Secretary of State Michael Pompeo issued a press statement, in which; he spoke about his country's commitment toward humanitarian aids, expressing that Caesar's law was not targeted at it when he said: "The United States remains committed

to working with the United Nations and international partners to provide life-saving assistance to the Syrian people, who are still suffering at the hands of the Assad A press release was released by U.S. Secretary of State Michael Pompeo, in which he spoke of his country's dedication to humanitarian aid, claiming that Caesar's law was not targeted when he said: "The United States remains committed to working with the United Nations and international partners to provide life-saving assistance to the Syrian people who are still suffering at the hands of the United Nations and international partners.". We are the largest single humanitarian donor to the Syrian people. Since the beginning of the conflict, we have provided more than \$10.6 billion dollars in humanitarian aid and more than \$1.6 billion dollars in non-humanitarian and stability assistance throughout Syria, even in areas under Assad's control. The Caesar Law and other U.S. sanctions on Syria do not target humanitarian aid to the Syrian people or hamper our activities to stabilize northeast Syria. We will continue our humanitarian assistance through our various international and Syrian partners, even in areas under the control of the regime" (Pompeo, 2020).

Article 302 of the Act also permits certain waivers and exemptions, especially those related to activities and transactions subject to reporting requirements under the National Security Act 1947. Alternatively, any transaction necessary to comply with the United States' obligations under the United Nations Headquarters Agreement, the Consular Relations Agreement, or any other international agreement to which the United States is a part. (Caesar Syria Civilian Protection Act of 2019)

### **3.2. Consequences of the Law**

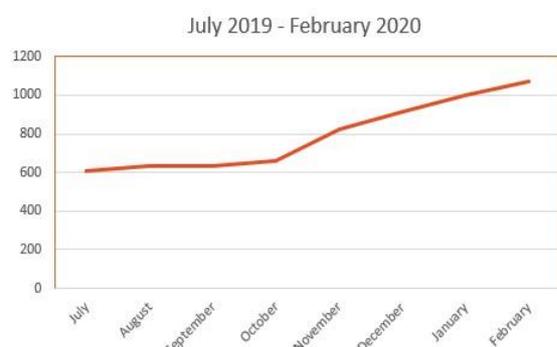
Many observers believe that the Caesar Law for the Protection of Civilians in Syria has made a negative contribution to the country's social and economic life and has driven many Syrians into extreme poverty, especially from the middle and low classes. The law contributed directly to Syria's currency crisis as fears of its economic repercussions increased.

Actually, throughout the past crisis years, the Syrian economy has relied on the Lebanese banking sector, where it is the gateway to the Syrian economy to the external world. Lebanon is the place where Syrian business people and individuals have deposited their savings and bought dollars. At the same time, its banks issued letters of credit and other payment facilities required by Syrian merchants to import goods into their domestic markets. The U.S. currency jumped into the Lebanese foreign exchange market, followed by the Syrian money, as soon as Lebanese banks started to limit dollar sales in August 2019-also, preventing depositors from making their savings in that currency. With the collapse of the Lebanese Lira, the Syrian Lira also retreated. At

the end of July 2019, the dollar cost was 606 Syrian pounds on the black market. It reached 635 Syrian lire at the end of August and rose steadily to 1,040 Syrian lire at the end of January 2020 (Yazigi, 2020).

Abu Hassan from Homs, who works in the Ministry of Oil, said that he was suffering after the decrease in Lira's price, adding that I pay about 60 thousand Syrian liras (27 dollars). That is now enough for only four meals for my family of seven. Fear of starving my kids forced me to sell a piece of land I had for ten years. I consider myself lucky because I had something to sell, and at the same time, there are people who cannot even buy breadcrumbs and have nothing to sell. Even this piece of land gave me enough money for just three months, and then I have no idea how to manage to feed my children (Qussai Jukhadar, 2020).

**Figure 1.** The price of the U.S. dollar in the Syrian black market (in SYP)



**Source:** Jihad Yazigi. (March 2020). *Syria's Growing Economic Woes: Lebanon's Crisis, the Caesar Act and Now the Coronavirus*. Arab Reform Initiative. P 3.

