

An aerial photograph showing a river flowing through a city, with various buildings and green spaces visible along the banks.

UNIVERSITY OF CRAIOVA
FACULTY OF SOCIAL SCIENCES
POLITICAL SCIENCES SPECIALIZATION

Revista de Științe Politice.
Revue des Sciences Politiques
No. 73 • 2022



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Email: cepos2013@gmail.com. Website: <http://cis01.central.ucv.ro/revistadestiintepolitice/>

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(Online) - ISSN 2344 – 4452

ISSN–L 1584 – 224X

No. 73 • 2022

**Revista de Științe Politice.
Revue des Sciences Politiques**



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NOTE of the EDITORIAL BOARD: *Revista de Științe Politice. Revue des Sciences Politiques* is abstracted by / indexed in:



EBSCO

Political Science Complete (accessed **March 30, 2022**)

Database Coverage List: <https://www.ebscohost.com/titleLists/poh-coverage.htm>

Category Social Sciences & Humanities/ Area Studies/ European Studies:

<https://www.ebscohost.com/titleLists/poh-subject.htm>

Central & Eastern European Academic Source (accessed **March 30, 2022**)

Database Coverage List: <https://www.ebscohost.com/titleLists/e5h-coverage.htm>



ProQuest Database: Political Science Database

ProQuest Political Science Database Title list accurate as of **26 March 2022 (position 1082)**

http://tls.search.proquest.com/titlelist/jsp/list/tlsSingle.jsp?productId=1005684&_ga=2.52655656.1051237904.158630685-491238151.1586630685



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ICV 2020: 91.36; ICV 2019:94.31; ICV 2018: 97.28; ICV 2017: 88.23; ICV 2016: 78.07;

ICV 2015: 65.59; ICV 2014: 65,01 • Standardized Value: 6.55; ICV 2013: 5.04



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<https://reseau-mirabel.info/revue/3046/Revista-de-Stiinte-Politice>

Clasificación Integrada de Revistas Científicas – CIRC 2021

Clasificación Ciencias Sociales: C

https://clasificacioncirc.es/ficha_revista?id=42634

CONTENTS

Revista de Științe Politice. Revue des Sciences Politiques

RSP • No. 73 • 2022

Policies and resilience multi-effects

- Nicea MERGEANI, Andrei COJOCARU, Corina JUJEA (VIJULIE),**
The Multidimensionality of the Concepts of Human Resources, Labor Resources and Human Capital in Economic Theory 9
- Ramona PÎRVU, Flavia Andreea MURTAZA, Ovidiu TOMA,**
Socio-Demographic and Regional Analysis of Internal Mobility in Romania Between 1990-2020 21
- Cristi SPULBAR, Ramona BIRAU, Petre Valeriu NINULESCU,**
Fiscal policy and tax evasion in the context of COVID-19 pandemic 32
- Anca Parmena OLIMID, Cătălina Maria GEORGESCU, Cosmin Lucian GHERGHE,**
Influences of Covid-19 Crisis on Resilience Theories: An analysis of Community, Societal and Governance Resilience 38
- Ovidiu TOMA, Riana Maria GRUESCU,**
Dynamic and Diverse Issues of Social Europe 52
- Sorin DINULESCU, Lili ȚENEA, Răducu BRATU,**
Analysis of EAFRD Payments at the Level of Romania's Development Regions 61
- Maciej Adam BACZYŃSKI,**
Architecture as a Political Tool. Case of the Macedonian Identity Policy (2006-2017) 72
- Öncel SENÇERMAN,**
Central Asian Policy of Turkey in the Post-Soviet Era: From Rhetoric to Rationality 82
- Drita M. FAZLIA,**
Material Conditions for the Recognition and Execution of Foreign Arbitration Decisions Based on the Legislation of the Republic of Northern Macedonia 92
- Narcis Eduard MITU, George Teodor MITU,**
Reforming the Property Tax System in Romania: A Necessity 99
- Daniel Alin OLIMID, Anca Parmena OLIMID,**
EU Policies on Learning Environmental Sustainability and Climate Change: What Social Implications for Human and Organizational Development and Resilience? 114
- Ramona PÎRVU, Sorin DINULESCU, Lili ȚENEA,**
European Agricultural Fund for Rural Development - Comparisons Between Member States on Budget Allocation and Absorption 122

| | |
|---|-----|
| Klejda GABESHI, <i>The Determinants of Credit Activity and the Impact of their Evolution on Economic Growth. Case Study: Albania</i> | 135 |
| Iulia Alexandra BOSNEANU, <i>Elements of Comparative Law Concerning the Exercise of the Lien</i> | 144 |
| Elena Cristina MURGU, <i>Brief analyzes on the manner in which the state power is distributed among the constitutional institutions of Romania</i> | 155 |
| Afet MAMUTI, <i>The Effect of Post Human Reproduction in Inheritance Relationships</i> | 161 |
| Dana-Maria STOICEA (IGNĂTESCU), <i>Current effects and future implications of the Covid-19 pandemic on tourism</i> | 171 |
| Anca Parmena OLIMID, Daniel Alin OLIMID, <i>Sustainable Policies and Resilience during the COVID-19 Pandemic: Advances in Humanitarian Aid, Civil Protection and Human Health within the Regulation (EU) 2021/836</i> | 182 |
| Adrian Florin BUȘU, <i>IT-Related Jargon and Slang - Necessity or Gibberish?</i> | 191 |
| Floriana Anca PĂUNESCU, Ileana Mihaela CHIRIȚESCU, <i>The Dynamics of Legal English Lexicon</i> | 201 |
| Ramona ȘENDRESCU, <i>Lucian Blaga – diplomatic friendship</i> | 212 |
| Ileana Mihaela CHIRIȚESCU, Floriana Anca PĂUNESCU, <i>From Moldovian Dialect to Romanian Literary Language – Similarities and Differences</i> | 222 |
| Andrei Dragoș POPESCU, <i>Efficient frontier in portfolios containing stock market and financial digital assets</i> | 229 |
| Costina Denisa BĂRBUCEANU <i>HyFlex- Rethinking Courses in On-line Teaching</i> | 241 |
| Nicea MERGEANI, Andrei COJOCARU, Corina JUJEA (VIJULIE), <i>Identification of Educational Externalities. The Importance of Investing in Human Capital</i> | 248 |
| CEPOS NEW CALL FOR PAPERS 2023 | 258 |
| RSP MANUSCRIPT SUBMISSION | 274 |



ORIGINAL PAPER

The Multidimensionality of the Concepts of Human Resources, Labor Resources and Human Capital in Economic Theory

Nicea Mergeani¹⁾, Andrei Cojocaru²⁾, Corina Jujea (Vijulie)³⁾,

Abstract:

In the conditions of the transition to the market economy, the model of economic development has profoundly changed the real requirements of the market, which led to the deepening of the reform process to deepen the problems faced by the human factor. The fact that labor or labor is the essential factor of development or progress is indisputable - labor is the main productive force (productive, creative, including economic value) at all stages of its evolution. Economic and social development or economic and social progress, in turn, entails a favorable evolution of labor or labor force. As a result, the two terms of the correlation are mutually reinforcing. Research states that education leads to increased individual income; that it is positively correlated with macroeconomic growth; that it is strongly linked to the reduction of poverty, illiteracy and income inequality; and that it has important complementary effects on achieving fewer children and lower infant mortality rates, better nutrition, and building democratic societies.

Keywords: *human resources; labor resources; human capital; education.*

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Introduction

With the evolution of the components of the system of production factors, the theory of the role of the human factor in the economy has also been enriched, adapting to the changing economic realities. The psychological dimension of the human factor began to be taken into account in the first decades of the twentieth century, shaping the "organizing" school (FWTaylor, H. Fayol and F. Gilbert) whose excessive simplifications created reactions in economics, so that new hypotheses have been issued on human behavior at work (Vărzaru M., Dragomir Gh., 1997:124). A new trend has emerged about "economic man", which has promoted a finer and more complex analysis of human behavior and motivation. The new concept, called the "school of human relations" was based on two fundamental postulates: creativity and initiative, the ability to assimilate and use information technologies and neo-technologies. Starting from their role in the organization we can characterize in a general way human resources as a sine qua non condition of the existence of the production process (work - production factor), a factor that can directly influence the level of performance of the organization being involved in planning and development activity.

Starting with the 1950s, research on the place and role of the human individual in economic and social activities can be classified into two main groups: human resource theories and human capital theory. Despite the fact that confusion has often been generated in the use of the two concepts, experts are unanimous in stating that human resources are not equivalent to human capital. Human resources generate, store and use knowledge (human capital). These are amplified by the interactions between them (social capital) to generate the institutionalized knowledge that is in the possession of the organization (organizational capital). Armstrong (2001) makes a clear distinction between the two categories, stating: "organizational capital remains even if the employee leaves: human capital is the intellectual asset that goes home every night with the employee of the organization."

The vast majority of economic treaties detail all the resources involved in the economic process and their importance. Most of them are unanimous in stating that by far the most important of these are human resources. Thus, the role of the human factor in making progress is becoming better known. Human resources are the ones that decisively influence the economic result. The profound changes in the global and complex business environment have led to changes in the development strategy of companies, which understand that gaining a sustainable competitive advantage is based on a competitive workforce and increasing labor productivity is possible through global human capital development (Simion D., Tobă D., 2018).

Human Resources and Human Capital

Human resource theories, highlighting human work motivations, have paid close attention to the system of human needs (needs), which go beyond primary needs and extend to secondary social needs (belonging to a social group, esteem requirements, trust, the ability to succeed, etc.) and the tertiary needs that refer to the self-realization of man (the desire to use his full potential or all his talents, to be creative, etc.). The existence of unsuspected human energy resources within an organization (enterprise, institution, etc.) has allowed the emergence of two relatively opposite conceptions of the role of the human individual:

The Multidimensionality of the Concepts of Human Resources, Labor Resources...

a. the one who considers that the efforts of individuals must be directed by the management, the latter having to motivate, control and modify their behavior, in order to adapt them to the requirements of the organization;

b. which considers that the previous theory is incapable of effectively motivating the human factor and emphasizes some important hypotheses: work is neither pleasant nor pleasant in itself, and the attitude of each person towards work results from his experience; individuals are not allergic to responsibilities, but on the contrary, for many of them, taking on responsibilities is an opportunity to enrich and diversify their work.

Although people are "the measure of all things", not always in companies their importance is valued. The causes are diverse: from an underestimation of motivation, to the fear that employees, by realizing their own importance, will demand increased salary rights. Regardless of the attitude encountered in practice, no one, not even the most reluctant or restrained manager, can deny that human resources are those that identify the strategic opportunities of the organization, that design goods and services from the idea phase to their physical realization and that sells them.

It is for this reason that notions are associated with human resources that reveal their importance. Many authors characterize them as "important", "unique", and Aurel Manolescu summed up in a simple statement all their merits: "human resources represent the organization" (Adumitrăcesei, I., Niculescu, N., 1995).

In the same vein, Boudreau and Milkovich state that "although technical facilities, technological equipment, or financial capital are important, human resources are particularly important" (Armstrong, M., 2001).

The role of human resources is also clear in terms of their involvement in increasing efficiency: people are the active resources of the organization, because their potential, people's experience and passion, their initiatives and development actively contribute to increasing organizational efficiency and effectiveness, possessing the capacity to to considerably amplify the effect of using other resources (Pirvu, Gh et al., 2011: 143) .

As a summary of the above statements, we can conclude that human resources are nothing but assets of the company that serve to implement the objectives of the organization, means that can condition the success of the organization, through the efficient use of financial, material, institutional resources, in which they put their intellectual and creative capacities in the service of fulfilling their tasks".

Having highlighted the role of human resources, it is natural to see how human resources contribute to the organization's goals. A number of physical and intellectual capabilities of human resources are important in terms of how they are used within the organization. Among the characteristics of human resources, some can be considered favorable factors, enhancers of progress (+) while others can be considered as factors that can slow down the progress of the organization (-):

(+) the potential for growth and development of human resources is remarkable;

(+) have the capacity to considerably amplify the effect of the use of other resources;

(+) unlike material resources that periodically face moral attrition, human resources can continuously adapt to changes in the current revolutionary environment in terms of the evolution of information and technology;

(+) their status (age, level of culture, etc.) influences, or should influence, human resources policies (principle of respect for individual staffing);

(+) good use of human resources can help alleviate deficiencies caused by poor or inefficient use of other resources;

(-) are influenced by the mentalities, habits, behavior of others;

(-) are often refractory to change;

(-) difficult to manage - if material and financial resources are relatively easy to manage, human resources can have unpredictable reactions;

(-) decisions in the field of human resources are the most difficult to make because they affect the social structures and the way of life of the individual; Despite the fact that the name of human resources allows a certain detachment, the one who is affected is the man, the individual.

Listing these strengths and weaknesses of human resources is not enough. They must always be considered in a constant attempt to exploit the pluses to the maximum and to reduce or prevent the effects of the minuses.

Most importantly, human resources have come to outpace other resources in importance, and are now in reality the "announced revenge of human resources," as JK Galbraith called it which fully deserves it and their introduction in a unitary system made up of all the other resources that must lead to an optimal output of the organization.

The theory of human capital first appeared in the American economist Schultz (1993), who considered that: knowledge and skills are a form of capital and that this capital is a substantial part of the result of a deliberate investment. However, the notion of human capital is much older: Adam Smith in *Wealth of Nations* said that: the cost of its formation, with an ordinary profit at least equal to that of a capital of the same value. Human capital is defined as a stock of professional - scientific knowledge, skills, abilities and health, which can cause a person to increase his creative potential and also increase his expected income in the future. This concept is closely related to the investment in human capital and the rate of its recovery. The theory of human capital is currently invoked for the qualitative stimulation of the labor market mechanism, in the sense that based on it, it explains processes related to wage differentiation, migration, job search compatible with the degree of training and aspirations of people, etc. (Jianu, E., 2021:3).

The relationship between education and labor productivity growth is the basis of Becker's "human capital theory" in 1964, which assumes that education and training are the main source of future income, and vocational training is the main source of future income.

Theoretical and pragmatic concerns about human capital have intensified over the past three decades. The general motivation was that the increase in physical capital can only explain to a small extent the increase in the national income of developed countries, the main part of its growth being determined by less tangible factors such as technological changes under the influence of human capital. Numerous empirical and theoretical evidence has been gathered, attesting to the economic importance of human capital, especially education. The most tangible evidence is that, almost always, people with a higher education and qualification tend to earn more than others, i.e. inequality in the distribution of earnings and income is directly proportional to inequality in training. At the macroeconomic level, in the last decades, no country has reached a sustained period of development without having invested substantial sums in the labor force, and in the quantitative assessments of its contribution to economic growth and development, the most important role has been assigned investment in human capital.

Human Capital Development through Education

Research in the field of human capital has focused on both the concept itself and the measurement of the level of investment in human capital and the link between the latter and economic growth.

Although it was only after the seventh decade of the twentieth century that it became known for its conceptual affirmation and structuring, the term human capital was used long before in economics. As Kiker (1968) points out, two methods have been used to estimate the "monetary" value of the human being: the procedure of the cost of production and that of capitalized gains. The first method consists in estimating the net costs of the "production" of the human being in its development, excluding the costs of its "maintenance", William Petty and Ernst Engel being among the promoters. The second method is to evaluate the present value of the past and future earnings of individuals (J. Shield Nicholson and Alfred de Foville being the best known economists who used the method). Without providing a way to estimate the value of human capital, Adam Smith (*Wealth of Nations*) defined as elements of capital, in general, the "useful" skills and knowledge of the human being, viewed as a machine with both costs and capacity. to produce, instead, income. Léon Walras and Irving Fisher argued, like other economists of the early twentieth century, about the inclusion of human abilities in available capital (Voicu B., 2004, pp. 137–157).

The Chicago group, led by T. Schultz, defined human capital "as the productive force of man which is due to his training, education, and health." The investment in human capital acquires new valences, the theory of human capital paying more attention to the economic efficiency of investments in education and health. Subsequently, the evolution of the theory of human capital based on the ideas of Jacob Mincer, who developed the "human capital model" according to which the observed gains depend mainly on the "human capital" incorporated in a person, is aimed at demonstrating the role it plays acquires investment in human capital to increase productivity. In the opinion of Becker the gains are considered dependent on the amounts invested in human capital and the latter is supposed to be determined by the rational comparison between benefits and costs. The unequal distribution of income has its origins in discrepancies that are less related to biological differences between people and more to cultural differences arising from disparate educational efforts. Mincer and Becker generally restricted their approaches to human capital to the analysis of educational capital, highlighting the costs associated with investing in training, as well as the relationship between school and post-school investment.

In recent decades, analyzes of human capital have begun to define educational capital as a result of the impact of human capital theory. Blaug (1976) shows that education is, in fact, the essence of human capital, its importance being superior to the components associated with health (Voicu B., 2004, pp. 137–157).

Contemporary theories address the relationship between human capital and innovation. Thus, Dirk de Clercq develops a demonstration of this relationship, formulating the following statement: "the higher the level of human capital in a country, the higher the level of education in that country" (De Clercq D., 2004).

The analysis of human capital can be done only in direct correlation with the factor of labor production, as an original and permanent factor of any economic and social activity. The active and creative participation of man in the production of economic and non-economic goods requires the existence in his living personality of

some skills, some of them genetically inherited, but most acquired in society through instruction, education and culture.

According to the promoters of the theory of human capital, the human resources of a nation determine the character and pace of economic and social development. According to economists Psacharopoulos and Woodhall, "human resources form the foundation of a nation's wealth, human beings are active agents who accumulate capital, exploit natural resources, build social, economic and political institutions, ensure the development of the nation" (Psacharopoulos G., 1997). The study by Robert J. Barro shows that education and human capital creation are responsible for the differences in labor productivity and the general level of technology, characteristic of the countries of the world (Barro R., 1991).

Human capital emphasizes, on the one hand, the skills of people acquired, as a rule, through instruction and education, and, on the other hand, the efforts expressed in the form of expenses for the acquisition and improvement of these skills.

Researched according to the nature of the efforts made, ie investments in man, human capital is presented as a unit of two components:

- a. tangible capital consisting of all tangible assets used to raise, educate and protect the health of all persons being trained;
- b. intangible capital consisting of the sum of the physical, mental and intellectual efforts made in the processes of instruction, education and health care by and for those who are trained, in order to improve the quality of their creative-productive skills.

As tangible goods (products) and intangibles (services) used to improve human skills are commodities and are expressed in prices, the sum of the prices of all these goods is the monetary expression of "investment in man". In the processes of instruction-education-health care, investments in man are transformed into acquired skills, increasing the value, respectively, the price of labor (salary).

As a factor of production, human capital is characterized by:

- is more mobile and malleable in use than any other factor of production. Like labor, human capital cannot be dissociated from the individual, so that this resource cannot become the property of another individual except with the one who possesses it;
- human capital is not a given, it is created in time and requires a long enough time horizon to be productive. At the same time, however, the income from the "exploitation" of human capital is higher than the income obtained from the exploitation of any other factor of production;
- with the passage of time, human capital does not lose its value, it does not diminish, but, on the contrary, it develops through the acquisition of experience;

It can be said, in short, that the perspectives opened by human capital theories are important and concern significant aspects of the labor market. The following three are particularly noteworthy:

a) The concept of "human capital" sheds new light on the process of producing and searching for the optimal combinations of factors. The investment in human capital and the diversity of its causes illustrate the complexity of the strategies implemented by both entrepreneurs (producers) and job providers. It seems possible, in the same order of ideas, to study alternative systems of human capital formation;

b) At the aggregate level and in a long-term perspective, the combined study of economic growth and development and qualifications can reveal complex interactions, such as those after which human capital can be more or less productive depending on the

The Multidimensionality of the Concepts of Human Resources, Labor Resources...

era, thus introducing phases different growth, or that he may have different sources. Human capital has proven to be a privileged factor, in particular, of endogenous economic growth and development;

c) The development of market economies clearly shows that social segmentation increasingly depends on the level of professional qualifications. One of the significant stakes of the theories of human capital that deal with these qualifications is, therefore, to determine whether they will allow a better understanding of social inequalities. The theories of human capital are articulated on the structure of workers and, therefore, on the distribution of income and patrimony, because they are based on the relative returns of investments in qualification (Jessua, et al., 2006: 107-109).

The analysis of human capital starts from the hypothesis that individuals decide on their education and training, health care and other improvements to their knowledge and health, comparing their benefits and costs (Becker, 1993: 385- 409).

Summarizing the basic approaches of human capital theory we can say: human capital is the measure of the capabilities and qualities of the individual formulated as a result of investments that, being used effectively, lead to increased labor productivity and income. These capabilities and qualities of the individual have contributed to the emergence and development of the new economy, have opened new horizons in the perception of the economic phenomenon, based on innovative ideas that give rise to the innovative economy. The peculiarities of human capital in the innovation economy have a multiplicative value which consists in the fact that following the production process, the newly created value at the output exceeds its value at the input. Thus, human capital represents the totality of socio-economic relations regarding the formation and accumulation of knowledge with a multiplier innovation effect. The innovative component of human capital represents the totality of the intellectual capacities of the worker for the generation and realization of the new knowledge having in his composition both the physical capacities and the intellectual ones of the worker. Its structure includes the following elements: education, vocational training, ability to reproduce and renew knowledge, abilities and personality types, health and genetic background, motivations, ability to migrate.

Each of the components of human capital raises issues of definition and operationalization. Educational capital comes in two distinct forms: on the one hand, are the skills acquired through participation in formal education systems, knowledge attested by diplomas, on the other hand, are any other knowledge and skills acquired during life, through their own efforts, or through contacts with experts in various fields, finalized with knowledge gains, following the assimilation of the information received through the interaction with them. For the educational capital attested by diplomas, the problem of measurement at individual level is not very thorny, even if the different methods used can be discussed: measurement by school years, by degrees of instruction, etc. In contrast, informal education produces stocks of educational capital that are difficult to estimate (Voicu B., 2004: 137–157).

The complexity of human capital has led to its study from several points of view. It is necessary to approach the components of human capital (biological capital, educational capital) depending on the levels at which they are found respectively: at the nanoscale, at the micro level, at the meson level and at the macro level. But the classification and analysis of human capital can also be done in terms of its forms of personification, respectively in terms of the knowledge embedded in the individual. The

approach based on identifying the group of capacities necessary for human activity, health capital, intellectual and social capital is important.

From this perspective, intellectual capital in direct relation to human capital contributes to the long-term sustainability of an organization, given the following idea: knowledge means power and profitability. On the other hand, human capital, in its analysis, considers the individual, with all the stock of knowledge, skills, health stock and professional qualifications in the context of an innovative economy, while social capital pursues the relationships that are established between actors in the economy innovative (Stoican M., 2012).

The relationship between human capital and social capital does nothing but prove the existence of the links between the individual and society and the role they play in development and progress. The relationship between human capital and biological capital leads to the idea that health is an essential resource for individual development. Biological capital depends largely on education, with studies showing a correlation between education and health, for both individuals and families (Schultz Th., 1961).

Analyzing the forms of human capital and the relations that are established between them we can say that it is dominated by a series of common features, namely: special economic value; portability or inseparability from the human being; limitation, opacity; knowledge transferability; intangibility; relative substitutability; the mobility it confers on its wearer; extensible and renewable character; the characteristic of rivalry and exclusivity (Stoican M., 2012).

Education and training for the chosen profession are the most important investments in human capital, and their economic and social implications are numerous (Becker G., 1997: 32):

- a. earnings usually increase with age, with a decreasing rate, but both the growth rate and the delay rate tend to be positively correlated with the level of qualification;
- b. unemployment rates tend to be inversely correlated with the level of qualification;
- c. in relation to employees, firms in underdeveloped countries appear to be more "paternalistic" than those in developed countries;
- d. younger people change jobs more often than older people;
- e. the distribution of income is positive, especially for professionals and other skilled workers;
- f. more capable people benefit from more education and other types of vocational training than others;
- g. the division of labor is limited by the size of the market;
- h. the typical human capital investor is more impetuous and probably more wrong than the typical tangible capital investor.

The main factors that decisively create and amplify human capital, in the form of skills acquired in society, are: school of all grades, on-the-job training, acquiring other knowledge and investing in education (Becker, 1997: 58-59).

Human capital can also be developed through self-education, individual study, etc. Therefore, in any attempt to conceptualize the education market, we will rely on the prior identification of the educational "product". Any educational product, present on the market of formal educational services, has the following components:

1. the actual educational services, respectively the didactic teaching-evaluation activities, materialized in lessons, projects, courses, seminars, laboratories, theses, tests,

The Multidimensionality of the Concepts of Human Resources, Labor Resources...

exams (which verify and value the performance and performance of the student). At the level of this component, the providers of educational services are the teachers who contribute to shaping the behavior and personality of the direct consumer of educational programs (the schoolboy, perceived as a subject to be educated).

2. auxiliary educational services that overlap with a set of general administration activities intended for the normal development of the educational process and the management of the material resources necessary for the teaching activity itself (economic-financial activities, managerial activities, secretarial activities, administrative activities, household, hair and / or extracurricular activities that support and / or complete the didactic activity).

3. educational human capital accumulates the totality of skills, knowledge, abilities and competences acquired by the direct consumer of educational services. This kind of capital enhances the production capacity of the economy, develops over time and can have long-term effects, being subject to depreciation. Therefore, the decision to invest in human capital is not simple, often the decision is collective. The whole family participates in the application of such a decision, balancing the perspectives offered by different alternatives, the efforts and effects involved and / or generated, the costs and benefits (expenses and results).

The current theory of human capital requires the evaluation of human capital not only in terms of the volume of investments in it, but also in terms of the volume of accumulation by the individual of human capital. Each of the components of human capital presents various methods of measuring and quantifying it. The valuation of intellectual capital is based on a series of centralized models by Sneiby, namely models based on direct valuation of intellectual capital, those based on market value, models based on asset income and those based on framework scores.

Global research has unequivocally established that education leads to increased individual incomes; that it is positively correlated with macroeconomic growth; that it is strongly linked to the reduction of poverty, illiteracy and income inequality; and that it has important complementary effects on achieving fewer children and lower infant mortality rates, better nutrition, and building democratic societies. The expansion of educational opportunities is in most societies easier to implement than the redistribution of other goods, such as land or capital. In short, education is one of the most powerful tools known for reducing poverty and inequality to lay the foundations for sustainable development, sound governance and effective institutions.

Mincer (1974) started from the hypothesis of a constant return on education. This hypothesis is debatable, because the impact of education varies greatly with the years of study. Starting from these premises, Mincer showed that the rate of education yield decreases with the years of study, because they can no longer be capitalized. He pointed out the existence of a negative correlation between the duration of studies and experience, meaning that an increase in the duration of studies will lead to a decrease in both years of work and income.

The performance of education can be analyzed starting from the cost-benefit method in which the problem of time horizon appears, ie in how long the investment made in education can be recovered. The investment is profitable when the internal rate of return on investment (r) is higher than the interest rate (ie the additional income obtained from investing in education is higher than the interest that an individual would have obtained instead of investing in education would have deposited his money in the bank).

Among the factors that influence the possibility of extending studies we can list:

- the skills of individuals - which positively influence the duration of studies and reduce the cost of education;
- family environment - directly influences the duration of studies through several channels. Firstly through the transmission of knowledge from one generation to the next and secondly through the social relationships they have.
- the financial situation of the family from which the individual comes - a good financial situation will positively influence the duration of studies, instead a precarious situation will determine the appearance of school dropout.

Starting from the factors that influence the decisions of individuals regarding the extension of years of study, Mingat and Eicher (Mingat, A., Eicher, JC 1982: 211–220) formulated the theory of arbitrage (between yield and risk), which starts from the hypothesis that individuals with the same skills do not always choose the same level of education, which is justified by their social background. Before starting or continuing their schooling, individuals will perform a weighted cost-benefit analysis, with the likelihood of career success after graduation. This theory holds that individuals with a more precarious social background will place more importance on risk than others. For them, failure is seen as an impossibility to overcome the social condition, and the model of arbitrage between return and risk can be explained on the basis of sociological choices.

At the end of the 90's, the theory of human capital experienced a great development in the field of management, which led to the formation of the "new economy", which is based not only on technology, finance but also on intangible elements and inseparable from those who own them. This leads to a change in the traditional conception of the firm, as the opposition between labor and capital loses its meaning, and labor allows the accumulation of "human capital" that can be "sold" by the employee to another firm. Human capital thus takes on three dimensions: cultural capital, symbolic capital and social capital. The theory of human capital knows two types of investments that lead to the increase of human capital. A specific investment made by the company and a generic investment made by each employee.

The division of human capital into several elements has only highlighted the fact that the more the number of variables considered increases, the less the influence of education tends to decrease. If on average there is a correlation between the level of education and training, on the one hand, and earnings on the other hand, it can not sufficiently justify the dispersion of income for individuals who have the same duration and content of training. The very large differences in earnings are explained by correlated variables only in the proportion of 20-50% (Camasiu O., 2006: 23-31). Inborn characteristics and education (productive characteristics acquired through human investment) explain the differentiation of gain.

In the theory of human capital, the highlighting of the relationship between productivity and education does not take into account the inequality of opportunity between individuals. In this sense, sociologists have developed the theory of reproduction (Bourdieu and Passeron, 1990), which considers that school is used to perpetuate inequalities, which are attributed skills and the theory of inequality of opportunity between individuals.

Attitude theory (Bowles and Gintis, 1977) in turn criticizes the theory of human capital and the neoclassical economic model, which holds that education must prepare individuals for a productive system based on the division of labor. This means that a

The Multidimensionality of the Concepts of Human Resources, Labor Resources...

compliant attitude, submission and acceptance for group work is required. The school in the conception of this theory has a double role. On the one hand it forms the productive apparatus, and on the other hand it must train managers and innovators (in other words, the elites). Bowles and Gintis believe that intellectual skills developed or certified in school have little causal influence on economic success. Only a small part of the statistical, substantial correlations between schooling and economic success can be attributed to the role of the school in the production or screening of cognitive abilities.

Arrow, in his filter theory, in turn criticizes the theory of human capital and considers that education can not increase labor productivity, it only contributes to highlighting traits of individuals (intelligence, perseverance, ability to work, etc.), which are used in the productive system. Education can be used by workers to signal the level of education they have in the labor market.

Conclusions

Investments in human capital thus play an essential role in the development of society, being a creator of knowledge, applicable in society and economy, but also generating the process of economic and social evolution. The government and educational institutions seek to ensure superior environmental conditions conducive to economic development. The exchange of experience can be decisive both in the implementation of the elements of national policies in the field of education and in the policies of economic growth and development. The economic return on investment in human capital in economic development, as shown by specialized studies, benefits individuals and society after a relatively long time since the completion of any project. Education becomes essential for any economy, because on the one hand through education the relations between man and society are diversified and, on the other hand, the current economy needs a well-prepared workforce, in the conditions of globalization, which requires the development of skills, creativity, solid knowledge, increased responsibility.

We emphasized that investment in education must be "fruitful" in the sense that, in the long run, it will be reflected in increasing productivity and well-being. Assuming that the national economic context does not favor this, we can speak of "losses" of investment in human capital, especially in the short and medium term, due to major discrepancies between the supply of skilled labor (as a result of investment in human capital), education and market demand. Consequences include the "decapitalization" of human capital or the emigration of labor.

Acknowledgement:

This work was supported by the grant POCU380/6/13/123990, co-financed by the European Social Fund within the Sectorial Operational Program Human Capital 2014 – 2020.

Authors' Contributions:

The authors contributed equally to this work.

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Article Info

Received: February 14 2022

Accepted: February 24 2022

How to cite this article:

Mergeani, N., Cojocaru, A., Jujea (Vijulie), C. (2022). The Multidimensionality of the Concepts of Human Resources, Labor Resources and Human Capital in Economic Theory. *Revista de Științe Politice. Revue des Sciences Politiques*, no. 73/2022, 9-20.



ORIGINAL PAPER

Socio-Demographic and Regional Analysis of Internal Mobility in Romania Between 1990-2020

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Abstract:

If we take into account the number of those who have left the country or abroad temporarily or for longer periods, we see that migration is a reality that involves a large number of Romanian citizens, which requires a careful analysis of its social, demographic and economic effects. In this article. We focused on the evaluation of internal migration in Romania and its relationship with demographic and economic transformations at the regional level in Romania. Using official sources of statistical data on urban-rural, urban-urban, rural-urban, rural-rural migrations, we considered that their analysis will lead to the understanding of the associated demographic phenomena, but also to the shaping of regional territorial disparities. We have also analyzed the regional demographic imbalances induced by migration and identified a number of ways of eliminating these effects.

Keywords: *migration; mobility; internal migration; Romania.*

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Introduction

While in the works published at national level the scientific interest has been oriented towards the analysis of the dynamics and effects of Romanian migrant flows to and from the European Union, we propose to make an assessment of internal migration in Romania and its relationship with demographic and economic transformations at regional level in Romania.

Observing the demographic movements that have affected Romania's regions, cities and rural areas, we considered it necessary to carry out territorialized analyses of the phenomenon of internal migration at regional level. Using the official sources of statistical data on urban-rural, urban-urban, rural-urban, rural-rural migration, we considered that their analysis will lead to an understanding of the associated demographic phenomena, but also to an outline of regional territorial disparities. The demographic imbalances induced by differentiated migrations and the implications of the migration phenomenon on economic development and structural changes were also analyzed in regional profile (Pirvu, 2007; Pirvu *et al.*, 2011; Jianu *et al.*, 2021).

If we take into account the number of those who have left the country temporarily or for longer periods of time, we see that migration is a reality that involves a large number of Romanian citizens, which requires a careful analysis of its social, demographic and economic effects.

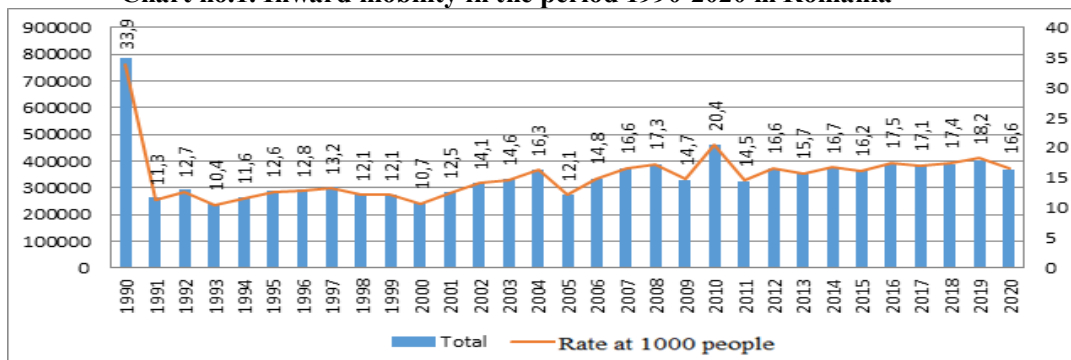
Analysis of Internal Migration Flows with Change of Residence

In the analysis of internal mobility in Romania, we must take into account the internal economic and social transformations that have taken place in the period under review (industrial decline, economic restructuring of urban centers, rising unemployment, etc.), and the legislative changes, particularly with regard to the free movement of persons and the liberalization of access to the labor markets of other countries (Constantin *et al.* 2004; Pehoiu, Costache, 2010; Șerban 2011, Constantin *et al.*, 2002).

Since the beginning of the 1990s, as a result of legislative changes that provided for the free movement of persons and freedom of movement of persons, Romania has seen a spectacular increase in internal migration from 8.6‰ in 1985 to 33.9‰ in 1990. (Suditu *et al.*, 2012: 83)

This increase can be interpreted as a reaction of freedom, as it was specific to the year 1990, since in the last 10 years, 1991 - 2000, the volume of territorial mobility decreased considerably compared to 1990, maintaining between 10 and 13 changes of residence per 1,000 inhabitants. Since 2001, there has been a tendency for internal migration flows to increase, often exceeding 16‰ in periods of economic growth, while the onset of the global recession in the first year of economic recession led to a decrease in population mobility (only 14.7‰ in 2009). During the period of continued economic recession, the population's desire to change its place of residence was 20.4‰ in 2010, the highest rate of internal migration since 1990, and by 2020 internal mobility will be around 17‰, with an expected level of 18.2‰ in 2019 (Chart 1).

Chart no.1. Inward mobility in the period 1990-2020 in Romania



Source: processing based on INSSE data

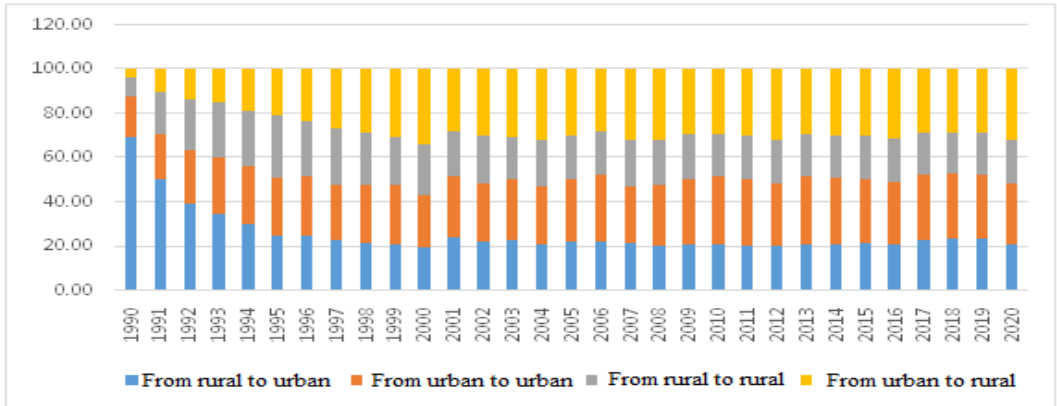
While in 1991 more than half (70%) of the internal migration volume went from rural to urban, in recent years rural to urban migration has decreased from one year to the next, reaching 19.5% in 2000, while the share of urban to rural migration increased from 10.1% in 1991 to 33.8% in 2000.

The factors determining the change of residence from urban to rural areas are diverse, different and depend on the categories of persons involved. These may be economic restructuring leading to job loss, the resources needed to live in the city being greater than in the countryside, the desire to leave congested areas (cities) and move to the countryside, thus having access to a more environmentally friendly environment and larger living spaces. When people move from rural to urban areas, it is most often young people who move to urban areas, either to study or to find a job. This migration of young people from rural to urban areas also has a significant impact on the birth rate and usually leads to demographic ageing in rural areas.

Since 2001, migration from rural to urban areas and vice versa has been more or less constant, accounting for around 20% (rural-urban migration) and 30% (urban-rural migration) respectively of total migration flows, as shown in Chart 2.

In order to understand the changes in the direction of migration flows from rural-urban to urban-rural we have to take into account the elements that acted on the Romanian economy and society in the first post-communist years: privatization of industry, restitution of agricultural land following the implementation of Law no. 18/1991 Land Law, but also the difficult professional integration of the population made redundant as a result of the restructuring of some branches of industry.

Chart no. 2. Structure of internal migration flows by residence environment between 1990 and 2020 in Romania (% of total migration flows)



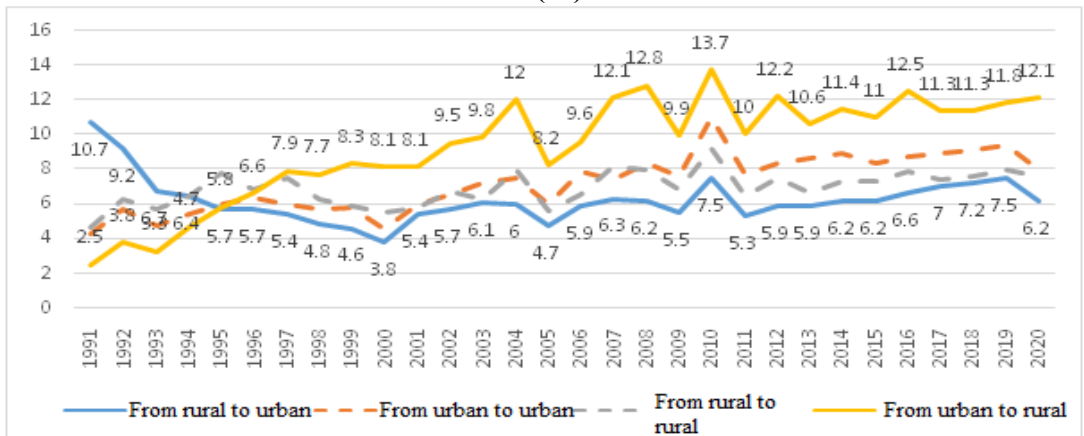
Source: processing based on INSSE data

From Chart 1.3 we can see that the main direction of migration until 1995 was represented by the flow from rural to urban, since in 1991 there were about 10 changes of residence per 1,000 inhabitants from rural to urban and only 2.5 changes from urban to rural.

After 2010 we observe an evolution around the value of 11 changes of residence per 1000 inhabitants, from urban to rural, with an increase in 2016 to 12.5%. This trend calls for more attention to be paid to investments in rural areas so as to provide adequate infrastructure and education and health services similar to those in urban areas.

Also, as can be seen in Chart 3, urban-urban and rural-rural flows increased slightly, as the movement of population from rural to urban areas continued to decrease in intensity, peaking in 2010 after a decrease in 2009.