As the price of the Syrian Lira continues to fall into the market, the social and economic conditions of millions of Syrians stranded in their country will deteriorate further, and the increasing role of brokers and brokers after the official international authorities' fear dealing with the Syrian regime. These brokers and intermediaries maximize the benefit that Syrian citizens are forced to bear.

The Caesar Act additionally explicitly targets "Syria's local manufacturing of natural gas, petroleum or petroleum products," and any individual or entity "intentionally, directly or indirectly, presents vital production or engineering offerings to the Syrian Government.

"In practical terms, these new restrictions target the entire Syrian economy and reconstruction efforts" (Charles A. Sills, 2020). therefore, the Caesar Act is an additional deterrent to any interest in the Syrian economy by foreign companies and institutions, thus eliminating the limited possibilities remaining for the large-scale reconstruction of the country (Yazigi, 2020).

It should be noted here that broad-based sanctions should be differentiated from those targeted at individuals or entities. The role of sanctions (broad-based as opposed to targeted) and efforts to end broad sanctions that have negative consequences for civilians and reconstruction efforts must be studied and clarified (Omar Dahi, 2020).

In the midst of that, the Syrian regime has not been much affected, and that it is not interested in the social and economic status of the Syrians. Therefore, the worsening of economic misery is unlikely to change its calculations, as it should be noted that. Despite the heavy burden of sanctions on the regime's leadership and its aides, they are, in turn, offering them attractive opportunities to profit at the expense of the poor in the country. It is an opportunity that refutes the hypothesis that sanctions will affect the coherence and loyalty of the infrastructure of the regime. Otherwise, the continuation of these sanctions would be just a form of collective punishment that American policymakers must reconsider before a humanitarian catastrophe occurs (Qussai Jukhadar, 2020).

### 3.3. The International Reactions

While the European countries welcomed the sanctions imposed by the Caesar law, Russia, China and Iran showed their complete refusal of these sanctions, considering them unilateral and coercive sanctions that aim at complicating the situations in Syria after the regime is close to settling its battle against the extremist terrorist groups. It is a rejection that has been translated by many official statements and practical steps taken by these parties, which are allied to the Syrian regime.

Over the past nine years, Moscow and Beijing have spent billions of dollars in support of the Syrian regime, hoping for this support to benefit from post-war reconstruction projects, but the Caesar Act has destroyed all these expectations, especially in the short term, so Russia and China are demanding that the U.S. ease sanctions so that they can continue as intended, and they have addressed the United States in individual statements with the need to lift its "unilateral" and "coercive" measures against Syria. Zhang Jun, China's Permanent Representative to the United Nations, said: "The double standards adopted by the United States on humanitarian issues were revealed when the "Caesar Law" was imposed (Vohra, 2020). Jun adds: "as vulnerable countries like Syria struggle with the scourge of the Coronus virus, more sanctions are simply inhumane and could cause additional disasters " (Global China Daily, 2020).

In a statement dated June 17, 2020, the Russian Foreign Ministry confirmed that Moscow strongly opposes these sanctions, pointing out that "the Caesar Law, which aims at protecting

civilians, works to harm only ordinary Syrians " (Ministry of the Foreign Affairs of Federal Russia, 2020). On this basis, Russia has taken practical steps toward securing reconstruction contracts with the Syrian Government, in outright defiance of the U.S., as the Syrian parliament has approved a series of deals with two Russian oil-mining companies from three major oilfields. Igor Matveev, former Head of the Russian Embassy's Trade and Economy Department in Damascus, said Russia was considering a \$500 million dollars project to redevelop the port of Tartus and build a \$200 million dollars fertilizer plant in Homs (Ramani, 2020).

The Iranian reactions were represented in the Iranian Foreign Ministry spokesman, Sayed Abbas Moussaoui, condemning the imposition of new U.S. sanctions under the so-called Caesar law, as a violation of the international law and human principles, Moussaoui indicated that: "While the scourge of the virus of Corona dominates the world, the imposition of such inhuman sanctions will only increase the suffering and pain of the Syrian people," he said. He also declared that this country would not give any credibility to such cruel and unilateral sanctions, which are passed and imposed on the basis of bullying, and considers them economic terrorism against the Syrian public and continuing embargoes, so that the ends his talk with his country's intention to continue economic cooperation with the State and the Syrian Government like the past, and working to strengthen economic relations with Syria despite the sanctions" (Ministry of Foreign Affairs, 2020).