Chart no. 3. Evolution of internal migration flow rates in Romania between 1991 and 2020 (‰)

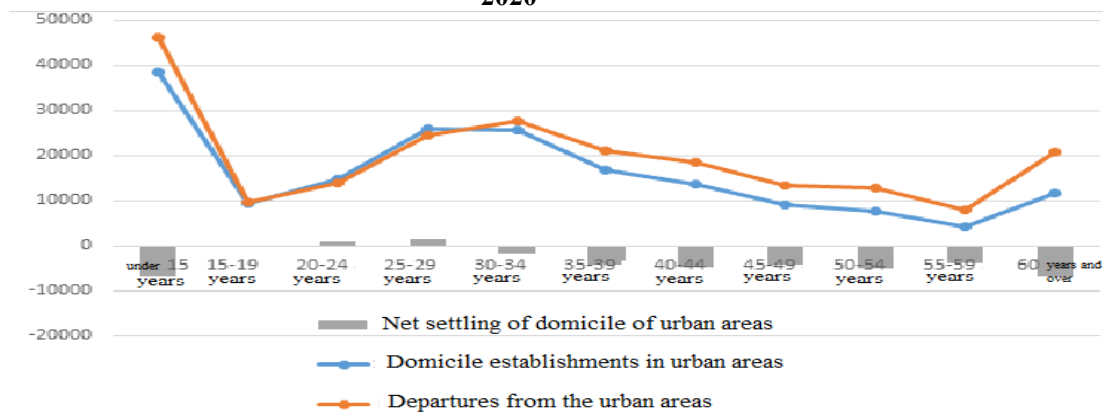


Source: processing based on INSSE data

Socio-Demographic and Regional Analysis of Internal Mobility in Romania...

In 2020, but the situation is similar in the other years as well, the most intense flow of changes of residence occurs in the case of children (under 15) and young people aged 25-29. The situation for children can be explained by the change of residence by their parents, but for young people the situation is different, as they are in a position to decide for themselves on their residence. Young people are tempted to change their lives and residence much more easily than other groups.

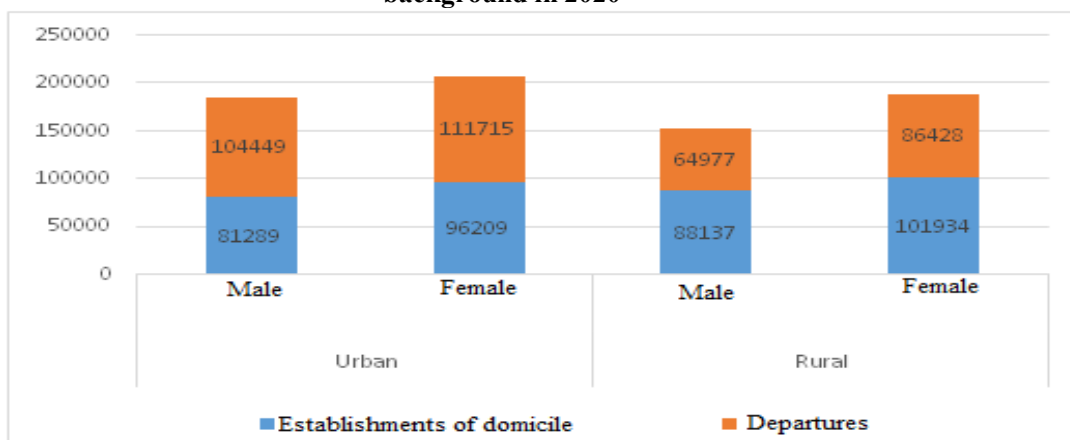
Chart no. 4. Structure of internal migration flows to urban areas by age group in 2020



Source: processing based on INSSE data

Chart 4 shows that young people aged between 20 and 29 are the only category in which the balance of changes of residence in urban areas is positive, the explanation being their desire to improve their skills or to find better-paid jobs. In the case of the adult and elderly population (aged over 35), there is a shift from urban to rural areas, probably because they want to escape from crowded and polluted areas to rural areas where they can enjoy fresh air, more living space and opportunities to move around in nature.

Chart no. 5. Dynamics of the structure of internal migration flows by gender and background in 2020



Source: processing based on INSSE data

If we analyze migration flows taking into account the gender gap, we observe that in 2020 women were more likely to change residence than men. The explanation may be that women are motivated by family interests, as they tend to follow their husbands when starting a family.

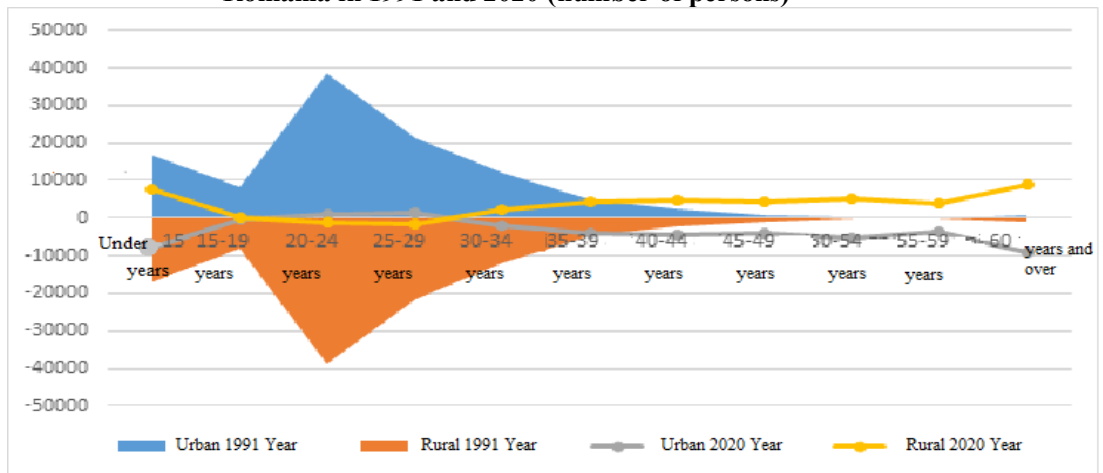
For both men and women, Chart 5 shows that more people leave urban areas than come to urban areas, while in rural areas the situation is reversed: more people arrive than leave.

Analysis of Migration Balance in Romania - by Residence, Age Groups, Development Regions and Counties

If we analyze the migration balance of the population determined by age groups in Chart no.6, we can see that there are radical changes in the period under analysis. Thus, while in 1991 the balance of migration from rural to urban areas was very high among young people aged 20-24 (the balance of changes of residence in rural areas was negative, while that in urban areas was positive and the values were equally high), there was a decrease as age increased (for people aged over 50, the values were close to zero, but the balance of migration to urban areas remained positive).

In the year 2020, the shift towards urban residence can be observed only in the category of young people aged 20-29 years (mostly students or at the beginning of their working life), while in the other age groups the tendency is to move from urban to rural areas.

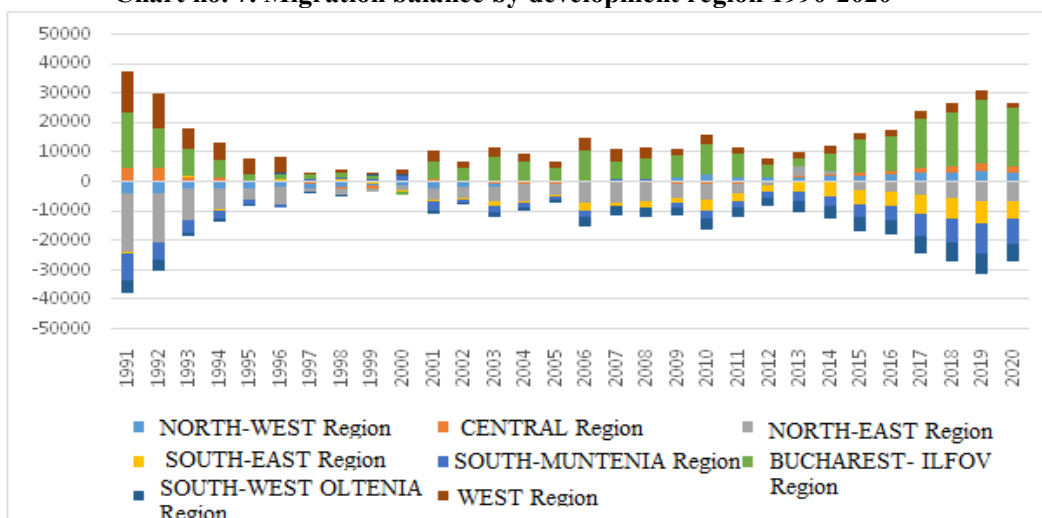
Chart no.6. Balance of changes of residence by residence and age group in Romania in 1991 and 2020 (number of persons)



Source: processing based on INSSE data

It can also be noted that for the age group over 60 the tendency to migrate from urban to rural is increasing, explained by the desire to retire to rural areas after leaving the labour force.

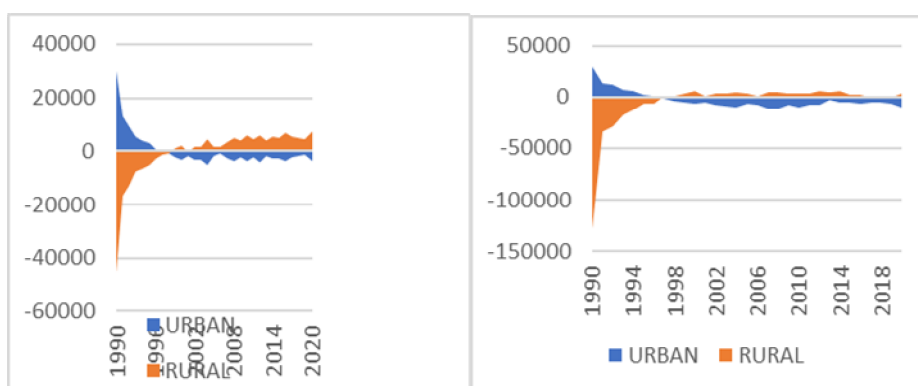
Chart no. 7. Migration balance by development region 1990-2020



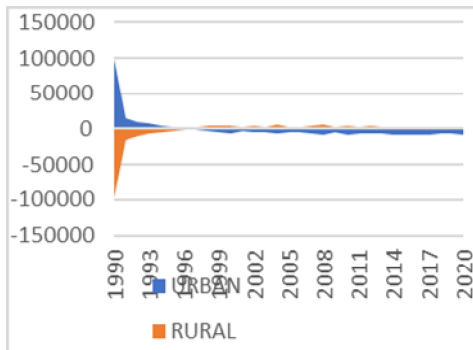
Source: processing based on INSSE data

From the analysis of the migratory balance by development regions, Chart no.7, we observe a trend of population migration towards economically developed areas or rural areas. Thus, in the case of regions with a high level of economic development and with job offers in various fields of activity, such as West Region and Bucharest Ilfov, we observe a positive migration balance with high values throughout the period, while less economically developed regions such as the North-East, South-East, South-West Oltenia regions record a high negative migration balance in almost all the years analyzed. In the North-West and Centre regions, the migration balance changes over the 31 years, going from negative values at the beginning of the period to positive values today, respectively from high positive values in 1990 to a balance close to zero in several years.

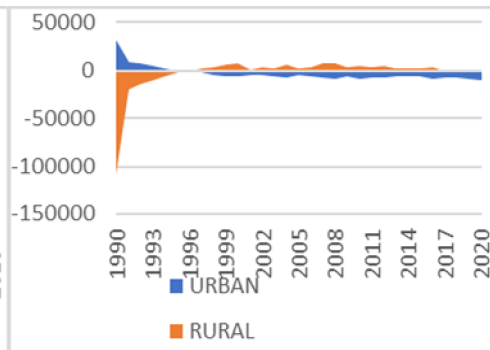
Chart no.8. Regional balance of residential changes (persons) by residence in Romania in the period 1990-2020



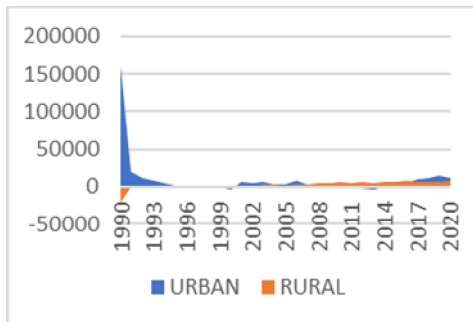
NORTH-WEST Region



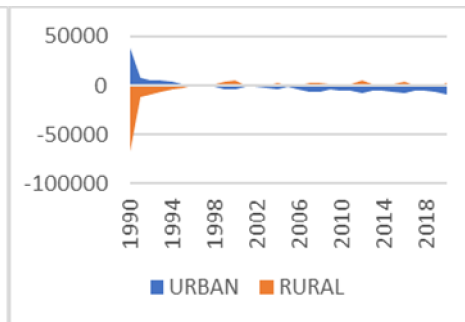
NORTH-EAST Region



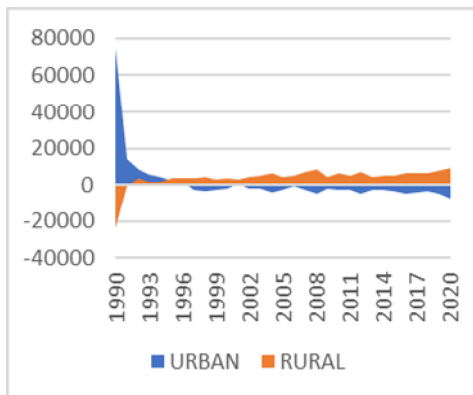
SOUTH-EAST Region



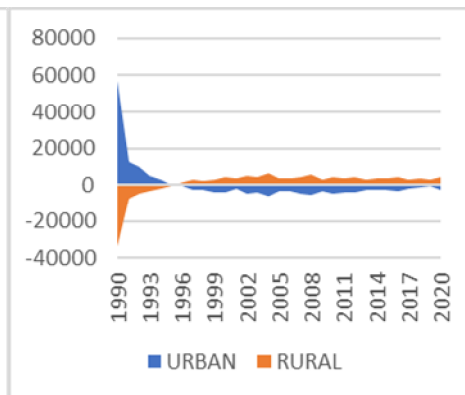
SOUTH-MUNTENIA Region



BUCHAREST- ILFOV Region



SOUTH-WEST OLTENIA Region



WEST Region

CENTRAL Region

Source: processing based on INSSE data

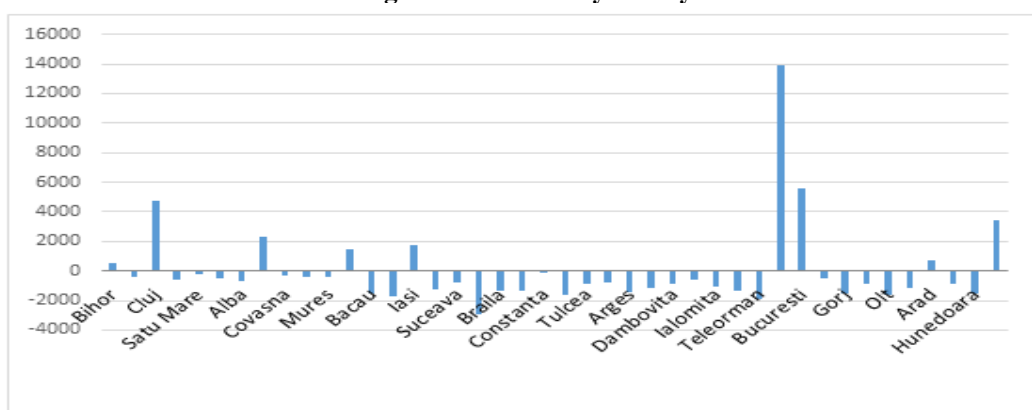
The balance of changes of residence by region highlights the existence of several regions where there are intensely urbanized counties, which are attractive for

Socio-Demographic and Regional Analysis of Internal Mobility in Romania...

migrants, leading to an increase in the flows of arrivals with residence. One such example is Ilfov county, which, due to its economic potential and its proximity to Bucharest, has led to the settlement of migrants in significant proportions in both urban and rural areas. There are other regions where counties have proved attractive for rural migration, such as Cluj and Timis.

The sequential analysis of regional migration flows can be explained by the social, economic and demographic realities in Romania after 1990. The 1990s are characterized by the situation caused by the closure of the large industrialized centers, which led to increased unemployment in urban areas, and implicitly to people migrating in search of a job or returning to their places of origin through urban-rural migration and interregional migration.

Chart no. 9. Migration balance by county in 2020



Source: processing based on INSSE data

In 2020, 367,569 persons, i.e. almost 2% of the population residing in Romania, were registered as having changed their residence in Romania. From the analysis of mobility between counties, according to Chart 1.9, only 8 counties show a positive migration balance. These counties are the ones with the highest level of economic development, important university centers but also the counties with the highest level of investment (Bucharest, Cluj, Iasi, Timisoara, Sibiu, Arad, Ilfov, Brasov). The only county that does not fall into these categories is Bihor, where the positive balance of internal migration is explained by the high development potential. We believe that if this trend of migration from poor counties with a low level of economic and social development to developed counties continues in the future, it will lead to even greater disparities than at present.

Conclusion

By age group, young people tend to move to urban areas, while people aged over 35 migrate to rural areas, and women tend to move more often than men.

We think it is absolutely necessary for the institutions responsible in this area to be aware of the current demographic crisis looming in Romania and, by implication, to identify public policies to improve migration and demography.

In order for internal mobility to develop towards less attractive areas, in addition to offering jobs, it is also necessary to provide easy access to housing both by renting and by purchasing, and possibly to develop rental subsidy programs for young people at the start of their careers. Work and family life must be harmonized, which will generate demographic growth in communities. In areas with an ageing population and depopulation trend, measures must be identified to ensure that young people stay in these areas - both in terms of the attractive jobs on offer and the appropriate education and health infrastructure, and in terms of attracting young professionals to these areas - by offering unbeatable financial conditions in the fields of health and education.

Acknowledgement:

This work was supported by the grant POCU380/6/13/123990, co-financed by the European Social Fund within the Sectorial Operational Program Human Capital 2014 – 2020.

Authors' Contributions:

The authors contributed equally to this work.

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Article Info

Received: February 14 2022

Accepted: February 20 2022

Socio-Demographic and Regional Analysis of Internal Mobility in Romania...

How to cite this article:

Pîrvu, R., Murtaza, F.A., Toma, O. (2022). Socio-Demographic and Regional Analysis of Internal Mobility in Romania Between 1990-2020. *Revista de Științe Politice. Revue des Sciences Politiques*, no. 73/2022, 21-31.



ORIGINAL PAPER

Fiscal policy and tax evasion in the context of COVID-19 pandemic

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Abstract:

The aim of this research study is to provide a comprehensive theoretical analysis on the phenomenon of tax evasion, but also fiscal policy measures in the context of COVID-19 pandemic. Fiscal policy highlights the path of government authorities on economic activity based on public revenues and expenditures. The phenomenon of tax evasion significantly affects the prospect of sustainable economic growth. In order to ensure economic stability, it is very important for government authorities to apply rigorous measures to prevent and combat tax evasion.

Keywords: *tax evasion; extreme event; fiscal policy; COVID-19 pandemic; underground economy; government authorities.*

JEL Classifications: E62, F43

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Fiscal policy and tax evasion in the context of COVID-19 pandemic

1. Introduction

Economic growth exerts a major influence on evolution of real income. In other words, the relationship between the two variables is essential, namely: fiscal policies and economic growth. Budget revenues and expenditures have certain characteristics that are influenced by the economic cycle. Tax evasion is a topic of great current interest. Fair taxation is a priority for most countries in the world. Public spending and tax revenue are levers used by government authorities to influence economic growth. The evolution of budgetary revenues and expenditures is influenced both by the dynamics of the volume of economic activity and by the decisions of the governmental authorities.

On the other hand, contractionary fiscal policy serves the measures implemented by government authorities in order to temper (slow down) the economic growth. These strategies of government authorities are based on decreasing public spending or increasing tax revenue, but a mix of these previous directions is also possible. Fiscal policy represents a mix of government measures focused on taxes, given the role it plays in shaping budget revenues and financing budget expenditures. Fiscal policy is the prerogative of the government and is a form of indirect state intervention in the economy, and through it, a government ensures the maintenance of macroeconomic balance. For example, the decision to increase or decrease the level of investment is influenced by the effective marginal tax rate. In other words, the lower is the effective marginal tax rate, the more favorable the tax regime is for investments, and vice versa.

Extreme events massively influence a country's economic and financial measures, as was the case with the recent global financial crisis (GFC) of 2007 - 2008, but also with the COVID - 19 pandemic. The economic crisis caused by the COVID - 19 pandemic has significantly affected most countries in the world. The COVID 19 pandemic is a global source of stress for both the population and governments, including health systems, business, tourism, financial system, industries and others.

2. Literature review

Zasko et al. (2021) have conducted an empirical study for Russia but also globally, considering tax system digitization, budget efficiency and customs administration. Digital economy and digital information exchange system represent key aspects for improving to improve the level of revenue and tax collection from taxpayers. Moreover, Isaev et al. (2021) also investigated certain aspects regarding the expenditure of public resources in the case of Russia and emphasized the importance of ensuring the “expediency, legality, and efficiency of the generation, distribution, and use of budget resources”.

Kim and Im (2017) examined the impact of Corporate Social Responsibility (CSR) on tax avoidance contributor (tax payer) behaviour and concluded that common equity growth has developed a negative connection with corporate tax avoidance by also considering the concept of financial ratios in this regards. Ji and Zhang (2020) have conducted an empirical case study for China and concluded that value - added taxation exhibits an important influence on the “gap between land urbanization and population urbanization”.

Hasanov et al. (2018) examined the impact of fiscal policy in the case of a developing country such as Azerbaijan and argued that government authorities have the opportunity to lead available public resources for adjustment of the economy based on certain measures like monetary and fiscal policies. Caballero (2013) investigated

relevant aspects regarding the implications of fiscal policy during the period of Great Recession and suggested that “fiscal policy is an appropriate countercyclical policy tool under some circumstances”. Tosun and Yildiz (2020) argued that tax policy uncertainty has the ability to influence certain business companies (firms) to take lower risks and as a consequence to decrease the possibility of debit and implicitly the degree of default.

Zhou et al. (2019) investigated the impact of fiscal policies on environmental pollution control in the case on China considering the importance of the intervention of the governmental authorities through active measures in environmental protection. Jiang et al. (2019) also discussed important aspects regarding Chinese fiscal decentralization in the context of environmental pollution as well as the implementation of regulatory reforms in this regards. Ziolo et al. (2020) investigated the linkage between certain key factors such as public financial system, financial development, fiscal levers, public income and expenditure, and environmental degradation and pollution, taxation system in the case of European Union member states for the sample period from 2008 to 2017.

Hsing (2013) analyzed the impact of fiscal policies on the dynamics of the stock market from Poland and concluded that the fiscal policy based on ratio of government deficit or considering the debt to Gross Domestic Product (also known by the acronym GDP) does not exert a major effect on the behaviour of the selected Polish stock market index. Ji and Zhang (2020) argued that certain government authorities whose strategies are characterized by a lower fiscal self - financing rate are affected by a higher fiscal pressure so it is necessary to identify additional public revenues.

Spulbar et al. (2021) conducted a complex research study on the European Union but also discussed the role of taxation which addresses the following essential aspects, i.e.: to provide the public revenues for government spending, to determine redistribution of public incomes, to generate economic stability, to streamline the allocation of public resources and to contribute to economic growth.

3. A conceptual analysis on fiscal policies and tax evasion

As a practical approach, the concept of tax avoidance represents the linkage between two other very representative terms in the understanding of tax evasion, such as tax evasion and tax saving. Tax avoidance obviously involves eluding the legal regulations in the fiscal field. Kim and Im (2017) defined the concept of tax avoidance as the special situation in which a company / firm “can either explicitly or implicitly reduce its tax burden without incurring additional expenses from tax investigations, in both the short-term and long-term”. Practically, taxation encompasses all taxes imposed on the citizens of a state. Thus, tax evasion is a deviation from taxation that involves operating in a normal system of taxes.

Taxation is an essential factor in ensuring a fair and non-discriminatory society. For example, excessive, legally flawed and unpredictable taxation can lead to macroeconomic imbalances. Taxation must ensure the establishment of equal treatment for all taxpayers. Another very important aspect that government authorities must take into account is the establishment of a level of taxation based on objective and equidistant financial criteria in order to ensure a macroeconomic balance. Also, the fiscal policy must be proportionate, predictable, reasonable, fair and not differentiate taxes on the basis of categories of taxpayers according to certain factors.

On the other hand, the lack of stability and predictability are aspects that generate imbalances caused by fiscal policies on macroeconomic framework and implicitly affect the prospects for sustainable economic growth. Fiscal policy can have a

Fiscal policy and tax evasion in the context of COVID-19 pandemic

major influence on employment decision-making, reducing unemployment, and improving investment levels. As an effective lever, fiscal relaxation is necessary and applied by government authorities to stimulate the economic growth.

According to the official website of European Commission, national governments have the major task of collecting taxes and setting tax rates by considering the fact that European Union (EU) has no direct role in this regards. Moreover, the European Union play a role in coordinating certain national taxation rules, but also some tax rates, where differences may discourage citizens to carry out a particular commercial activity based on buying and / or selling in other EU countries. The European Union also promotes cooperation between member states on combating tax fraud and tax evasion, by eliminating discrimination and reducing the costs of compliance tasks. On the other hand, the EU provides Member States with a legislative framework that allows them to combat cross-border tax fraud and tax evasion in a coordinated manner.

The phenomenon of tax evasion has severe implications for sustainable development and economic growth. Tax evasion represents the attempt of a tax payer (individual or legal entity - company, firm and so on) to evade the payment of its fiscal obligations by not declaring certain parts of income or profits that need to be stipulated for the proper functioning of the tax system. The indisputable negative effects generated by the phenomenon of tax evasion are directly manifested on the level of tax revenue receipts, causing significant distortions in the mechanism of market functioning. Gorun et al. (2020) also argued that tax evasion significantly affects the activity of raising budget revenues, aspect that generates economic instability.

In addition, the extended form of tax evasion includes, in particular, the category of missing trader fraud. In the case of European Union, the concept used is missing trader intra - community fraud. The reduced form of evasion, is the one developed by the retail trader who sells products and services without issuing the tax receipt. The solution in terms of combating the reduced form of tax evasion involve binding the issuance of the tax receipt prior to the collection of the product price and the application of severe sanctions for non-compliance (starting from high fines to criminal penalties based on imprisonment).

Measuring tax evasion is done through the underground economy that is, those illegal economic activities. In financial literature and practice similar concepts with underground economy are also used, such as: informal economy, grey economy, black market or shadow economy. When the average tax burden is relatively high, then the taxpayer can choose to evade this taxation, either in full dimension as to entry into the underground economy or in part, by practicing legal tax evasion even if his activity remains in the white economy, such as in the case of tax heavens. Meher et al. (2021) conducted an empirical study on digital banking and its impact on micro, small and medium enterprises (MSMES) because it provides a series of facilities to customers but also has an essential role in reducing tax evasion by avoiding the use of cash payments.

4. Conclusions

The economic growth is significantly influenced by the effectiveness of the implementation of fiscal policy measures. The quality of taxpayer services is a significant factor contributing to the improvement of taxpayers' voluntary compliance. The economic programs of government authorities are identified in fiscal policies. Thus, fiscal policy allows legal regulators to influence the business cycle, unemployment rates, interest rates, and inflation in an attempt to maintain a macroeconomic balance.

Tax evasion is one of the most toxic economic and social phenomena, especially important in the context of taxation, which affects countries all around the world. However, government authorities need to take very firm and effective action in order to combat tax evasion. Accurately measuring the level of tax evasion and the underground economy is a difficult and challenging task especially in the context of an extreme event such as the COVID pandemic - 19.

Authors' Contributions:

The authors contributed equally to this work.

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Fiscal policy and tax evasion in the context of COVID-19 pandemic

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Article Info

Received: February 27 2022

Accepted: March 08 2022

How to cite this article:

Spulbar, C., Birau, R., Ninulescu, P. V. (2022). Fiscal policy and tax evasion in the context of COVID-19 pandemic. *Revista de Științe Politice. Revue des Sciences Politiques*, no. 73/2022, 32-37.



ORIGINAL PAPER

Influences of Covid-19 Crisis on Resilience Theories: An analysis of Community, Societal and Governance Resilience

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Cosmin Lucian Gherghe³⁾

Abstract

Background: The present article addresses the theories on resilience among the various areas of analysis and research: community, societal and governance.

Objectives: As we challenge the third year of the pandemics, the study exposes the theoretical and conceptual approaches to resilience demanding a multisystemic response and participation from all areas of the society: community, society, institutions etc.

Methods: Further, the study uses the role of theories during the COVID-19 pandemic by presenting a comprehensive review of how resilience is built through the community and societal mechanisms and processes. We have also employed a quantitative analysis using the search engine provided by the *Google Ngram Viewer (Google Ngram)* on the digitalised literature prior the COVID-19 pandemic.

Results and findings: Additionally, the study provides an in-depth analysis of the theories on resilience as the results emphasize the selected word frequencies of the “resilience” concept and related topics before the COVID-19 pandemic.

Conclusions: The research addressed the quantitative and qualitative approaches of content analysis revealing the consequences of the COVID-19 crisis on the theoretical framework of “resilience” and related terms.

Keywords: *resilience; community; society; governance; COVID-19 pandemic.*

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Introduction

The research on the theories of resilience has been investigated in various sectors during the last years, merely relating the resilience concepts to (a) correlates of leadership, crisis management and “operational behaviour” (Pettersson, Jonson, Berggren, Hermelin, Trnka, Woltjer, Prytz, 2021: 1-10; Teo, Lee, Lim, 2017: 135-147); (b) relationship between “collective resilience” and individual conditions (Molenaar, Blessin, Erfurth, Imhoff, 2022: 167-191); (c) knowledge of capability and social resilience (Assmann, Tolgensbakk, Vedeler, Böhler, 2021: 659-673); (d) accounts of social capital, social agenda work and social system (Furey, Harris-Evans, 2021: 404-414; Olimid, Georgescu, 2017: 42-56); (e) the inner-issues of EU governance and resilience (Georgescu, Olimid, Olimid, Georgescu, Gherge, 2017).

Methodology

The article uses the method of literature review of the theories on resilience. This method has the role: (a) to identify the major studies on the topic of resilience during the COVID-19 pandemic; (b) to identify the new patterns and contributions on specific topics of community, resilience, resilient community, societal resilience and resilient governance; (c) to provide a new framework of research for the resilience-related topics. Furthermore, the study advances five research steps aimed to investigate the review: (1) the launch of the research questions; (2) the investigation of the relevant literature in the area of resilience; (3) exposing common topics related to community resilience theory, urban resilience theory and resilient governance; (4) an assessment of the relevant findings during COVID-19 pandemic; (5) the analysis and evaluation of the research results and findings (Figure 1). Responding to these objectives, the current study frames the following questions: *Q1*: How did the theories of resilience evolve and apply during the last years? *Q2*: What are the main factors contributing to community resilience and societal resilience before and during the COVID-19 pandemic? *Q3*: What are the mechanisms and tools of resilient governance during the COVID-19 pandemic?

Diagram 1. Research steps of the theories on resilience



Source: Authors' own compilation

We have opted to employ a quantitative analysis using a tool the *Google Ngram Viewer* in order to identify the conceptual and relational use of “resilience” before the pandemic crisis (throughout the period 2000-2019). *Google Ngram Viewer* was selected for its worth of providing the accessible instrumentation for: (1) extracting data from a huge online dedicated corpus and, as such, (2) identifying the semantic fields for searchable concepts, while at the same time (3) calculating the scores for concepts associations and (4) allowing to elaborate on the relations formed among concepts in the digitalized literature and (5) to ascertain the theoretical trends and cultural and scientific literature focus for a specific period in time (Chumtong, Kaldewey, 2017).

Theories of resilience: a literature review of the concept

The literature of the 2020s conceptualised the term of “resilience” in both theory and practice. Moreover, the theories of resilience adapted related functions of resilience and governance and correlated the conceptual development across a range of patterns: community resilience, urban resilience, social resilience, societal resilience, organizational resilience, economic resilience etc.

Lindberg and Swearingen (2020: 467-478) note that the societal patterns and interests involve resilience practices and measures assessing two factors of intervention: “community leadership” and “social capital”. However, other studies show that the resilience area of research is relatively innovative emphasizing the resilience framework to time (Ahmad, Chowdhury, Siedler, Odek, 2022) and space frame (Mavhura, Manyena, 2018), as well as the targeted level of intervention, local and regional. Building on the framework of community resilience, Ahmad *et al.* note that the COVID-19 pandemic involves “social safety”, “emergency response” and “sustainable community empowerment systems” (Ahmad, Chowdhury, Siedler, Odek, 2022: 1-12).

While the regional resilience framework refers to the strategies and functionality of infrastructure (Sharma, Tabandeh, Gardoni, 2020: 1315-1330), resilience addresses basic services in a determined location (Compagnucci, Morettini, 2020: 767-792). This classification of local-specific forms of resilience (local/regional) is an example of the resilience approaches in which multilevel governance is needed to influence interactions across various formats: individual, community, societal.

While local and regional governance share objectives in infrastructure and services, collective resilience underpins social behaviour and norms (Elcheroth, Drury, 2020: 703-713). This generates a supportive social and political context as well as a collective-level resilience plan of analysis (Imperiale, Vanclay, 2021: 891-905). For example, other scholars recommended focusing on the multisystemic research of resilience as well as on the implementation of public policies focusing on governments as “optimizing agents” (Karacaoglu, Krawczyk, 2021: 826-848).

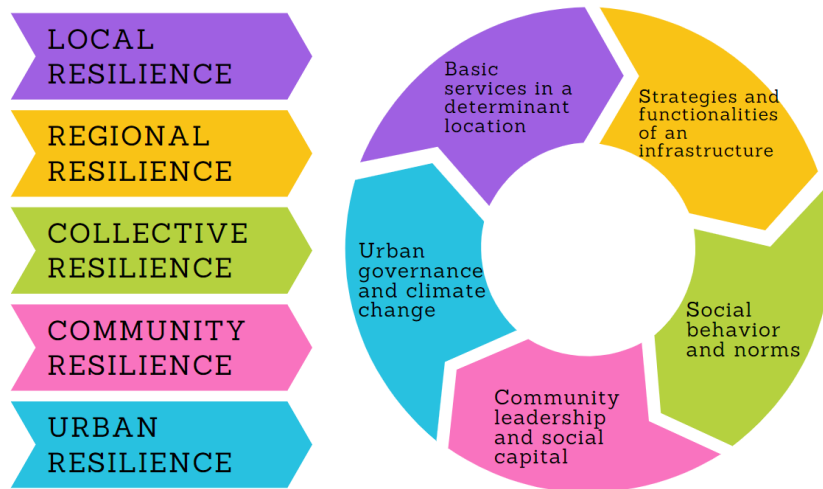
One common approach of the latest studies is that resilience is related to social theory and behavioural processes. Moreover, urban policy mechanisms are needed, as the theory of urban resilience advances sequential phases of urbanization, urban governance and climate change (Friend, 2017), including normative and policy evaluations (Hommels, 2017), access to urban facilities and services as a multi-system approach to social, economic and cultural interdependencies. The growing research on urban resilience reveals a pivotal change in the broader values of interactions between the social system, “human lifestyle” and health care services (Urquiza, Amigo, Billi, Calvo, Gallardo, Neira, Rojas, 2021).

Influences of Covid-19 Crisis on Resilience Theories: An analysis of Community...

In addition, conceptual parallels can be designed with community resilience. Both types have an impact on the social system emphasizing different indicators of the functionality of the social capital, human settlements and interactions.

We thus included the three factors to build the analytical framework of the five types of resilience: “community resilience”, “regional resilience”, “collective resilience”, “community resilience” and “urban resilience” (Figure 2).

Diagram 2. Analytical framework of “local resilience”, “regional resilience”, “collective resilience”, “community resilience”, “urban resilience”



Source: Authors' own compilation

The resilience research also focuses on two key topics (“integration” and “solidarity”) using a wide range of sub-topics (social resilience, societal resilience, moral resilience, emotional resilience etc.). These sub-topics reflect different adaptive approaches in specific domains of resilience including family, community, society etc. In particular, the latest studies reveal increased engagement with European Union governance and resilience (Biscop, 2020: 1009-1023; Ladi, Tsarouhas, 2020: 1041-1056; Wolff, Ripoll Servent, Piquet, 2020: 1025-1040).

The use of “resilience” concept before the Covid-19 pandemic

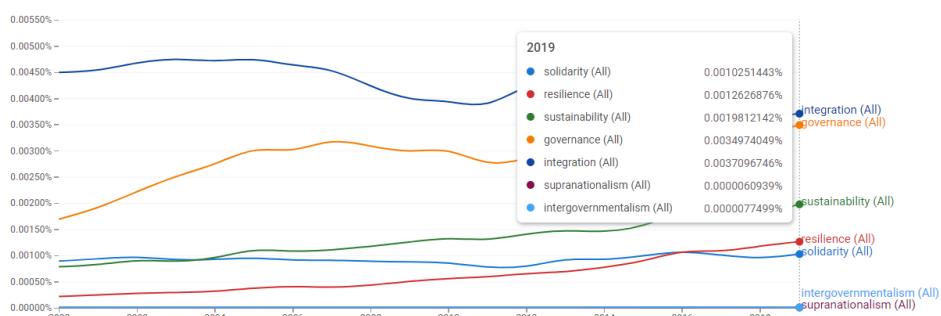
The study on resilience has received a wide interest lately, a series of studies, books or journals being designed specifically to address, publish and promote theoretical or empirical insights of this process and desideratum: *Journal of Safety Science and Resilience (JSSR)* (2020 – present), *Resilience: International Policies, Practices and Discourses* (2013 – 2019), *Ecology & Society* (1997 – present), *Adversity and Resilience Science* (2020 – 2022), *Resilience: A Journal of the Environmental Humanities* (2014 – 2021), *Sustainable and Resilient Infrastructure* (2016 – 2022).

Before the outbreak of the Covid-19 pandemic, the “resilience research” focused highly on the relations between “disaster resilience and sustainability” (Pal, von Meding, Shrestha, Ahmed, Gajendran, 2020), risk appraisal, discursive practices and

resilience (Kar, Cochran, 2019), local abilities and global concerns (Mavelli,2019: 224-239).

Employing the *Google Ngram Viewer* as an approachable tool for online content analysis (Chumtong, Kaldewey, 2017; Schmale, 2017: 854-873), this section of the paper presents the results obtained through the analysis of resilience conceptual usage before the pandemic crisis (throughout the period 2000-2019). The search employing as keywords “resilience”, “solidarity”, “sustainability”, “governance”, “integration”, “supranationalism”, “intergovernmentalism” has resulted in the results shown in Figure 1 below.

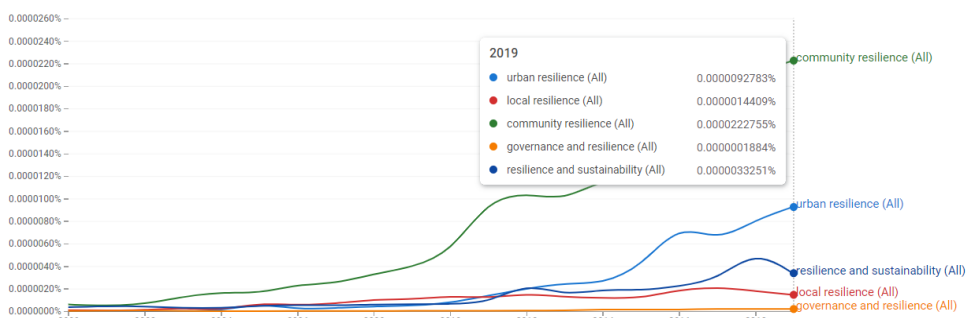
Figure 1. Comparative conceptual usage of “resilience”, “solidarity”, “sustainability”, “governance”, “integration”, “supranationalism”, “intergovernmentalism” (2000-2019)



Source: Authors’ own compilation based on Google Ngram Viewer data

The search for “urban resilience”, “local resilience”, “community resilience”, “governance and resilience” and “resilience and sustainability” through the online papers corpus has retrieved the situation presented in the subsequent Figure 2.

Figure 2. Conceptual usage for “urban resilience”, “local resilience”, “community resilience”, “governance and resilience” and “resilience and sustainability” (2000-2019)

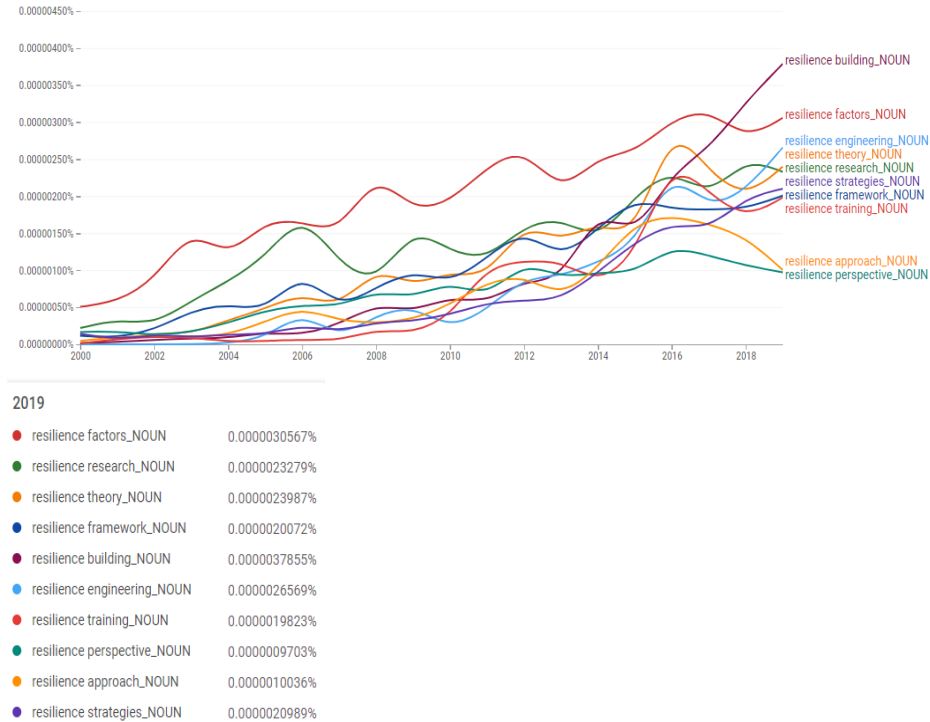


Source: Authors’ own compilation based on Google Ngram Viewer data

Influences of Covid-19 Crisis on Resilience Theories: An analysis of Community...