Iran tries to protect the top regime in Syria for reasons related mainly to the sectarian dimension of the pro-Syrian government, as it has been working for many years to extend its influence in the Middle East, especially in Iraq, Lebanon, and Syria. Therefore, it may seem very logical that Iran rejects these sanctions, despite the damage it may cause, mostly as it also lives at the mercy of many of the previous sanctions related to its nuclear project.

The situation did not differ much; with regard to the reactions in Lebanon, where Hezbollah Secretary-General, Mr. Hassan Nasrallah, declared that this law is the last American weapon on Syria, and it confirms openly and definitely the victory of the Syrian regime in the military, security, political and even moral war. He also confirmed that Syria's allies who stood with it in its military conflict during the last years would not abandon it in the face of the economic war, although their circumstances are difficult (Hassan Nasrallah Speech, 2020).

### **3.4. The Future of the Sanctions**

The scenarios of the future of the sanctions of the Caesar Civil Protection Act in Syria are subject to several indicators, primarily the humanitarian status and the futility or inability of sanctions to achieve their objectives for the long and medium terms, so this work will try to develop two different scenarios or to convey the contrasts:

#### **➤ *The continuation of sanctions scenario***

Many reports expect that U.S. policy on Syria will become "more effective with the international community" after Joe Biden's arrival to the U.S. presidency, where a report published in the Middle East newspaper indicates that a Biden campaign consultant has informed some members of the Syrian community in America. His administration, in case of formation, will clarify to Russian President Vladimir Putin that there can be no U.S. or European support for Syria reconstruction in the absence of real political reform, and the consultant said that this reform should be meaningful and reliable movement regarding the main human issues and accountability. He stressed the need to release political prisoners while maintaining U.S. sanctions on the regime and its entities, including Russia (Al-Omari, 2020).

The United States Special Representative on Syria, Ambassador James Jeffrey, has said that his country punished about 75 individuals under the Caesar Act and other laws that it found to be more reasonable under certain circumstances, and according to Jeffrey, the current U.S. policy toward Syria will continue with bipartisan support, regardless of the winner of the U.S. election. "This is just the beginning of other waves of sanctions," he said at the end of the statement. Again, we start with the people closest to Assad because we believe it is imperative to focus on the accountability of those who financed him and those who enabled his military " (Al-Awsat, 2020).

Thus, the primary objective of sanctions from the American point of view is to bring down the Assad regime, as focusing on the people closest to its surroundings is evidence of trying to break down the elite cohesion of the administration, which is the point of strength through which it has continued to govern throughout the previous years of conflict. All the political regimes that have been buffeting the Arab Spring have not been able to withstand for more than four months at most in the face of waves of protest, while El- Assad regime has been able to confront the opposition, the street, and international sanctions with the help of the elitist cohesion of the power pyramid, and among the Alawite community, and because the United States is well-aware of the secret of this force, it is trying to continue sanctions, and to allocate an essential part of it to people closest to the President, in an attempt to break up that cohesion, which would then indicate the collapse of the regime.

In this context, it should be noted that the United States legislator-in article 305 of the Act-has set a five-year period for the termination of its validity (Caesar Syria Civilian Protection Act of 2019). This means that the law is not open, so there may be no reason to reconsider its sanctions as long as the Syrian regime shows no real intention to make the required changes. Therefore, the scenario of continuity looks like the closest possible scenarios, especially at the moment.

➤ **Depenalization scenario:**

The sanctions lifting scenario is subject to Article 301 of the lifting Index, where the article marked "sanctions Suspension" refers to the possibility of the President suspending the penalties in whole or in part for periods not exceeding 180 days if he considers that the following criteria have been met: (Caesar Syria Civilian Protection Act of 2019).

- The Syrian Government or the Russian Government cease using Syrian airspace to target the civilian population.
- The removal of isolation from areas besieged by the Syrian regime, Russia, Iran, or any other foreign person that prevents humanitarian access, freedom of movement, and medical care.
- Release of all political prisoners, allowing international human rights organizations to carry out appropriate investigations.
- Stop deliberate targeting by the Syrian regime, Russia, Iran, or any other foreign person of medical facilities, schools, residential areas, and places of civil assembly.
- The Syrian Government has taken severe steps to fulfil its obligations under the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their destruction and to sign the Convention on the Prohibition of the Development, Production and Stockpiling of Biological and Toxin Weapons and on their defeat.
- The Syrian regime allowed the safe, voluntary, and dignified return of Syrians displaced by the conflict.
- The Syrian Government has taken serious steps to establish meaningful accountability for the perpetrators of war crimes in Syria and justice for the victims of such crimes.

The question of reinstatement of sanctions shall cease after the lifting of the sanctions in cases where the President determines that the standards described for lifting are no longer met (Caesar Syria Civilian Protection Act of 2019). which means that the Syrian regime, one of its Russian or Iranian partners, or any other foreign person found to be working with the administration has been suspended or sanctions have been lifted accordingly.

#### 4. Discussion

This paper focused on trying to find a relationship between the stated reasons for the adoption by the United States of the Caesar Act, which is essential to protect Syrian civilians, and the consequences of the sanctions imposed by the law on civilians themselves, especially on the social and economic levels. The law contributes negatively to:

First: starving Syrian civilians, as it pushes them even more toward extreme poverty, most notably after the collapse of the Syrian Lira and the increase of prices, and the inability of many workers from the middle classes, which have become practically destitute, so there it has been a significant caste shift, according to which the middle class has disappeared, and society is divided between a wealthy class that enjoys all privileges and powers, which is a small, pro-regime class, and a vast type that includes the rest of the Syrian civilians, workers, merchants, artisans, etc. Second, the Act is also undermining Russia's reconstruction efforts, building on and promoting its projects among global companies. Everyone today has many concerns about the U.S. sanctions, so brokers who mediate between the Syrian regime and various foreign companies and institutions have become more active.

It is true that the paper did not deal much with the political consequences of the Act by focusing on the new political economy, which systematically imposes the economic implications of political events, and on the importance of the humanitarian threat that the Act poses to millions of Syrians who are stuck in their country, but this does not deny that there are many political consequences of the law. Especially on the level of elite cohesion within power in Syria - as it was notified before - which is one of the most dangerous consequences for Bashar Al-Assad's regime that managed to resist change thanks to this important one, as targeting those close to El-Assad would represent a big blow to the authority on the far level. This is because the system symbols are isolated from their outer surroundings.

These results for researchers in the field of political sciences represent a theoretical entry for studying the political economy of the Syrian crisis. they are one of the most critical axes in learning the Syrian crisis or the current conflict in the Middle East, considering what the economic consequences represent in particular for the Syrian Ocean in Lebanon, Iran, and Turkey. The results for other disciplines, such as law and economics, provide input for understanding the Act's political nature. While allowing the public to read, follow, and be interested in Syrian affairs.

Therefore, it will enable the non-political dimensions of political issues to be recognized.

## 5. Conclusion

This paper ultimately comes up with a set of objective findings that constitute a preliminary reading of the implications of the Caesar Civil Protection Act for the Syrian people, and it can summarize these findings according to the following points:

- The Caesar Civil Protection Act in Syria has contributed to a new economic reality in Syria and its geopolitical surroundings, especially after many economic agents have withdrawn from the scene for fear of U.S. sanctions, which has opened the door widely to the emergence of brokers and intermediaries.
- The new economic reality has led to a drop in the Syrian pound's price against the dollar and a rise in the price of consumer materials, which has contributed directly to increasing poverty rates in Syria.
- The closure of Lebanese banks against Syrian civilians has also contributed to a further decline in the price of the Syrian Lira, especially as these banks have been established for many decades, precisely after the Syrian crisis, their only external outlet in the world.
- The Caesar Act, which protects Syrian civilians in a negative and opposite way while trying to protect civilians from aerial bombardment, and the regime's indignation, is, in return contributing to their hunger, forcing them to live at the mercy of insufficient humanitarian aid.
- The Caesar Civilian Protection Act in Syria imposes severe penalties on the Syrian regime's pillars, targeting, to a greater extent, those close to power and decision-making centers to dismantle the elitist cohesion that has characterized the regime throughout the crisis years.
- All indications suggest that the sanctions in force in the Caesar Act will continue to be applied after John Biden's arrival to the U.S. presidency. The law was enacted with the Democrats and Republicans' approval in Congress, so that the lifting of sanctions seems a little distant, particularly when El- Assad regime does not respond to sanctions.