The search using Ngram Google Viewer has identified the top 10 conceptual relations of resilience in the online Google Books corpus: “resilience building”, “resilience factors”, “resilience engineering”, “resilience theory”, “resilience research”, “resilience strategies”, “resilience framework”, “resilience training”, “resilience approach” and “resilience perspective”.

Figure 3. Relational analysis representation of the use of “resilience” concept (2000-2019)



Source: Authors’ own compilation based on Google Ngram Viewer data

The best scores for the *Ngram Viewer* conceptual associations were as follows: “resilience building” (scoring 0.0000040936% in 2019), “resilience factors” (scoring 0.0000030361% in 2016), “resilience engineering” (0.0000026902% in 2019), “resilience theory” (0.0000030646% in 2016), “resilience research” (0.0000025241 in 2018), “resilience strategies” (0.0000020989% in 2019), “resilience framework” (0.0000020072% in 2019), “resilience training” (0.0000026976% in 2016), “resilience approach” (0.0000017390% in 2017) and “resilience perspective” (0.0000013292% in 2016). We thus notice a wider use of the term during this period.

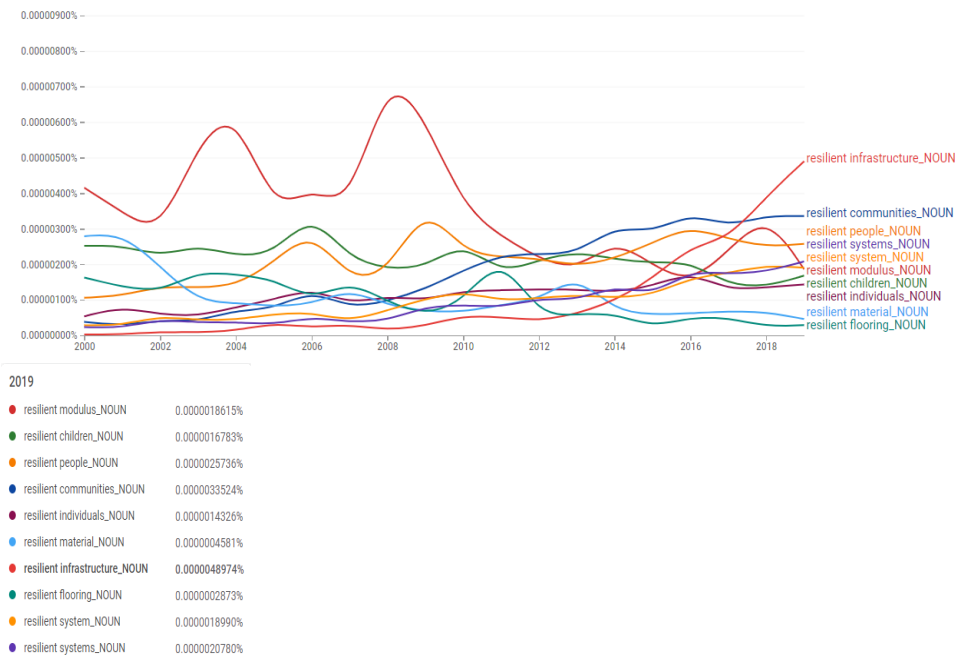
Figure 4. Comparing the apex for the use of “resilience” concept

| 2012 | 2016 | 2019 |
|---|---|---|
| ● resilience factors_NOUN 0.0000026661% | ● resilience factors_NOUN 0.0000030361% | ● resilience factors_NOUN 0.0000030567% |
| ● resilience research_NOUN 0.0000016024% | ● resilience research_NOUN 0.0000023804% | ● resilience research_NOUN 0.0000023279% |
| ● resilience theory_NOUN 0.0000016577% | ● resilience theory_NOUN 0.0000030112% | ● resilience theory_NOUN 0.0000023987% |
| ● resilience framework_NOUN 0.0000015638% | ● resilience framework_NOUN 0.0000018209% | ● resilience framework_NOUN 0.0000020072% |
| ● resilience building_NOUN 0.0000008758% | ● resilience building_NOUN 0.0000023198% | ● resilience building_NOUN 0.0000037855% |
| ● resilience engineering_NOUN 0.0000009062% | ● resilience engineering_NOUN 0.0000023733% | ● resilience engineering_NOUN 0.0000026569% |
| ● resilience training_NOUN 0.0000011217% | ● resilience training_NOUN 0.0000025051% | ● resilience training_NOUN 0.0000019823% |
| ● resilience perspective_NOUN 0.0000011272% | ● resilience perspective_NOUN 0.0000013292% | ● resilience perspective_NOUN 0.0000009703% |
| ● resilience approach_NOUN 0.0000009394% | ● resilience approach_NOUN 0.0000017390% | ● resilience approach_NOUN 0.0000010036% |
| ● resilience strategies_NOUN 0.0000005940% | ● resilience strategies_NOUN 0.0000016428% | ● resilience strategies_NOUN 0.0000020989% |

Source: Authors’ own compilation based on Google Ngram Viewer data

The search for semantic relations by employing the wildcard selection, implying the use of ‘*’ symbol followed by NOUN, thus commanding a search for the top 10 widest used associations between the ‘resilient’ adjective and a noun, were further identified: “resilient infrastructure” (with a score of 0.0000048974% in 2019 of the total ngrams), “resilient modulus”, “resilient children”, “resilient people”, “resilient communities”, “resilient individuals”, “resilient material”, “resilient systems”, “resilient flooring”, “resilient system”, thus showing a pronounced use of the term towards 2019.

Figure 5. Relational analysis representation of the use of “resilient” concept (2000-2019)



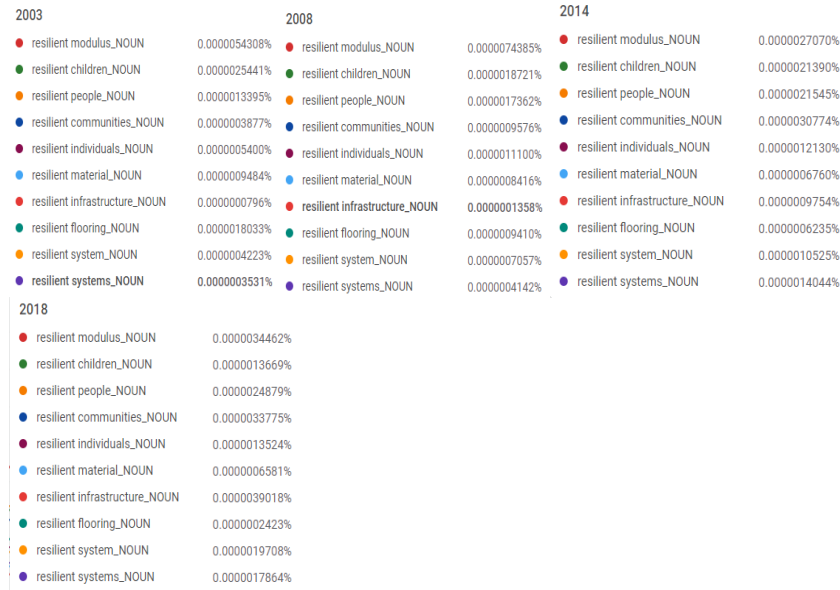
Source: Authors’ own compilation based on Google Ngram Viewer data

The highest scores were obtained by the following combinations “resilient infrastructure” (with a highest score of 0.0000048974% in 2019 of the total ngrams),

Influences of Covid-19 Crisis on Resilience Theories: An analysis of Community...

“resilient modulus” (scoring 0.0000074385% in 2014), “resilient children” (0.0000034783% in 2006), “resilient people” (0.0000037254% in 2009), “resilient communities” (0.0000033524% in 2019), “resilient individuals” (0.0000017924% in 2016), “resilient material” (0.0000028063% in 2000), “resilient system” (0.0000019708% in 2018) and “resilient flooring” (0.0000023527% in 2011).

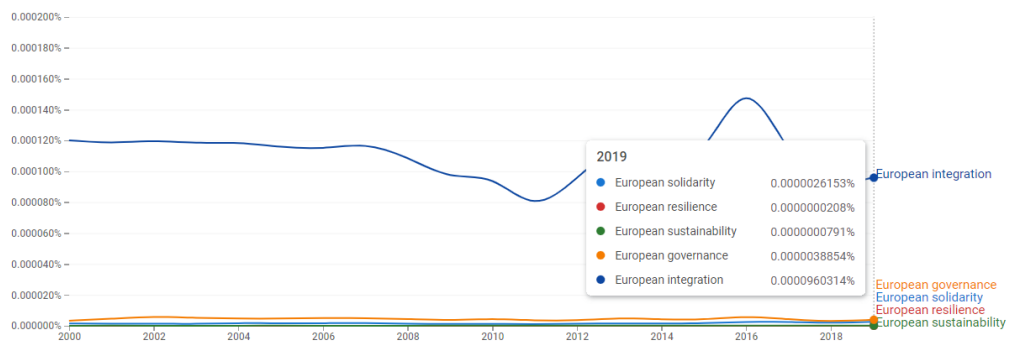
Figure 6. Identifying the apex in the use of “resilient” concept



Source: Authors’ own compilation based on Google Ngram Viewer data

By adding “European” to the inquiry the *Ngram* compositions for 2019 scored highest for “European integration” 0.0000960314%, followed by “European governance” 0.0000038854%, “European solidarity” 0.0000026153%, “European sustainability” 0.0000000791% and “European resilience” with 0.0000000208%.

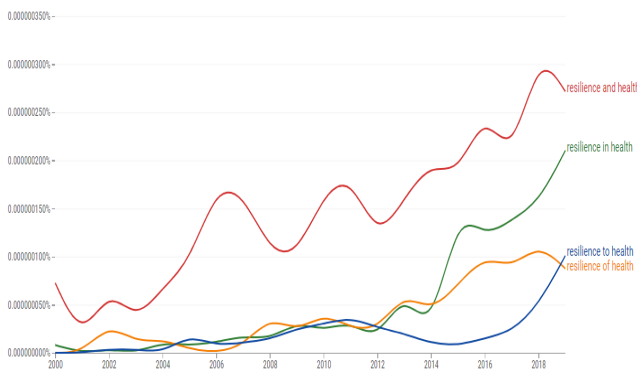
Figure 7. Analysis of conceptual usage after applying “European” to the search option



Source: Authors’ own compilation based on Google Ngram Viewer data

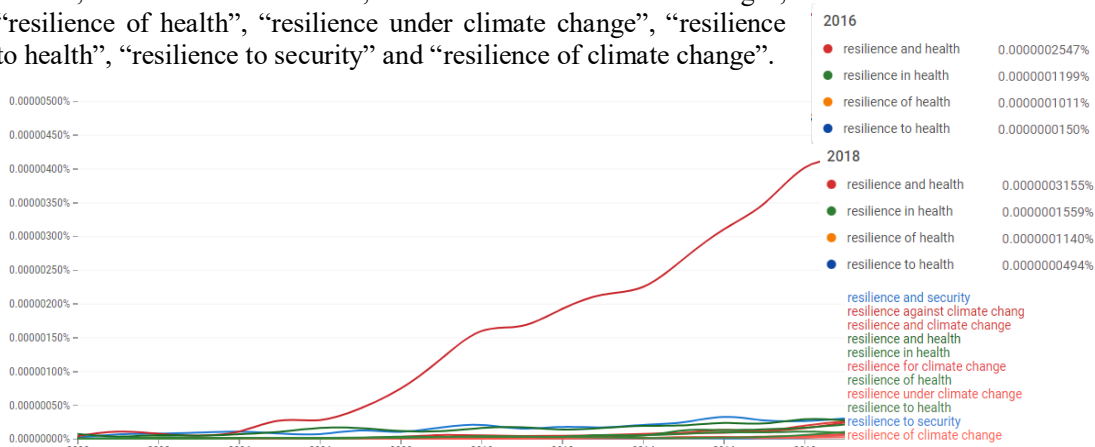
In order to analyse the liaisons between “resilience” and “health” terms prior to the Covid-19 pandemic, we employed the *Ngram Viewer* search, consequently obtaining the highest scores for the “resilience and health” association (which scored 0.0000002547% in 2016 and 0.0000003155% in 2018).

Figure 8. Resilience and health association before the Covid-19 pandemic



Source: Authors’ own compilation

Aiming to identify the semantic relations coined in the scientific literature for “resilience”, the *Ngram Viewer* search retrieved “resilience to climate change” compilation scoring 0.0000041351% for 2018, followed by “resilience and security”, “resilience against climate change”, “resilience and climate change”, “resilience and health”, “resilience in health”, “resilience and climate change”, “resilience of health”, “resilience under climate change”, “resilience to health”, “resilience to security” and “resilience of climate change”.



Source: Authors’ own compilation based on Google Ngram Viewer data

Conceptual appraisal of European governance and resilience in pandemic context

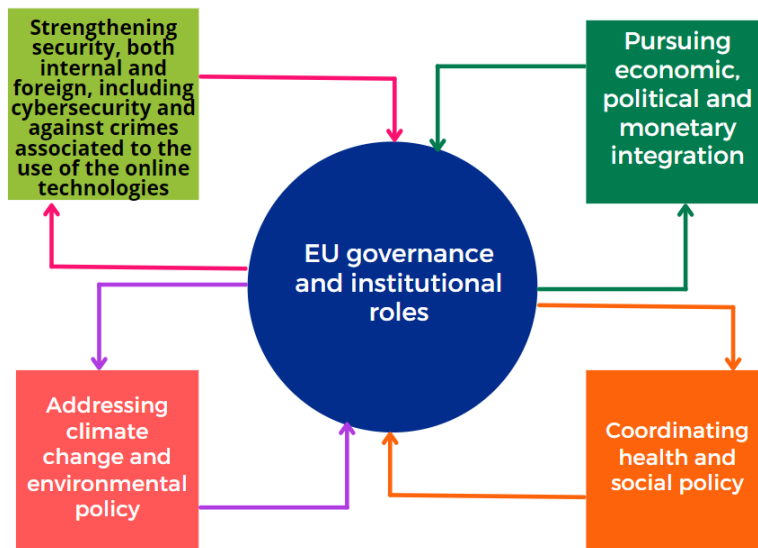
Introducing the resilience establishment in the European Union governance in pandemic context changes the analytic focus towards institutional architecture and responses, discursive practices, policy-making in different areas and economic

Influences of Covid-19 Crisis on Resilience Theories: An analysis of Community...

reverberations: institutional roles; economic, political and monetary integration; health and social policy; climate change and environmental policy; security, both internal and foreign, including cybersecurity and against crimes associated to the higher use of the online technologies. As such, researches were conducted in order to assess the effects of the pandemic on the European integration process. Pandemic crisis effects over the European integration process were analyzed using a wide array of research methods: “historical institutionalism”, “rational choice” and discourse analysis (Schmidt, 2020: 1177-1193; Olimid, Olimid, 2021: 109-119) in search for the “critical junctures” for policy-making and European governance (Dupont, Oberthür, von Homeyer, 2020: 1095-1110).

Diagram 3. Conceptual appraisal of European governance and resilience in pandemic context

European governance and resilience during COVID-19 pandemic Identifying continuity and change in research interest



Source: Authors' own compilation

Researches have shown that pandemic-driven policies have triggered oftentimes converse returns on a *scale* of trends ranging from delving European integration (Wolff, Ladi, 2020: 1025-1040; Schmidt, 2020: 1177-1193) to a weathering process in some fields (Schmidt, 2020: 1177-1193). Closer insights to the European Union governance architecture have highlighted policy changes as well as shifts in the institutional roles and power distribution along the supranational/intergovernmental power structure (Schmidt, 2020: 1177-1193). For instance, by analyzing relations between EU and its Member States on European coordination of public health policies and actions a huge corpus of literature has appeared during the pandemic to study resilience of national health infrastructure (Biscop, 2020: 1009-1023). As such, influenced by the health crisis, not a few researches have focused on EU health policies in search for continuity or change (Brooks, Geyer, 2020: 1057-1076). Supplementary weight to the focus of the

research was added with the issues of institutional roles and policy-making trends regarding home security, internal border control, increasing security measures for public health and/or solidarity reasons (Wolff, Ripoll Servent, Piquet, 2020: 1127-1144).

The implications of the Resilience and Recovery Fund (RRF) for the deepening of the EU integration were analyzed in relation to EU's resilience to crises. Researches have brought into discussion concepts such as "adaptability" to crises, identifying the direction of reaction to crisis, studying differences in European discourse constantly focusing on the nexus of supranational/ intergovernmental involvement (Wolff, Ladi, 2020: 1025-1040). Thus by condensing the research on the Recovery and Resilience Facility (RRF) as EU's reaction concerning its economic governance brought about within a "window of opportunity" in support for further integration (Ladi, Tsarouhas, 2020: 1041-1056). As such, economic resilience was studied in search for EU directions concerning economic actions and reactions augmented by a sound European competition policy (Meunier, Mickus, 2020: 1077-1094).

Resilience associated to the issue of climate change and the promotion of the European Green Deal during the Covid-19 health crisis received a special attention due to the effects of the health-related measures imposed at supranational level to fight the spread of the pandemic over the environment (Dupont, Oberthür, von Homeyer, 2020: 1095-1110).

Enhancing resilience for cybersecurity of "critical information infrastructure" and protection of information systems while "combating disinformation" is the focus of a corpus of research on the evolution of EU cybersecurity policy (Carrapico, Farrand, 2020: 1111-1126).

Conclusions

The analysis combined the quantitative and qualitative dimensions of content analysis aiming to achieve an arrangement of the effects triggered by the Covid-19 crisis on the theoretical corpus dedicated to resilience. Consequently, the analysis unfolded on two directions: (1) a first line of research focused on a qualitative study of the scientific literature in search for the theories explaining resilience and (2) a second direction disposed in applying the digital resources in order to detect the theoretical trends and cultural focus specific to scientific literature for a certain period in time.

Results have shown that the Covid-19 pandemic produced a shift in the theoretical focus on resilience by outlining the institutional roles and competence-specific responses, continuity and change in discursive practices, incrementalism or systemic change in policy-making in different policy areas with substantial effects on further integration.

Authors' Contributions:

The authors contributed equally to this work.

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Article Info

Received: February 20 2022

Accepted: February 28 2022

How to cite this article:

Olimid, A.P., Georgescu, C. M., Gherghe, C. L. (2022). Influences of Covid-19 Crisis on Resilience Theories: An analysis of Community, Societal and Governance Resilience. *Revista de Științe Politice. Revue des Sciences Politiques*, no. 73/2022, 38-51.



ORIGINAL PAPER

Dynamic and Diverse Issues of Social Europe

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Abstract:

This research addresses issues related to the concept of social policy and the design of social policy in the context of ever-changing challenges in the economic, social and political fields. The complexity and variety of social problems that manifest themselves at the national level have required the capture of the objectives and role of social policies whose evolution has led to changes in state functions, which assume responsibilities in ensuring collective welfare, in order to provide goods and services for the whole community. In this approach, issues related to social justice and efficiency were addressed, which must be met, considered together, harmonized resulting in a compromise between efficiency and equality, between the market economy and the moral arguments of redistribution, a result which consists in social equity. At the same time, we considered it necessary to present the structure of social policy to allow the successful design and implementation of social policies, being presented in this regard the factors involved and its structural components.

Keywords: *social policy; Social Europe; equal opportunities and discrimination; poverty and social exclusion.*

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Dynamic and Diverse Issues of Social Europe

Introduction

Building on the social policy models of the Member States, the Brussels supranational authorities have sought to formulate and implement a common social policy at EU level. This concern practically reflects the social dimension of community integration, being synthesized by the relatively recent concept of social Europe.

The need for the European Union's social policy systems from the essential functions that social policy can play in modern society, such as economic development, social development, integration and social inclusion, aid for disadvantaged people, improving living standards and living conditions, and, more generally, the quality of life for all members of society. There are several national social alternatives to the welfare status in Europe, but despite the different national social configurations, it can be seen that debates and social interests are common and reflect the concern of European policy makers to ensure a better standard of living for all citizens.

Reviewing the diversity of existing social problems in the European Union, from its inception in the form of the European Economic Community to the present, and presenting the pros and cons of each stage of the interventions of States or the Community as a whole, we emphasized, therefore, the importance given by the European Union to issues of equal opportunities and discrimination, poverty and social exclusion, as well as the concrete ways in which Member States' national policies are guided in these areas by applying the open method of coordination.

Social policy revolves around a set of actions aimed at the dynamic interaction between economic, social and employment policy and attracting all the benefits of these policies. The central message is that economic development and growth are not goals in themselves, but first and foremost means of achieving a growing standard of living. As such, social policy influences economic policies, and employment presupposes not only economic but also social values.

A quality social policy also includes adequate social protection, the access of all European citizens to adequate social services, real opportunities for all individuals, the guarantee of fundamental social rights. The viability of social and employment policies stimulates productivity and facilitates adaptation to change. At the same time, they play a key role in the transition to a knowledge economy.

Conceptual Aspects of Social Policy and Social Protection

Even today, after many decades of study in the field of social policy, we cannot say that an absolute consensus has been reached on the areas of social coverage (more precisely, on the intrinsic content of social policies) in the wider public policy framework. Thus, "the term social policy" is sometimes identified with that of public policy. However, the latter is broader and includes in its content, in addition to social policies, economic policies, foreign policy, urban policies, etc., all actions of political actors in all other public policies have a substantial influence on social policies, which means that the broadest definitions of social policies often include most public policies, which makes the two terms often used interchangeably. In reality, the notion of social policy refers only to an important part of public policy. An attempt to define social policy could be made by exclusion: it is in the field of social policy all that remains of the policy of a government or local authorities, after the exclusion of public policies without direct social impact (Chindarkar, N.:13-14)." However, such a definition only meets, to a small extent, the requirements of the study of social policy. More appropriate

for understanding these concerns would be a positive, affirmative description that aims at the common core of all possible types of social policy.

Thus, one of the answers tries to illustrate social policy "through the fields in which public policy operates", which he considers included in social policy. Another answer starts from defining the proportion of social policy, explaining what makes it different from other types. From this point of view, it seems that the difficulties on the subject of social policy are more difficult to overcome.

Authors and researchers have agreed on the inclusion of social policy areas as a fundamental element of the definition. However, this point of view also seems debatable, because one cannot consider any social policy as part of social policies only on the basis of its particular features. Often neglecting aspects that have a considerable impact on the well-being of society leads to arbitrary assessments.

The answers to the question in most cases start from a common set of criteria that take into account certain elements characteristic of the concept of social policy: social security, social services and social programs. This response shows the primordially of the individual interest, which relates social policy to their own needs. While the population has no doubts about the recognition of these areas as social, the terminology triggers some confusion. The existence of government departments specialized in groups of problems and activities does not exclude the cohesive formulation of a unitary conception, generalized at the level of the whole society about the social policy. We must not forget the fact that together with the state that takes care of the social, the enterprises, through their social functions, make a contribution in addition (Romanian Academy, 2003)."

There are real areas of private interest in the field of social policies, which are not only avoided so as not to disturb the sector of private economic agents, but moreover, are excluded as not having a socio-political character. An example is the educational policy which, according to some authors, due to the fact that the field of education is one of the sectors that requires the highest public spending, far beyond the services considered to contribute to public welfare, education policy deserves more or less to be included in social policies. If we define social policies in terms of public spending, then the inclusion of education as a social policy is the consequence of an arbitrary decision to define this social policy as public spending that contributes to public welfare "(Pîrvu Gh., 2007: 134-146).

"The difficulty of accurately framing the object of social policy as part of public policy stems on the one hand from the different cultural and political traditions on the continent and on the other hand from the dynamics that" social has known as meaning and as an impact, even at the level of the same society, over the last few decades. Even this is, a relative consensus, given primarily the sharp interdependencies between economic and social policies, between which it is increasingly difficult to draw precise boundaries, or the social consequences that sometimes flow from politics foreign and defense of a country. (Romanian Academy, 2003; Pîrvu R., 2019: 6).

British sociologist T.H. Marshall defines the meaning of this concept as simple as it is comprehensive: "The essential goal of social policy in the twentieth century is to ensure the well-being of its citizens." In general, there are two approaches to the motivation behind a social policy. Traditionally, the ideological approach is based on the assumption that the welfare state is based on "political reasons" (related to doctrine), and the much more recent pragmatic approach promotes the function of "social problem solving" of social policy. Emptying it of such ideological content and giving it solid

Dynamic and Diverse Issues of Social Europe

technocratic valences. Going, obviously, in the first direction, neo-Marxists in Western democracies claim that "advanced capitalist societies need an infrastructure of welfare policies to maintain social order, to bribe workers, and to prevent them from resorting to protests, to - provide a workforce with acceptable standards of education and health".

For neo-Marxist theorists, the term "welfare capitalism" has, of course, a pejorative connotation, suggesting a form of social control, of measures to combat disorder and crime, as well as measures taken by the police or the judiciary and not lastly, having the role of legitimizing and promoting the capitalist system. Moreover, it has gone so far as to consider that welfare policies are not supported for humanitarian reasons and to meet the real needs of workers, but only to respond - conjunctural - to social unrest. Thus, social policies are initiated or expanded during outbreaks of discontent and social disorder during mass unemployment, and then they are abolished or restricted when political stability has been restored. Non-ideological, unloaded with doctrinal contents, the pragmatic approach emphasizes the technical, punctual solution of social problems.

In the Romanian literature, this approach is summarized by Mihuț (1995) as follows: "Social policy is, or should be, an answer to the social problems of a certain community, respectively of certain groups more exposed to different risks". There are, of course, intermediate approaches between these conceptions, which try to reconcile ideology with pragmatism, respectively principles with solutions. Joan Higgins considers that both options are, however, based on rational models of political intervention, in which attention needs to be paid to the complex connection between the objectives of policy makers and the consequences of their interventions. Thus, it seems justified to consider that social intervention cannot be isolated from a set of major objectives, enshrined in political decision-making, just as the solution of community problems through concrete social action cannot be broken by a certain direction of development of society as a whole development that must be based on a global vision and have a well-defined, politically legitimate meaning.

Contemporary studies in this field bring into question the relationship between the two categories of agents involved in social policy: the initiators, the makers of social policy and the implementers of social policy. Among them is a system of relationships that start from the extremely different and mixed goals of those who can influence social policy. Many social policies, through their content, invoke the need for marginal adjustments compared to some previous situations, the motivation being the need to correct the negative consequences of the planned policies "(Radu, R., 2005:116).

In a reference book for the development of profile studies in Romania after 1989, "Social policies. Romania in the European context", Zamfir (1995) states that "social policy can be understood as state intervention in shaping the social processes characteristic of a particular community in order to change them in a direction that is considered desirable by political actors, it seeks, through its own mechanisms of distribution and redistribution of existing resources in the community at a given time, to achieve collective well-being." In specific legislative provisions, administrative decisions and regulations, social programs, transfers of income (taxes, fees, respectively pensions, allowances, scholarships, etc. within the insurance and social assistance systems) financing, production and provision of goods and services social security for the population.

The comparison of social policies results in social programs subordinated to national goals and there are two guidelines on the concept that underlies the construction of social policy:

- the utilitarian orientation "that considers man as a rational and responsible being, in this sense the social policy entailing a system of incentives that will mobilize the individual in the possibility of controlling goods with the help of the legal means that society provides;

- therapeutic social orientation, which calls for greater government intervention in restructuring its level of action and applicability (Preda M, 2002)."

Given these definitions and approaches to social policy, we can say that it includes: activities and principles of society that guide the way the state intervenes and regulates relations between individuals, groups, communities and social institutions.

As we can see from the experience of the Member States in recent decades, social policy can play a number of important roles in modern society, such as economic development, social development, integration and social inclusion, aid for disadvantaged people, improving living and working conditions life, and, in general, the quality of life of the population (Avram, C., et al., 2007: 63-75). The aim is to obtain quality standards for the lives of citizens, which will allow the best possible representation in society of each person, based on free access to education and employment, easy access to material living resources and care services health, respect for the individual rights and freedoms of citizens, a high degree of inclusion, integration and social participation, personal satisfaction and happiness.

The shaping of social policy involves taking into account not only the components and rules for arranging them according to a predetermined plan but also the algorithm of their operation, which is based on the relationship between economic and social. There is a consensus in the literature presented on the need to include a permanent dialogue between the political analyst, the one who elaborates the social policy and the one who implements this social policy (Pîrvu, Gh. et al, 2011: 168-170). It is often considered that a social policy is not appropriate in its application even if the one who initiates it and makes decisions is trained in the field, which ensures his knowledge and understanding of the social phenomenon. The final assessment of social policy is made only by the individual or by society as a whole.

Various Issues of Social Europe

In terms of enlargement, the European Union has traveled from 6 to 28 (now 27) Member States. The European Union can only be extended to European countries that respect the principles of "human dignity, liberty, democracy, equality, the rule of law and human rights, including the rights of persons belonging to minorities". Each country must also organize itself through institutions that ensure high standards of "pluralism, reduction of discrimination, increase of tolerance, fair justice, solidarity and equality of women and men" (TFEU, 2012).

Equality of opportunity and treatment for women and men "is found in the Treaty on European Union (Maastricht Treaty, in force since 1993), in secondary legislation - the Community directives on equality between women and men"- to which is added the case law Luxembourg Court of Justice (Avram, C., et al., 2007: 56).

With the entry into force of the Treaty of Amsterdam (1999), the European Union has made a decisive commitment to promoting gender equality and gender mainstreaming in all community activities. (Blakemore K, Warwick-Booth L., 2013)."

Dynamic and Diverse Issues of Social Europe

Segregation is also found in the education system: Although in the future women will represent the majority of new graduates in higher education (59%), the fields of study are significantly in certain patterns. Education, humanities and arts and health comprise almost half of licensed women, but less than a quarter of licensed men, while technical studies attract only one licensed woman out of ten and four out of ten licensed men.

One of the consequences of these differences and inequalities affecting women in the labor market is reflected in maintaining the pay gap between women and men. "Women earn on average 15% less than men for every hour worked. Socially, women are at greater risk of exclusion and poverty, especially among the elderly and separated parents. The risk of poverty for women over 65 is 20%, i.e. 5 points higher than men, while the risk for families is 34%. On the other hand, long-term unemployment affects 4.5% of women, i.e. 1 point more than men (Crespy, A., 2019) ".

Women are also the majority of inactive people, so they are especially vulnerable to the risk of poverty. Thus, it is important:

1. Eliminating gender gaps in the labor market.
2. Promoting a better balance between women and men by sharing private and family responsibilities.
3. Ensuring full support for equal opportunities policies for women and men through cohesion and rural development policies.
4. Ensuring the effective implementation of the legislative framework (Vandenbroucke F. with Vanhercke B., 2014).

Poverty is on the political agenda of all Member States, but the broader concept of social exclusion is insufficiently defined. The main factors contributing to the emergence of social exclusion are unemployment, the extension of non-traditional families, the limited capacity of social protection and employment to ensure an adequate level of income. In addition, inadequate levels of coverage and performance of social assistance systems often make it difficult to address issues of social exclusion.

A very important concept for the approaches of recent years is that of social exclusion. Through this concept, the transition from poverty as a way of measuring the need for social protection (lack of income or insufficient consumption) to social exclusion as a lack of opportunities of more types than opportunities for gain or consumption was achieved. Therefore, I consider it important to analyze its significance, because it changes the image of the values that underlie the social protection of individuals, through diversification and nuance. Thus, the lack of income or insufficient consumption become only a part, a type of exclusion, the financial one, and the responsibility of the state changes from providing a necessary minimum (of income) in eliminating the causes, the restrictions that exclude the individual from their procurement.

Social exclusion is a concept that goes beyond the marginalization and must be defined in terms of incapacity / failure of one or more of the following four systems:

- the democratic and legal system, which implies civic integration;
- the labor market, which promotes economic integration;
- the "welfare state" system, which promotes what can be called social integration;
- the family and community system, which promotes interpersonal integration (Berghman J., 1996:328).

Whether or not a person belongs to a society depends on the four systems. Civic integration presupposes being an equal citizen in a democratic system; economic integration means having a job; social integration means having access to services provided by the state; interpersonal integration involves belonging to a family, a group of friends, neighbors, interpersonal networks to provide company and moral support to those who need them.

It can be said that social exclusion is a more comprehensive concept than poverty, which includes not only the lack of material means but also the impossibility of being included in various social, economic, political and cultural networks. In addition to the deficit of income or consumption compared to the general trends in society, which throws the individual into poverty, social exclusion implies a deficit of participation in social life and activities.

A closer look shows that there is a significant equivalence between the structure of the concept of exclusion and that of citizenship, described by Marshall (Marshall T.H., 1950). The four systems in the structure of the concept of exclusion actually correspond to the three types of rights that Marshall speaks of, plus the system of supportive relationships that determine interpersonal integration. Marshall himself uses the term exclusion when referring to the privileges of certain social groups and the use of apprenticeship as a tool of exclusion rather than recruitment. Social exclusion can be said to be a failure of the full realization of civil rights, the symbiosis of concepts being thus clear.

Exclusion presupposes the process of exclusion, while at the same time encompassing its direct result, which is social deprivation. Exclusion therefore has a predominantly dynamic component, as opposed to poverty which is predominantly static. Bruto da Costa (in Preda M., 2002:100) links the concepts of poverty, relative deprivation and social exclusion, adding the concept of impoverishment as a process that leads to the static result of poverty.

In practical terms, exclusion allows for different ways of combating it. Whether it refers to income or consumption, poverty can be combated at some point only through redistribution. Reducing exclusion does not necessarily mean redistribution. Giving someone a right, enticing them to participate in certain processes, does not mean eliminating another. Many exclusionary mechanisms are triggered by a lack of resources. However, it is not mandatory and the emergence of resources does not automatically imply the disappearance of exclusion. That is why it can be seen that putting the issue in terms of social exclusion allows for much easier interventions, perhaps even with greater chances of effectiveness than the discourse and action focused on poverty and combating it.

Conclusions

Recent Member States' experiences (application of the open method of coordination, national action plans against poverty and social exclusion) have shown that the central aim of social inclusion policy is to ensure the functioning of key mechanisms that "distribute" opportunities and resources (labor market, tax system, social protection, education and other services) in such a way as to meet the needs of individuals affected by the risk of poverty and exclusion and to enable them to exercise their fundamental rights.

Therefore, promoting social inclusion involves taking into account some remarkable structural changes in the EU. If appropriate responses are not put in place,

Dynamic and Diverse Issues of Social Europe

these changes could lead to new risks in the area of poverty and exclusion for vulnerable groups. More specifically, these transformations refer to: major structural changes in the labor market; the rapid growth of the knowledge economy and information and communication technologies; increasing dependency rates as a result of demographic trends; cultural, ethnic and religious diversity structure.

Although the extent of the difficulties differs substantially from country to country, some crucial components of EU-wide anti-poverty and social exclusion policy can be identified, namely: developing an inclusive labor market and promoting employment as a right and an opportunity for all European citizen (Jianu E, et al., 2021: 3); guaranteeing adequate income; attacking the disadvantages of some individuals in the educational system; maintaining family solidarity and protecting children's rights; ensuring decent living conditions; guaranteeing equal access to quality social services; investments in social services; regeneration of economically and socially declining regions.

Member States' social inclusion policies recognize the importance of promoting access to the labor market, not only as a way of reducing poverty and exclusion, but also as a means of preventing it. Therefore, measures to increase the attractiveness of jobs and assistance to the unemployed and other groups of the active population also reduce social exclusion.

However, increasing the degree of integration or reintegration into the labor market is insufficient to blur social exclusion. Of course, for young people below the legal age limit, for people with severe disabilities who completely lose their ability to work, employment is not a realistic option. Therefore, these groups must have access to an adequate income, decent living conditions, quality services (health protection, education and training, recreational and cultural activities, transport, etc.). As children and young people face higher risks of poverty and social exclusion than adults, investing in policies that promote the inclusion of children prevents intergenerational poverty and recurrent cycles of poverty.

Acknowledgement:

This work was supported by the grant POCU380/6/13/123990, co-financed by the European Social Fund within the Sectorial Operational Program Human Capital 2014 – 2020.

Authors' Contributions:

The authors contributed equally to this work.

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Article Info

Received: February 20 2022

Accepted: March 03 2022

How to cite this article:

Toma, O., Gruescu, R.M. (2022). Dynamic and Diverse Issues of Social Europe. *Revista de Științe Politice. Revue des Sciences Politiques*, no. 73/ 2022, 52-60.



ORIGINAL PAPER

Analysis of EAFDR Payments at the Level of Romania's Development Regions

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Abstract:

The general objective of the research is to analyze Romania's possibilities to achieve economic growth in rural areas by attracting non-reimbursable funding sources to rural areas, to understand the necessary adaptation to economic changes, while maintaining the highest possible level of economic growth. The research of European and national financial allocations for rural development in Romania and the research of payments for rural development and the identification of ways to increase development through non-reimbursable funds allowed us to identify the mechanism of propagation of EU rural development policy actions on Romania's rural economy.

Keywords: *rural areas; EAFDR; rural development; RDP; absorption.*

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Introduction

The twentieth century is characterized by profound technical and technological changes, political and economic that have left their mark on the rural economy, the way of life of rural communities. In some directions, rural development is proving to be the way to achieve the inevitable changes, achieved in an economically, rationally environmentally responsible and socially equitable way. Village communities are successful in using the local values and skills they have, while adopting new rules for the development of modern technology and technology at the local level. Changes in agriculture have encouraged rural communities to become better organized locally, and community development has allowed local residents to pay increasing attention to expanding infrastructure.

Due to the high share of the rural population and the territories owned by the rural area, to which is added the importance of the economic and spiritual life of the rural area, the problem of rural development has not only national but also international connotations. complex and topical, being approached in terms of ensuring the balance between the requirement of preserving and conserving the material and spiritual values of the rural space and the tendency to modernize them.

Rural development must be considered from the perspective of the future, including agriculture in a broader socio-economic and ecological context, and the involvement of information and communication technology has the role of disseminating knowledge, information and know-how. The concept of rural development is meant to annihilate the four types of obstacles identified, namely:

- a) "barriers to distance" from the location of government structures;
- b) "economic barriers" folded to the business sector (suppliers - potential customers);
- c) "social barriers" encountered by the villagers in access to education, services medical;
- d) "information barriers", which make the village not visible to other central areas

urban.

Under these conditions, the national and international concerns of political and governmental actors, economic and social bodies, civic organizations, scientists in various fields of activity, have become increasingly intense in order to develop the rural, material, spiritual space. In this context, in many territories of the Earth, especially in those consolidated in economic and social terms, the national strategies for economic and social development integrate, in their structures, the sustainable development of the countryside (Pîrvu et al., 2018).

Recalibrating urban requirements with the reconstruction of the rural resource base is an important area for development - which the political community concerned with rural development must consider, not only in terms of environmental protection or conservation, but also in redefining social and ecological utility.

Clearly, these emerging but potentially volatile forms of vulnerability pose threats as well as opportunities for the rural development process. There is a theoretical need to start studying the complexities of such forms - through the analysis of rural development financing, as well as through a more interdisciplinary perspective, which integrates different approaches to global issues of unequal development, welfare and socio-ecological security.

Analysis of EAFRD Payments at the Level of Romania's Development Regions

Rural development efforts have become more complex over time than in the initial phase, for the following reasons:

- disparities have increased and are generally not in favor of rural areas;
- Continuing structural adjustments in agriculture has called for more effective policy instruments than traditional agricultural structural policies, and also aims more at diversifying rural economies, not just focusing on one sector;
- experience has shown many times that rural development needs a political approach characterized by innovation, community participation, cooperation, networking, multilevel governance, etc. These ingredients are in stark contrast to the strengthened approach to structural policy taken by many countries, which have used it to deliver funds to rural areas;
- New environmental challenges have arisen over time, requiring cross-border solutions, policy tools and resources that each Member State cannot best achieve.

These emerging trends have provided new reasons for an EU rural development policy, which may seek to achieve a consistent degree of action across the country (Pirvu et al., 2011). The lack of a common rural development policy would probably widen the performance gap between those Member States and regions, on the one hand, which are not in a position to establish their autonomous policies, on the other hand, and those Member States and regions which have designed and implemented appropriate policies.

In Romania, manifestations of regional development policy began to take shape in 1996, with the entry into operation of the PHARE program. It is the moment when the regional development becomes one of the 4 priority programs that were included in the National Indicative Program Phare 1994-1997. It has been approved by the Romanian Government and the European Community (Antonescu, 2003:23; Antonescu, 2013). However, in 1997, the Commission expressed its views on our country's application to become a member of the Union, stating that "Romania does not have a specific regional development policy" (Avram, 2007: 47). Starting with 1998, the legal framework was established, which established the objectives of the national policy, the institutions involved in the regional development policy, the competencies, as well as the specific tools for promoting this policy (Pirvu et al., 2019).

Although it has long been recognized that rural areas owe much of their development and trajectory to their particular regional contexts, and that they have not only economic but also social and political dimensions (Pirvu, 2011), it is also clear that this regional context has important ecological and eco-economic flows, which interact with economic, social and political aspects. At the same time, rural development must meet the growing variables and expectations of the public about the function and purpose of rural areas - for example, consumer demand for quality food, landscaping, tourism and environmental conservation areas. In this sense, rural areas are facing increasing pressure from urban populations to maintain and expand the rural economy.