These preliminary findings are a result of Biography research. They need to be complemented by future studies, particularly at the specialty field level, so this paper will try to work in the future on another field of study, using appropriate methodological tools such as observation, observation of participation, interviews, and questionnaires.

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## THE CONCEPT OF LAW AND JUSTICE

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SCAN ME

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### Abstract

From the views and changes that have followed the dynamism of our society, undoubtedly, law and justice have played a crucial role as a very abstract term that has been consumed almost from the first beginnings of human society to our modern days. Beyond the events and circumstances that societies in the past have had and organized by defining and choosing the way of life, and often times the right has been personalized by a certain group of people, or by a military division that has given rights and has created justice, in certain interests and for personal and charismatic purposes it has been denied a certain part of society, and has often been deformed in scandalous ways by reflecting, on the fact that the giver of this right has often been pointed out to be the man, but this convulsion in no case has lasted long, and often this theory has remained unrealized, reflecting that right is something natural and that the individual gains at the moment of birth and enjoys it to death, this divergence and complexity of the way of perceiving the law has often resulted in wars and the acquisition of this vital right.

Through this paper we will draw philosophical and legal paradigms, analyzing from a retrospective way of the application of law and the applicability of justice, as an important mechanism of regulation of social relations. Law and justice have a common path of development, one by regulating the way of life of the people, that is, by issuing norms and the other by giving justice to the relative complexity and cohesion of interpersonal relations.

## 1. Introduction

The topic chosen for analysis, which is entitled the concept of law and justice, basically contains an extension of a concept which addresses both from a philosophical and legal point of view, and above all expresses the abstract concept that our consciousness judges in relation to a right, or share a justice if not from an institution, then anyway from our private life, to the separation of justice from our institutions.

This topic from the philosophical treatment in its background, has drawn deep thoughts by analyzing those of philosophers and ideators who have dealt with this issue from the past to the present day, and at the same time I have drawn paradigms of a personal judgment regarding justice.

As far as the legal side is concerned, we have dealt with a part of the legal structure which this right finds its basis only in written leagues, and which for each of the citizens it becomes mandatory

in terms of its observance. And it is precisely these rights that maintain our balance in a society.

## 2. On the Law

When we talk about law, we must return to the vital origin of its history, the philosophical point of view of law as the basis of philosophical and scientific articulation where it is rightly called that the subject of philosophy is law itself, therefore the study of law has never been easy, and in particular Kant's view when synchronizing the idea of disregarding jurists, and between the lines he emphasizes that law is still being sought, by philosophers, jurists, and the individual.

Regarding the law from the philosophical point of view, and using the a priori method I am involved in some names starting from the one which is evident "the right", through this name we understand the norms that are sanctioned by the state or with a formal-legal definition, we can understand: That norms are a set

of rules, that society has regulated its behavior, through these rules, and for violators of these norms sanctions are applied, or the democratic and legitimate apparatus of the state, thus the applicability of legal norms (Osmani, 2004). Among other things, we have the opinion of the famous philosopher A. KAUFMAN, where according to him the right has its existence, it is positive because it is created through the law, it also has its own brand or content, it has justice, regularization (Lukiq, 2008). It is an opportunity of logical understanding when human consciousness attributes to the creation of a norm with rule content when it modifies the relations in a certain society, in different forms as for each case with special attributes gives a certain solution.

We also find another concept on law in the great philosopher H. Kelzen, where he says that positive law is the right itself, those legal norms, which are quite concretized, and actualized can be accurately recognized and applied. So it is about norms that are understandable, with clear meaning, in determining human behaviors (Kryeziu, 2011).

Contrary to these concepts, which are confronted from different points of view and currents of thought, where we find almost a greater part of the thoughts that match each other considering the right as a norm itself, but a facticist theorist of South America, Carlos Kosiji, develops the second realistic factual option, and according to him, law is not the norm, but really the behavior of people and this not only of official persons, and other bodies but is of all ordinary subjects of law. He presents this type of distinct phenomena by proclaiming the following phenomena: IDEAL, NATURAL, CULTURAL and METAPHYSICAL.

The law-the right Kaufman calls law, and according to this concept he says that people should debate about how fair it is, whether it is a good, fair law, and try to give the best in the perfection of the law. To understand law in a realistic relationship, there is another example, typical when law is attributed to human consciousness:

*Law + court + case = solution*

### **3. The Law**

So through the right (law), which has its own existence, in the strict sense that law is a normative phenomenon, while norm is a mandatory social rule for the behavior of people brought (or) sanctioned by the state, respectively e protected by the state apparatus. It means that the social rule for the behavior of people can also be created by the state, when it is brought by the competent state body, or the state to sanction certain social norm (moral, customary) that exists. The power and importance of the

legal norm stems from the fact that it is protected by the state apparatus. This fact also distinguishes it from other social norms, respectively their implementation is not provided by the state.

So in the formal-legal sense this different norm is also called law. Law is a lower legal act than the constitution, which regulates a general sphere of relations in a given society.

Regardless of how the legal norm is expressed (law, bylaws, custom), it consists of three elements or constituent parts: Hypothesis, Disposition, and Sanction.

The hypothesis is that part of the norm that provides: the circumstances in which the legal norm operates. It is a precondition, without the existence of which the legal norm is not implemented, does not apply.

The disposition is that part of the norm that provides for the content of the rule of conduct itself. The sanction provides for a restrictive measure, in case of non-implementation of the norm. (Gurakuqi, 2009).

### **4. The Court**

The court is a governmental institution, with the authority to adjudicate legal disputes between the parties and to administer justice in matters pursued formally and those with individual initiation. Courts treat all persons equally and no one can be discriminated against on the basis of race, color, sex, language, religion, political or other opinion, national or social origin, connection with any community, property, economic, social status, sexual orientation, birth, disability or any other personal status (Law No. 06 / L-054 on the courts). This connection between the law and the court leads us to understand that initially human actions are provided by legal norms and they are sanctioned by law, before they go to trial, this also means a legitimate relationship of state authority, legitimizing his actions in restricting human freedom if it conflicts with existing laws or norms.

### **5. The Case**

All those actions that violate the good of a person or the life of people in a certain society, and face legal norms, become the object of sanctions that the state has imposed on those who violate these legal rules, based on the fact these actions are sanctioned by the state and as such, are also provided by law. So, the case is an interaction of the interpersonal subjectivity itself that affects, an action in society which action is illegal, or hits a legal good, and exactly the creation of a case, affects the Law + court when an action has caused the case or has violating the norms or laws in force, and fulfilling the responsibilities, will be ascertained with

the development of the procedures exercised by the institutions and the norms in force of the state.

## 6. The Solution

The settlement is an effective action and result, which comes as a result of an activity related by the court, for a certain issue that is now subject to review in the procedure, of a human action and ends with a formal legal action, written decision thing which fulfills the formula listed above: Law + court + case = solution.

Law is driven by two main factors from the real world: the one (anthropological) factor and the social (sociological) factor. One is a free factor and a creative being who, by his actions, limits or impairs the actions of others. Being free in his actions, he decides according to his own motives what he will do, the motivation does not deny his freedom, but only puts him into action.

Human freedom is a motivating condition for the existence of social norms, and even law for two reasons: First, man without norms would not know how to behave, the non-existence of these norms would reflect another reality in our society. Second, the free man would not take proper care of the general social interest, and would harm it with his own conduct, so that all social norms and even these legal ones are a kind of instruction on how man should act but at the same time, it is also a means of society to put pressure on me to act in the general interest (Lukiq, f. 76). Life practices and the very history of legal norms have often violated the will of a majority, but in most cases this violation of free will has been done with deliberate reasons to protect the basic and elementary values of human existence such as: internment from the state, punishment of family members, imprisonment in the insane asylum, or quarantine for infectious diseases. In these most flagrant cases of the disappearance of free will, you can no longer hold the human being accountable if it can be called that. Unlike Rousseau, Milli does not give much weight to social circumstances. The quality of free will in him means that "the will, unlike other phenomena, is not largely determined by the past, but dictates itself" (Ruso, 1998).