Review of EAFRD Payments at the Level of Romania's Development Regions

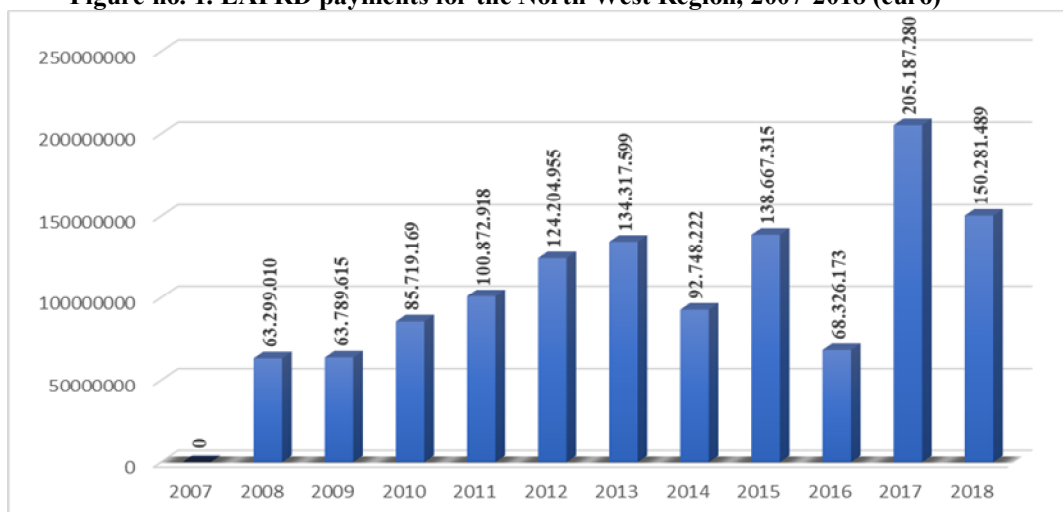
In order to obtain a more complete picture of Romania's performance in attracting European funds for sustainable development, it would be advisable to analyze

the payments made from the EAFRD in the development regions of Romania, for the last two allocation periods, respectively 2007-2013 and 2014 - 2020.

It should be noted that the inclusion in the analysis of the previous period for the 2007-2013 multiannual framework is relevant to be able to observe the changes that have taken place in terms of the performance of attracting European funds for rural development, as well as the impact that these investments have on had at the level of the development regions (NUTS2) of Romania (Figure 1-8).

An important observation regarding the payments made during the analyzed period is that the amounts that appear paid on account of 2015 are not related to the multiannual financial framework 2014-2020, but to the previous programmatic period, respectively 2007-2013. This was possible due to the one-year extension that Romania received regarding the mechanism of spending European funds up to the N + 2 limit (disengagement rule), thus making it possible to settle payments up to N + 3. For all development regions analyzed, the payments for 2015 from the 2014-2020 budget were zero.

Figure no. 1. EAFRD payments for the North West Region, 2007-2018 (euro)



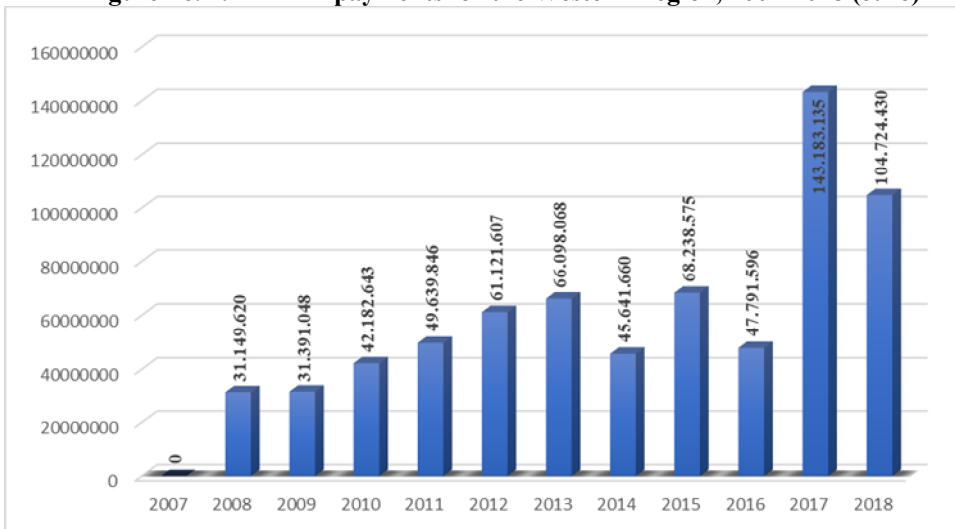
Source: European Commission, August 2021, edited by the authors

The evolution of EAFRD payments in the North-West Region in the period 2007-2018 has been progressively increasing, with local authorities and beneficiaries gaining more and more experience in attracting and spending these funds, as evidenced by the increasing amounts spent and reimbursed for rural development projects. .

The best year in terms of attracting funds for rural development in the North-West Region was 2017, when payments totaling € 205.19 million were recorded (Figure 1).

Analysis of EAFRD Payments at the Level of Romania's Development Regions

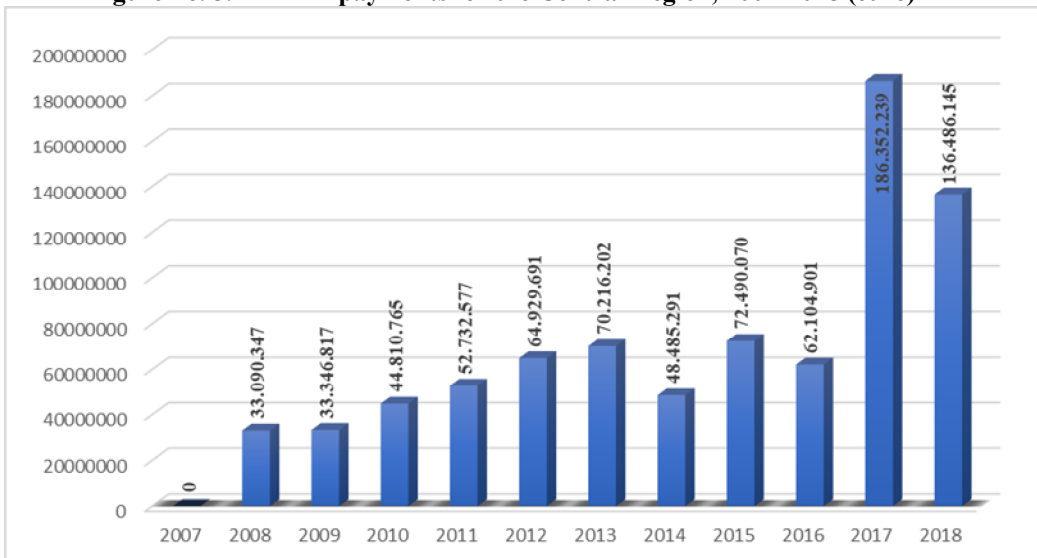
Figure no. 2. EAFRD payments for the Western Region, 2007-2018 (euro)



Source: European Commission, August 2021, edited by the authors

The evolution of payments made for projects dedicated to rural development in the West Region has registered, similarly to the North-West Region, an increasing evolution since 2008, when payments totaling 31.15 million euros were recorded, culminating in the amounts paid in 2017, when a maximum of 143.18 million euros was registered (Figure 2).

Figure no. 3. EAFRD payments for the Central Region, 2007-2018 (euro)



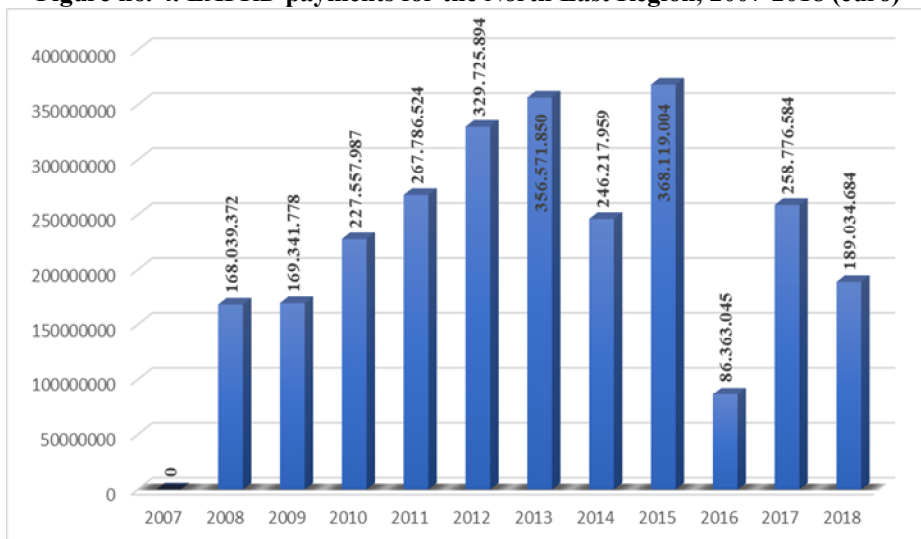
Source: European Commission, August 2021, edited by the authors

In the Central Development Region, the same upward trend of reimbursements related to the implemented rural development projects was registered, proof of the

increase of the experience and expertise of the parties involved in the whole process related to the implementation of the rural development projects in this region.

In the first year when payments from EAFRD funds were made, respectively 2008, 33.10 million euros were paid in the Central Region, the amounts increasing year by year up to a maximum of 186.35 million euros which were settled in 2017 (Figure 3).

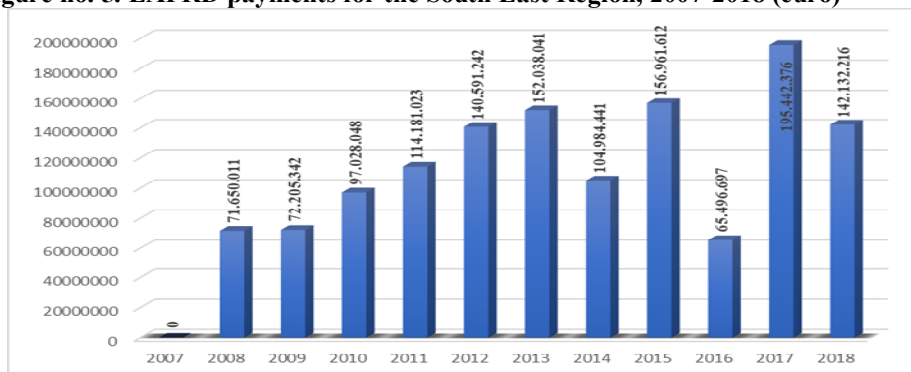
Figure no. 4. EAFRD payments for the North East Region, 2007-2018 (euro)



Source: European Commission, August 2021, edited by the authors

The analysis carried out for the North-East Development Region for the period 2007-2018 indicates that the payments settled for rural development projects in this region were much higher than in the other development regions, in the same general upward trend observed throughout the territory. Romania.

Figure no. 5. EAFRD payments for the South East Region, 2007-2018 (euro)



Source: European Commission, August 2021, edited by the authors

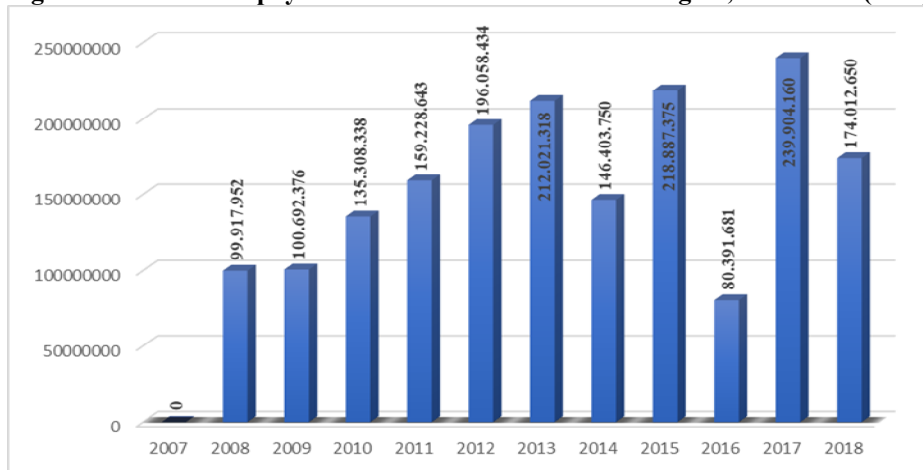
In contrast to the other development regions analyzed, in the North-East Region the total value of payments recorded in the first year when amounts related to the implemented rural development projects were settled, respectively in 2008, was 168.04

Analysis of EAFRD Payments at the Level of Romania's Development Regions

million euros, with much for what the other regions have attracted. The maximum amount paid from the budget of European funds dedicated to rural development in Romania was registered in 2015, with a value of 368.12 million euros, but a very close value (respectively 356.51 million euros) was paid in 2013, this This proves the concern of the beneficiaries to attract as many European funds for rural development in this region (Figure 4).

The analysis of the evolution of EAFRD budget payments in the South-East Region for rural development projects suggests an evolution similar to that of the North-West and West development regions. Thus, the value of payments was in an upward trend, from a minimum value recorded in 2008 when total payments of 71.65 million euros were made and reaching a maximum value of payments made for rural development projects in 2017 , amounting to 195.44 million euros (Figure 5).

Figure no. 6. EAFRD payments for the South Muntenia Region, 2007-2018 (euro)



Source: European Commission, August 2021, edited by the authors

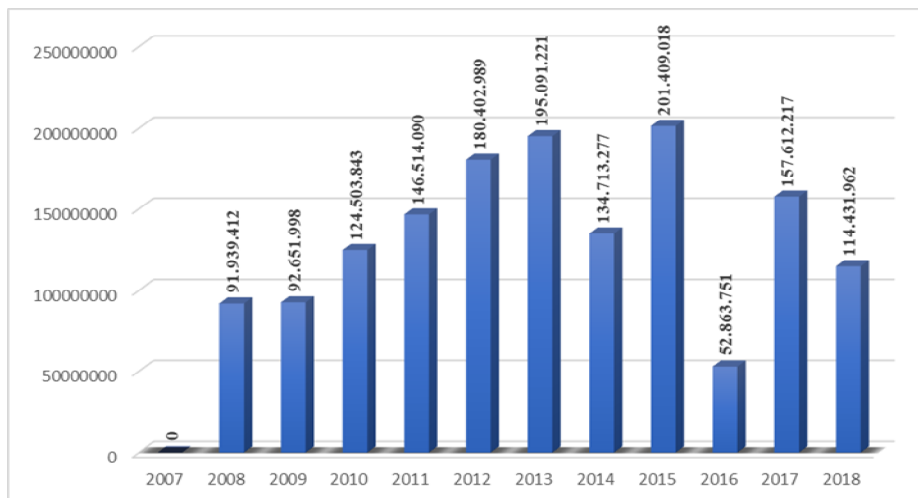
In the South-Muntenia Region, the analysis of the situation of payments made from European funds for rural development indicates an evolution rather close to the evolution of the amounts paid in the North-East Region, given the fact that the first payments made in 2008 were at a level quite high compared to the other development regions, respectively 99.92 million euros.

The progress made in the amounts paid to beneficiaries for the reimbursement of expenses incurred in rural development projects has been steadily increasing, culminating in payments made in 2017, when 239.90 million euros were paid for implemented projects. Even if the maximum amounts were paid in 2018, the years 2013 or 2015 were not much below the maximum threshold either, being settled total expenses of 212.02 million euros and 218.89 million euros respectively for the implemented projects (Figure 6).

In the case of the South-West Oltenia Development Region, a slightly different evolution was noticed compared to the evolutions registered in the other development regions in terms of the amounts attracted and paid for rural development projects, only the North-East Region showing a relatively similar evolution. Thus, analysing the data obtained, we notice a fairly good start of the implementation of rural development

projects in the South-West Oltenia Region, in 2008 payments were made for these projects in a total amount of 91.94 million euros.

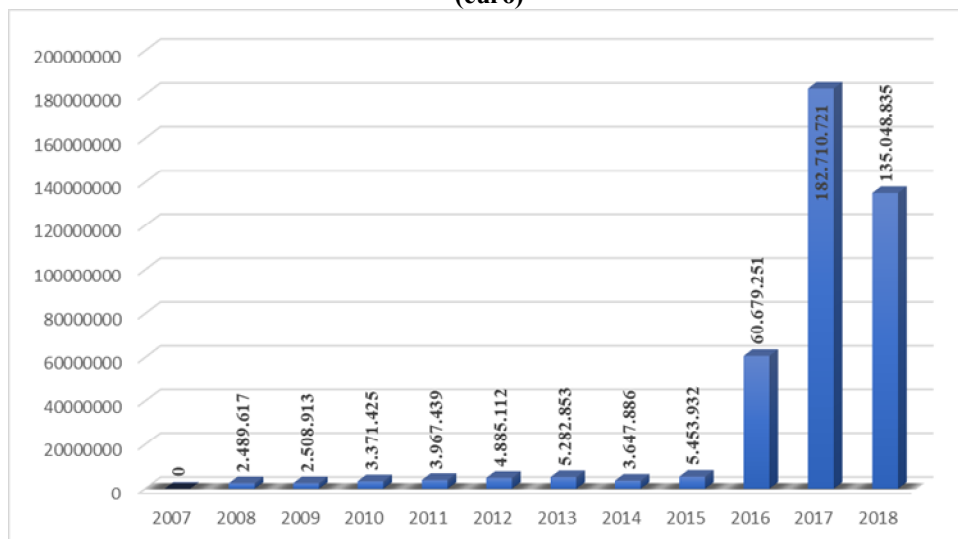
Figure no. 7. EAFRD payments for the South-West Oltenia Region, 2007-2018 (euro)



Source: European Commission, August 2021, edited by the authors

The amounts paid to project beneficiaries increased progressively, from year to year, reaching a maximum of payments in 2015, when total expenditures of 201.41 million euros were settled. However, we must also highlight the very good evolution of the payments made in 2013, when total amounts of 195.09 million euros were paid, a value quite close to the maximum recorded in 2015 (Figure 7).

Figure no. 8. EAFRD payments for the Bucharest-Ilfov Region, 2007-2018 (euro)



Source: European Commission, August 2021, edited by the authors

Analysis of EAFRD Payments at the Level of Romania's Development Regions

Continuing the analysis of the payments made from EAFRD in the period 2007-2018 with the Bucharest-Ilfov Development Region, we notice a completely different evolution of the amounts transferred to the beneficiaries compared to the other development regions, only starting with 2016 a significant increase of amounts attracted. These differences in evolution can be explained by the fact that the Bucharest-Ilfov Region, on the one hand, is considered a well-developed region, above the European average of NUTS2 regions, and on the other hand, the geographical and administrative-territorial structure is completely different. compared to the structure of other development regions, thus diminishing the potential for attracting European funds.

However, we note that since 2016 there have been increases in the amounts paid from the EAFRD budget for rural development projects, reaching a maximum of 182.71 million euros paid in 2017 (Figure 8).

Conclusion

In order to obtain a more complete picture of Romania's performance in attracting European funds for sustainable development, following the analysis of EAFRD payments at the level of Romania's development regions, for the last two allocation periods, respectively 2007-2013 and 2014-2020, we identify the following:

- o The evolution of EAFRD payments in the North-West Region in the period 2007-2018 has been progressively increasing, with local authorities and beneficiaries gaining more and more experience in attracting and spending these funds, as evidenced by the increasing amounts spent and reimbursed for rural development projects. . The best year in terms of attracting funds for rural development in the North-West Region was 2017, when payments totaling 205.19 million euros were recorded;

- o The same upward trend in reimbursements related to the implemented rural development projects was registered in the Center Development Region, as evidenced by the increase of the experience and expertise of the parties involved in the whole process related to the implementation of rural development projects in this region. In the first year when payments were made from EAFRD funds, respectively 2008, 33.10 million euros were paid in the Center Region, the amounts increasing year by year up to a maximum of 186.35 million euros which were settled in 2017;

- o In contrast to the other development regions analyzed, in the North-East Region the total amount of payments recorded in the first year when amounts related to the implemented rural development projects were settled, respectively the year 2008, was 168.04 million euro, much for what other regions have attracted. The maximum amount paid from the budget of European funds dedicated to rural development in Romania was registered in 2015, with a value of 368.12 million euros, but a very close value (respectively 356.51 million euros) was paid in 2013, this This proves the concern of the beneficiaries to attract as many European funds for rural development in this region as possible;

- o The analysis of the evolution of EAFRD budget payments in the South-East Region for rural development projects suggests an evolution similar to that of the North-West and West development regions. Thus, the value of payments was in an upward trend, from a minimum value recorded in 2008 when total payments of 71.65 million euros were made and reaching a maximum value of payments made for rural development projects in 2017, amounting to 195.44 million euros;

- o In the case of the South-West Oltenia Development Region, a slightly different evolution was noticed compared to the evolutions registered in the other

development regions in terms of the evolution of the amounts attracted and paid for rural development projects, only the North-East Region showing a relatively similar evolution. Thus, analyzing the data obtained, we notice a fairly good start of the implementation of rural development projects in the South-West Oltenia Region, in 2008 payments were made for these projects in a total amount of 91.94 million euros. The amounts paid to project beneficiaries increased progressively, from year to year, reaching a maximum of payments in 2015, when total expenditures of 201.41 million euros were settled. However, we must also point out the very good evolution of the payments made in 2013, when total amounts of 195.09 million euros were paid, a value quite close to the maximum recorded in 2015.

o The evolution of payments made for projects dedicated to rural development in the West Region has registered, similarly to the North-West Region, an increasing evolution since 2008, when payments totaling 31.15 million euros were recorded, culminating in the amounts paid in 2017, when a maximum of 143.18 million euros was registered.

o In the South-Muntenia Region, the analysis of the situation of payments made from European funds for rural development indicates an evolution rather close to the evolution of the amounts paid in the North-East Region, given that the first payments made in 2008 were at a quite high compared to the other development regions, respectively 99.92 million euros. The progress made in the amounts paid to beneficiaries for the reimbursement of expenses incurred in rural development projects has been steadily increasing, culminating in payments made in 2017, when 239.90 million euros were paid for implemented projects. Even if the maximum amounts were paid in 2018, the years 2013 or 2015 were not much below the maximum threshold either, being settled total expenses of 212.02 million euros and, respectively, 218.89 million euros for the implemented projects;

o In the period 2007-2018 for the Bucharest-Ilfov Development Region, we notice a completely different evolution of the amounts transferred to the beneficiaries compared to the other development regions, only starting with 2016 there was a significant increase in the amounts attracted. These differences in evolution can be explained by the fact that the Bucharest-Ilfov Region, on the one hand, is considered a well-developed region, above the European average of NUTS2 regions, and on the other hand, the geographical and administrative-territorial structure is completely different. compared to the structure of other development regions, thus diminishing the potential for attracting European funds.

Acknowledgement:

This work was supported by the grant POCU380/6/13/123990, co-financed by the European Social Fund within the Sectorial Operational Program Human Capital 2014 – 2020.

Authors' Contributions:

The authors contributed equally to this work.

Analysis of EAFRD Payments at the Level of Romania's Development Regions

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Article Info

Received: March 06 2022

Accepted: March 16 2022

How to cite this article:

Dinulescu, S., Țenea, L., Bratu, R. (2022). Analysis of EAFRD Payments at the Level of Romania's Development Regions. *Revista de Științe Politice. Revue des Sciences Politiques*, no. 73/2022, 61-71.



ORIGINAL PAPER

Architecture as a Political Tool. Case of the Macedonian Identity Policy (2006-2017)

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Abstract:

This paper presents the effects of the research on the identity policies led by Macedonia's government in 2006-2017. The historical method was used. This work is based on paper publications, as well as on the author's experiences from several field trips to the Balkans (2013-2014). The aim of this article is to analyze the mechanism used by the ruling VMRO-DPMNE to create and strengthen national identity through architecture. The visual arts were always an important tool of transmission of political content. Many governments across the globe have started an 'architectural policy' with the purpose of building a nation: Tajikistan and Kyrgyzstan being an example. In every case, architecture was part of the social engineering process. Macedonia's identity policy was based on the concept of antiquization: an idea which assumes that modern Slav Macedonians are descendants of the ancient Macedonians. The government started transforming public space. The intention was to change its function and make it a part of a propaganda system. In the entire country, many structures were built. Large national flags, monuments of Alexander the Great and pseudo-classical buildings, were considered to be the best means of creating the ethnic Macedonian identity. Controversy over the 'Skopje 2014' Project caused a decline of support to VMRO-DPMNE and led it to lose power. The new social-democratic government started to change the policies which led to an agreement with Greece and admission to NATO.

Keywords: *architecture; Macedonia; identity policy; social engineering; antiquization.*

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Architecture as a Political Tool. Case of the Macedonian Identity Policy (2006-2017)

Introduction

The last decade of the 20th century brought profound changes in many European countries. This period was marked by political, economic and social transformations. One of its most important processes was the breakup of Yugoslavia. As a result of this, brand new states appeared – among them Macedonia. Independence disturbed the foundations on which the fragile balance between the ethnic inhabiting it, was based. Slavic Macedonians were the dominant ethnic group, but they did not create a strong community – their identity began to take shape at the end of the 19th century (Hroch, 2003: 49). Due to the turbulent history of the Balkans, the newly proclaimed republic was home for various ethnic groups: Slavic Macedonians, Serbs, Roma, Turks and Albanians. Their identity was the ground on which nationalist attitudes grew. Ethnic Macedonians built them on the basis of antiquization.

“Initially[,] it was the domain of a few pseudo-historians, but it was picked up with a vengeance by the VMRO-DPMNE when it rose to power in 2006 under Gruevski. It claimed roots to [...] ancient Macedonia going as far as to downplay the Slavic origins. Thus, since the 2000s there are two rival narratives for the hearts and minds of the Macedonians, which also happen to correspond to the viewpoints of the two largest political parties: the Slavist line advocated by the centre-left Social Democratic Union of Macedonia (SDPM) and the ancient Macedonian by the VMRO-DPMNE” (Heraclides, 2021: 169).

Antiquization was the state’s ideology until 2017. Its decline was just the first step on the democratization path. However, (North) Macedonia has achieved one of its foreign policy goals – it became a member of the North Atlantic Alliance.

The article below, is the result of research on the role that architecture played in Macedonia’s identity policy. The work proves that it became a tool, with which an attempt was made to create a coherent historical narrative. Its aim, was to find a new perspective on national identity and instill it within Macedonians. The text presents the course of the architectural policy which was followed by the VMRO-DPMNE in 2006-2017. The article shows its genesis, course and analyzes the effects so far. Can an identity be designed? Why is it important to visualize it? Can architecture be used for that purpose? What are the consequences? The historical method was used to investigate these problems. The source base were publications in Polish and English, as well as the author’s experiences from several field trips to the Balkans (2013-2014).

Identity in the time of globalization

The contemporary world is shaped by various processes. One of their effects is the progressive homogenization of the culture. Paradoxically, it was globalization that stimulated the economic and social changes that contributed to the emergence of the demand for identity (Malinga, 2002: 212). This applies to all levels of society’s organization – from individuals, through social and ethnic groups, cities and regions to nations, states and international organizations. The development of the separateness’ sense is guided by many processes, including political pressures – the world-famous sociologist Zygmunt Bauman stated that we tend to perceive identity as something that is produced (Bauman, 2007: 18).

After gaining independence, Macedonia began to aspire to become a member of the modern states’ club, but exposure to the multidimensional impact of globalization interrupted the period of a relatively calm internal situation and the first attempts to build effective political institutions. The republic then became a testing ground for social engineering. The intended result, was to be a new Macedonian national community – its appearance, history and values were already designed by VMRO-DPMNE politicians, especially under the leadership of Prime Ministers Nikola Gruevski (2006-2016) and Emil Dimitriev (2016-2017). Similar reactions to globalization processes were observed in other countries,

especially those that emerged as a result of the collapse of the Soviet Union and Yugoslavia. Construction of national communities was initiated by (quasi-)authoritarian governments. The methods they used were similar, including: monumentalization of public space, supervision of artistic activity, politicization of museums and desire to create a positive image of the country as democratic (Polese & Isaacs, 2018: 51-53). In such a context nationalism is proof of only a breakneck attempt to stop globalization processes, instead of actually stopping them. The resulting national megalomania turns into a caricature of states' institutions. It reveals the complexes of the rulers and confusion of the citizens (voters). According to Anthony Giddens these problems are easiest to analyze if we look at them as dilemmas, for which solutions help to maintain identity narrative (Giddens, 2001: 258). On the other hand, Darren J. O'Byrne emphasized that

“Traditionally, political identity has been linked specifically to the nation-state. This is primarily because throughout modernity the nation-state has been the dominant form of political administration. [...] Nation-states have required the support of the people, and in order to attain this[,] have sought to ignore cultural pluralism and define the ‘nation’ in monocultural terms. Thus[,] cultural identity has been suppressed by political identity, and this suppression is represented by the ‘assimilationist’ model of citizenship inclusion” (O'Byrne, 2001: 140-141).

Zygmunt Bauman confirmed that national identity was used by state institutions to define the boundaries between ‘us’ and ‘them’. However, states which do not have that monopoly, try to serve as supreme tribunals which could issue judgments about disputed identity (Bauman, 2007: 23).

In the late-modern era national identity becomes obsolete. Arjun Appadurai wrote even that globalization processes resulted in the crisis of the nation-states (Appadurai, 2005: 37). In fact, societies are constantly transforming, borders are blurring and integration in the international structures cause, that the bond of an individual with the state (nation) weakens. That drags him into the embrace of cosmopolitanism. In the hierarchy of human needs the position of national belonging continues to decline. Globalization leads the state to leave the unshakeable relationship of a citizen with the nation. The patriotic sentiments – which were the base of modern nation-states – had to convert partially into the souvenir industry and serve more to entertainment than politics (Bauman, 2007: 29). Siniša Malešević emphasized that

“Bauman’s insistence that consumerism has replaced nationalism is equally flawed. [...] not only has consumerism always been an integral part of [the] nationalist experience, but the two have rarely been mutually opposing forces. [...] consumerism is often an important aspect of nationalist projects” (Malešević, 2013: 186).

Thus, nationalist identity policies are based on a commercialized image of the nation.

Introduction to the Macedonian identity policy

The Balkans are a melting pot of cultures. Maria Todorova stressed that “modern historiography, as it has developed since the nineteenth century, has been recognized as the chief producer of the national narrative, working in close collaboration with and underpinning the activities of the nation-state” (Todorova, 2004: 22).

The strengthening of ties between local Balkan communities sped up in the 19th century. Macedonian Slavs were somewhat uninvolved in these processes. They used to described themselves as ‘locals’, but others considered them to be Bulgarians. The slow increase in their awareness resulted in them leaving Bulgarian insurgent structures, opposing

Architecture as a Political Tool. Case of the Macedonian Identity Policy (2006-2017)

the dominance of Greek as a language used in liturgy and education, starting the codification of the language and reporting the need of recognition, of their distinctiveness by the European empires. In the 1860's the term 'Macedonia' was revived in the political context (Stawowy-Kawka, 2000: 137-139). The confirmation of the existence of an independent Macedonian nation was accompanied by controversy over its name – it comes from the monarchy that was ensured by Alexander the Great.

The attitude of the Provisional Government of Macedonia presented an original combination of a reference to the ancient heritage with the creation of a multi-ethnic society (Czamańska & Szulc, 2002: 29). The most important manifestation of Macedonian national awakening was the insurrection which began on August 2nd, 1903 – the Ilinden Uprising. In Kruševo, a republic led by Nikola Karev was proclaimed (Stawowy-Kawka, 2000: 152). Another important event, was the publication of Krste Petkov Misirkov's work in 1903. 'On Macedonian Matters' was kind of a manifesto which indicated the need to develop a literary standard of the Macedonian language (Stawowy-Kawka, 2000: 141-142). The creation of the Macedonian identity was facilitated by the territorial changes introduced after World War II. A key aspect of political emancipation of Macedonians was the religion – the Macedonian Orthodox Church was established. Later on, it obtained the autocephalous status which clearly strengthened its position in the state's politics (Czekalski, 2006: 336). When the Yugoslav federation broke up, the case of Macedonians was an excellent example of how effective the construction of identity can be for a nation (Hroch, 2003: 50).

After 1991, the young republic tried to gain recognition of its sovereignty by as much members of the international community as possible. Controversy was again aroused by the term 'Macedonia' as Greece defined it as an unlawful reference to the heritage of the ancient Macedonians. Athens which sees itself as the heir of these barbaric people embarked on a heavy diplomatic offensive. On September 13th, 1995, an agreement was concluded which guaranteed mutual respect for sovereignty, political independence and the inviolability of borders. The compromise obligated Skopje to abandon the use of symbols taken from the ancient heritage, especially the Vergina Sun. The change of the emblem and the flag led to the end of the economic blockade, but Macedonian-Greek relations remained tense (Stawowy-Kawka, 2000: 311-313). However, an important role in Macedonian politics was still played by the religion,

“both the socialist SDSM and the nationalist VMRO-DPMNE strongly supported the Macedonian Orthodox Church. An important element of Macedonian identity, it played a disproportionately large role in state affairs. Orthodox icons and religious symbols were featured on bills and coins” (Koinova, 2013: 66).

This way, the Orthodox religion started to be present in everyday life of every citizen, no matter their private beliefs. The period of progressive stabilization of Macedonia's international position, ended with the parliamentary elections held in 2006. They were won by the VMRO-DPMNE which obtained 32,5% of the vote and received the mission to form a government for the second time in history. The premierships of Nikola Gruevski and Emil Dimitriev were marked by an aggressive identity policy (Majewski, 2013: 182).

Political (mis)use of culture and art

The identity policies are related to history or memory politics. All of them have a direct impact on culture, art and education – they serve to embody the designed identity models. This goal can be achieved using e.g. mythology. The importance can be illustrated by the fact, that it is still created in the modern day (e.g. the cult of the soldiers fallen during the Russian invasion of Ukraine in 2022). In the countries of the former Yugoslavia, an important role is played by the myths of origin, which justify the ethnic character of the

nation. The Macedonian mythology is based on the concept of antiquization. On the other hand, it contains elements, that are to prove the contribution of the Macedonian people, to the culture of the Orthodox Slavs. Thus, the heroes' pantheon was joined by among others: Cyril and Methodius, Tsar Samuel and Prince Marko. This is related to the belief in the superiority of Macedonians as the 'chosen people' – the idea is present also among other Balkan nations (Rekšć, 2013: 45-46 & 183-188). Ivan Čolović stated that theories about differences between Balkan nations lead to a conclusion, that they share the same system composed of symbols, rituals and other elements of the political sphere (Čolović, 2014: 72).

In view of the progressing globalization, the best tool for shaping a nation is a permanent material, which can be used to embody the imaginary vision of national identity. Therefore, visual arts that meet this criteria are still of great political importance and can serve e.g. for propaganda purposes. This hypothesis is confirmed by the action undertaken by numerous governments all around the world. They try to take control over the sphere of culture e.g. nationalizing scientific and museum institutions (Machcewicz, 2017: 53-54). Another type of activity aimed at supervising the process of creating (national, ethnic or religious) identity is the implementation of architectural projects. Almost 100 years ago, Stanisław Noakowski stated that every man should know the rules and architectonic styles. It is because, like any other art, architecture reflects the epoch and its values. This kind of knowledge enables us to understand the past as well the present, better (Noakowski, 1957: 34). Arts, including architecture are the medium of communication. The propaganda potential has been used from the ancient times. Buildings are used to influence an individual, convey specific messages and create 'correct' habits. An analysis of information hidden in them, reveals that they represent the views of their creators. They are constructed to interpose on people's behaviour and actively shape it in a particular way. Siniša Malešević stated that

“although symbols such as monuments can and often do remain invisible, empty markers, they can relatively quickly be infused with intense and very different nationalist imaginings. It is so too with other nationalist symbols, from the commemorations of national days to public festivals, sports competitions, beauty pageants, tourist destinations, national cuisine, triumphal arches or war memorials. In everyday life all of these and many other symbols can become powerful mobilizers of nationalist action, [...] such symbols can remain unnoticed for very long periods of time, it does not mean that they are insignificant” (Malešević, 2013: 134-135).

On the contrary – they serve to visualize identity and legitimize the existence of a state.

In Tajikistan, artistic reference to the heritage of the Samanid dynasty helps to unite Tajiks and strengthen their sensation of being one national community. New monuments tend to fill the identity gap which is the result of the fact that the national culture center – Bukhara – is located in Uzbekistan. Same process took place in Kyrgyzstan where the 1000th anniversary of creation of the Epic of Manas in 1995 took on a nation-building character. In the Talas Region, a historical park was built. It hosts a museum and some yurts where Kyrgyz handicrafts are sold. In both countries, identity is visualized by objects devoted to heroes and figures of the culture e.g. writers. The cases are similar also by the fact that their identity policies were initiated by the presidents (Niechciał, 2018: 181-185).

Architecture as tool of Macedonian policy

In socialist Yugoslavia, the emphasis was placed on the creation and development of the Macedonian literary language, folk studies and the educational system (Baczyński, 2021: 14). Another serious interference with the already existing local identity, was the reconstruction of Skopje after the 1963 earthquake. This kind of architectural policy was

Architecture as a Political Tool. Case of the Macedonian Identity Policy (2006-2017)

used also by the authorities of the independent Macedonia. The undertaken investments were to stress the Macedonian character of the new state. The other aim, was to secure the privileged position of ethnic Macedonians, their language, Orthodox religion and the official version of history. It was a specific weapon in the conflict waged with the neighbours and minorities, who demanded the strengthening of their position (Majewski, 2013: 304).

The architectural policy had a strong impact on the international relations. A huge controversy was raised around the statue of Mother Teresa which was built in Skopje, by the artist Tome Serafimovski. The problem was, that the world's most famous Catholic nun was born in Skopje as a daughter of an Albanian family. The Albanians protested against misuse of their heritage. On the other hand, Kuvendi (Albanian parliament) proclaimed the anniversary of her beatification as a national holiday (Czekalski, 2006: 337). However, the most controversial construction was the Millennium Cross which began in 2002. For the location of the 66-meters high cross, the 1066-meters high Krstovar peak was chosen, at the foot of which lies Skopje. Part of the cost was covered by the Orthodox Church and public donations. However, the monument was criticized from the Muslim community (Majewski, 2013: 304). It is difficult to argue, as such an obvious symbol of the domination of Orthodoxy is far from the standards of a modern secular state.

The VMRO-DPMNE developed the antiquization ideology. Antonina Kłoskowska pointed out, that linking the community with the historical ethnos and ensuring a sense of its continuity is the basis for nation-building. Its antiquity is confirmed by the mythology and symbolism which connects it with the old ethnic and usually imaginary form of the community (Kłoskowska, 1996: 80-81). Thus, 'holy places' have great value – historically important areas play a huge role in the national mythology (e.g. Kosovo polje for the Serbs or Gernikako Arbola for the Basques). The content combined with them takes on a unique character. In the case of Macedonia the focus was on towns, villages and archeological sites (e.g. Ohrid, Kruševo, Galičnik and Stobi) where traditional customs are cultivated. The symbolism is present there all the time – even more during celebrations and events. However, the success of indoctrination may not result from quality but the accumulation of messages in the public space. So, a large-scale campaign to nationalise it, was launched. Its aim, was to create an architectural narrative that would show the strength of the state and legitimize its vision of the past. The public space was filled with messages, which were supposed to convince people that the nation has a thousand-years long history (Majewski, 2013: 364-365).

“The policy of antiquization is implemented not only in the capital city of Skopje, but also in smaller towns like Bitola. The main square of the town is decorated with the monument to King Philip II as well as with archaic Macedonian symbols (such as the sun). Thus, we can say that antiquization is a national project, executed by a right-wing government, with an aim to establish an official self-representation of its ancient roots” (Dambrauskas & Baradziej, 2021: 162).

Even a small nation is an imagined community. So, architectural representations of the nation help to build its identity. In fact, the lack of knowledge about others members, forces them to cherish an idea about what their nation really is (Anderson, 1997: 19).

Ambiguous character of ‘Skopje 2014’ Project

One of the tools of the VMRO-DPMNE's identity policy was the architecture. Piotr Majewski emphasized that the party's desire was to build evidence of the independent state's power (Majewski, 2013: 245-247).

“The political misuse of patriotism has shifted to a type of *materialization of nationalism*, backed up by the state institutions and government structures. The most evident expression of this materialization has been the

construction of a considerable number of public buildings and monuments, mainly within [the] ‘Skopje 2014’ Project. The city core of Skopje became a *topos* of choice for erasing, writing, and rewriting the Macedonian identity on various levels” (Risteski & Kodra Hysa, 2014: 198).

So, the main aim of the Project was to make Macedonians accept the imposed model of their own identity. While construction works had begun earlier, the public was informed in 2010. The Project involved a reconstruction of the city center in a ‘modernized’ neoclassical style. The key element of the Project were monuments. Their creation repeatedly provoked reactions of Bulgaria and Greece. Sofia protested against the appropriation of heroes of Bulgarian history, including the revolutionary Gotse Delchev. The axis of the dispute with Athens, was the use of Hellenic symbols and the setting of monuments to the ancient rulers: Alexander the Great (24,5 m) and Philip II (28 m).

Particular attention was paid to museums. Their role is to shape and familiarize the knowledge about community’s history and identity. Museums can focus on a certain period of the past, therefore they form a powerful political tool (Chłosta-Sikorska, 2018: 302). For that reason, their role was twofold – the national spirit was to be conveyed not only through the architectural exterior, but also the interior with appropriately designed exhibitions. The Museum of Macedonian Struggle in Skopje, opened on the 20th anniversary of independence in 2011, being an example.

Controversy was raised by plans to rebuild the facades of the buildings, which were a valuable part of the city’s heritage. The fortress Skopsko Kale, the officers’ casino and the theater destroyed in 1963 were all to be reconstructed. The universal problem of monuments’ reconstruction was taken up by Dorota Skotarczak. She called examples of the castles in Poznań, Poland and Trakai, Lithuania. In her opinion, they were rebuilt to visualize history. On the other hand, newly constructed monuments seem to be artificial. Despite that, these places enjoy great interest of visitors which can be the fundamental reason of their construction (Skotarczak, 2018: 326).

‘Skopje’s 2014’ narrative was complemented by statues of representatives of the national liberation movement and Yugoslav political scene. Among commemorated personalities were Pitu Guli (insurgent killed in the Ilinden Uprising), Metodija Andonov-Čento (the first president of Macedonia) and Kuzman Josifovski Pitu (partisan and hero of Yugoslavia). Next to the Stone Bridge monuments dedicated to Cyril, Methodius and their students – Clement and Naum – emerged. Their localization shows how strong the state’s relation with the Orthodox Church actually was. Another religious example of ‘Macedonization’ (as well as of the commercialization of memory) was the construction of the Mother Teresa Memorial House – a small museum devoted to the Nobel Peace Prize laureate. Its Asiatic exterior caused a wave of criticism from the architects’ community. However, it is one of the few buildings that seems to have a real impact on the capital city’s inhabitants’ identity. Other positively assessed objects, include the Holocaust Memorial Center – to remind of the now-defunct district and the Jewish community – the equestrian statue of the rebel Karpoš and the statue of Emperor Justinian I. Under pressure from the Albanian minority, also the monument and the Skanderbeg Square – Albanian national hero – were renovated.