Since we have managed to conceive of freedom and will as one of the essential elements of the norm, now we cannot avoid the ethical element which is reflected in almost every part of our lives, this expresses a way of socio-cultural awareness, which a society has for norms. To come to the notion of ethics, the prominent and lavish representative of this powerful current is Spinoza, who defines ethics as: A mental, and spiritual, individual and common exercise, and as such it cannot "read" but only to live. (Spinoza, 2015). This would affect a relationship between norm and consciousness, social where the observance of legal norms determines the level of social education, so the higher the human awareness, the lower is the violation of legal norms. As

for the influence of human rights, it affects many directions, not only disciplining and socializing it, subjecting it to society, but also seeking to adapt to it. On the other hand we have the state that represents and constrains it, while on the other hand we have free society, based on its own consciousness. Conflicts of interest, and the separation of man from society, have been necessary to represent the state.

So far we have discussed the positive law and its relationship with man, now we will see the right in the objective relationship, we encounter the first thoughts about the objective law since ancient Greece, this phenomenon has been developed by sophists started by Hippie, Antifooni, they have claimed that the violation of natural law is harmful, for the offender himself who cannot avoid the bad consequence, while the violator of the positive right can succeed in avoiding the self-created consequence. Natural law has its options, starting from the opinion that natural law is a kind of law of experience, or the right of God, because it is the true creator of nature, whether of man or human society. The most important feature of natural law is that it is rather the right of experience, (which means an object which has never been subject to the process of experience, such as God). From a political and legal point of view, it is the result of the struggle for positive law, as a political tool in the struggle for change in political relations in a society, and that the content of law varies, depending on the real social circumstances they use as a tool in political warfare (Lukiq, 2008a).

We find views on natural law in Christian times in Toma Akvinsky, in his work "Suma of Theology", the right in the narrow sense, connects with man as one of the means by which God influences man to do good deeds. According to T. Akvinsky, there are four kinds of law: Eternal Law, the Law of Nature, the Human Law, and the Laws of God (Lukiq, 2008b).

Eternal law is the law according to which the whole universe is governed, which only God knows, as the creator of everything in the world, because with the creation of the world he has also created its laws.

The law of nature is the participation of the eternal law of mind-reason, this law according to T. Akvinsky (1938) can be understood in two ways: either in the subject who measures it, and if the subject is regulated and proportioned, on the basis of that who participates in the rule of regulation or measure.

According to T. Avinsky (1938), human law derives from natural law, if it is contrary to it, it is not a law, only a shadow of the law, an evil law, the law can be distinguished from the natural law by

two natures: first, the conclusions from its own principles, even as the closest definition of general notions.

As well as the law of God, which is necessary because man has to fulfill in one way his supernatural purpose, the other world, the fulfillment of which is done by law, because man errs in his attitudes, so he needs strong support in the law of God (Lukiq, 2008).

All these laws in the past have been powerful tools that have regulated the way of life in most of the countries where the church has been an institution or a state in terms of the applicability of customary and written law. As for the conception of law by the Romans, they have made many definitions of law, one of the philosophers Celsions defines right, "ars boni et aequi" (as the art of good and law), so as can be seen that in the first period of its development, it had a religious character because it has been interpreted by ecclesiastical clergy.

The Romans used the term "ius" to describe the totality of legal norms that applied to state-sanctioned social regulation. "Ius" therefore applied Roman law, in the objective sense as a system of norms, which regulated various human behaviors, while in the subjective sense, it consisted of two authorizations, or opportunities for the subject of law:

- First, each entity personally performs certain actions to meet its interests in accordance with legal norms.
- The second is to ask the obligated subjects to perform or not to perform a certain action.
- Objective law is a necessary condition for subjective law, without which the latter cannot be applied (Kryeziu, 2017).

In addition to the term right to the Romans, the term "leges" or law was used, which meant laws and was distinguished from law, as it constituted a separate law, throughout the justice system. Also in the first period of development, the main role was played by legal rules of a religious nature, we should also mention the customs, which were unwritten rules that were gradually born in society generation after generation, in a relatively long time, and since cases of non-compliance with them caused social sanctions (Kryeziu, 2017).

Law represents its existence from the very beginning of social organization, achieving its moderation and advancement since the twentieth century VII BC at that time the Roman state from a city of little importance, passed into a state, then into a very great persecution, creating and bringing about a revolution in terms of reform and the creation of a vital foundation for the system which today operates in the world, thanks to the Roman state.