Summary

For centuries, architecture has been an important medium transmitting political content. It also includes identity propaganda aimed at creating a belief, that an individual belongs to a predetermined ethnic, religious or social group. Architectural investments carried out in 2006-2017 by VMRO-DPMNE were to lead to the creation of a new national identity and then to its implementation in as many citizens as possible. However, this operation was a failure. Paradoxically, resistance to unprecedented indoctrination has united

Architecture as a Political Tool. Case of the Macedonian Identity Policy (2006-2017)

the opposing part of the society. Defining its priorities, led to the outbreak of the Colorful Revolution in 2016. It proved that Macedonians were more and more critical of the idea of antiquization and its impact on the public space look. The protests, during which the newly created buildings were poured with coloured paint, strengthened the sense of local and national identity.

The example of Macedonia and other countries as Tajikistan and Kyrgyzstan proves, that identity is something that can be designed in great detail and implemented using arts, especially architecture. This is because construction is best suited to become a visible and permanent record of imaginary image of society and national character, vision of its past and expectations for the future. Buildings create impressions that cannot be generated by film, music, literature or other branches of art. They have the possibility to use a much larger scale of projects that change the aspect of public space for years, decades, even centuries. The identity policy implemented by VMRO-DPMNE in 2006-2017 had a huge impact on the direction in which Macedonian architecture developed. Not only were there new images of cities created, but they were also transformed into carriers of (more or less) carefully selected historical, political and artistic content that influence the views of citizens. It was supposed to become a tool of uninterrupted indoctrination that people are unaware of, but which takes an important place in their memory. Thus, the administrators of public space have a powerful tool in their hands. The politicization of architecture entails transformations in the cultural landscape of public space that are difficult to reverse. Attempts to change it involve costs and potential social opposition of residents who do not want their local identity points of reference to be removed.

The buildings created as part of the 'Skopje 2014' Project overlapped the architectural fabric rebuild after the 1963 earthquake. The capital of Macedonia is therefore aptly described by the words that Karl-Markus Gauß wrote about the Silesian city of Opole: in his opinion, in that old Polish city everything is new, but because of its design the town seems to be as old as it has never really been (Gauß, 2012: 160). In Macedonia, the new social-democratic authorities faced the challenge of sorting out the chaos caused by their predecessors. A direct result of their efforts, was the establishment of a dialogue with Greece. The return to the standards of a democratic state of law has already brought its first results – on March 3rd, 2020 Macedonia became a member of the North Atlantic Alliance.

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Article Info

Received: March 26 2022

Accepted: March 31 2022

How to cite this article:

Baczyński, M.A. (2022). Architecture as a Political Tool. Case of the Macedonian Identity Policy (2006-2017). *Revista de Științe Politice. Revue des Sciences Politiques*, no. 73/2022, 72-81.



ORIGINAL PAPER

Central Asian Policy of Turkey in the Post-Soviet Era: From Rhetoric to Rationality

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Abstract:

Turkey started to rebuild its relations with the Turkic states of the Central Asia after the collapse of the Soviet Union. Turkish foreign policy regarding the Central Asia was mostly relying on a Pan-Turkism rhetoric and pragmatic basis at the beginning of the 1990s, yet it could only evolve into a rational one at the start of the new millennium thanks to increased commercial and economic relations paying great attention to the energy issue with the Central Asian countries. While assuming a ‘model state’ role for the kin states and competing with the Russian Federation and its near abroad policy, Turkey managed to become a strategic partner with Russia to cooperate in energy sector together with the Central Asian countries that have rich natural energy resources. This study aims to offer a descriptive approach to the Central Asian Policy of Turkey in the Post-Soviet Era and to demonstrate how it evolved from rhetoric to rationality. This study enjoys the historical analysis to assert this change in Turkish foreign policy within the region and consists of two main sections: one is dealing with the pragmatic policies formed on a rhetoric aiming a Turkish Union right after the collapse of the USSR and the other one is discussing the change of these policies in favor of rational ones.

Keywords: *Central Asia; Turkic States; Soviet Union; Post-Soviet Era; Turkey; Russia.*

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Central Asian Policy of Turkey in the Post-Soviet Era: From Rhetoric to Rationality

Introduction

The collapse of the Soviet Union in 1991 brought along the end of the Cold War, terminating the ideology-based bipolar political system of the world. Central Asian countries that gained their independence with the collapse of the Soviet Union started to acquire different roles in the international system. Republic of Turkey that had considered the Western countries as a model since its foundation enjoying its NATO membership as an anti-communist country took different roles during this period. Turkey that had been seen as a 'bumper state' by the Western bloc started to lose her strategic importance in the eyes of the Western states owing to the loss of the communist threat with the dissolution of the Soviet Union. Turkey's application to the European Economic Community (EEC) in 1987 for a membership and its rejection in 1989 together with losing her strategic significance for the West pushed Turkey to look for an alternative to the Western bloc in foreign politics. The dissolution of the Soviet Union drew Turkey's attention to resettling relations with the newly-independent former Soviet Turkic states in the Central Asia.

This study deals with the development of Central Asian policy of Turkey in the post-Soviet era covering the first two decades until 2014. It consists of two main parts. The first part of this study examines the first years of Central Asian policy following the collapse of the Union in 1991 emphasizing the historical context of the relations under the communist regimes and the unorganized foreign policy of Turkey toward Central Asian Turkic states that navigating between pragmatic aims and rhetorical strategies with several ambiguities in hand. The first part covers the years between 1991 and 1995. The second part, however, deals with the evolution of Central Asian policy of Turkey into a rational one during the coalition government years between 1995 and 2002 and under one-party rule starting from 2002 when the Justice and Development Party (AKP) came to power ensuring political stability for longer years.

Pragmatism and Rhetorical Discourse, 1991-1995

Turkey enjoyed the great help coming from the Bolsheviks during the Independence War and early years of foundation of the Republic of Turkey, yet depending on the communist threat coming from the Soviet Union after the Second World War, Turkey decided to take sides with the Western Bloc and started to lose her ties with the Muslim Turkic people living in the Soviet Union. Nevertheless, the relations between Ottoman Turkey and the Central Asian Turks began at the end of the 19th century with students coming to İstanbul from Turkistan and adopting pan-Turkist movements among Jeunes-Turcs (Mutlu, 2012: 128). After the Bolshevik Revolution in 1917, Moscow tried to cut the relations between Ottoman Turkey and the Muslim Turks of the Soviet Union suspecting the pan-Turkist movements. Some representatives of the Turkic community in the Central Asia could make contacts with the Turks in the Balkans and the Asia Minor up until 1920, these relations were also cut between 1920 and 1989 for several reasons. Fidan asserts that the Soviet Russia's divide and rule policies together with forcing the regional people to use Cyrillic alphabet were some of these reasons (2010: 12). Mutlu points out that another reason for this cut could be Turkey's side during the Cold War and Turkey's non-provocative foreign policy (2012: 129). Another reason could be Turkey's turning her face to the West for modernization and accepting Moscow's control in the Central Asia starting from 1921. This non-involvement policy of Turkey almost lasted for seventy years and when the Red Army entered Baku in 1990 Ankara welcomed this as a matter of domestic affairs of the Soviet Union (Tellal, 2005:

50-51) and the then President Turgut Özal asserted that this move in Baku was a matter of domestic affairs of the Soviet Union and added that Iran should be interested since the Azerbaijanis are Shiites (Özkan, 2004: 405).

Turkey had not had a concrete Central Asian policy with strong basis depending on the Cold War time security policies until the dissolution of the Soviet Union. Following the dissolution Turkey recognized the Central Asian Turkic countries and immediately started diplomatic relations by opening up diplomatic missions in the region and this move of Turkey was also interpreted that Turkey would follow an active foreign policy in the Central Asia (Aydın, 2006: 6). Turkish people, however, had considered the Central Asia as the homeland of the Turks and starting from the collapse of the Union in 1991, the political decision-makers and the people started to have greater interest into the region (Fidan, 2010: 111). Erşen points out the two factors behind this increasing interest: the first one is the psychological since the people and media had a great interest and the other one is geopolitical concerns aiming to revise the interests in the region (2013: 26). Goodarzi asserts that the trends within the Islamist and pan-Turkist movements, the interest of the religious groups and NGOs, and Turkey's existence in the region as a rival to Iran, Russia and China – this move was supported by the USA, Israel and some other Western states – together with the chaotic situation in which Russia was at the beginning of the 1990s were all related to the reason why Turkey was building her existence in the Central Asia (2013: 345-346).

Renewing relations with the kin-states after seventy years resulted in emotional reactions by the Turkish decision-makers and the people. Pan-Turkist movements flamed up even around the circles of the political leaders despite the fact that they denied the accusations regarding Turkism or Pan-Turkism. As Erşen claims, even though these activities were not called as Pan-Turkist movements, they had the symptoms of Turkism, which showed itself in political discourses of the statesmen (2013: 26). As a result, this emotional approach was reflected on an emotional but pragmatic foreign policy toward the Central Asia during the early years of post-Soviet era. An emotional, rhetorical discourse was dominating the Central Asian policy with statements like “Turkish speaking peoples from the China Wall to the Adriatic” and “A Turkish Century” (Aydın, 2006: 8). During this time, Turkey was taking the role of an ‘elder brother’ and a ‘modern secular state’ for the Turkic countries in the Central Asia. As Tellal mentions the then President Turgut Özal was mentioning that the Turks had the chance to become a regional leader for the first time and was uttering the statements like ‘big brother’ and ‘a model country’, which was later supported by the USA and EU and transformed into a duty by the West (2005: 56).

During these early years of rebuilding relations with the Central Asian Turkic countries, Turkey wanted to swiftly revise her foreign policy in the region without a rational plan considering the rejection by the EEC and the end of the Cold War security politics, mostly depending on pragmatic interests and rhetorical discourse glorifying kinship and nationalistic values. For this reason, Turkey had to follow daily policies here and was not able to read the demands of the regional countries from Turkey apart from offering some technical and cultural help. However, this was the first time Turkey was looking for a way to expand her zone of influence starting from 1923 owing to the loss of her strategic importance in the eyes of the Western bloc (Aras, 2000: 39). As a move to expand the zone of influence, Turkey had these objectives in the hand: to increase her geopolitical role in the region, to improve the land routes with the region, to gain big shares in the regional market, to promulgate pan-Turkist ideas to increase

Central Asian Policy of Turkey in the Post-Soviet Era: From Rhetoric to Rationality

her power in the region, to reach out energy sources of the region and to become a bridge to transfer the energy to the international markets, to strengthen her position in international arena by increasing communication with the Central Asian Turkic states, to become a bridge between the West and the East, to introduce secularity to the regional states, to compete with Iran and to get Pakistan and India under her zone of influence (Goodarzi, 2013: 343). Strangely Turkey's emergence in the region for accomplishing these objectives as an 'elder brother' helped also the Central Asian countries to build relationships with the regional and international organizations of the West: the EU, the Council of Europe, NATO, OECD and IMF (Çaman and Akyurt, 2014).

Turkey's role as an 'elder brother' resulted in some ambiguity and some of the promises given by Turkey during this period were hardly kept, which were followed by disappointment at both sides and in exchange the Central Asian countries showed indifference to Turkish policies (Aydın, 2004: 154-155). For example, Turkey promised for a 1.1 billion US Dollars of a credit for export – that was way beyond the capacities of Turkey – and for a foreign aid and signed several cultural and economic cooperation protocols with the Central Asian governments in 1999. Besides, Turkey suggested these countries leave the Ruble zone challenging Russia as well and use Latin alphabet and offered them to transfer the oil and natural gas through Turkey (Aydın, 2006: 10-11). Therefore, Turkey was losing face among the Central Asian countries owing to this kind of empty promises and was annoying them when offering her suggestions as an elder brother. What is more, Turkey was openly following a foreign policy in the Central Asia to the contrary of Russia.

Cultural, linguistic and religious ties were in essence the triggering issues for the Turkish-Central Asian relations, yet Turkey's foreign policy toward the Central Asia were based on economic and political interests more than simple nationalist expressions and emotional concerns (Aydın, 2004: 4). The collapse of communism in the region also created a remote market for Turkey, hence Turkish small and medium sized enterprises swiftly reached this market (Şen, 2007: 140-141). The region was considered a new market for the growing Turkish industry and state sponsored private sector could benefit from the economic opportunities of the region thanks to Turkish state's close relations with the regional Turkic governments (Aydın, 2004: 4). Turkey's experience in industrialization and technical know-how was important for these countries to have multiple and special relations with Turkey, for this reason agreements were signed for land and air transportation depending on the importance of communication and transportation in economic and commercial relations (Alagöz et. al. 2004: 62). Turkey signed more than 500 bilateral and multilateral agreements with the Turkic states in Central Asia in order to increase and institutionalize the relations, hence Turkey also organized training programs in the region to improve small and medium sized enterprises and industrialization (Alagöz et. al. 2004: 69).

For these objectives, the Summit of the Heads of Turkic Speaking States was held in Ankara in 1992 to institutionalize the relations like the Arab League or the Commonwealth of Nations (Çaman, 2013: 142) and during this summit concrete steps were taken to deepen the relations with a network of communication and transportation by establishing direct flights between Ankara, İstanbul and the regional capitals beside opening Turkish Cultural Centers and Turkish schools, and Turkish national television channel broadcasting in the Central Asia to widen cultural ties. In line with the cultural policies, TÜRKSOY (International Organization of Turkic Culture) project was

launched with the ministries of culture of the Central Asia in 1993 (Aydın, 2006: 11). In addition to the cultural relations, Turkey also paid special importance on education and reintroducing the Islam faith to the region after communism on contrary to the radical Islamic movements led by the Saudi Arabia and Iran and the Turkish Directorate of Religious Affairs constructed mosques and facilitated opening faculties of theological studies. Regarding education, Turkey offered scholarships for secondary and higher education and founded a Turkish-Kazakh University in Kazakhstan in 1991 (Tellal, 2005: 58-59).

The Turkish Cooperation and Coordination Agency (TİKA) also played an important role in the region with different kinds of projects. The TİKA established to offer governmental aid to the newly independent Turkic states in the Central Asia following the collapse of the Soviet Union in 1992 (Wheeler, 2011: 35) contributed into the transformation process of these states and offered technical aid for them to maintain their independency (Hasan, 2012). The main role of the TİKA was to coordinate the cooperation between Turkey and the Central Asian Turkic states in the fields of economics, education, culture, arts, history, research, language, alphabet, ethnography, tourism, governance, security, communication, environment, science and technology (Fidan, 2010: 113). Together with the development aids offered by the TİKA, Turkey aimed to strengthen the regional states, to protect the political and economic stability of the region, to support political and economic reforms, to help regional efforts for integration into the European and Atlantic institutions, to develop mutual relations for mutual gains on a win-win basis and to transfer regional energy sources without any obstacles (Mutlu, 2012: 135). Turkey was using different mechanisms to reach her pragmatic objectives during this term.

Rationality on the Scene, 1995-2014

Turkey experienced political and economic instabilities between 1995 and 2002, mostly as a result of several coalition governments. The instabilities also influenced Turkish foreign policy on the Central Asia, which was formed with great hopes and efforts a couple years ago. During these years of instability, Turkey had to leave the region with disappointment owing to the unkept promises because of economic and fiscal problems at home and reemergence of Russia and the USA in the 'New Big Game'. Nevertheless, the general elections in 2002 resulted in one-party rule ending the coalition period in Turkish political history. Starting from 2002 until 2014, it seems that the AKP rule managed to transform the Central Asian policy of Turkey from a pragmatic and rhetorical one to a rational one. This part consists of two sections. The first section below deals with the need for a revise in the Central Asian policy starting from 1995 to 2002. The second section reflects the period when AKP rule transformed the Central Asian policy into a rational one.

Years of Coalition Governments and Instabilities, 1995-2002

Before 1995, it had been necessary to revise the Central Asian policy of Turkey because of some reasons like the mutual disappointment over the expectancies, pan-Turkism accusations toward Turkey, indifference of the Central Asian Turkic states over the Turkish demands, hardships of democratization in the region, postponement of the Summit of Turkic States planned to be held in Baku in 1994 owing to the reaction of Russia after the death of Turkish President Özal, a stronger Russia in the region and ill-timed rivalry with Iran in the region (Aydın, 2006: 17-24).

Central Asian Policy of Turkey in the Post-Soviet Era: From Rhetoric to Rationality

Apart from these reasons for a revise of the policies, domestic and foreign factors were also effective for a revise. Russia declared a new foreign policy for the Central Asian region regarding the former Soviet zone of influence starting from 1993. Russia called this policy as 'Near Abroad' in 1995. Turkey did not want to engage Russia and avoided an armed conflict with Russia in the region. The economic crisis of 1994 in the region was another reason and the regional states could not pay back their credits to Turkey, which Turkey had offered them through the Eximbank. Besides, Turkey could not keep the promises for offering development aids between 1991 and 1993 since these promises were way beyond the economic capacity of Turkey and no more than empty ones (Aydın, 17-26). However, starting from 1995, under the administration of coalition governments Turkey began to notice the reality and had the necessity to make some revisions on her Central Asian policies.

Despite the economic and political difficulties of the period, Turkey became aware of her own potential and started to take concrete and deliberate steps in foreign policy taking strategic decisions regarding the importance of the region especially in terms of the energy issues. The construction of new pipelines for the regional oil and natural gas transfer by the USA and Russia was effective in Turkey's changing her policies in the region. Russia was trying to take control of the energy transfer lines, yet the USA supported Baku-Tbilisi-Ceyhan pipeline construction putting emphasis on Turkey's geostrategic importance. The then President Süleyman Demirel and the Minister of the Foreign Affairs İsmail Cem were also emphasizing Turkey's geostrategic importance and introducing Turkey as a bridge and a terminal country for the energy transfer from the Central Asia to Europe (Erşen, 2013 :30). Despite these developments on the Turkish part that gave importance to the energy transfer issue from the region, Turkey laid aside the previously formed 'unrealistic' strategies regarding the Central Asia when her membership candidacy for the EU was announced in Helsinki in 1999 (Efegil, 2014).

After seventy years of a break, Turkey resumed the relations with the Central Asian states starting from 1991 without losing time. Mutual relations brought along mutual expectations, yet Turkey's attempts did not yield the expected results since Turkey lacked a well-planned Central Asian policy and enjoyed the pragmatic ones designed without any rational preparations with an aim to form an alternative foreign policy. The first period right after the dissolution of the Soviet Union between the years of 1991 and 2002 had seemingly failures and mistakes in the Central Asian policy of Turkey. Behind these failures and mistakes there stand internal and external factor. Among the internal factors, political and economic developments of the 1980s were the major ones. Turkey stepped into a liberal economy at the beginning of the 1980s and this transition caused pain and difficulties for the people and in the economy. The intensive activities of the terrorist organization, PKK was weakening the political and economic stability of the country. The EEC had already rejected Turkey's application. Therefore, Turkish government was almost assuring stability at home with still a weak democracy at the beginning of the 1990s and was not having the economic and political potential to keep the promises given to the Central Asian countries (Mutlu, 2012: 133). It is obvious that Turkey could not analyze her own potential and foreign policy tools together with the global and regional balance of powers in forming strategies related to the Central Asia (Çaman and Akyurt, 2014: 156).

External factors can be divided into two. Firstly, the region including Russia was far from Turkey and transportation options were limited then (Çaman and Akyurt,

2014: 150). Besides, domestic and ethnic-based conflicts in the region were creating instabilities and an insecure environment. Regional states were standing close to Russia (Mutlu, 2012: 133). Secondly, external powers like the USA and EU was on the scene and the USA especially after 9/11 terrorist attacks in 2001 for the global war on terrorism intensifying the zone of influence within the region. Actually, the USA had already been in the region before 9/11 aiming to build an energy channel between the East and the West, to strengthen regional economic and political mechanisms, to support American business sector, to contain Iran, to prevent the proliferation of weapons of mass destruction and drug trafficking from Afghanistan to the West through the Central Asian countries (Aydın, 2007: 159).

Turkey benefitted from the power gap in the region enjoying pan-Turkist discourses when Russia was losing influence over the former members of the Soviet Union. Turkey, however, neglected Russian factor when resettling relations with the Turkic states in the region and could only be able to set economic and cultural relations let alone the military cooperation (Mutlu: 2012: 134). Despite economic relations, the economies of the newly independent ex-communist states were not in good condition and their economic and political dependency on Russia was still active (Mutlu, 2012: 130) since these states were governed by former decision-makers and elites of the Communist Party (Aydın, 2004: 6). Starting from the end of 1992 the Eurosianists began acquiring power in Russia, which later on created the new doctrine of ‘near abroad’ by Russia opposing the Islamic movements of Iran and Turkist movements of Turkey (Aydın, 2004: 6). Along with the Russian factor, ethnic conflicts and radical Islamic movements supported by Saudi Arabia and Iran, high unemployment rates and conflicts over power caused political instability in the region (Akçalı, 2012: 70-80 and Efeğil, 2003: 77-78). Secular authoritarian regimes now succeeding the former communist regime were not so effective in creating rational solutions for the instability in the region and this resulted in alienation of the people to the state and pushed opposition in extremity (Aydın, 2004: 150-151). This regional political scene also resulted in unhealthy implementation of Turkish policies and Turkish demands were unanswered due to the regional domestic problems.

Justice and Development Party Rule and Rationality Back, 2002-2014

The Justice and Development Party (AKP) that came into power after the general elections in 2002 was in favor of a Central Asian policy that was formed not only by the Eurosianist approach but also by the ‘strategic depth doctrine’, which was a popular one during the first years of foreign policy (Efeğil, 2014: 356). For this reason, when compared to the former foreign policies of the coalition governments, the AKP was more decisive in its original foreign policy (Erşen, 2013: 33). The one-party rule of the AKP brought back the stability in politics and so helped Turkey to make important reforms on the way for an EU membership and democratization and to create an economic boom in the history of Republican Era, which also changed the perception of the international community (Çaman and Akyurt, 2014: 154). The Central Asian policy was considered as one of the core issues of the foreign policy designed by the AKP rule in its early years and the main objective was to improve the bilateral relations with the Central Asian states and to gain a strategic depth for Turkey (Ekşi, 2014: 404).

The Central Asian policy between 2002 and 2014 could be summed up as to support the Central Asian states as countries welcomed democratic values and integrated with the international community, in cooperation with the neighboring states

Central Asian Policy of Turkey in the Post-Soviet Era: From Rhetoric to Rationality

and within the region and enjoying political and economic stability (MFA, 2014). By paying attention to the integration of the regional countries with the rest of the world and giving an emphasis on the democratic values for economic and political stability, it seems clear that the AKP government revised and changed the policies inherited from the 1990s. Now the principles for relationship were more than behaving like the ‘elder brother’ or a bridge between the East and the West or a model country mostly fueled with rhetorical discourse and these principles were underlining equality, mutual respect, mutual gain and the transformation of the countries into centers of attraction (Ekşi, 2014: 405-406). In addition to the emphasis now given to the equality and mutual gain; avoiding destructive competition, a comprehensive approach for cooperation and balancing the regional interests with the EU membership process and the transatlantic relations were also among the main concerns of the new Central Asian policy (Çaman and Akyurt, 2014: 156). The AKP rule continued developing economic relations through the mechanisms like TÜRKSÖY, TİKA and Summit of the Heads of Turkic Speaking States, for example TİKA increased the number of projects during this term (Ekşi, 2014: 405).

Turkey and Russia, a regional great power, came closer especially after the 9/11 during the global war on terrorism campaign and the Iraqi occupation during the AKP rule. Turkey started to consider Russia as a partner more than a rival in the region and bilateral visits between Erdogan and Putin were organized to develop relations and bilateral agreements for energy, transportation and agriculture were signed (Ercan, 2011: 134-140). Regarding the energy sources of the region, Turkey that had been aiming to become an energy hub included Russia into the projects like the Blue Stream (Bilgin and Bilgiç, 2011: 187). The AKP rule has been supporting energy projects to transfer the Central Asian natural gas and oil to the European markets and mostly cooperating with Russia (Larrabee, 2011: 110-114), however, both Russia and Turkey have been competing for the Central Asian energy sources – Russia wants to control the energy distribution and exportation while Turkey is much more interested in transferring the Central Asian energy to the Western markets and is willing to become an energy hub for Europe (Larrabee, 2010: 169). The similarity to the Soviet era is interesting since Russia emerged as one of the important factor in determining and calculating policies regarding the Central Asia.

Conclusion

Starting from an extemporaneous foreign policy toward the Central Asian states enjoying unilateral pragmatic aims and rhetorical discourse that was welcomed by the domestic public opinion and pan-Turkist movements right after the collapse of the Soviet Union, Turkey noticed the need for a revise, which started to give its fruit in the end of the 1990s, yet it is obvious that Turkey could only tuned in more rational policies lately emphasizing democratic values, mutual gain, economic and political stability under the AKP administration. Turkey left unilateral approach and gave importance to mutual gain on equality basis especially for transferring and marketing energy sources. The Central Asian policy evolved from rhetoric to rationality. Despite more concrete steps taken for rational objectives in the region, especially under the ministry of Davutoğlu between 2009 and 2014, the Central Asian policy did not get much attention while creating policies regarding the peoples (Çaman and Akyurt, 2014: 158). Yet, the Central Asian policy of today falls behind the Balkans and Middle Eastern policies. It seems that Turkey considering rational aims in the region follows policies depending on

reactions given over the dynamics of the region. Following the Crimean annexation by Russia in 2014 and the Western sanctions thereof, Turkey continued strategic partnership with Russia for her increasing energy need. Today, after the Ukrainian invasion Russia confronted with additional Western sanctions. Considering the sanctions on Russia, Turkey needs to revise her energy strategies and should take concrete steps to further increase her relations with the Central Asian countries for new energy transfer routes.

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Article Info

Received: March 27 2022

Accepted: March 31 2022

How to cite this article:

Sençerman, O. (2022). Central Asian Policy of Turkey in the Post-Soviet Era: From Rhetoric to Rationality. *Revista de Științe Politice. Revue des Sciences Politiques*, no. 73/2022, 82-91.



ORIGINAL PAPER

Material Conditions for the Recognition and Execution of Foreign Arbitration Decisions Based on the Legislation of the Republic of Northern Macedonia

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Abstract:

The essential elements of arbitration that make the decision binding and enforceable are the arbitrator's obligation to resolve the dispute, based on the jurisdiction given to it through the arbitration agreement or the arbitration clause, as well as the basic contract of the parties where their rights and obligations are defined, which are disputable as a result of non-fulfillment. Since the main interest of the parties is to resolve the dispute fairly and as soon as possible, the settlement of the dispute through arbitration, as a more flexible judicial instrument, would help the parties to continue to exercise their activity without being damaged in material and formal aspect. In this regard, it is not enough for the dispute to be resolved by the relevant institution, but the decision must be enforced for the dispute to be resolved. Therefore, when it comes to implementing decisions of foreign arbitration, recognition is required, and it needs to meet the material and formal conditions provided in the national norms. This paper deals with the material conditions that must be met following the Law on Arbitration of the Republic of Northern Macedonia.

Keywords: *International Disputes; Arbitration; Recognition; Enforcement of Foreign Arbitral Decisions; Material Conditions, etc.*

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Material Conditions for the Recognition and Execution of Foreign Arbitration...

Introduction

Arbitration should be determined by reference to the two constituent elements that commentators and courts recognise almost unanimously.

Firstly, the arbitrators task is to resolve the dispute. Secondly, the source of this judicial role is the contract: the power of arbitrators to settle a dispute comes from the parties' common intention.

In his way, arbitration includes both the judicial and contractual elements (Gaillard, Savage, 1999: 11; Fazlia, Shabani, 2019: 42.)

The correlation between the judicial element and the contracting element results in a binding decision on both parties. However, through specific national norms, each state, in particular, provides the conditions for the recognition and enforcement of a foreign arbitration.

In particular, the Arbitration Act says that the provisions of the New York Convention (Article 37 (3) of the Arbitration Act) shall apply to the recognition and enforcement of foreign arbitration.

The New York Convention provides these material conditions for the recognition and enforcement of foreign arbitration, which according to the definition of the Law on Arbitration, applies to the recognition and enforcement of foreign arbitration in Northern Macedonia (Article V of the Convention of New York):

- Recognition and enforcement of the decision may be refused at the request of the party against whom they are directed, only if that party makes a request to the competent authority where recognition and execution are sought, proving that:

a) The parties to the agreement [...], were unable to act, or the agreement in question was not valid under the law to which the parties are subject, or lacks anything under the law of the country where the decision was given,

b) The party against whom the decision is given has not been duly notified of the appointment of the arbitrator or the arbitral proceedings or has been unable to present its case;

c) The decision addresses an unforeseen dispute in the arbitration agreement or does not form part of the arbitration clause or contains decisions on matters beyond the scope of the arbitration. However, some arbitration decisions may be distinguished from non-arbitration decisions, and that part of the decision which contains arbitration issues may be recognized and enforced,

d) The composition of the arbitral tribunal or the arbitral proceedings were not according to the agreement of the parties, or such an agreement is missing, respectively is not following the law of the country where it took place; or

e) The decision is not binding on the parties; it has been annulled or suspended by the competent body in the country in which the decision was given.

-Recognition and enforcement of an arbitration decision may be refused if the competent authority of the country where recognition and enforcement are sought finds that:

a) The subject matter of the dispute can not be settled by arbitration under the law of that country,

b) Recognition or enforcement of the decision would be contrary to the public order of that country.

The analysis of the conditions above highlights the possibility of dividing the material conditions into general and specific ones (which the court takes care of *ex officio*).

1. Material conditions

If we look on Article V of the New York Convention, we can see that the material (merit) conditions refer to the reasonableness of the request for recognition (and enforcement) of the foreign arbitration. The New York Convention defines them as "reasons in which the recognition and enforcement of a foreign arbitral award may be refused" or, in other words, as "obstacles to recognition" (Kamilovska Z. T, 2015: 302).

From the definition, it can be seen that each State with the norms of their country provides special material conditions that a foreign arbitration decision must meet in order for it to be recognized and applied.

Down are mentioned the material conditions that may affect the invalidity of the arbitration decision.

a) Invalidity of the arbitration agreement

The enforcement of the arbitration agreement is a condition for establishing the jurisdiction of international commercial arbitration and, at the same time, a condition for the derogation of the jurisdiction of the domestic courts for resolving the factual dispute (Stanivuković M., 1998: 310). It can be seen from this that the enforcement of the arbitration agreement is the essential condition without which the decision of an arbitration tribunal cannot be reviewed, which has no establishment basis.

The agreement's validity may be affected by the incompetence of the parties and the form of its conclusion. A considerable number of cases based on the invalid arbitration agreement have been settled in the implementation phase of the agreement under Article II (3) of the New York Convention, but it turns out that the number of those who fail later in the implementation phase of the decision is not so low (Fazlia M.D et al, 2019: 252).

Q15. Lack of parties ability to enter into an arbitration agreement

The lack of parties ability to enter into an arbitration agreement fulfills the fundamental precondition for resolving the dispute through arbitration - subjective arbitrariness or suitability of the party.

As the most sensitive issue when it comes to the ability of the parties to enter into an arbitration agreement (Article V (1) (a) of the New York Convention), it is the case when the State is a party, and that's when the dilemma is often raised: is it right for the State to be a contracting party to the arbitration agreement or not? If we refer to the New York Convention, which states that civilians and legal persons can appear as parties (Article I (1) of the New York Convention), we can see that the State is not explicitly mentioned as a party. However, it is generally accepted that this definition of the Convention, as to who may appear as a party, applies to arbitration agreements and decisions in which the State is a party, if in case, they are the result of a trade relationship, in the broadest sense of the word (Contini P., 1969: 294).

Q16. Lack of arbitration agreement form

Regardless of the form in which the arbitration agreement is concluded, its purpose is to formalise the parties' consent that the arbitration jurisdiction will resolve their dispute. Also, most international and national norms foresee the written form of the arbitration agreement to be considered valid. Through the written form, the protective function is achieved, which protects the contracting parties from fast decision-making, frivolity, and other lacks of will; respectively, it ensures that the party who entered into the arbitration agreement is aware that with it, it gives up from the the regular courts of the country (PerovićJ., 2002: 192, Fazlia M. D et al, 2019: 253). Therefore, failure to

Material Conditions for the Recognition and Execution of Foreign Arbitration...

meet the formal requirement that the arbitration agreement should be in writing represents a condition for refusing recognition and enforcing a foreign arbitration decision (Article V (1) (a) of the New York Convention).

The classic case of non-compliance with the requirement form is one in which, after entering into the contract, the seller sends the sales certificate containing the arbitration clause, but the buyer does not return or accept the receipt of this document in writing. In such a case, the arbitration clause does not exist in the contract signed by the parties nor in the exchange between them.

b) Violation of the principle of hearing the parties

Under the New York Convention, a violation of the principle of a parties hearing as a basis for non-recognition and enforcement of the decision involves the obligation to give the parties an equal opportunity to defend their position and not to deny either party any eventual right for protection, in which case that party may not consider the decision imposed as fair and has evidence to prove otherwise. The infringement in question is caused if the party against whom the decision has been brought has not been duly notified of the appointment of arbitration, or the arbitration proceedings, or has been unable to present its case (Article V (1) (b) of the New York Convention).

What creates the dilemma is: Based on which right will the eventual violation of the principle of hearing the parties be assessed? It is generally recognized that in a State where recognition and enforcement of foreign arbitration decisions are sought, an objection is usually submitted by the party who must enforce it. Therefore, it is very logical that the law of the court (*lex fori*) is the one that will be competent to assess the objection for the violation of the principle of hearing the party based on its non-recognition (Fazlia M. D, et al, 2019: 254).

c) Exceeding the powers of the arbitral tribunal

Of particular importance is the definition of the disputed issue in the arbitration agreement or the precise definition of the rights and obligations of the parties in the basic agreement where the arbitration clause is included. The Convention provides that a foreign arbitration decision shall not be recognized or enforced if the decision is granted in a dispute not provided in the arbitration agreement, or is not included in the arbitration clause, or contains provisions that exceed the limits of the arbitration agreement or clause.

It is further provided that, if the provisions of the decision, which refer to matters subject to arbitration, may be separated from the provisions which refer to issues that are not subject to arbitration, the part of the arbitration decision which contains the provisions for issues which are subject to arbitration may be recognized and enforced (Article V (1) (c) of the New York Convention). As a result, any violation of the jurisdiction by the arbitration tribunal represents the basis for non-recognition and non-enforcement of the foreign arbitration decisions, because there is no legal basis for establishing the arbitral jurisdiction to review and approve the decision for one or more adjudicated cases.

d) Irregular establishment of the arbitral tribunal

Regarding the improper establishment of the arbitration tribunal or the violation of the proceeding rules, the Convention provides that the recognition and enforcement of a foreign arbitration decision will be refused if the party objects to its recognition and enforcement and proves that the establishment of the arbitration tribunal or the arbitration proceedings has not been according to the arbitration agreement they entered into, or if such agreement does not exist, respectively, if it has not been following the

law of the State in which the arbitration was conducted (Article V (1) (d) of the New York Convention).

e) Non-binding decision, annulled or suspended

Under the fifth condition for recognition and enforcement of a foreign arbitration decision, the burden of proof lies in the parties, and the decision is not binding on the parties or has been annulled or suspended by the competent authority in the State where the legislation under which the decision was enacted (Article V (1) (e) of the New York Convention). Accordingly, there are two grounds for not recognizing and enforcing a foreign arbitral award:

- Non-existence of binding character of the arbitral award for the parties;
- Annulment or suspension of the arbitral award in the State in which it was rendered.

The cases where enforcement has been refused are rare, because the court has considered that the arbitral award has not been made binding following Article V (1) (e) of the New York Convention.

f) **Material conditions for which the court acts ex officio**

The Convention foresees certain cases where the court of the country, seeks the recognition and enforcement of foreign arbitration decisions, and it has the right to act ex officio and to refuse recognition and enforcement of that decision, even if that court certifies that, under the law of that State, the dispute is not suitable for settlement by arbitration and whether the decision of that dispute is against the public order of that State (Article V (2)) of the New York Convention). Thus, the two material conditions for which the domestic court has the right to act based on official duty are:

- Inadequacy of the challenging case for arbitration;
- Violation of public order.

The suitability of the dispute for arbitration and public order, even though it is part of academic and scientific debates, in the practice of arbitration quite rarely causes rejection of the enforcement of the decision.

Conclusion

The purpose of the parties submitting to resolve their dispute with arbitration is to have a meritorious decision on the disputed issue, and the same decision to be implemented by the parties. Thus, from the beginning of the arbitration agreement, the parties are informed of the cooperative element and their complete confidence in the arbitration and the decision that the same arbitration tribunal will take. Otherwise, the parties would be reluctant to enter into an arbitration contract. However, once the arbitration tribunal has ruled on the dispute, the question arises about the legality of that decision in the State where the party will apply the ruling. Therefore, an arbitration decision in order to have the same legal effect as a domestic court's decision must first be recognized in the State where its enforcement is sought.

Recognition and enforcement of foreign arbitration decisions in each State are realized by fulfilling certain special conditions that arise and must produce specific action in the State where its recognition and enforcement are required. By describing the special conditions for recognizing and implementing foreign decisions, the State protects its interests.

The conditions for the recognition and enforcement of foreign decisions represent a kind of control for all foreign decisions so that they do not contradict the country's norms, especially when foreign court's decisions are equal in terms of legality with the decisions issued by the domestic courts. That is why each State, in particular,

Material Conditions for the Recognition and Execution of Foreign Arbitration...

provides conditions for the recognition and enforcement of foreign arbitration decisions, even though most states are signatory states and have ratified the New York Convention. This, however, has not affected the overall unity of all states in terms of recognizing and enforcing foreign arbitration decisions.

International commercial arbitration is a very flexible judicial instrument for resolving disputes, so the states must harmonize the national legislation with the New York Convention, which could contribute to facilitating the functioning of this institution in general, but also adjusting the material conditions for the recognition and enforcement of foreign arbitral awards in particular.

In terms of conditions for the recognition and enforcement of foreign judgments, the International Trade Law of the Republic of Northern Macedonia directly refers to the norms of the New York Convention. But in general, it should be emphasized that despite the relief and flexibility offered by this judicial instrument, in the Republic of Northern Macedonia, they still find little use of it because of the lack of promotion by the State, which further monopolizes the judiciary.

The Macedonian Law on International Commercial Arbitration upholds the main criteria of subjective eligibility from international sources of arbitration law, with which harmonization enables easier access of the parties to the contracting of the arbitration agreement.

By limiting the autonomy of the parties' will to a defined set of disputes for which the exclusive right to national courts and national law is reserved, the national system is protected from the recognition and enforcement of foreign arbitral awards, which will violate the public order of the country.

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Article Info

Received: February 24 2022

Accepted: March 12 2022

How to cite this article:

Fazlia, D. M. (2022). Material Conditions for the Recognition and Execution of Foreign Arbitration Decisions Based on the Legislation of the Republic of Northern Macedonia. *Revista de Științe Politice. Revue des Sciences Politiques*, no. 73/2022, 92-98.



ORIGINAL PAPER

Reforming the Property Tax System in Romania: A Necessity

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Abstract:

Purpose and need for study: Given the enormous need for financial resources of local communities, imposed by the growing and diverse needs of citizens, our study aims at a holistic analysis of the need to reform the property tax system in Romania, as the main source of tax revenue available to the local public administration. If the strengthening of democracy means the strengthening of local autonomy, then it means that we must create a system of financing local authorities that is efficient, fair and directed to the real needs and capabilities of the citizen.

Methodology: In developing the study we used a methodology of multidimensional comparative analysis, both domestic tax performance and the alignment of legal provisions and objectives assumed by government policies, with the real possibilities of reforming the property tax system. Every time a tax reform is proposed, there must be certain elements or steps to follow, which are recommended for its success and implementation. A fiscal reform consists, by definition, in modifying the structure of one or more taxes or the tax system, in order to improve its functioning to achieve the assumed objectives.

Findings: It is important to make a very good diagnosis of the current property tax system including, in particular, the various issues related to the tax base, fiscal facilities, digitization and the need for energy efficiency and the elimination of pollutant emissions. A tax reform must contain a description of the proposed ideal system, i.e. what is intended to be done and the direction of the changes that are intended to be adopted. Any tax reform that a country intends to undertake should, today more than ever, consider simplifying tax legislation and procedures, incorporating also issues related to digitization and many other issues and phenomena resulting from studies carried out by experts in the field, both in the public and in the private sector.

Practical Implications: Carrying out a tax reform involves analysing multiple variables, which vary depending on the national or local specific. Our study aims to be a basis of analysis and a potential foundation for the reconstruction of the property tax system in Romania.

Keywords: *property tax system; decentralization; digitalization; tax reform; financial resources; local communities.*

JEL Classifications: H21, H3, H71

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1. Introduction

Cannot govern if you do not have the power, and if you do, you must know how to use it effectively. Margaret Thatcher, a former British prime minister, has pointed out since 1983 that the state has no other source of income than the money earned by taxpayers. ‘There is no such thing as public money, there is only taxpayers’ money’, Thatcher points out (Perry, 2020). This meant that people would not enjoy prosperity as long as they could not get involved in the sound management of the financial resources collected from them.

It is a very fundamental truth that is frequently forgotten. Any time you see or hear the terms ‘public funding’, ‘public funds’, ‘government funding’ or ‘government funds’ be sure to substitute “taxpayer funding” and “taxpayer funds.” (Perry, 2020).

One way to govern efficiently, proven by the experience of many states, is the transfer, from the central authority to the local authorities, of the necessary competencies and financial resources (Dincă & Mihaie, 2019). Having its own financial means and benefiting from autonomous decision-making power, this system responds to the idea of freedom (Dincă, 2012) and presents the guarantee of a functional democracy (Alexandru, 2008).

Decentralization is not an end in itself, the main objective of decentralization being to provide more efficient public services at a lower cost, while modernizing the structures that provide these services.

2. Financial independence - the goal of decentralization

The concept of decentralization starts from the premise that local public administration authorities are better able to respond to the needs of citizens, knowing more deeply their problems, but also the best ways to solve them. Decentralization means bringing the decision closer to the citizen, making decisions more appropriate to his needs. No centralized system can truly meet the variety of needs of local communities. Practice has shown that a whole range of public services are provided more efficiently locally. Pre-university education, social assistance, water supply and road infrastructure are just some of the public services for which local public administration authorities are best placed to make the best decisions on the efficient allocation of resources, by their finite nature. Thus, decentralization is a complex process, whose dimensions and preconditions are not only political, legal and administrative, but also social, cultural and economic (Illner, 2000).

Especially in highly centralized environments, decentralization cannot be a momentary action, but a lasting one over time. In Romania, so far, certain decentralization actions have taken place, but they are sporadic, selective and unsystematic, aiming at formulating responses to external (EU) conditions and requirements, and less a strategic objective of state political reform and of society. Decentralization was a rather declarative action, tolerated only insofar as its effects did not affect too much the hierarchical model of state administration, the only structure invested with responsibilities for directing economic and administrative processes.

Decentralization is defined as the transfer, from the central authority to the local authorities, of the necessary competencies as well as the necessary financial resources. There is no real decentralization unless the powers of the local authorities - town halls,

Reforming the Property Tax System in Romania: A Necessity

local councils - are accompanied by appropriate budgetary allocations, sufficiently consistent to cover real funding needs.

The implementation of the decentralization process is further conditioned by the existence of technical and financial means to enable decentralized authorities to exercise autonomously the powers transmitted through this process. Therefore, ensuring an effective decentralization process must be correlated with the identification and/or creation of these means. The creation of the legal framework and the provision to the decentralized authorities of financial means necessary to carry out the specific activity implies not only a subsidy from the budget of their central administration, but also the possibility to establish and collect taxes and duties in an appropriate reform in the local fiscal sector (Girleșteanu & Smarandache, 2009).

In the process of tax reform of local and central public administrations, special attention must be paid to digitalization, which must always have, as a guiding principle, the citizen, thus aiming at simplifying systems, reducing bureaucracy, electronic cooperation with other bodies and institutions involved; interoperability (the ability to exchange and use information) and increasing transparency. Digitization can reduce the costs of tax administration and thus increase the degree of voluntary compliance of taxpayers in fulfilling tax obligations. However, digitalisation, including in the field of taxation, involves rethinking, adapting and transforming institutional policies, services and architectures to the new needs of citizens, aiming at the maximum effectiveness and efficiency of the public sector..

3. Domestic fiscal performance

There is no single model of decentralized governance that can be prescribed to all countries and that could be applicable in all circumstances. Romania's economic growth in the last twenty years, visible more in statistics and less by citizens, broke records in European Union statistics, but did not solve the structural problems of local communities: underdeveloped infrastructure and underfunded and low-quality public services. While a number of government measures have stimulated investment - especially foreign investment - and allowed the economy's engines to pick up speed, the state has failed to perform at an adequate level in its functions as an impartial redistributor of values and an insurer of social solidarity.

The lack of performance in the area of collection and redistribution is obvious and explainable by the extremely small financial resources attracted from GDP to the consolidated state budget. The analysis of the Annual Budget Execution Reports published by the Ministry of Finance (2010 - 2020) as well as the studies carried out by certain authors, reveals the situation in which the economic growth of the last ten years was accompanied by a decrease in collection and resources available to society in relation to the size of the economy (GDP) (Ban & Rusu, 2019; NALAS, 2021).

Romania indeed collects very little of the resources generated by the economy: in 2020, the general state revenues accounted for 33.1% of GDP (in 2019 - 31.8%), the second lowest level in the EU and well below average 46.5% (46.1% - in 2019) (Table 1):

Table 1: Total general government revenue - Percentage of gross domestic product (%GDP)

| GEO/TIME | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 |
|--------------------------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| European Union - 27 countries | 45,1 | 44,7 | 44,6 | 44,5 | 45,1 | 46,1 | 46,6 | 46,6 | 46,2 | 46,0 | 45,9 | 46,2 | 46,1 | 46,5 |
| <i>Euro area - 19 countries</i> | 44,9 | 44,7 | 44,7 | 44,6 | 45,2 | 46,3 | 46,9 | 46,8 | 46,5 | 46,3 | 46,2 | 46,5 | 46,4 | 46,8 |
| Belgium | 48,6 | 49,7 | 49,2 | 49,8 | 51,0 | 52,2 | 53,0 | 52,5 | 51,3 | 50,8 | 51,3 | 51,4 | 50,2 | 50,6 |
| Bulgaria | 38,8 | 38,7 | 35,2 | 33,2 | 31,9 | 34,1 | 37,4 | 37,9 | 38,9 | 35,1 | 36,1 | 38,6 | 38,5 | 39,5 |
| Czechia | 39,8 | 38,9 | 38,9 | 39,5 | 40,5 | 40,8 | 41,4 | 40,5 | 41,3 | 40,5 | 40,5 | 41,5 | 41,7 | 41,3 |
| Denmark | 54,6 | 53,6 | 53,7 | 54,0 | 54,4 | 54,5 | 54,6 | 56,4 | 53,2 | 52,4 | 52,3 | 51,3 | 53,2 | 53,3 |
| Germany | 43,7 | 44,1 | 45,0 | 43,8 | 44,4 | 44,9 | 45,0 | 44,9 | 45,1 | 45,5 | 45,6 | 46,3 | 46,7 | 46,9 |
| Estonia | 36,5 | 36,8 | 43,4 | 40,1 | 38,2 | 38,7 | 38,4 | 38,2 | 39,4 | 38,7 | 38,5 | 38,7 | 39,0 | 40,2 |
| Ireland | 35,9 | 34,5 | 32,9 | 32,7 | 33,8 | 34,1 | 34,1 | 33,9 | 27,0 | 27,2 | 25,6 | 25,4 | 24,8 | 23,1 |
| Greece | 40,4 | 40,7 | 38,9 | 41,7 | 44,7 | 47,6 | 49,5 | 47,1 | 48,3 | 50,3 | 49,1 | 49,4 | 49,0 | 51,0 |
| Spain | 41,1 | 36,9 | 35,0 | 36,5 | 36,4 | 37,9 | 38,8 | 39,2 | 38,7 | 38,1 | 38,2 | 39,2 | 39,2 | 41,3 |
| France | 49,9 | 50,0 | 50,0 | 50,0 | 51,1 | 52,1 | 53,1 | 53,3 | 53,2 | 53,0 | 53,5 | 53,4 | 52,3 | 52,9 |
| Croatia | 43,9 | 43,3 | 43,1 | 42,4 | 41,5 | 43,3 | 43,3 | 43,7 | 45,4 | 46,5 | 46,1 | 46,3 | 47,5 | 48,0 |
| Italy | 45,4 | 45,3 | 46,0 | 45,7 | 45,6 | 47,6 | 48,1 | 47,9 | 47,8 | 46,7 | 46,3 | 46,2 | 47,1 | 47,8 |
| Cyprus | 40,8 | 39,3 | 36,7 | 37,1 | 36,5 | 36,4 | 37,4 | 40,6 | 39,7 | 37,7 | 38,7 | 39,5 | 41,2 | 40,6 |
| Latvia | 34,0 | 34,1 | 35,7 | 37,3 | 36,8 | 37,2 | 37,0 | 37,4 | 37,2 | 37,5 | 37,9 | 38,6 | 37,8 | 39,1 |
| Lithuania | 34,5 | 35,0 | 35,8 | 35,5 | 33,6 | 33,0 | 32,9 | 34,1 | 34,8 | 34,4 | 33,6 | 34,5 | 35,1 | 36,1 |
| Luxembourg | 42,3 | 43,3 | 44,9 | 44,0 | 43,3 | 44,6 | 44,4 | 43,6 | 43,3 | 43,0 | 43,6 | 45,4 | 44,7 | 43,7 |
| Hungary | 44,8 | 45,0 | 45,9 | 44,5 | 43,9 | 46,9 | 47,6 | 47,4 | 48,4 | 45,0 | 44,1 | 43,8 | 43,6 | 43,5 |
| Malta | 38,8 | 38,0 | 38,0 | 37,5 | 38,4 | 38,3 | 38,1 | 38,3 | 37,3 | 36,8 | 38,0 | 38,3 | 37,2 | 36,5 |
| Austria | 47,9 | 48,4 | 48,8 | 48,4 | 48,3 | 49,0 | 49,7 | 49,7 | 50,1 | 48,5 | 48,5 | 48,9 | 49,2 | 49,0 |
| Poland | 41,0 | 40,6 | 37,8 | 38,4 | 39,1 | 39,4 | 38,8 | 39,0 | 39,1 | 38,7 | 39,8 | 41,3 | 41,1 | 41,7 |
| Portugal | 41,6 | 41,6 | 40,4 | 40,5 | 42,4 | 42,7 | 44,8 | 44,4 | 43,8 | 42,9 | 42,4 | 42,9 | 42,6 | 42,8 |
| Romania | 34,7 | 32,3 | 30,3 | 33,1 | 34,1 | 33,8 | 33,3 | 34,1 | 35,5 | 32,0 | 30,8 | 31,9 | 31,8 | 33,1 |
| Slovenia | 43,4 | 43,7 | 43,5 | 44,6 | 44,2 | 45,4 | 45,7 | 45,3 | 45,9 | 44,2 | 44,0 | 44,3 | 43,7 | 43,6 |
| Slovakia | 34,3 | 34,5 | 36,3 | 35,0 | 37,3 | 36,8 | 39,6 | 40,2 | 43,1 | 40,1 | 40,4 | 40,7 | 41,4 | 41,8 |
| Finland | 51,7 | 52,1 | 51,6 | 51,4 | 52,6 | 53,3 | 54,3 | 54,3 | 54,1 | 53,9 | 53,0 | 52,5 | 52,2 | 51,2 |
| Sweden | 52,6 | 51,9 | 51,5 | 50,3 | 49,4 | 49,9 | 50,2 | 49,2 | 49,3 | 50,7 | 50,6 | 50,7 | 49,9 | 49,9 |
| Iceland | 50,4 | 51,3 | 45,1 | 42,2 | 44,1 | 45,2 | 44,8 | 46,2 | 43,2 | 59,1 | 45,4 | 44,9 | 41,9 | 42,4 |

Source: Authors' processed, based on Eurostat data [gov 10a main]
<https://appsso.eurostat.ec.europa.eu/nui/submitViewTableAction.do>

Reforming the Property Tax System in Romania: A Necessity

Romania also collects the lowest financial resources through revenues from taxes and social contributions, as a percentage of the Gross Domestic Product (GDP) of the EU, after Ireland, which, however, has an exceptional situation due to a very high GDP, explainable by the fact that many of the headquarters of multinational companies operating in the EU are located there.

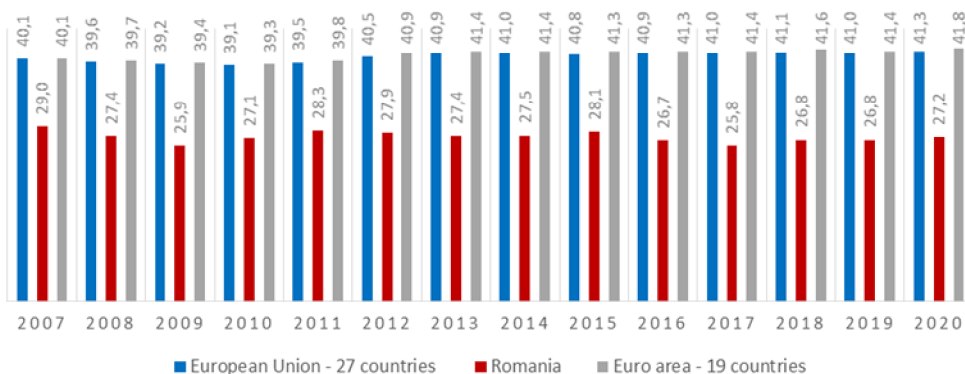


Figure 1: Total revenue from taxes and social contributions, EU-27 and EA-19 vs. Romania (% of GDP)

Source: Authors' processed, based on Eurostat data [GOV_10A_TAXAG]
https://ec.europa.eu/eurostat/databrowser/view/gov_10a_taxag/default/table?lang=en

According to Eurostat data, Romania attracted, in 2020, total tax revenues represent a percentage of 27.2% of GDP, while the average of EU countries (EU-27) is 41.3% of GDP. In the euro area (EA), tax revenue accounted for 41.8% of GDP in 2020 (Fig. 1). We are not wrong if we say that Romania has the lowest collection of revenues from taxes and duties in the EU.

The tax-to-GDP ratio varies significantly between Member States of The EU, with the highest share of taxes and social contributions in percentage of GDP in 2020 being registering in Denmark (47.6%), France (47.5%) and Belgium (46.2%), followed by Sweden (43.4%), Italy (43.0%), Austria (42.6%), and Finland (42.2%).

At the opposite end of the scale, Ireland (20.8%) and Romania (27.2%), ahead of Bulgaria (30.6%), Lithuania (31.2%) and Latvia (32.0%) registered the lowest ratios.

4. Property tax in Romania

According to the latest report of the European Commission - Taxation Trends in the European Union, (2021), with a collection percentage, in 2019, of only 0.6% of GDP (Table 2), property taxes are a small part of the Romanian tax system. However, the revenues collected through property taxes are extremely important for local administrations, because they are used entirely at the level of administrative-territorial units, the revenues representing 100% own income.

Table 2: The structure of property taxes in Romania (2019)

| | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | Ranking 2019 | Revenue 2019 (billion euros) |
|---------------------------------------|--------------------|------|------|------|------|------|------|------|------|------|------|------|------|-----------------|---------------------------------------|
| Property taxes - Romania | as % of GDP | | | | | | | | | | | | | | |
| Taxes on property | 1.0 | 0.8 | 0.8 | 0.8 | 0.8 | 0.9 | 0.9 | 0.9 | 0.9 | 0.8 | 0.7 | 0.6 | 0.6 | 22 | 1.4 |
| Recurrent taxes on immovable property | 0.6 | 0.6 | 0.6 | 0.7 | 0.7 | 0.6 | 0.6 | 0.6 | 0.6 | 0.6 | 0.6 | 0.5 | 0.5 | 15 | 1.1 |
| Other taxes on property | 0.3 | 0.2 | 0.2 | 0.2 | 0.2 | 0.2 | 0.2 | 0.2 | 0.2 | 0.2 | 0.1 | 0.1 | 0.1 | 24 | 0.3 |

Source: *European Commission, based on Eurostat data*
https://ec.europa.eu/taxation_customs/system/files/2021-06/taxation_trends_2021_country_chapter_romania.pdf

Almost every country has its own property tax system with different implications and contributions on the financial resources made available to the local public administration (Rosengard, 1998; Oates, 2001; Bahl & Martinez-Vazquez, 2007).

Property tax is justified by the fact that property tax revenues are often the main discretionary financial source of local government (Bell et al, 2010) and, therefore, an essential component of tax decentralization that supports local self-government and complements government tax transfers. Also, the property tax is economically efficient because it is difficult to avoid and easily enforceable if evaded.

The coverage fiscal area of property, in Romania, refers to transportation means, land, buildings or constructions built or incorporated in an area of land.

In Romania, any person that owns a mean of transportation is required to pay the tax on transportation means. The tax rate varies depending on the cylindrical capacity of each vehicle (from 8 lei to 290 lei), for each 200 cm³ or a fraction thereof.

The tax on transportation means is due for the entire tax year by the person who owns the mean of transportation as of December 31st of the prior tax year.

According to the Romanian Fiscal Code, buildings are classified based on their utilization purposes, as follows:

- Residential buildings, i.e. buildings which are used strictly for residential purposes;
- Non-residential buildings, i.e. buildings which are used for economic purposes;
- Mixed-purpose buildings, i.e. those used for both residential and non-residential purposes.

In case of residential buildings owned by individuals and legal entities, the building tax is calculated by applying a rate ranging from 0.08% to 0.2%, to the taxable value of the building. In case of non-residential buildings owned by individuals and legal entities, the building tax is calculated by applying a rate ranging from 0.2% to 1.3% to the tax value of the building. In case of mixed usage, if the building address is registered as a fiscal residence (e.g., for an individual or for a company) but at which no economic activity is performed, the tax is calculated according to the regulations applicable to the residential buildings.

Where there is mixed usage with actual economic activity, the building tax is determined proportionally. There are also other rules concerning mixed usage.

In case of non-residential buildings, there is an obligation to perform a valuation (every three years for legal entities or every five years for individuals). The valuation should be performed by an independent Romanian valuator according to a specific

Reforming the Property Tax System in Romania: A Necessity

valuation standard. If this requirement is not met, the building tax rate may be increased to 2% (for individuals) or even 5% (for legal entities).

The tax on buildings is due for the entire fiscal year by the person who owns those assets at December 31st of the previous fiscal year, irrespective of whether these assets are alienated during the reference year.

The owners of land are subject to land tax. The Local Council establishes a fixed amount per square metre, depending on the rank of the area where the land is located and the category of land use.

The provision according to which for the surface of land, covered by a building, the tax land is not due was eliminated.

Likewise, the land tax is due for the entire fiscal year by the person who owns those assets at December 31st of the previous fiscal year, irrespective of whether these assets are alienated during the reference year.

Similar to tax on transportation means and building tax, land tax is paid annually in two equal instalments, until March 31st and September 30th.

However, these three sources of tax revenue to local budgets cover a small part of the local government budget. Spatari (2020), identifies the fact that at the level of Romanian municipalities, the revenues generated by property tax represented only 12.8% of the total revenues of local budgets in 2019, of which 9.7% came from taxes and duties on buildings, 1.9% of taxes and duties on land and 1.2% of taxes on means of transport.

The current deficiencies of the property tax system in Romania are obvious and can be summarized as follows (Ioniță, 2011; Spatari, 2020):

- it has an accentuated regressive character, so the more valuable the property is, the lower the tax represents a percentage of this value;
- it generates strong centripetal and centrifugal phenomena, creating significant distortions between the central and peripheral areas of the localities, the taxable value being consequently higher or lower than that dictated by the reality of the market;
- the differential treatment applied to the properties owned by natural and legal persons also generates distortions, encouraging evasion phenomena (incorrect classification of buildings in the residential or non-residential category, migration of buildings actually owned by legal persons to natural persons and vice versa, etc.).

The deficiencies mentioned above stem mainly from the rigidity of the system, according to the current legal framework, at the local level, only marginal changes can be made in the parameters of these taxes (setting additional rates for local taxes and duties, rates that cannot exceed 50% compared to the levels provided in the Local tax code). Both their percentage and the tax base have always been established in the national framework legislation. The local room for manoeuvre in setting property taxes, allowed by current legislation, is too narrow for the system's shortcomings, no matter how well-intentioned local governments are, so that they can be corrected or adjusted. The current trend seems to be to align the tax burden downwards (so as not to put too much tax pressure on the poorer strata of the population or for electoral reasons). The consequence of this is the low property tax in general, in Romania, taxation that has among the lowest levels in the European Union. According to the report - Taxation Trends in the European Union, (2021), Romania ranks 22nd in the EU in terms of

property tax as % of GDP (0.5% recurring property tax and 0.1% other property taxes) (Fig. 2).



Figure 2: Composition of property taxes by EU, 2019 (% of GDP)

Source: *European Commission, based on Eurostat data*

https://ec.europa.eu/taxation_customs/taxation-1/economic-analysis-taxation/taxation-trends-european-union_ro

The lack of autonomy but also the fact that the property tax in Romania continues to be based on a system that has remained practically unchanged since the 1980s, which takes into account random criteria (often without correspondence in the real situation in which the property is located), in the context of an increased and obvious need for local financial resources, towards an increasingly poor estimate of the taxable value of properties, as the years go by and the real estate market grows in volume, value and complexity.

Declaratively, from the perspective of the provisions of the Recovery and Resilience Plan for Romania – RRP (2021), Romania assumes a major reform in the sector of property tax. The stated objective is to reform the legislation on property tax through a legislative project that will be submitted to public debate at the end of 2022, with staged implementation (depending on the result of comparative studies and the determination of development steps, respectively determining the need for development of administrative capacity required for implementation), starting with 2023.

Starting from the premise that Romania bases its budget revenues on consumption taxation and less on the taxation of profits, revenues or property (taxes that are the basis for EU member states in Western Europe characterized by a more developed economy), the reform is based on several declarative baselines (Recovery and Resilience Plan for Romania, 2021):

- aligning the tax system with the current and future stage of Romania's economic development by eliminating distortions and gaps in the tax system, which allow taxpayers to undermine the fairness of the property tax system, while respecting key principles such as fairness, transparency, stability and fiscal neutrality;

Reforming the Property Tax System in Romania: A Necessity

- encouraging the freedom of local authorities to establish tax rates, estimating the tax base as close as possible to the market value of the property to the detriment of other criteria used so far, including mechanisms to adjust the tax burden to take into account energy efficiency in the case of buildings and the level of pollutant emissions in the case of vehicles;
- building a national computer system to ensure the collection and provision of data corresponding to Romanian properties, this information being necessary both in the legislative process and in the process of collecting, monitoring, controlling local budget revenues, as well as for potential simplification of current compliance requirements. The computer system aims to automate real estate valuation in order to determine the tax base using information available in the systems of other institutions (e.g. National Agency for Cadastral and Land Registration, local authorities), as well as public information (e.g. real estate ads, catalogues used by professionals in evaluation, statistical data, etc.);
- simplification of tax rules to facilitate compliance and administration, as well as the elimination of exemptions and preferential treatment;
- revision of the principles of property tax and discontinuation of the practice of using a tax base which is not linked to market value.

The reform of the current property tax system, considered by Biriş (2012) as archaic and anti-competitive, and the elimination of its current regressive character (World Bank Document, 2014; Spatari, 2020; Bastani & Waldenström, 2020), has an important stake, because it would lead to the partial balancing of the scale, which currently puts a large part of the tax burden on wage labour and overprotects real estate owners. Of course, the reform of the property tax system alone cannot solve the inequities of the Romanian tax system, but it is an important element of the process of building a more transparent, fairer, stable and efficient tax system.

5. Conclusions

A closer analysis of the legislative framework and the current national fiscal environment, as well as the chapter dedicated to property tax in the Recovery and Resilience Plan for Romania (2021), highlights a number of work variants (assumptions) to reform the tax system. These working variants are not mutually exclusive, but involve certain conceptual and transposition adjustments.

Assumption 1. Real estate tax as a whole. When we talk about real estate, we are talking about the pair consisting of land and building.

According to the Assets Valuation Standards edition (NAARV, 2020), real estate includes land and related constructions, located underground or on the surface of the land, including pipes, cables and other installations belonging to real estate. In Romania, the real estate tax as a whole has never been applied (except for the flats where the land is in undivided share). Currently, the Romanian tax system treats the land and the building separately. Therefore, probably a first direction of the reform is to give up the separate taxation of land and buildings and to move to the taxation of the total value of the whole (land and building). This type of approach to real estate as a whole is common in most countries around the world.

Assumption 2. Granting a much higher degree of local autonomy than at present with regard to the establishment of property tax rates. At this moment, the local authorities can establish, by Decision of the Local Council, higher tax rates, without

being able to exceed the maximum rates established by more than 50%. The current room for manoeuvre that local authorities have in setting tax rates and zoning localities cannot correct the structural deficiency of the system given the regressive nature of real estate tax, which favours owners of expensive properties, who pay lower taxes (from the real value of the properties given by the market) compared to the owners of less valuable properties.

Assumption 3. Introduction of a green tax system. In the current context, the energy efficiency of buildings and the level of carbon dioxide emissions from motor vehicles are becoming, worldwide, important criteria according to which taxes will be set. In Romania, too, energy inefficiency and a high degree of pollution must be in line with the principle that 'the polluter pays'.

Assumption 4. Analysis of preferential tax treatments and encouragement of voluntary compliance. According to Pele (2021), preferential tax treatment, i.e. the cumulation of measures targeting tax exemptions, deductions and facilities (reduced tax rates, differentiated calculation rules, differential treatment for good payers, etc.) for certain taxpayers and economic sectors, in 2020, had an impact of 52.5 billion lei (approx. 10.5 billion euros) on budgetary resources, the equivalent of 4.7% of GDP. The amount is more than twice higher than in 2015, the first year in which this indicator was calculated in Romania, called 'tax expenditures'. The share of GDP has risen by about one percentage point in the last six years.

'Tax expenditures' represent the totality of provisions, regulations or legislative norms whose effect is to reduce budget revenues or postpone their collection, applicable to certain categories of taxpayers, in relation to the tax standards generally established. Romania has started to calculate the impact of these tax expenditures, opting for the use of the 'lost income' method in determining this indicator. The lost income method is considered the easiest method of estimating and involves calculating the product between the rate at which a certain tax is reduced and the tax base to which that tax applies.

Preferential treatment is often used in global tax practice to influence certain types of economic and social behaviour. The problem of Romania, of the local communities, is related to the real capacity of these facilities to positively model the local economy, to positively change the taxpayers' behaviour (Mitu, 2020), to increase the number and quality of jobs and to what extent the facilities granted really support the growth of added value in total local financial resources.

Excessive use of these tools can lead to erosion and increase the complexity and instability of the tax system as well as excessive narrowing of the tax base, with an impact on budget revenue collection capacities (Talpoş & Ludoşan, 2012; Zolt, 2015; Balan, 2018). There may also be distortions at the microeconomic level that may lead to an increase in other taxes (due to a decrease in the tax base for certain physical or legal situations) or may encourage client behaviour (lobbies, interest groups). The impact can also be negative on social equity. Complex tax systems favour evasion and avoidance, as they generate uncertainty about the scope of tax rules, increase the costs of control and voluntary compliance (Mitu, 2018). Ban and Rusu (2019), point out that some tax facilities can benefit the best and less the poorest (even if the facility is applied similarly, the tax burden is felt more strongly by the poor compared to those rich), resulting in a phenomenon contrary to the expected one, namely: discouraging voluntary compliance.

Modern technologies, digitization, are undoubtedly a great ally for simplifying and streamlining tax structures (Collosa, 2017).

Reforming the Property Tax System in Romania: A Necessity

Assumption 5. Digitization of the system for determining the taxable amount and the tax. Computer systems for determining and managing taxes are absolutely necessary in a world where the computer is becoming a common tool. More than ever, today, due to the isolation measures and the lack of functionality of the fiscal units resulting from the coronavirus pandemic, it is necessary to digitize the tax administrations. The current crisis, with profound health, social and economic implications, is generating a huge loss of revenue, which is why the digitization of tax systems is mandatory for every responsible administration.

Any tax reform must include all aspects of new technologies that are essential for the digitalization of public administrations, while legislating their impact on taxpayers' rights and guarantees. The whole process should not be seen in isolation, but rather as an integral part of a concept of digital and open governance involving different agencies and levels of government in a country (or even at EU level).

'Mass appraisal', 'mass valuation', 'real estate appraisal' or 'property valuation' are names of a relatively recent concept, which is based on the use of the computer to determine the value of real estate. International Association of Assessing Officers (2017) in SMARP (Standard of Mass Appraisal of Real Property), defines mass appraisal as the process of valuing a group of properties as of a given date and using common data, standardized methods, and statistical testing.

For local authorities that base taxes on the market value of property, mass appraisal is an efficient and cost-effective way to value all properties in a fair, transparent and consistent manner, because properties with the same attributes will receive the same value (Wang & Li, 2019). By using mass assessment, it is possible to produce very accurate values that can be explained to property taxpayers. For municipal authorities that base taxes on the market value of property, mass appraisal is an efficient and cost-effective way to value all properties in a fair, transparent and consistent manner, because properties with the same attributes will receive the same value. By using mass assessment, it is possible to produce very accurate values that can be explained to property taxpayers. With the development of computer-assisted mass appraisal (CAMA), both models and standards gradually adopt an automated valuation methodology (AVM) for mass appraisal (Kontrimas & Verikas, 2011; d'Amato, 2017).

Assumption 6. Anchoring the taxable value in the market value of properties. This work variant raises the biggest controversies among many specialists' connoisseurs of the local tax system (Biriş, 2012, 2021; Spatari, 2020; Vascu, 2021).

Modifying the system exclusively based on a mechanism that takes into account the 'market value' of the properties involves significant risks in Romania.

Market value is a subjective concept that fluctuates a lot depending on many variables. The tax system must be predictable, both for local authorities and taxpayers, but a very large number of fluctuating elements make it impossible to achieve this goal (predictability). The 'real estate bubbles' generated by the huge liquidity existing in the market at this moment, the historical minimum interest rates, the very large discrepancy between the urban and the rural environment, the actual location, the view, the quality of the neighbours, etc. are elements that change the market value with a very high frequency. In addition, anchoring in market value would make it impossible to have a coherent multi-annual budget, with a large part of the revenues of cities and communes suddenly becoming very volatile, as the market cannot only rise but fall sharply, as it happened in 2009-2010.

Linking the taxable value to the market value will involve periodic valuation reports for millions of homes, these periodic valuations generating additional costs both for citizens (costs that in most cases exceed the annual tax) and for local tax authorities forced to process a lot of new tax returns in a very short time. Problems could also arise in the case of professional evaluators, in Romania there are not so many evaluators who can make their evaluation reports in a timely manner.

The new real estate tax system must also take into account the fact that Romania is ‘a country of owners’. In 2019, more than half of the population in each EU Member State lived in privately owned homes, the percentages varying between 51.1% in Germany and 95.8% in Romania (Fig. 3).

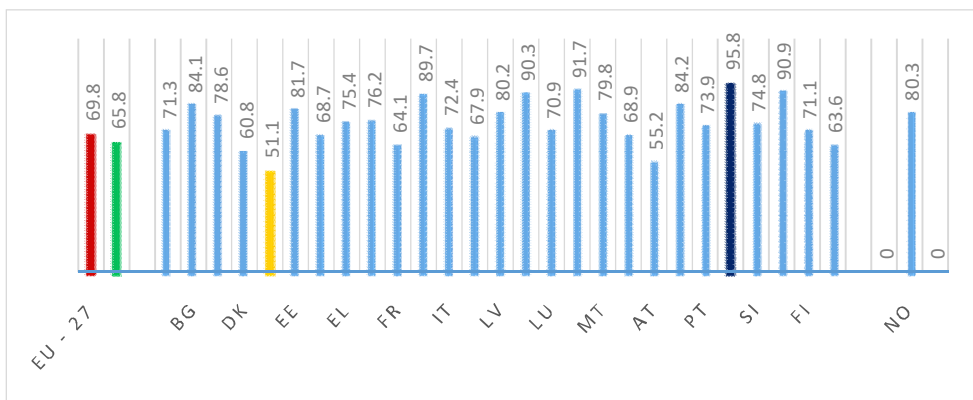


Figure 3: Distribution of population by tenure status in EU, 2019 (%)

Source: Authors’ processed, based on Eurostat data [ILC_LVHO02]

https://ec.europa.eu/eurostat/databrowser/view/ilc_lvho02/default/table?lang=en

Given that a large part of the population has incomes below the level necessary for a decent living (Guga, Mihăilescu and Spatari, 2018), and property prices have risen sharply in recent years, a strict alignment of taxes to ‘market prices’ could mean an excessive tax burden for many property owners.

Besides, tying the tax to market value can have negative effects on the quality of real estate, but also on the energy efficiency of buildings (see assumption 3). The market value of a building obviously depends on its size, on the quality of the materials used for installations and fittings, on the architectural quality, on the energy efficiency, but also on the quality of the administration. Quality always costs. An investor can assume an investment in quality, with the thought that these additional costs can be recovered by adding value to the property at the time of confrontation with the market. Or a higher market value generates a higher annual tax, which will make the investor reconsider the option of investing in quality, an investment he/she will not be able to recover, in the context in which the future owner or tenant is very attentive at the total cost of the contract (including tax).

Therefore, the potential positive effects of anchoring taxable value to market value can be far outweighed by a number of negative effects: discouraging quality real estate investment; huge administration costs, both for taxpayers and for local tax authorities; uncertainty about costs (for landlords and tenants) but also about revenues (for the state, local communities), making impossible a sustainable and predictable budgeting.

Reforming the Property Tax System in Romania: A Necessity

The authors of this article argue for a digitized, automatic assessment of the taxable value, which introduces in the tax determination algorithm, elements of the assumptions stated above and not a sterile anchoring in a value given by the imperfect and subjective characteristics of the markets. In this direction, in addition to the identified assumptions, a series of solutions could be included that would be part of a general logic of progressive taxation of large assets: progressive taxation of multiple properties; progressive taxation of large and very large properties, possibly with the introduction of value thresholds; more efficient taxation of properties used for commercial purposes. Thus, the reform of the tax system in Romania is absolutely necessary and it must be based on international experience but in a close correlation with the national specifics.

Authors' Contributions:

The authors contributed equally to this work.

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Reforming the Property Tax System in Romania: A Necessity

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Article Info

Received: February 02 2022

Accepted: February 10 2022

How to cite this article:

Mitu, N. E., Mitu, G. T. (2022). Reforming the Property Tax System in Romania: A Necessity. *Revista de Științe Politice. Revue des Sciences Politiques*, no. 73/2022, 99-113.



ORIGINAL PAPER

EU Policies on Learning Environmental Sustainability and Climate Change: What Social Implications for Human and Organizational Development and Resilience?

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Abstract:

This article outlines the recent developments in European Union (EU) legislation on learning environmental sustainability (LES) since the 2000s. The main findings focus on the legal provisions of the: (i) European Commission (EC) Staff Working Document SWD/2022/3 final aimed to outline the key topics of LES; (ii) the Regulation (EU) 2021/1119 on climate change (CC) and climate neutrality (CN); (iii) the Regulation (EU) 2021/783 providing the legal framework for the LIFE programme and (iv) the Regulation (EU) 2018/1999 on EU governance in the sector of energy and climate action (CA). Therefore, the study reviews the action areas and the strategic decision making and evaluates seven mechanisms and policy responses, namely: (a) green transition (GT) and CC; (b) education; (c) training programmes; (d) EU governance and preparedness actions to sustainability; (e) approaches to key competencies; (f) COVID-19 challenges and societal and institutional responses to public health crisis (PHC); (g) key skills for GT. Thus, our findings show how the legal provisions for LES, CC and PHC can develop collaborative governance at the EU level. Moreover, the research considers three approaches for GT within the 2016 Skills Agenda (SA) namely: (i) *first*, the complex approach to “community engagement”; (ii) *second*, the specific aim of learning and involvement; (iii) *third*, the development of additional requirements regarding human development (HD) and organizational development (OD). In conclusion, these developments consider new approaches to GT and LES giving a complex overview of the HD and OD.

Keywords: *EU; human development; learning environmental sustainability; organizational development; climate change.*

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Introduction

Over the last decade, the regulation of environmental sustainability (ES) and climate change (CC) has become a fundamental area of EU policy and resilience. This research addresses the social implications (SI) for human development (HD) and organizational development (OD) for extending the understanding of the European Union (EU) legislation and implementation. As shown in recent literature, the concept of “learning environmental sustainability” (LES) approaches new advances to (i) policy and “education sustainability” (Wals, Benavot, 2017); (ii) strategy and legitimacy of ES (Walsh, Dodds, 2017); (iii) ES and education using the approach to “life cycle assessment” (LCA) (Weber, Strobel, Dyehouse, Harris, David, Fang, Hua, 2014). Moreover, the literature also shows theoretical insights from three perspectives: economic policies, political context and social impact (Padilla, 2001).

Theoretical development of LES

In 2021, the study of Sathasivam *et al.* points out the analytical framework of ES enriching the conceptual perspectives of the concept and the “organisational culture” (Sathasivam, Abu Bakar, Che Hashim, 2021). However, other recent studies use the “leadership and climate change” linkage as the theoretical basis highlighting the impact of ES and the social role of “sustainability education” (Halliwell, Whipple, Hassell, Bowser, Husic, Brown, 2020). Further, the approach to the “citizen science” perspective extends the research to new topics namely: CC, “leadership skills” and “demographic representation” (Halliwell, Whipple, Hassell, Bowser, Husic, Brown, 2020), ES and management practices (De Giacomo, Bleischwitz, 2020), the social framework for ES (DuBois, Dubois, 2012).

Moreover, other insights argue the social implications of the analysis of the “critical environmental thinking” and pedagogical tools (Kost, Peabody, 2021). In this direction, Piccarozzi finds and focuses on the connection between new technological advances, “social innovation” and sustainability (Piccarozzi, 2017). *First*, Piccarozzi analyzes the functions of the “technology entrepreneurship” and “entrepreneurial ecosystems” (Piccarozzi, 2017). *Second*, the research regards “social innovation” and ES as linking “social sustainability”, the social engagement of citizens (Piccarozzi, 2017) and consumer behaviour (Nguyen, Johnson, 2020). *Third*, the study enriches the conceptual perspectives of ES by presenting related activities and public resources (Piccarozzi, 2017). Other studies analyse the problem-solving taken by the EU governance in the field of HD and OD by exploring: (i) human health and ES (Patrick, Kingsley, 2016); (ii) consent, self-organization and the ethical approaches in interdisciplinary areas pointing to HD and health issues (Olimid, Olimid, Chen, 2018; Olimid, Olimid, 2018; Olimid, Olimid, 2020).

Drawing from Akhtar *et al.*, ES can be explained by using the three crucial attributes: (a) organizational framework; (b) organizational policies and practices and (c) “management tangible competencies” (Akhtar, Khan, Frynas, Tse, Rao-Nicholson, 2018). In the need for financial performance, Danso *et al.* identify an adaptive system for “environmental sustainability orientation” (ESO) providing a framework for ESO-strategies-performance linkages (Danso, Adomako, Amankwah-Amoah, Owusu-Agyei, Konadu, 2019).

Other studies explore new assessments that draw on (i) social challenges and ES (Elliot, 2013); (ii) quality requirements for ES (García-Dastugue, Eroglu, 2019); (iii) HD

and ES (Jin, High, 2004); (iv) social behaviour, technology and ES (Kashyap, 2021); (v) local partnerships and local ES (Kythreotis, 2010); (vi) “corporate governance” and LES (Ortiz-de-Mandojana, Aguilera-Caracuel, Morales-Raya, 2016); (vii) UN Millenium Goals and ES (Sengupta, Mukherjee, Sikdar, 2015). In this direction, Balasubramanian, Shukla, Mangla, and Chanchaichujit expose the concepts of “commitment”, “implication” and “participation” linking new approaches to HD and OD (Balasubramanian, Shukla, Mangla, Chanchaichujit, 2021). Additionally, two crucial aspects approach the green energy-ES nexus, namely: (a) platforms for development; (b) applications for ES and environmental resources and protection (Haribabu, 2021).

Methodology

The study poses the following research questions: (i) To what extent is LES and CC associated with OD and HD? (ii) What are the social implications considering the latest legislative developments? (iii) How the “social innovation” and “social sustainability” address LES and CC? Moreover, the research methodology uses the logical framework approach (LFA) by assessing key features of LES namely: objective(s), indicator(s), data source and assumption. To address the research questions, we design on environmental sustainability theory and practice by focusing on LES to provide: (a) an analytical overview of LES and CC and (b) an institutional framework of policy-governance as a mechanism of engaging and monitoring in a European context that focuses the social implications for HD and OD. Moreover, we build our analysis on the previous literature findings to propose a research framework based on ES with two main research themes emerging the social implications of HD, OD, and resilience [Regulation (EU) 2021/1119; Regulation (EU) 2021/783; Regulation (EU) 2018/1999].

By conceptualizing the topics of LES and CC, we thus illustrate how the actions areas and EU policies and strategic decisions are provided. Therefore, this study contributes to research and analyze the EU legislation by providing an overview of the EU legal documents: (a) European Commission (EC) Staff Working Document SWD/2022/3 final aimed by proposing a research framework that progressively expands from a conceptual and analytical focus to a macro-level in which the LES approaches to outline the key topics of LES; (b) the Regulation (EU) 2021/1119 on CC and climate neutrality (CN) [Regulation (EU) 2021/1119]; (c) the Regulation (EU) 2021/783 on LIFE programme [Regulation (EU) 2021/783]; (d) the Regulation (EU) 2018/1999 on energy and climate action (CA) [Regulation (EU) 2018/1999]. The EUR-lex database provides the selection of the research for the provisions of ES and CC. The four documents are collected using the refine search of the year of publication and document type. In particular, we employ legal and institutional analysis while our main focus is LES and CC.

Human system and resilience planning

The hypothesis developed in this study is that a specific approach to LES and CC facilitates and provides new advances in HD and OD. Therefore, this section explores the definition of the main topics and indicators of the Regulation (EU) 2018/1999 in advancing a legal and institutional analysis of the LES and CC in EU recent legislation, here including “policies and measures” (P&M) by focusing all tools and objectives and approaching the MS climate planning [Article 2(1), Regulation (EU) 2018/1999].

EU Policies on Learning Environmental Sustainability and Climate Change...

Therefore, through the legal analysis of the EU legislation, we theorize and evaluate how HD and OD are highlighted in connection with the “human system” (HS) and resilience approach and planning. One consequence of these approaches is a broader multi-dimensional analysis of the effects of LES and CC considering also: (i) “climate-neutrality”, EU progresses and Member States (MS) actions [Article 2, Article 6 and Article 7, Regulation (EU) 2021/1119]; (ii) “climate plans” and strategies [Chapter 2 and Chapter 3, Regulation (EU) 2018/1999]; (iii) LES and education, “informal learning” and “non-formal learning” [Chapter 1, Chapter 2 and Chapter 3, SWD/2022/3 final]. Overall, the study evaluates the indicators and effects of the LES, which also acknowledges the area of human rights and human resources [Recital (45), Article 2(3) Regulation (EU) 2018/1999]; HD and human activity [Chapter 3, SWD/2022/3 final]; human dignity [Chapter 3, SWD/2022/3 final]; human health [Chapter 4, SWD/2022/3 final].