## 7. The Continuity of Law and Justice

Right and justice, in everyday life each of us and that with full mouth expresses a good, righteous man, that justice is in the soul, these are stereotyped attributes, which every individual thinks from the aspect of consciousness. However, taking into account the complexity of the issue, jurists and most people from the ordinary world consider it a collection of norms that are sanctioned by the state through the democratic mechanism, the law has its own existence and is positive, because it is created through law, it also has its own brand, applying all these rights establishes justice or regularization in a given society. Law and justice live in a cohesion between each other, creating opportunities and another justice at a certain time. The law itself is what the authorities do in case of disagreement, and through this right it provides what the court will do in case of resolving a certain dispute.

According to Socrates, it is necessary to discover the essence of justice and injustice, and at the same time to clarify what is the source of justice and injustice, and from this fact must be started and sought, the perfect paradigm or model, which includes states and people, in to the extent that they are right, it is not important that perfection be fully realized. It would be crucial to have something perfect, to measure real states, and people (Malnes & Midgaard, 2007).

Law is the primary norm that determines sanctions, which is created by human consciousness or we can call it a positive right. To go deeper into the subjective aspect, it is that the subjective right is a concrete right, which belongs to a certain person, as opposed to the objective right where, as we have already mentioned, it is a set of norms for the regulation of social relations, the implementation of which is provided through the implementation of the sanction. From all the above, the state has set norms that regulate how we should behave in society, restricting us and allowing us a right that is forbidden to another and allowed to us. As a right guaranteed by a positive right for every individual is the right to life, the right to property, and at the same time a justice is created that implies the will of the people, that everyone should be given what belongs to them. Natural law has a different approach to positive law, which we can call ideal, which is found in human nature as a rational being, it is a set of rules, which nature dictates to human reason.

Violation of natural law is detrimental to the offender himself, who cannot avoid the consequences of evil, and in positive law he can succeed in avoiding the consequences. So, are we able to accept the basic principles of justice, according to Ulpian, by defining justice in three main pillars: to live with honor, not to harm the other, and to get what belongs to us? It is precisely these

virtues that are part of a high interpersonal awareness, that by respecting these revisions we manage to avoid disagreements and norms as such would not have been violated.

Justice is a troublesome feature not only for the individual but also for the states, from a common point of view it is something between the greatest good (that is, to do injustice without being punished), and the greatest evil (that is, to suffer injustice without revenge for it) (Malnes & Midgaard, 2007a). In this case, justice has been raised to the highest pedestal, which serves as an orientation for both the legislator and the judge, to use the instruments for the purpose of administering justice, which in this case constitutes the highest rank on the administration of justice. These elements as well as these principles must be used by everyone to be able to, if society believes in such a role, decide correctly and on the basis of moral and legal principles as well as divine principles and justice, if it can be called so with in order for law as a social element to be in coherence with justice. The embodiment of these two premises would certainly give a basic meaning to the notion of law and justice in general.

## 8. Conclusion

The reflection of the paper is a trend which reflects on a specification on law and justice, taking into account how broad and difficult the topic of law is. We have managed to highlight some of the features and concepts of many philosophers, and continuing with the intertwined thoughts of both the legal and sociological worlds, seeing the nuances and perceptions of factual theories with a wide range of elaboration and its interconnection with justice, as two virtues that have almost followed humanity, from the first beginnings of tribal creation and regulation, to the modern state.

The topic in question has tried to refresh the thoughts on law and justice, as well as the continuity of these two issues in our society, in the scientific spirit and based on the literature document.

In the first part of this paper we have analyzed what is right, the first thoughts on the foundation of this notion, as well as its existence as a necessity in regulating our social relations. In particular, we have managed to conceive that law and justice are in a constant coherence when one, according to the philosophical and formal-legal concept, creates norms, and the other gives justice at a certain time, and for each individual case.

In conclusion, we can draw conclusions about the importance of the right where the most important part of our rights that we enjoy today are part of a legal system, otherwise called the norm, and the rest justice where both together they create a lasting peace in

the relationship and complexity built and the regulation of relations in a given society.

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