Nevertheless, the analysis of Article 2 of the Regulation (EU) 2018/1999 reflects a broader multi-definition approach to the: (a) implementation, adoption and planning of P&M; (b) two types of “projections” and “projections without measures” [Article 2(7)(8), Regulation (EU) 2018/1999]; (c) conceptual linkages to “indicators” and “key indicators” requiring further approaches to better monitor and evaluate the implementation [Article 2(13)(14), Regulation (EU) 2018/1999]; (d) highlighting the legal foundations of “quality control” and “quality assurance” [Article 2(16)(17), Regulation (EU) 2018/1999]; (e) exploring the framework of “early efforts” in the context of regional collaboration [Article 2(20)(21), Regulation (EU) 2018/1999].

Moreover, this research reveals empirical evidence to the fundamental role of the HD approaching key topics related to: (i) “human rights” and “gender equality” [Recital (45), Regulation (EU) 2018/1999]; (ii) “human resources” [Article 2(3) Regulation (EU) 2018/1999]; (iii) “human development” [Chapter 3, SWD/2022/3 final]; (iv) OD, “professional development” [Chapter 1, SWD/2022/3 final]; “policy development” approaching LES [Chapter 1, SWD/2022/3 final]; (v) “human health” [Recital (4), Recital (19), Recital (20), Regulation (EU) 2021/783]; (vi) organizational support and social cohesion [Recital (4), Regulation (EU) 2021/783]; (vii) sustainable development (SD) and CC [Recital (15), Recital (23), Recital (29), Regulation (EU) 2021/783].

Governance and civic engagement for LES

Of particular interest to our study are the EU provisions of LES, education and learning within the SWD/2022/3 final. Nevertheless, the SWD/2022/3 final points to resilience effects and investments in GT whereby sustainable policies and policies design a pivotal approach to vocational education and training (VET). This may be influenced by the mechanisms and processes requiring an adaptive framework concerning SD, GT, innovation and environmental protection (EP) and social protection. The ideas of “civic engagement”, “community engagement”, “active engagement”, “solidarity” and “leadership” give an extensive background across the relationship between EU governance and resilience. Moreover, the SWD/2022/3 final provides an overview of the complex issues that arise in the climate crisis [Chapter 1, SWD/2022/3 final].

To fully understand the linkages between LES and CC, the SWD/2022/3 final argues that learning for GT enhances three crucial concepts: (1) CC and education; (2) CC and biodiversity; (3) CC and SD. It is also important to note that these concepts draw

on EP from multiple scales: (a) sustainable practices and policies; (b) supportive framework for partnership in learning environments (LEs); (c) responsibility and active citizens engagement; (d) youth commitment and participation; (e) sustainability values and principles; (f) LEs and resilience practices. The other central topic of the LES and CC approach is how LES relates to leadership and institutional governance. How “local governance competence” operates is also a key aspect of the implementation of the EU curricula. As Table 2 of the SWD/2022/3 final shows, the ES key approaches in the MS provide a useful comparative analysis of the resources and policies using a multi-scale analysis at the national level [Table 2, Chapter 2, SWD/2022/3 final]. Therefore, the SWD/2022/3 final suggests here the strong need for policies, tools and strategies aimed to link education to LS.

Institutional networks for LES: HD & OD

Reported in the linkages between LES and CC, the same document exposes the representations of the institutional networks and organizational support. Furthermore, the document next identifies and explores the “institutional level” (IL) covering the sustainability practices and activities. The IL is explored by taking into account the following question: How do specific programmes for education enhance the development of the sustainability approach? Regarding this new field of sustainability, the SWD/2022/3 final presents the conceptualization of the “whole-institution approach” (WIA) as an adaptive strategy for LES. The WIA enhance HD and OD by sharing the co-management of (i) “planning and governance” and (ii) “staff participation” [Chapter 2, SWD/2022/3 final]. However, three factors are focusing on the operationalization of the concept of WIA, namely: (a) prioritisation of policies; (b) access policy to resources; (c) local governance and policies. Indeed, the operationalization of WIA suggests that collaboration and cooperation are linked to community engagement for LES in the context of “participatory and collaborative learning partnerships” (PCLPs) [Chapter 2, SWD/2022/3 final]. The role of PCLPs in supporting “trust-building” designs a pivotal of the OD aimed to achieve an integrative solution for education management. Therefore, the coordination, monitoring and evaluation phase (M&E) of the ES provides a comprehensive and advanced framework for the OD that includes: local organisations in the field of environment, companies and other institutions involved in ES. Furthermore, the M&E standards focus merely on the complex structure of the multilevel governance of the local and regional organisations, education institutions, public institutions and NGOs. Moreover, the SWD/2022/3 final focuses on explaining what is the role of HD and OD for LES by reflecting the analysis of (i) the effects of one scale cycle (e.g. “formal education”) [Chapter 2, SWD/2022/3 final] and (ii) the consequences of a cross-scale cycle (e.g. “non-formal education” and ES) [Chapter 3, SWD/2022/3 final].

Based on the analysis of the institutional network and support for LES, the SWD/2022/3 final reflects also two types of particularized approaches to (a) data, information and initiatives for environment education (EE) and (b) competencies for ES. Moreover, the SWD/2022/3 final highlights the importance of the “interdisciplinary competence” for the educational systems aimed to integrate two sustainable designs: quality indicators and curricula topics. The analysis suggests that sustainability competencies (SC) reflect both adaption and development of skills and innovative pedagogical tools and resources. In this context, SC also builds on descriptors proposing

EU Policies on Learning Environmental Sustainability and Climate Change...

principles of respect and equity concerning the “resilient ecosystems” and social environment [Table 1, Chapter 4, SWD/2022/3 final].

Conclusions

The article concludes that the approaches to HD and OD offer a complex overview of the linkage to LES and CC. Accordingly, the research provides the exploration of three key concepts: environment education, active engagement and resilience. Finally, this study explored the fundamental role of LSE, especially in the context of local and regional governance. The research also addressed the interlinkages between the “whole-institution approach” (WIA) and LES. Relevant approaches to LSE and institutional support were associated to highlight the EU policies namely: “resilient ecosystems” and “interdisciplinary competencies”.

Authors' Contributions:

The authors contributed equally to this work.

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Article Info

Received: February 10 2022

Accepted: February 18 2022

How to cite this article:

Olimid, D.A, Olimid, A.P. (2022). EU Policies on Learning Environmental Sustainability and Climate Change: What Social Implications for Human and Organizational Development and Resilience? *Revista de Științe Politice. Revue des Sciences Politiques*, no. 73/2022, 114-121.



ORIGINAL PAPER

European Agricultural Fund for Rural Development - Comparisons Between Member States on Budget Allocation and Absorption

Ramona Pîrvu¹⁾, Sorin Dinulescu²⁾, Lili Țenea³⁾

Abstract:

EU policies aim to overcome these barriers which affect rural areas and which must in most cases lead to a change in the status of disadvantaged regions. Therefore, the cohesion of the EU area, of all regions / areas is included in Community policies, environmental policy and climate change, as it is known that rural areas are extremely vulnerable to a number of negative and less controllable factors, namely: climate, birth rate, level of education, state of health, poor general infrastructure (supply of electricity and heat, sewerage, transport infrastructure, etc.). To this end, the European Agricultural Fund for Rural Development (EAFRD) is intended to support the EU's strategy by funding specific programs in the Member States. For efficiency, any investment program is developed by the European Commission in partnership with each Member State, pursuing the specific objectives of the rural development policy adopted by the Council. It should be noted that each program includes a set of strategic priorities related to those set at national level. The article analyzes the European Agricultural Fund for Rural Development and makes comparisons between Member States on budget allocation and absorption.

Keywords: *rural areas; EAFRD; rural development; RDP; absorption.*

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Introduction

Current practices for rural development in the European Union are centered on a set of policies and implementation tools that help rural areas meet the wide range of challenges and opportunities they face in terms of economic development, the environment and social. Rural development has become the second pillar of the CAP since 2000, being introduced as part of the reform of Agenda 2000, which brought together various pre-existing structural and territorial measures under a common umbrella (Cagliero, 2021). Support for rural development in the period 2000-2006 focused on:

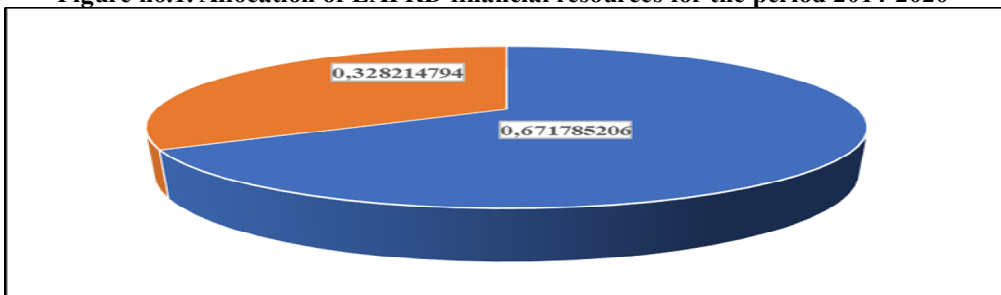
- the multifunctionality of agriculture, recognizing its varied role, beyond the production of food and the range of services offered by farmers;
- a multisectoral and integrated approach to the rural economy in order to diversify activities, create new sources of employment and protect the rural heritage;
- flexible aid based on subsidiarity and promoting decentralization, consultation at regional, local and partnership level;
- Transparency in the development and management of programs, based on simplified and more accessible legislation.

Review of European Agricultural Fund for Rural Development Allocation and Absorption in the EU

"The European Agricultural Fund for Rural Development (EAFRD) is intended to support the EU's strategy by funding specific programs in the Member States. For efficiency, any investment program is developed by the European Commission in partnership with each Member State, pursuing the specific objectives of the rural development policy adopted by the Council. It should be noted that each program includes a set of strategic priorities related to those set at national level (Pîrvu, 2011)".

It should be noted that for the years 2014-2020, the EAFRD has been included in the broader framework of investment policies at European level in accordance with common provisions (1303/2013) established at Community level. In the 2014-2020 financial framework, a total allocation of EUR 173.57 billion is foreseen for the EAFRD, of which EUR 116.60 billion (67.18%) comes from the EU budget and EUR 56.97 billion (32.82%) come from co-financing provided through the national budgets of the Member States (Figure 1).

Figure no.1. Allocation of EAFRD financial resources for the period 2014-2020



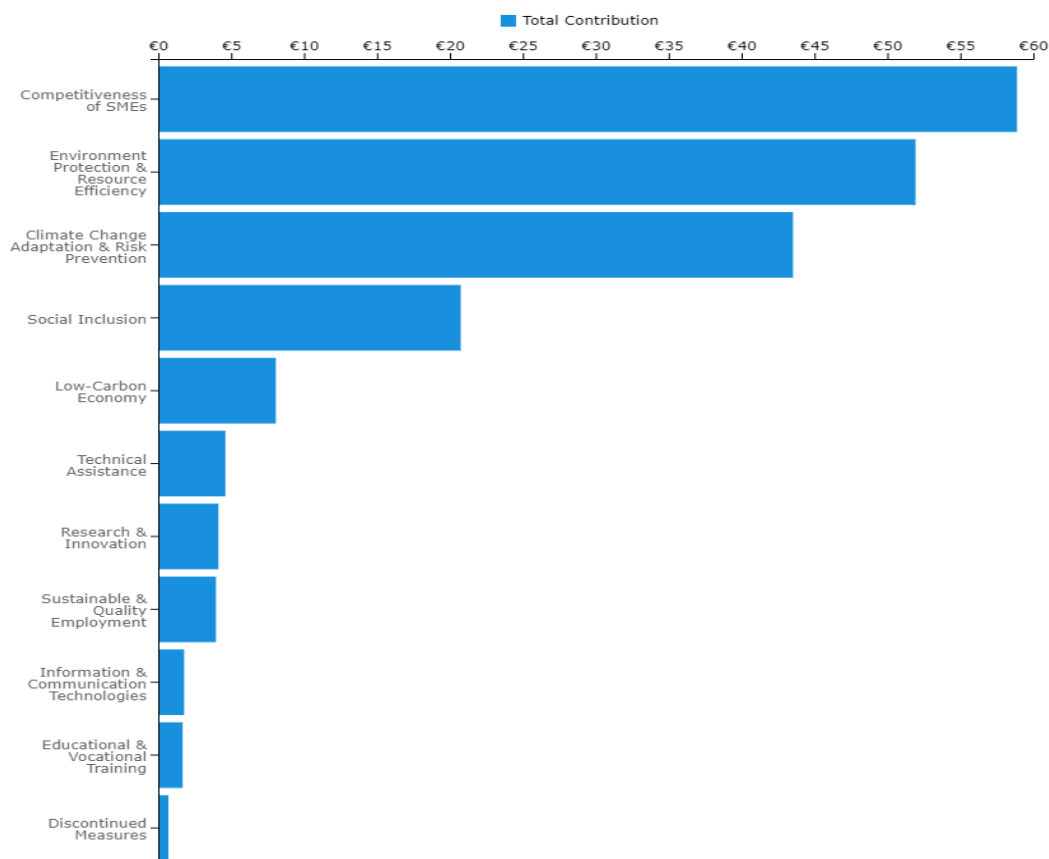
Source: European Commission, August 2021, edited by the authors

In the current programming period, the three main objectives pursued through the EAFRD relate to:

- increasing competitiveness in agriculture;
- managing at a high level of sustainability the natural resources, including the climatic ones;
- supporting a balanced development of the economy in rural areas, of the local communities in these regions, by creating and / or maintaining existing jobs.

The achievement of the three proposed objectives is achieved through several specific objectives, with their own financial allocation (Figure no. 2).

Figure no. 2. Financial allocation under EAFRD, by specific objectives, 2014-2020 (billion EUR)



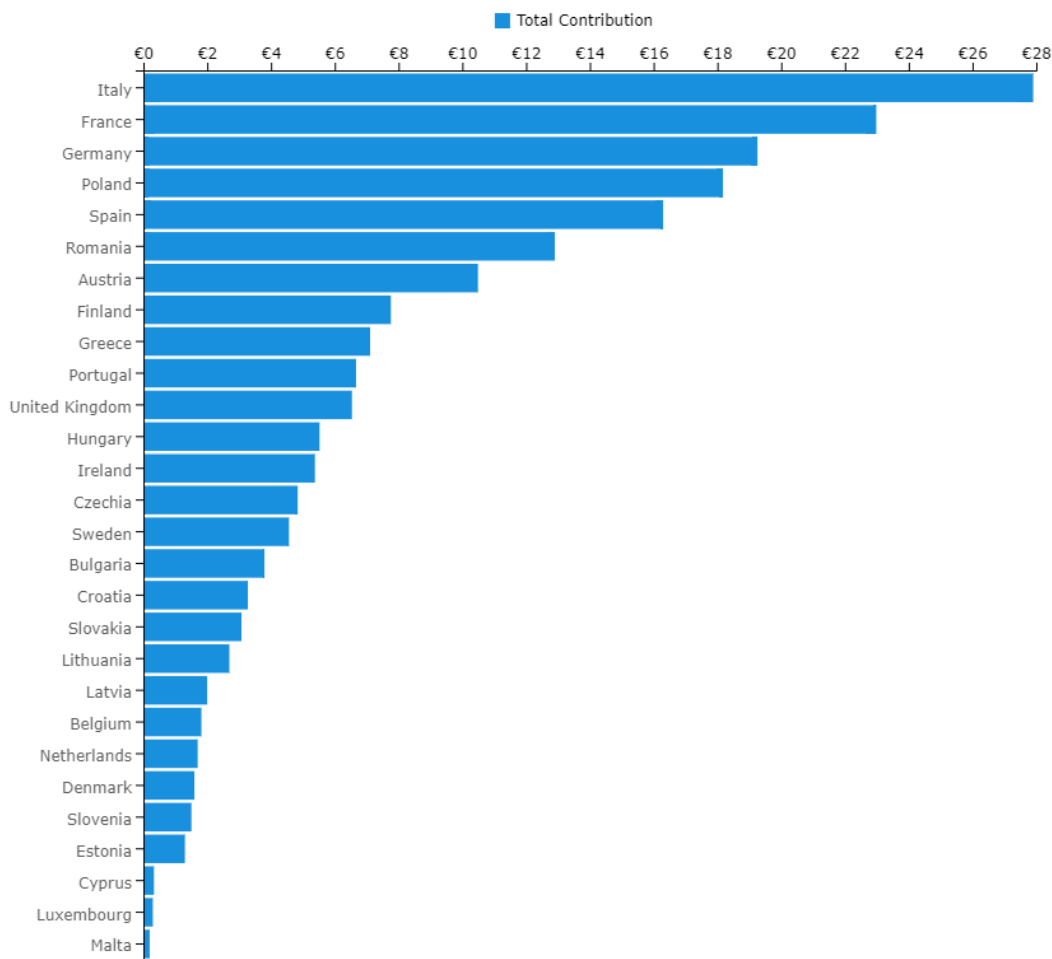
Source: European Commission, August 2021, edited by the authors

For the next programming period, the EAFRD budget for 2021-2027 amounts to EUR 95.5 billion, including EUR 8.1 billion from NextGenerationEU, the financial recovery instrument promoted by the European Union to help recover economic damage. and social causes of the COVID-19 pandemic.

European Agricultural Fund for Rural Development-Comparisons Between Member...

Regarding the total financial allocations through EAFRD, the largest amounts are allocated to France (EUR 22.894 billion), followed by Italy (EUR 20.912 billion) and Germany (EUR 16.656 billion). Romania ranks 6th among EU countries in the allocation of financial resources under the EAFRD, with € 12.903 billion allocated (Figure 3).

Figure no. 3. Total EAFRD financial allocation, by EU countries, 2014-2020 (billion EUR)

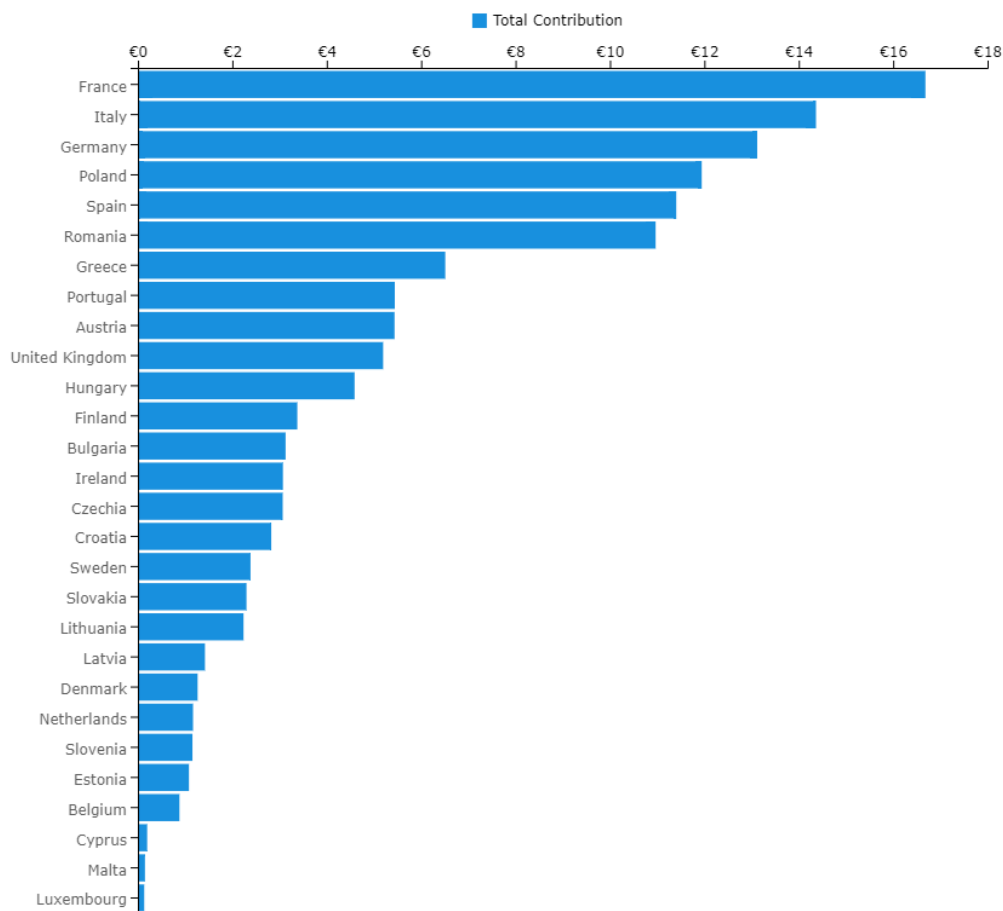


Source: European Commission, August 2021, edited by the authors

On the other hand, if we take into account the EAFRD financial allocations coming exclusively from the European Union budget, we will notice that Romania ranks third (with an EU allocation of 10.968 billion euros), being surpassed only by France (with an EU allocation of € 16.606 billion) and Germany (with an EU allocation of € 11.252 billion) (Figure 4).

Particular emphasis is placed at the level of the European Union, but also at the level of each Member State, on the pursuit of attracting funds allocated for development, as well as their use in an efficient and effective way, according to the priorities indicated by each government in the program documents.

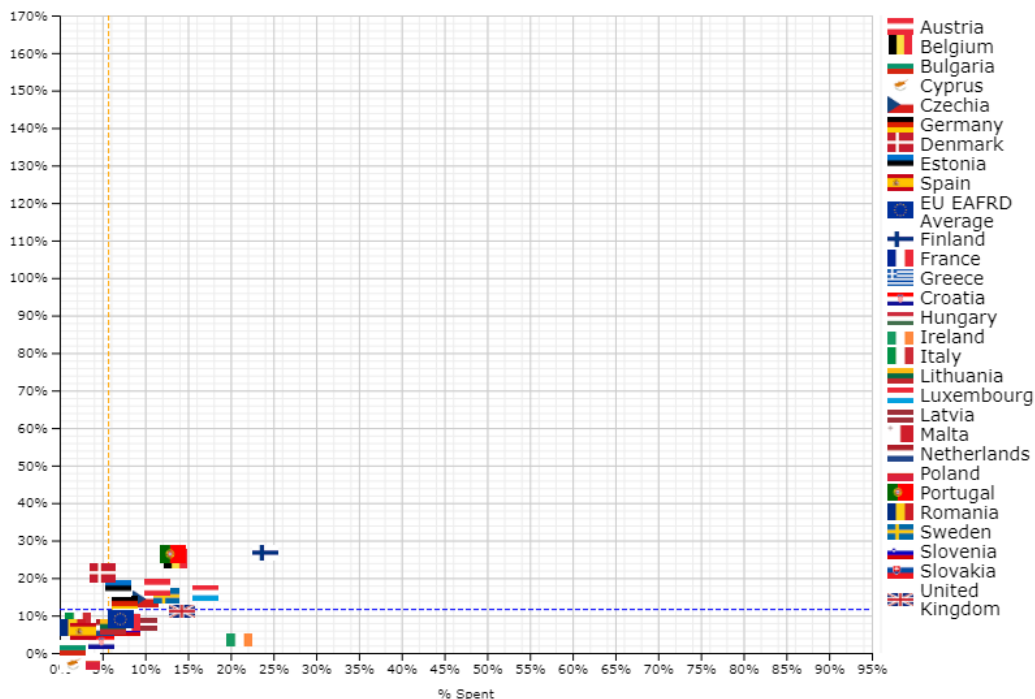
Figure no. 4. EAFRD financial allocation from EU budget, by EU countries, 2014-2020 (billion euros)



Source: European Commission, August 2021, edited by the authors

Thus, in 2015, just one year after the start of the 2014-2020 multiannual financial framework, Finland is proving to be the most effective Member State in attracting European funds for rural development through the EAFRD, being able to invest 23% of the planned amount, respectively 1.279 billion euros out of the planned total of 5.673 billion euros. Finland is followed by Ireland, with 20% of the allocated amounts spent, and Luxembourg, which managed to invest 15% of the allocated EAFRD amounts. At EU level, the average allocation of EAFRD funds was 12%, and the average expenditure was 6% of the total planned amounts (Figure 5).

Figure no. 5. Degree of implementation of the EAFRD budget in EU countries in 2015 (percentages)

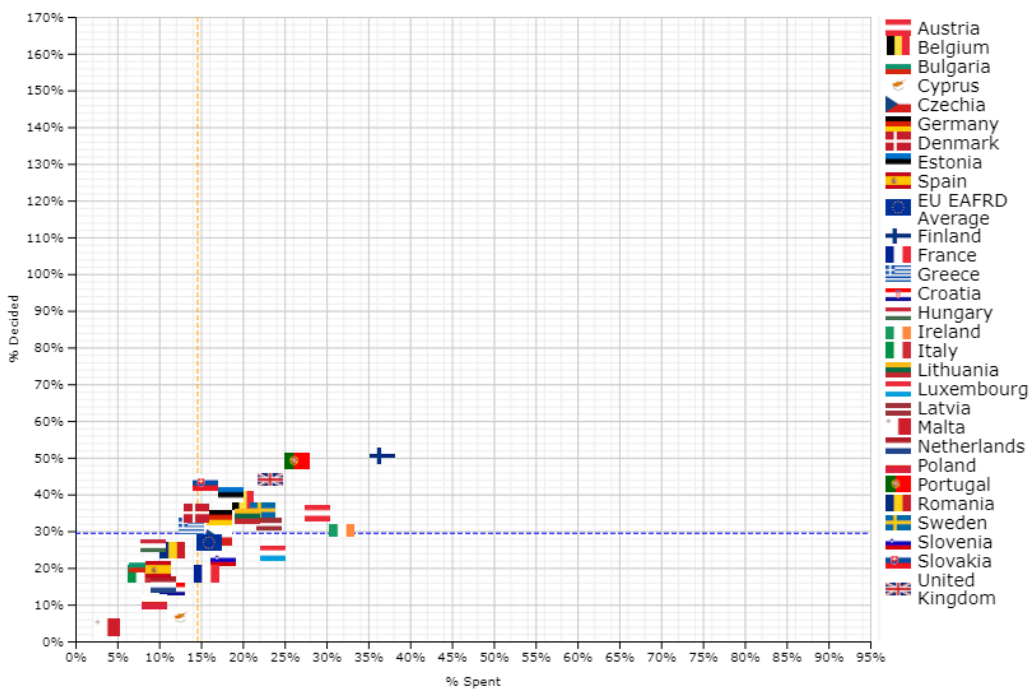


Source: European Commission, August 2021

In 2016, European countries accelerated the mechanisms for attracting and implementing EAFRD-funded projects to a greater extent. Finland continues to be the leader in the efficiency of spending allocated funds, being able to finance projects worth € 1.996 billion, which represents 35% of the planned budget, at an allocation of 53% (respectively € 3.034 billion) of total budget. Finland has, as in the previous year, placed EUR 1.189 billion from the planned budget (30%), at an allocation of 34% of the total budget. The third place is occupied by Austria, which managed to spend 27% of the planned budget (2.107 billion euros) in just 2 years, with an allocation of 38% of the total planned funds.

In the same year, Romania proved to be a more modest start to the period, being able to attract and spend 864.9 million euros (representing 10% of the planned budget), with an allocation percentage of 28% of the total planned EAFRD budget. . The EU average in terms of the total planned budget expenditure in 2016 was 14% (€ 21.624 billion), with an allocation rate of 30% (€ 44.528 billion) (Figure 4.6).

Figure no. 6. Degree of implementation of the EAFRD budget in EU countries in 2016 (percentages)



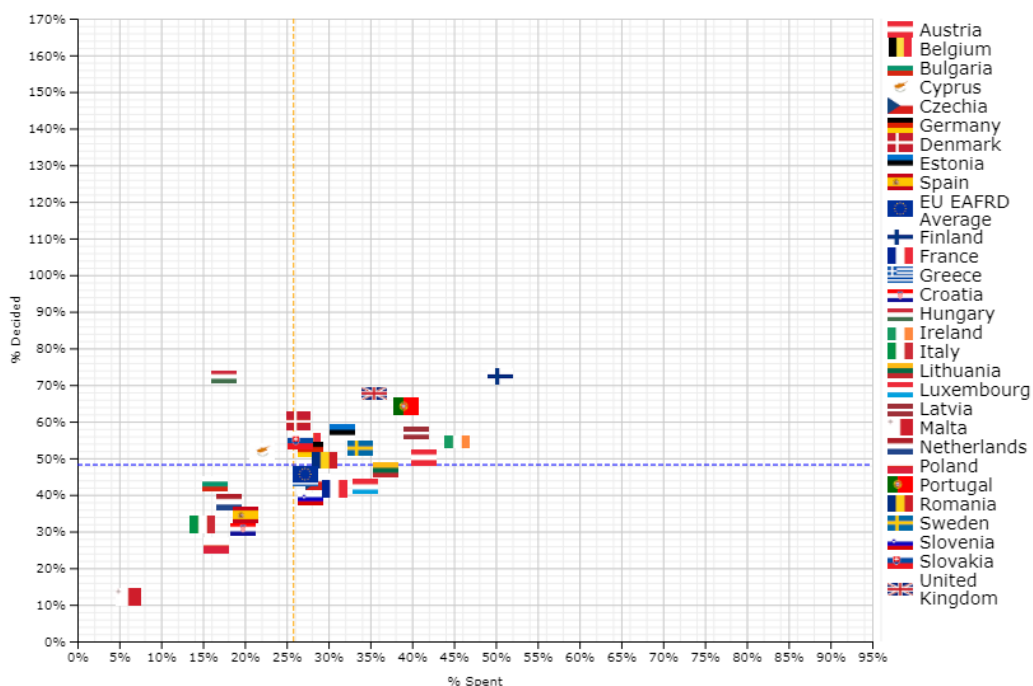
Source: European Commission, August 2021

In 2017, EU countries increased the rate of attracting and spending European funds allocated through the EAFRD. Finland is still proving to be a successful way to spend the planned funds, reaching a spending rate of 49% (corresponding to a total amount spent on rural development projects of € 2.785 billion) and an allocation rate of 75% of total planned budget (4.277 billion euros). As in previous years, Finland is closely followed by Ireland, which manages to spend 44% of the planned budget (€ 1.721 billion respectively) on a total allocation of € 2.278 billion (representing 58% of the planned budget). In third place, in terms of proven performance, is Austria, which managed to spend in the first 2 years of the multiannual financial framework 2014-2020 40% of the planned budget (respectively 3.073 billion euros) and to reach an allocation of 53% of budget (corresponding to EUR 4,090 billion).

In this context, it is worth mentioning Hungary, which has greatly accelerated the process of allocating the planned EAFRD funds, managing to allocate 76% of the total budget to 3.165 billion euros, while having a relatively low level of expenditure, respectively 16% (corresponding to 666 million euros spent).

Romania, in 2017, significantly increased the amounts spent, reaching 2.646 billion euros (representing 28% of the total planned budget), and managing to allocate total funds of 4.933 billion euros (representing 52% of the total planned), standing thus above the EU average of 26% for funds spent (€ 38.627 billion) and 49% for allocated funds (€ 73.016 billion) (Figure 7).

Figure no. 7. Degree of implementation of the EAFRD budget in EU countries in 2017 (percentages)

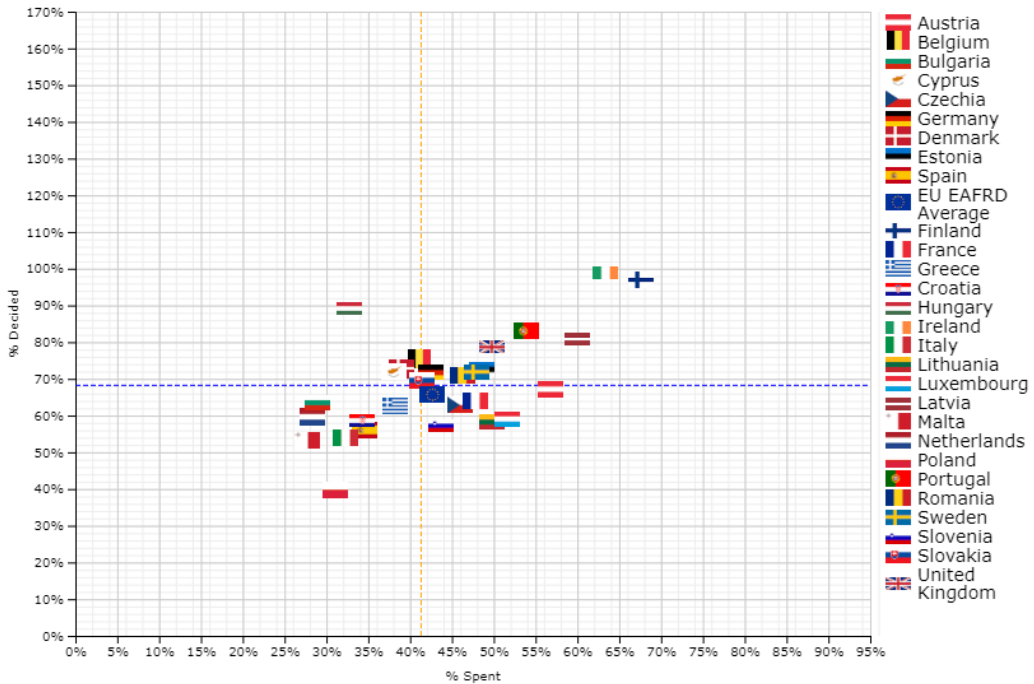


Source: European Commission, August 2021

In 2018, Finland and Ireland remained in the top two. As for Finland, it managed to spend 64% of the planned EAFRD budget (€ 3.625 billion respectively) and reached an allocation rate of 97% (€ 5.488 billion). Ireland has come very close to Finland's performance, managed to spend € 2.344 billion on rural development projects (representing 60% of the planned budget) and has allocated € 3.687 billion (representing 94% of the total planned budget). The third place in the performance hierarchy was occupied in 2018 by Latvia, which invested 862 million euros in rural development in the first 4 years of programming (representing 56% of the total planned budget) and allocated 82% of the total budget (equivalent to EUR 1.253 billion).

Romania has maintained a level of performance slightly above the European average, managing to make expenditures amounting to 4.025 billion euros (representing 43% of the total planned budget), but also to allocate a total of 6.764 billion euros, which is a degree allocation of 72% of the total budget planned for the entire period of the 2014-2020 multi-annual framework (Figure 4.8). In the same year, 2018, at EU level, the average expenditure incurred by Member States was 39% of the total planned budget (respectively EUR 59.110 billion), and the amounts allocated for rural development projects amounted to EUR 99.737 billion (representing 66 % of total planned budget).

Figure no. 8. Degree of implementation of the EAFRD budget in EU countries in 2018 (percentages)

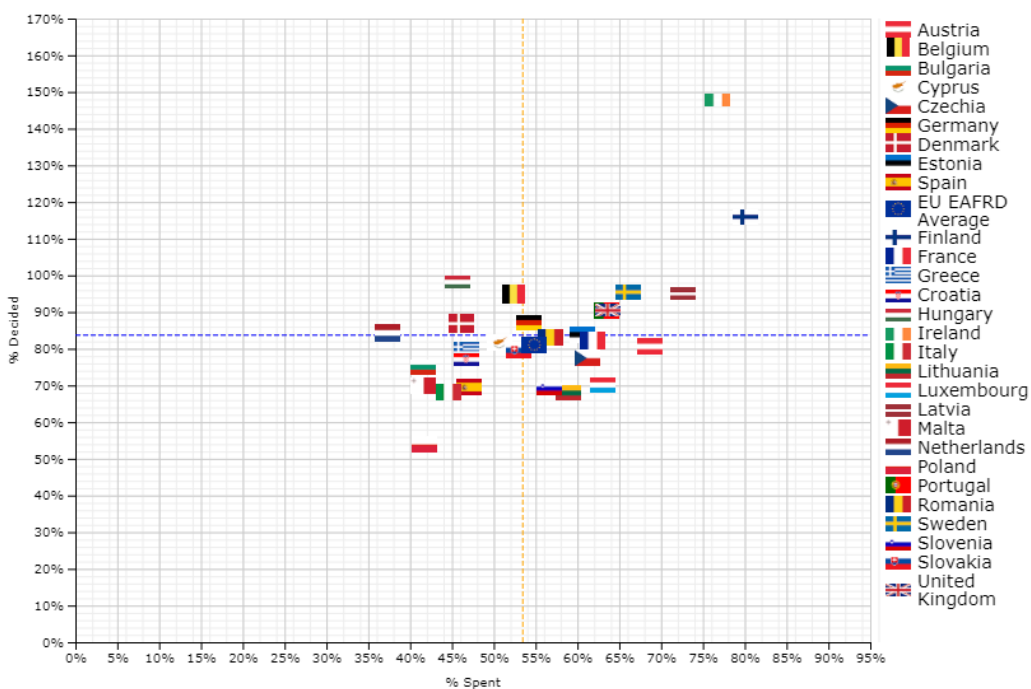


Source: European Commission, August 2021

In 2019, the first allocations that exceed the planned budgets are starting to be observed. Thus, Finland remains in first place in terms of performance in terms of spending European funds for rural development, with 79% of the total planned budget (representing € 4.46 trillion), at an allocation of 119% compared to planned budget (respectively EUR 6.750 billion). Ireland is only one percentage point behind Finland in terms of EAFRD expenditure, managing to invest € 2.951 billion (representing 72%), at an allocation of 151% (representing the equivalent of € 5.932 billion). The two countries are followed by Latvia, which has invested 1.088 billion euros in rural development projects (representing 71% of the total planned budget), but has also allocated 1.507 billion euros (representing 98% of the total planned budget).

At EU level, in 2019, total expenditure of EUR 80.362 billion (representing 53% of the total planned budget) was recorded, as well as an allocation of EAFRD funds of 84% (equivalent to EUR 126.655 billion). For the third year in a row, Romania maintained a higher level of performance than the European average, recording total rural development expenditures of 5.213 billion euros (equivalent to 55% of the total planned budget), but also managed allocations for EAFRD projects in amounting to EUR 8.129 billion (representing 86% of the planned budget) (Figure 9).

Figure no. 9. Degree of implementation of the EAFRD budget in EU countries in 2019 (percentages)

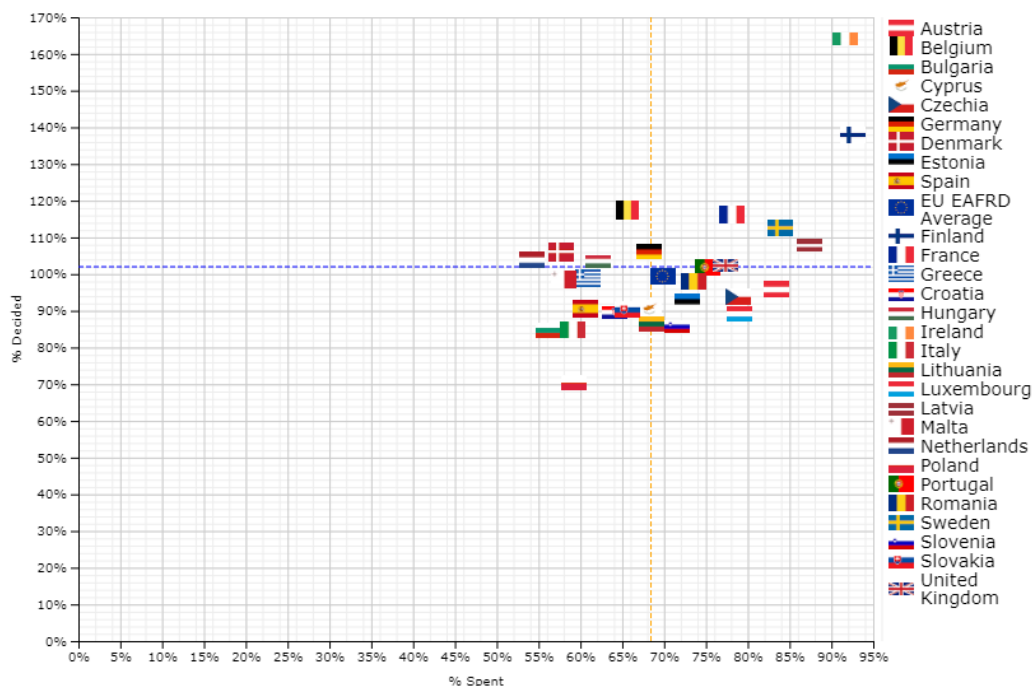


Source: European Commission, August 2021

At 2020, the 3 Member States, comfortably in the lead in terms of the performance of spending European funds for sustainable development, have maintained the same positions in previous years. Thus, Finland managed to spend 91% of the planned budget (respectively 5.162 billion euros), but also to allocate for development projects 7.998 billion euros (which represents 141% of the initially planned budget). Ireland has maintained its share of European funds spent at a lower rate than Finland (90% of the total planned budget, amounting to € 3.534 billion), at an allocation of 168% (equivalent to € 6.576 billion). The performance podium is completed by Latvia, which has totaled € 1.315 billion in rural development expenditure (86% of the planned budget), with € 1.703 billion in project allocations (equivalent to 111% of the total planned budget).

The EU average for the EAFRD budget was 68% of the planned budget in 2020 (corresponding to a total of € 102,848 billion), while project allocations amounted to € 154.041 billion (representing 102% of the planned budget). Romania maintained its highest performance in terms of spending from European funds dedicated to rural development projects amounting to 6.797 billion euros (representing 72% of the planned budget), while the allocation reached 101%, respectively the equivalent at 9.521 billion euros (Figure 10).

Figure no. 10. Degree of implementation of the EAFRD budget in EU countries in 2020 (percentages)



Source: European Commission, August 2021

As can be seen from the previous analysis, Romania was in the first third of the European Union member states in terms of the performance of attracting and spending European funds planned and allocated by EAFRD for the 2014-2020 programming period.

Moreover, it is noted that in terms of EU budget allocations for the EAFRD (without calculating the contribution of national budgets), Romania is in third place after the two economic powers of the European Union (France and Germany), and before other states with claims in terms of economic performance or the tradition of agricultural production.

Conclusions

In most EU countries we generally identify a rich natural and cultural heritage, traditions and important renewable resources that can be the foundation for the creation of strategies and programs for the next period and that through a real funding potential, can be the basis of evolution. rural areas and communities.

All these aspects, once integrated, can generate, over time, a real sustainable development of rural areas, based in most cases on the need to transform today's rural communities into real smart villages, in close connection with the creation and promotion of feasible rural partnerships. urban, but also with the widespread use of European funds.

European Agricultural Fund for Rural Development-Comparisons Between Member...

Another important aspect is the fact that the socio-economic development of rural areas for all EU countries is supported both by the governments of each state and by the Community bodies, which, since the early 1960s, have created and developed policies, strategies but also forms of support, based on the financing from the budget of the European community but also from specially created funds, respectively: agricultural fund, social fund, regional fund, etc.

"The development policy of the rural areas in each country was also justified by the fact that, in most cases, we identify numerous rural localities and that, also here, other types of non-agricultural activities are carried out - industry, public services, education and health institutions, etc. (Avram, 2007)."

Supporting the development of rural areas in the Member States of the European Union is the result of the creation and implementation of rational models of rural development, which mainly include: models of good practice on transformations in agriculture and the economy of rural areas as a whole; implementation of new innovative and integrated concepts on resource use strategies in rural areas but also to implement rural development policies.

However, there is still a tendency to separate rural development policy from national development strategies, which is a challenge for many European countries, as the village (rural localities) and rural areas cover the same territory, have the same spatial dimension, economic, social and cultural, in which production processes, services, etc. take place. Therefore, the territorial segments village (rural localities) - rural area are difficult to individualize, there are still difficulties among specialists in defining rural areas, rural localities, in the administrative division of local systems, as well as in the implementation of financial support policy both national as well as EU funds.

These issues further raise the need to identify criteria for the delimitation of the rural territory in order to define the strategies for carrying out activities in rural localities and rural areas. This is because the concept of rural area covers a wider territory compared to the concept of rural settlement.

Acknowledgement:

This work was supported by the grant POCU380/6/13/123990, co-financed by the European Social Fund within the Sectorial Operational Program Human Capital 2014 – 2020.

Authors' Contributions:

The authors contributed equally to this work.

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Article Info

Received: February 13 2022

Accepted: February 24 2022

How to cite this article:

Pîrvu, R., Dinulescu, S., Țenea, L. (2022). European Agricultural Fund for Rural Development - Comparisons Between Member States on Budget Allocation and Absorption. *Revista de Științe Politice. Revue des Sciences Politiques*, no. 73/ 2022, 122-134.



ORIGINAL PAPER

The Determinants of Credit Activity and the Impact of their Evolution on Economic Growth. Case Study: Albania

Klejda Gabeshi¹⁾

Abstract:

The dominant component of the Albanian financial system is the banking sector, whose activity is transparent and leads to an efficient market economy. Credits make up the majority of the banking system's assets, which is why it is so important to determine if there is a link between the evolution of credit activity and economic growth in the current economic context. This paper aims to estimate through an empirical analysis the long-term and short-term effects of the impact of the credit activity and some bank-specific factors on economic growth in Albania, by employing a Vector Error Correction Model (VECM), using quarterly data from 1998q4 to 2021q4. For estimation purposes, economic growth is measured as the quarterly rate of GDP growth. In the econometric model the focus will be on the independent variable bank credit to the private sector as percent of GDP. This indicator is a very important one and widely used in the literature as a determinant of credit activity. The other independent variables considered are: treasury bills as percent of GDP; deposits as percent of GDP; ROE and the Herfindahl index. In general, there was a negative cointegration between GDP and bank credit to the private sector. In the long run, the results of the econometric model showed that there is a statistically significant direct relationship between the dependent variable of economic growth and the factors of treasury bills, deposits and the Herfindahl index. On the other hand, the results of the econometric model showed that there is an indirect correlation between economic growth and ROE.

Keywords: *Albania; credit activity; economic growth; Vector Error Correction Model.*

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Introduction

The dominant component of the Albanian financial system is the banking sector, whose activity is transparent and leads to an efficient market economy. Credits make up the majority of the banking system's assets, which is why it is so important to determine if there is a link between the evolution of credit activity and economic growth in the current economic context.

Like all countries that have switched from totalitarian regimes to a market economy, Albania in the first years after economic and political changes has faced a very low level of credit relative to GDP. After 2004, when bank loans started to grow rapidly, its ratio to GDP increased significantly. Developments in the global economy, and in particular the global economic crisis, have had a negative impact on the Albanian market and have led to a shrinking credit market and tightening bank lending conditions.

This paper aims to estimate through an empirical analysis the long-term and short-term effects of the impact of the credit activity and some bank-specific factors on economic growth in Albania, by employing a Vector Error Correction Model (VECM), using quarterly data from 1998q4 to 2021q4. For estimation purposes, economic growth is measured as the quarterly rate of GDP growth. In the econometric model the focus will be on the independent variable bank credit to the private sector as percent of GDP. This indicator is a very important one and widely used in the literature as a determinant of credit activity. The other independent variables considered are: treasury bills as percent of GDP; deposits as percent of GDP; ROE and the Herfindahl index.

I considered it necessary to study the link between credit activity and economic growth because, although the literature is very rich, it is limited in Albania. Due to the lack of comprehensive empirical analyzes for Albania, the main purpose of this article is to investigate empirically whether the evolution of credit determinants promotes economic growth. The contribution of this paper is to fill the empirical gap in the literature on finance and growth, with a particular focus on the banking sector in Albania.

Literature Review

For emerging markets, credit is very important for economic growth, given that the role played by other intermediaries in the financial market is still limited.

Credit expansion has been associated with faster economic growth and the onset of financial crises, a pair of results that seem to contradict each other. Angeles (2015) gave an explanation for these results, by separating credit to the private sector into corporate credit and household credit. Empirical analysis has shown that credit to firms is responsible for the positive effect of growth, while the greater occurrence of crises is mainly due to household credit. The events of the last decade, in which the rapid expansion of credit has led to crises and very little growth, can be understood as a change in the composition of credit to the component of his household. As credit was one of the factors that triggered the global crisis, in her paper, Banu (2013) tried to show whether there is a link between credit and economic growth, the economy not being able to develop in the absence of credit. With the help of a statistical software, she tried to determine the existence of a connection between GDP, credit to public administration and credit to households. The results of the analysis showed that credit to households contribute more to the formation of GDP than credit to general government.

The main conclusions of the work of Dudian and Popa (2013), which evaluated a model for the countries of Central and Eastern Europe, are: (1) the increase of non-

The Determinants of Credit Activity and the Impact of their Evolution on Economic...

performing loans and the differences of interest rates negatively affect the economic growth; (2) the increase in domestic credit to the private sector negatively affects GDP growth, but the increase in the growth rate has a positive effect on GDP. Cojocaru, Hoffman and Miller (2011) demonstrated in 25 CEE and CIS countries (including Romania) for the period 1990-2008 that there is a significant positive relationship between credit to the private sector (as a percentage of GDP) and GDP growth and a negative correlation between interest rate and GDP. Petkovski and Kjosevski (2014) also studied 16 transition economies in Central and South-Eastern Europe to assess whether the banking sector influences economic growth. Research shows that private sector credit and interest margins are negatively correlated with economic growth.

Although the literature is very rich, in Albania studies on the link between financial intermediation and economic growth are limited. Dushku (2010) investigates the relationship between financial intermediation and economic growth using the Granger causality test and the VECM mechanism. The study shows a bidirectional relationship between financial indicators and long-term economic growth. In the short term, this relationship is not clear because different indicators of financial intermediation offer different results. However, Musta (2016) states that credit to the private sector has a negative effect on growth due to the high level of non-performing loans and the low quality of the financial environment in the financial sector.

The purpose of Morina and Turan's (2019) paper is to examine whether the banking sector plays a role in supporting growth in transition economies such as Albania. The empirical investigation was performed using a VAR approach and the Granger causality test for the time period 2002T4-2016T4. The results of the research show that the interest rate margin is significant and positively related to economic growth and the credit granted to the private sector is negatively linked to economic growth.

Research Methodology

I considered it necessary to study the link between credit activity and economic growth because, although the literature is very rich, it is limited in Albania. Due to the lack of comprehensive empirical analyzes for Albania, the main purpose of this article is to investigate empirically whether the evolution of credit determinants promotes economic growth.

This paper aims to estimate through an empirical analysis the long-term and short-term effects of the impact of the credit activity and some bank-specific factors on economic growth in Albania, by employing a Vector Error Correction Model (VECM) through the R program, as one of the most appropriate methods, which in addition to identifying short-term connections, also allows identifying long-term relationships between variables. This study uses quarterly time series covering a 24-year period from 1998q4–2021q4, making a total of 93 observations for each variable.

For estimation purposes, economic growth is measured as the quarterly rate of GDP growth. These data come from the website of the Institute of Statistics in Albania (INSTAT).

In the econometric model the focus will be on the independent variable bank credit to the private sector as percent of GDP. This indicator is a very important one and widely used in the literature as a determinant of credit activity. Quarterly data, as total bank loans to the private sector (individuals and businesses) in ALL millions are collected from the Bank of Albania and reported to GDP.

Klejda GABESHI

The other independent variables considered are: treasury bills as percent of GDP; deposits as percent of GDP; ROE and the Herfindahl index. Return on equity (ROE) is an internal measure of shareholder value performance and is by far the most popular measure of performance, as it: (i) proposes a direct assessment of the return on investment of a shareholder; (ii) is readily available to analysts based only on public information; and (iii) allows comparison between different companies or different sectors of the economy. The Herfindahl Index is a measure of the size of firms relative to the industry in which they are located and an indicator of competition between them.

The last two variables are total deposits in ALL millions relative to GDP and total treasury bills that are outstanding at the end of each quarter as a percentage of GDP. Data for these variables are collected from the Bank of Albania’s website.

The main hypothesis that comes to the aid of the research methodology, where I will study more specifically the relationship of each indicator that explains the credit activity with the economic growth is:

H_0 = All the factors related to the credit activity do not determine the economic growth.

H_a = All the factors related to the credit activity determine the economic growth.

Results and Discussion

The aim of this model is to identify the short-term and long-term causal relationship between lending activity and economic growth in Albania. For this model, the focus will be on the independent variable bank credit to the private sector (% of GDP).

The study of Wesiah and Onyekwere (2021), “which aimed to investigate the causal relationship between financial intermediation and economic growth in the United Kingdom, using quarterly data from 1963q1 to 2015q1”, also helped me to develop and interpret the estimated model. The authors “used the Johansen cointegration test and the Granger causality test in a vector error correction (VEC) framework to test the existence (or not) of a long-term relationship, as well as the causal direction between financial intermediation and economic growth.” (Wesiah and Onyekwere, 2021, p.47)

The first step before estimating the econometric model is to select the time lag of the impact of the variables on the model. Table 1. presents the optimal lag for this study, as indicated by the Akaike information criterion (AIC), the Schwartz information criterion (SC), the Hannan-Quinn information criterion (HQ) and the final error prediction criterion (FPE). The lag selection criteria HQ and SC chose lag 1 as the optimal delay order, so all variables will be included in the model with lag = 1.

Table 1. Delayed order selection criteria (lag)

| Lag | AIC(n) | HQ(n) | SC(n) | FPE(n) |
|------------|---------------|--------------|--------------|---------------|
| 1 | 7.716521 | 8.181176* | 8.867773* | 2249.108795 |
| 2 | 7.814109 | 8.677040 | 9.952148 | 2503.718262 |
| 3 | 7.291422* | 8.552628 | 10.416247 | 1521.703112* |
| 4 | 7.626995 | 9.286476 | 11.738607 | 2232.803090 |

* indicates the lag order selected by criteria

Source: own processing of the data in R software

The results of the Trace statistic of the Johansens cointegration test are presented in Table 2. According to the Trace test, the existence of two cointegration equations is

The Determinants of Credit Activity and the Impact of their Evolution on Economic...

confirmed, ie the cointegration rank is 2. For the higher ranks, the value of the test is lower, so the cointegration hypothesis for the higher ranks is not accepted. Economic growth and bank credit to the private sector have simultaneous effective equations and are integrated with rank 1 with high certainty and rank 2 with 95% confidence level. This result indicates that there is a long-term balance between economic growth and credit activity in Albania for this period.

Table 2. Johansen Trace test

| No. hypothesized of cointegrations | Trace statistic | 10% critical value | 5% critical value | 1% critical value |
|------------------------------------|-----------------|--------------------|-------------------|-------------------|
| r = 0 | 131.47 | 97.18 | 102.14 | 111.01 |
| r ≤ 1 | 78.4* | 71.86 | 76.07 | 84.45 |
| r ≤ 2 | 44.12 | 49.65 | 53.12 | 60.16 |
| r ≤ 3 | 25.52 | 32 | 34.91 | 41.07 |
| r ≤ 4 | 13.32 | 17.85 | 19.96 | 24.6 |
| r ≤ 5 | 4.26 | 7.52 | 9.24 | 12.97 |

Source: own processing of the data in R software

As the variables considered are cointegrated, a Vector Error Correction Model (VECM) will be specified in R software, to investigate their short and long-term dynamics under unbalanced conditions. The mathematical representations of the equations are:

$$EQ_{gdp} = 9.441treasury + 0.751saving - 1.296roe + 1.723hh$$

$$EQ_{credit_private} = -247.429treasury - 10.184saving + 31.228roe - 36.721hh$$

Table 3. shows the long-term effect of credit proxies on growth. Thus, the result shows the receptivity of economic growth to changes in the growth of credit indicators. The coefficient for total credit and economic growth in both equations was 0, being that they are explained simultaneously and the factors that have an effect on one of them will indirectly affect the other variable, both variables being cointegrated.

Table 3. Long-term output of VEC regression equations in R

| Variable | gdp | credit_private |
|-----------------|-----------|----------------|
| treasury | 9.44103 | -247.42962 |
| saving | 0.7507722 | -10.1848044 |
| roe | -1.296357 | 31.228892 |
| hh | 1.723527 | -36.711116 |

Source: own processing of the data in R software

In the long run, the results of the econometric model showed that there is a statistically significant direct relationship between the dependent variable of economic growth and the factors of treasury bills, deposits and the Herfindahl index. On the other hand, the results of the econometric model showed that there is an indirect correlation between economic growth and ROE. An increase of 1p.p. of the level of treasury bills will increase the GDP by 9.44p.p. An increase of 1p.p. of the level of deposits will increase the GDP by 0.75p.p. An increase of 1p.p. of the ROE level will reduce the GDP by 1.29p.p. An increase of 1p.p. of the Herfindahl index will increase GDP by 1.72p.p.

While the factor that has a positive long-term impact on bank credit to the private sector is ROE, respectively an increase of 1p.p. of ROE, will increase lending by

Klejda GABESHI

31.23p.p. Other factors have a negative impact on total lending. An increase of 1p.p. of the level of treasury bills will reduce the credit to the private sector by 247.43p.p. An increase of 1p.p. of the level of deposits will reduce credit to the private sector by 10.18p.p. An increase of 1p.p. of the Herfindahl index level will reduce credit to the private sector by 36.71p.p.

In general, there was a negative cointegration between GDP and bank credit to the private sector. The results of the model show that the variables that have a negative impact on credit, positively influence economic growth, so the negative impact is absorbed by bank credit to the private sector. On the other hand, ROE has a positive impact on credit, but a negative impact on growth for this model.

In Table 4. is observed the short-term output of the VECM model results. The two equations describe a system in which each variable is a function of its own offset and the other variables in the system. In this case, the system contains six variables. In the first equation, *gdpg* is expressed as a function of its own delays and the other five variables. The same goes for the other equation.

ECT1 is the term for correcting errors or the long-term impact of variables on GDP. The table shows that the estimated ECT1 coefficient for *gdpg* is significant and has a negative sign. The size of the estimated error correction coefficient for *gdpg* indicates that approximately 0.58 percentage points from the previous quarter's imbalance in the system is corrected in each quarter of the year. ECT2 is the term for correcting errors or the long-term impact of variables on bank credit to the private sector. This estimated ECT2 coefficient for the *gdpg* equation is significant and has a negative sign. The magnitude of the estimated ECT2 coefficient of the error correction term for the *gdpg* equation indicates that approximately 0.23p.p. from the previous quarter's imbalance in the system is corrected in each quarter of the year.

Table 4. Short-term output of VEC regression equations in R

| Regression coefficients | Equation 1 Equation <i>gdpg</i> | Equation 2 Equation <i>credit_private</i> |
|---------------------------------|------------------------------------|--|
| ECT1 | -0.5866*** (0.1098) | -0.0841 (0.1053) |
| ECT2 | -0.228*** (0.0047) | 0.0028 (0.0045) |
| Intercept | 27.3244*** (7.3871) | 21.0612** (7.087) |
| <i>gdpg</i> -1 | 0.0929 (0.1008) | 0.1839. (0.0967) |
| <i>credit_private</i> -1 | -0.638 (0.5298) | -1.181* (0.5083) |
| <i>treasury</i> -1 | -0.7815 (0.9935) | 1.9776* (0.9531) |
| <i>saving</i> -1 | -0.1072 (0.2501) | 0.3406 (0.2400) |
| <i>roe</i> -1 | 0.1547 (0.1170) | -0.1374 (0.1122) |
| <i>hh</i> -1 | -0.7915* (0.3482) | -0.6597. (0.3341) |

Source: own processing of the data in R software

The Determinants of Credit Activity and the Impact of their Evolution on Economic...

In a long-term perspective, bank credit to the private sector has had a delayed negative impact with a lag on GDP (-0.638p.p.). A first explanation may come from the potential endogenous nature of private credit, especially since the data were correlated with only a delayed lag. Haiss and Kichler (2009) found that there is a positive influence of private credit on GDP if it is regressed two years apart.

Bank credit to the private sector in lag 1 has a negative and significant impact on this credit itself (-1.18p.p.). The constant has a positive impact on GDP and credit. In the absence of the effect of all variables, GDP growth will be 27.32 p.p. and the increase in credit to the private sector will be by 21.06p.p. GDP is adjusting negatively after an economic shock on the credit side. There is also a significant lag ratio (-1) between GDP growth and credit to the private sector. This relationship is significant and positive. When GDP grows, the effect on credit to the private sector will be positive, and the effect will appear 3 months after the gap (-1).

There is also a significant and positive lag ratio (-1) between treasury bills and private sector credit. When treasury bills increase, the effect on credit to the private sector will be positive, and the effect will appear 3 months after a gap (-1). There is a significant and negative lag ratio (-1) between the Herfindahl index and credit to the private sector. When the index increases, the effect on credit to the private sector will be negative, and the effect will appear 3 months after there is a gap (-1). There is a significant and negative lag ratio (-1) between the Herfindahl index and GDP growth. When the index increases, the effect on economic growth will be negative, and the effect will appear 3 months after there is a gap (-1).

The impulse-response functions in Figure 1. were derived for the GDP growth equation and the credit equation to the private sector. An increase in GDP growth increases credit first, followed by a contraction, followed by a positive long-term lending trend. An increase in lending results in a volatility of GDP growth similar to the business cycle, with a decrease in growth, a delayed positive growth and a long-term adjustment of GDP growth lower than the pre-credit shock.

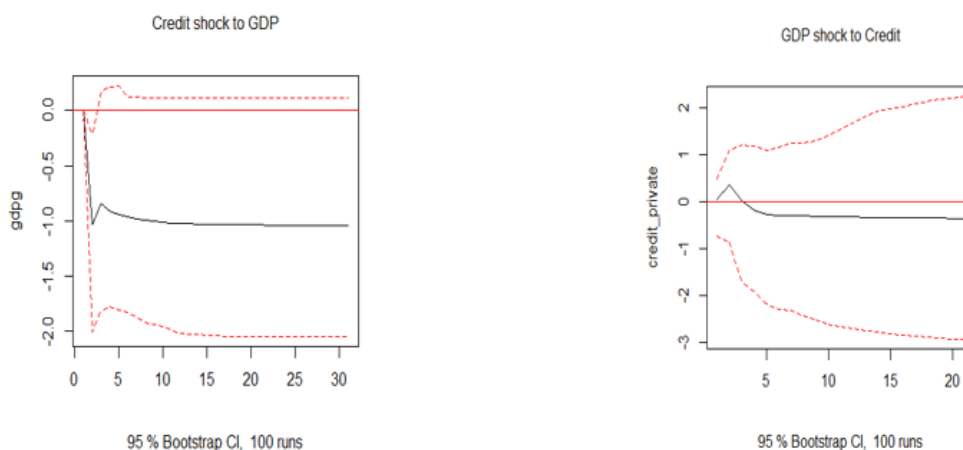


Figure 1. Impulse-response functions for economic growth and private credit

Source: own processing of the data in R software

According to Table 5. the model diagnosis is good, there is no serial correlation, heteroskedasticity and errors satisfy the normal distribution.

Table 5. Portmanteau, ARCH and Jarque-Bera Tests

| | Portmanteau Test | ARCH | JB-Test | Skewness | Kurtosis |
|-------------|------------------|---------|-----------|-----------|-----------|
| Chi-squared | 92.108 | 491.83 | 14450 | 793.78 | 13657 |
| p-value | 1.301e-05 | 0.04724 | < 2.2e-16 | < 2.2e-16 | < 2.2e-16 |

Source: own processing of the data in R software

Conclusions

In the long run, the results of the econometric model showed that there is a statistically significant direct relationship between the dependent variable of economic growth and the factors of treasury bills, deposits and the Herfindahl index. On the other hand, the results of the econometric model showed that there is an indirect correlation between economic growth and ROE.

In general, there was a negative cointegration between GDP and bank credit to the private sector. The reason for these results is that light budget constraints, which are prevalent in many countries in transition, and loans from companies applying light budget constraints could have led to counterproductive investments and financial losses. Banks can even make the situation worse by keeping such loans in their balance sheets. As a result, the increase in lending was not profitable.

Another phenomenon related to the negative coefficient may be that the transition years, the rapid lending that followed the first years of transition and the immediate aftermath of the financial crisis, the problems of foreign parent banks, the earthquake and then the 2020 pandemic influenced banks' policies and explain these results.

The results of this study show that the banking system in Albania does not allocate funds in an efficient way, in which the banking system does not cause economic growth, but only specific indicators can cause growth. According to Cinaj et.al (2020) the weaknesses in control and governance of banks will lead to an increased consideration of the respective roles and interactions of banking supervisors with external and internal auditors, who are key contributors to market discipline.

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Article Info

Received: March 27 2022

Accepted: March 31 2022

How to cite this article:

Gabeshi, K. (2022). The Determinants of Credit Activity and the Impact of their Evolution on Economic Growth. Case Study: Albania. *Revista de Științe Politice. Revue des Sciences Politiques*, no. 73/2022, 135-143.



ORIGINAL PAPER

Elements of Comparative Law Concerning the Exercise of the Lien

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Abstract:

The Roman origin of the lien more precisely the Praetorian one, explains the fact that this atypical means of guarantee is found in most European legal systems and implicitly globally through the cultural and political influence exerted by the old continent on the whole world. It is interesting to observe which of the regulations is more effective and whether similarities can be found between the systems of continental law and those of jurisprudential one.

Keywords: *lien creditor; secured claim; connexity.*

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Elements of Comparative Law Concerning the Exercise of the Lien

1. Introduction

The origin of the lien was identified in a praetorian creation, *exceptio doli*, which appeared to prevent unfair situations in which the debtor of an obligation was required to be executed without the other party executing in turn what it owed. The application of the exception of fraud in certain concrete situations identified by the praetor's edict, as a complement to civil law, justifies the lack of regulation of a general theory for this guarantee mechanism.

We can say that a framework regulation for the lien first appeared in German and Swiss law at the beginning of the twentieth century, while the French legislator managed to reach an express regulation of the forms of the right of retention only a century later.

The general application of the lien until the enactment of the new Romanian civil code, implemented by Law 71/2011, was based on the interpretation by analogy of the texts that confer such a right to certain categories of creditors. The old model of regulation was the result of the major influence that French law has on our law. Thanks to the obvious similarities between the two legal systems, our previous research has focused on French doctrine and jurisprudence.

However, we believe that the provisions of German and Swiss law concerning the lien must be taken into account, as they have a different view of this juridical institution than the French one.

On the other hand, the English legal system, which puts jurisprudence at the forefront, giving legal value to the judicial precedent to the detriment of the written law, has created a legal institution similar to the right lien, but of a heterogeneous nature.

This article aims to carry out a study on the situations that give rise to a lien and especially on its effects in the comparative law.

2. Framework regulation of the lien in the German legal system

Among the continental legal systems, in which the source of law is the law, an express regulation of the lien as an independent legal institution was first found in the Civil Code and the Commercial Code of the German state, which entered into force on January fifth, 1900.

We will first consider the provisions in civil matters and then those applicable to traders, as the legal regime of retention differs depending on the nature of the legal relationship between the parties.

The lien is defined in Article 273 of the German Civil Code, according to which there are two cases in which the creditor may invoke such a right.

The first case concerns the situation in which the debtor may, in the absence of a contrary stipulation, refuse to execute his own performance resulting from the same legal relationship as the benefit due to him, but in turn remained unexecuted by the other party.

The terms used in the legal provision can be interpreted in the sense that the right of retention based on art. 273alin. (1) may be invoked regardless of the object and nature of the performance whose performance is refused (Elekes, 1929: 154). It follows from nowhere that the object of the obligation relates to the return or restitution of property, as is the case of French-inspired regulations (Art. 2286 pt. 2 French Civil Code), which could be interpreted as meaning that the lien based on a juridical connection is completely assimilated to the exception of non-performance of

the contract, an idea supported by a well-known French author (Mazeaud, Mazeaud and Chabas, 1999: 205)

The lien also exists in favor of the person who incurred conservation expenses in connection with the property in his detention or has suffered damage caused by that property, which he will be able to retain until the moment of his compensation.

Therefore, the legal provision relied on enshrines the two types of connection which justify the creation of a lien. *Debitum cum re iunctum* can take the form of an intellectual liaison, namely the common juridical source of the two equally certain and due obligations or of a material bond with the good determined by its conservation, the improvements made or the damage suffered in relation to the good. Consequently, the hypotheses in which German law authorizes the exercise of a right of lien are the same as those highlighted in the French literature, confirming the imperative of its general application and the common origin of the two legal systems found in Roman law.

The same text of the law also provides a limit for the legitimate exercise of the lien, in the sense that, like the Romanian regulations, the refusal to handover cannot operate when the property came into the possession of the creditor by an illicit act committed intentionally. As long as the recognition of the right of lien is intended to put the creditor in a fair position vis-à-vis the claimant, a general regulation of this juridical institution should contain a provision eliminating any possibility for the creditor to change a conduct deliberately illicit in a prerogative that would guarantee the realization of his claim.

The German legislation was a source of inspiration for the Romanian legislator not only regarding the exclusion of the possibility of exercising a lien on the premise of committing an illegal act, but also regarding the possibility of the debtor to offer another guarantee in exchange for relieving the retained property. However, the provisions of the Romanian Civil Code within art. 2499 par. (1) show a much more permissive approach than those of art. 273 para. (3) BGB, which requires that the new collateral offered to the creditor be real, expressly providing that a personal guarantee cannot be received to prevent the holding of the property.

We consider that the possibility granted to the debtor to constitute a new guarantee is a natural solution for finding a balance between the interest of the lienor to benefit from a guarantee for the indirect execution of his claim and the debtor's right to exercise the prerogative of use over the good. Once the debtor can provide another guarantee for the benefit of the lienor, the refusal to surrender is unfair and without legal basis.

In addition to Paragraph 273 of the BGB, entitled "The Lien", which refers to both forms of *debitum cum re iunctum*, we note that the German legislator generally regulated the exception of non-enforcement in Article 320. This legal provision allows the creditor to suspend the execution of his own obligation emerged of the same bilateral contract as the claim he invokes. If the provisions of the framework definition refer to obligations arising from a legal fact, we believe *lato sensu* to include contracts, Article 320 refers to mutual contracts. therefore bilateral. This way of regulation supports the idea that in the German legal system there is a dualistic conception on the lien (Popesco, 1930: 95).

Although currently the doctrine related to the legal systems of French inspiration has drawn a fine line for the delimitation of the lien from the exception of non-execution, we note that the text of art. 320 para.1 leads to the idea that the refusal to perform may take the form of a right of retention, in which case the debtor will not be

Elements of Comparative Law Concerning the Exercise of the Lien

able to resort to the provision of another guarantee in order to oblige his counterparty to execute the performance to which he was obliged. We consider that such a clarification has the role of highlighting the main distinction between the two grounds for the refusal to handover with comminatory purpose. If in the first case the retention arising from the juridical connection is a means of guarantee which can be replaced by any other right of the same kind, in the case of non-performance the aim is to restore a contractual balance and the only way to achieve the purpose of the contract is the simultaneous performance of reciprocal and interdependent obligations.

The Romanian doctrine interprets the option of the German legislator in the sense that the provisions of art. 273 BGB concern the proper right of retention, including the hypothesis of imperfectly bilateral contracts, and those of art. 320 refer to the exception of non-execution of the contract. (Voicu: 2001, 47)

The legal effects of the lien are those set out in Paragraph 274 of the BGB, from the interpretation of which we conclude that it confers on the creditor the right to obtain capitalization by foreclosure and to extinguish his claim from the price obtained, but not before court proceedings. Based on the lien, it is possible to obtain the debtor's sentencing for the execution of his own duty in exchange for the execution of the one to which the lienor is bound. Following the ruling of such a decision, the holder of the lien may proceed with the pursuit of the property without performing his own obligation, if his opponent has been delayed. Thus, the settlement of the claim by the forced sale of the seized property is possible only after a court decision and after the refusal of the adverse party to receive payment from the lienor, voluntarily performing his obligation.

We appreciate that despite the fact that the legislator allows the lienor to capitalize on the property in order to satisfy his right to claim, in civil matters the manner of exercising the withholding is not specific to real rights and cannot be considered a means of private justice. In fact, the lienor may obtain, as a first step, an obligation on the debtor in court to perform his obligation in kind in exchange for the remittance of the property. As in French-inspired legal systems, the exercise of the lien has a comminatory effect on the debtor, turning it into a guarantee, but in addition to the option of awaiting voluntary enforcement, the lienor can go to court.

The guarantee function the right of retention as regulated in Article 273 of the BGB is resulting therefore in a passive attitude that is allowed creditor with suspension of their own obligations, but also because the debtor may oppose the refusal of performance by providing a collateral to bear on another good.

Therefore, although it certainly becomes a means of obtaining enforcement of the invoked claim the lien works as an exception opposed to the other side of the legal relationship.

Compared to third parties, the effects of the lien are quite limited, as in most cases the lienor cannot oppose the request to hand over the property, coming from the latter. For example, the sub-acquirer of the property encumbered by a lien will not be able to take possession of the property before reimbursing the necessary and useful expenses made by the previous owner or the situation of the buyer of a movable property to which the lienor may refuse the property its debtor (Popesco.1930: 130). Regarding the other creditors, by reference to the provisions of the Code of Civil Procedure, in the case of forced pursuit of movable property, the lienor may refuse to handover the asset, invoking his right (Popesco, 1930: 131).

In addition to the provisions of the Civil Code, the German legislature has chosen to regulate separately the lien applicable to commercial legal relationships. Specificity of trade relations led to the establishment of a completely different juridical regime for the lien retention recognized in favor of traders. First, under Paragraph 369 of the HGB, traders are recognized a lien independently of any connection between the claim invoked and the asset in the creditor's possession.

The exercise of the right of lien presupposes in this case that the invoked right of claim has its basis in a commercial transaction, in which both contracting parties are traders, as well as the possession of the good. The guarantee covers all movable property and securities entered into the possession of the creditor with the consent of the obliged, following the deployment of commercial relations. Thus, as long as the two parties are traders, the creditor may retain any property of the debtor which he has at his disposal for the satisfaction of all claims against the same debtor. We can say that as long as the consent of the debtor is required for the possession of the good by the creditor, the ground of the obligations of the two parties can only be a contractual one.

According to the legal provision, the creditor can dispose of goods through bills of lading, depository receipts and warrant, these being representative titles of the goods. The lien subsists even if the assets and values belonging to the debtor have been transferred by him or on his behalf to other creditors as soon as that they return to his patrimony. The opposability of the commercial lien to third parties depends on the ability of the lienor to oppose them the same exceptions as his debtor, which means that they cannot be completely foreign to the legal relationship between the retainer and the latter.

The way in which the lien is exercised presupposes that the lienor has a direct and immediate power over the goods held for collateral purposes so that his conduct can become abusive at any time. In order to prevent abuse of rights in this matter, the law provides that the lien ceases when it is incompatible with the instructions for using of the property received from the debtor before or at the time of handing over the property or with the mandate assumed by the creditor in this regard.

Similar to the solution identified in civil matters, the lien of traders cannot be invoked as long as the debtor constitutes another real security. All the more so in commercial matters a personal guarantee, such as a surety, would not suffice.

The effects of commercial lien are established by art. 371 HGB, and the main advantage is that the lienor may this time capitalize the seized property in order to satisfy his claim in accordance with the applicable rules on pledge. In fact, the deadline for the formal notice will be one week, much shorter than the one-month period of the pledge incident.

The lienor investiture with the prerogative to put the property up for sale shows the importance of the lien in commercial matters for the ease with which it allows the creditor to realize his claim, which derives from the fact that it is a statutory guarantee. It is also important that if there are several creditors entitled to pursue the asset, the retainer will be satisfied with priority. In view of these aspects, we can say that the lien granted to traders under German law can be considered a real right, which allows the capitalization of the good and gives the creditor preference over other pursuers of the object of his guarantee. The sale may be realized by the lienor outside a foreclosure procedure, but only after obtaining an enforceable title in contradiction with the debtor or the owner of the property (see: art. 371 para. (2), 372 HGB). About invoking this

Elements of Comparative Law Concerning the Exercise of the Lien

guarantee in the insolvency procedure, the beneficiary of a lien of a commercial nature is treated as pledgee and thanks so doing can enjoy the extinguishment of the debt by capitalizing the asset encumbered in a separate way by the administrator named once the procedure is opened. (See Article 50 and 51 of the Insolvency Code).

The exercise of the lien in commercial matters is so important that it enjoys special regulation when legal relationships specific to maritime law are in question. Thus, Book V of the HGB, which deals with maritime trade, refers to secured claims, the object and effects of lien in that branch of law.

From the above it is undoubted that the prerogatives of pursuit and preference granted to the lienor are intrinsic to his right and do not result from the association with a cause of preference, as in the case of the framework regulation adopted by the new Romanian Civil Code.

3. The Lien in the Swiss Civil Code

The framework regulation of the lien in the Swiss legislation is found in the provisions of art. 895-898 of the Civil Code, while applications of this form of guarantee are expressly mentioned in the Code of Obligations.

The definition of the right of lien starts from the consented material possession exercised by the creditor over some goods belonging to the debtor. The specificity of the Swiss legislation is that there is an express provision that only movable property and securities may be affected by a lien. Based on this right of security, the creditor may retain the property until the payment of a due claim which is in a natural connection with the latter. We consider that the notion of natural connexity is rather thought of as a material connection, but the common origin of the obligations of the parties can be considered as a close liaison between the possession of the property and the claim invoked by the creditor. If in civil matters a connection in the traditional sense of the term is required, in trade relations it is replaced by the requirement that both the possession of the goods and the claim be the result of trade relations between the parties, as in the case of German law.

Following the assertion of the assumptions which give rise to a lien, the provisions of the Swiss Civil Code refer to the goods which may be encumbered by such a right. First of all, it should be noted that they will be object to the lien, including the assets over which the debtor does not have a property right, as long as the lienor was in good faith at the time of acquiring material detention on them, but without affecting the previous rights of third parties.

Next, Article 896 provides for certain limitations on the exercise of the lien which relate either to the specific nature of the manner in which the claim is realized or to reasons which are intended to prevent an abuse of rights. Thus, a statutory guarantee that can lead to the realization of the claim according to the rules applicable to the pledge, it is understandable that the lien cannot encumber goods that by their nature are not realizable, in the sense that they are devoid of intrinsic value. We note here a wording similar to the one found in the provisions of art. 2496 of the Romanian Civil Code, according to which the lien cannot be exercised if the good is not susceptible to forced pursuit. However, we believe that the intention of the Romanian legislator was not to remove goods, such as documents, outside the application area of the lien.

The exercise of a lien is also excluded when it is incompatible with public order, the obligations assumed by the creditor or the instructions of the debtor, which demonstrates the proximity of the Swiss legal system to the German one despite the

French influences. We appreciate that by referring to public order, the legislator encompasses all aspects that may become illegal or immoral in relation to the object of the guarantee or the way in which it comes into the possession of the creditor.

Regarding the claim raised by the lienor, Swiss law expressly provides that the creditor must be the holder of a claim chargeable in order to exercise the right of guarantee. However, as an exception, the lien may also be exercised when the claim is affected by a suspensive term, if the debtor is insolvent. Moreover, where the state of insolvency occurs after the creditor has taken possession of the property or is not aware of the circumstances of the insolvency, the lien may be exercised without taking into account the agreement of the parties about the using of the property, either from the perspective of the instructions received from the debtor, or from the obligation assumed by the lienor in connection with the destination of the retained property. Precisely for preventing the risk of non-realization of the claim to which the lienor is submitted.

The most important legal provision of the general regime of the lien concerns its effects. Article 898 of the Swiss Civil Code provides that the lienor may pursue the property in accordance with the applicable rules on pledge, if the obligation has not been extinguished by payment and no other security has been provided for his benefit. Therefore, the pursuit and capitalization of the good occurs only when the guaranteed obligation is not voluntarily extinguished by the debtor. Precisely for this reason, before proceeding to the capitalization of the seized property, the legislative text requires the debtor to be summoned in connection about the initiation of the proceedings. At the same time, it must be pointed out that the lien ceases by establishing another guarantee that reconciles the interests of both parties, on the one hand the release of the detained property and on the other hand the guarantee of the claim. By examining the Swiss regulation of the lien, we can say that it has multiples similarities with the provisions of the German Commercial Code.

Comparing this general theory with the legal provisions contained in art. 2495-2499 of the Romanian Civil Code, we notice that there are some similarities, but the main difference is that in German-inspired regulations the lienor enjoys the same prerogatives as the pledge creditor even based on the right of lien

In addition to the framework regulation of the lien, the Swiss Civil Code contains provisions on the right to detain certain assets that have been detained by a third party without the consent of the owner, debtor of the secured claim. According to art. 700 of this normative act, the owner of a fund is allowed to exercise a lien on the movables that enters its therein through a fortuitous case, such as natural calamities. The object of this lien may be domestic or wild animals, fish and beehives, the guarantee being constituted by the legislator to ensure the realization of the claim on compensation for damages caused to the fund.

4. The Lien in the common law legal system

In the following we will refer to the particularities of the lien, as this juridical institution can be identified in English law, as it is much more homogeneous than the law of other states with the same type of judicial system. We consider that this approach is useful to observe the universality of the security mechanism described by the lien.

Limiting our considerations to the United Kingdom of Great Britain and Northern Ireland law is also justified by the fact that in the United States of America the term "lien" has a much broader meaning than that of English law, and it could refer to other securities.

Elements of Comparative Law Concerning the Exercise of the Lien

The main difference between continental and English-inspired legal systems is related to the legal value it gives to the judicial precedent (Ungureanu and Munteanu, 2017: 23). It is natural that in a system of law in which previous jurisprudence and custom have the force of law, a juridical institution has emerged to respond to the idea of justice, such as the lien, to manifest itself in a manner similar to what we can deduce within the legislative regulations analyzed above.

The definition given to the lien by the literature is as follows: "Any charge of a payment of debt or duty upon either real or personal property" (Popesco, 1930: 19), while the jurisprudence considers lien as: "A right in one man to retain that which is in his possession belonging to another, till certain demands of him, the person in possession are satisfied." (Popesco, 1930: 19). Observing the two definitions, we find that the right of lien has a fairly wide application area in the sense that it allows guaranteeing the execution of any type of obligation, which leads to an assimilation to the non-performance of the contract exception, when the latter implies the refusal to handover an asset.

The specificity of this means of guarantee as outlined in English law derives precisely from the heterogeneous nature it has thanks to its various legal sources.

The most common form of lien is the one based on the Common Law, which by its characteristics most closely resembles the legal regime of this guarantee present in continental law. Known as possessory lien, it is obvious that the possession of another's property by the person claiming a debt is the main condition for the emergence of the retention, being equally necessary for this possession to be lawful (Popesco, 1930: 40). Also, in the older doctrine it was considered that mainly for the exercise of the lien the good must be the property of the debtor (Popesco, 1930: 42-44).

Depending on the goods on which the prerogative extends to refuse the handover of possessory lien can be particular or general, both types being able to arise not only from the common law, but also from the agreement of the parties. According to the literature, the starting point for the emergence of the common law was the recognition of certain customs by court decisions, which gained binding force even for third parties. (Iftimiei, 2020: 213)

Particular lien bears on the movable goods until the extinction of some obligations emerged in strict connection with them. The guarantee is exercised exclusively on a determined individual asset in order to create a comminatory effect on the debtor, likely to lead to the settlement of some receivables that are circumscribed mainly to the notion of material connection with the retained good. The claims that justify the invocation of a particular lien are the following: the claim of the one who has a legal obligation to provide certain services to the owner of a good, the claim of the one who incurs expenses to preserve the good or perform works on it, to the one who risks his life in a shipwreck (Popesco, 1930: 47-52).

Therefore, examining these hypotheses from the common law jurisprudence, it is easy to conclude that this form of lien encumbers individually determined goods which have a material liaison with the claim invoked by the creditor, his right being somewhat incorporated in the property he retains.

We also note that the seller of movable property has at hand a lien for the realization of his claim for the sale price. The importance of this application of retention has led to a detailed regulation at the level of written law, the Statute Law through the Sale of Goods Act, which gives the lienor at the same time the prerogative of selling the property (Section 41 - 48 SGA).

Instead, the general lien has as its object any property of the debtor that is in the hands of the lienor to guarantee all the claims that he invokes (Curti, 1928: 236). The juridical nature of this lien is considered to be that of a general movable privilege granted only to a limited category of creditors, in particular persons pursuing a professional activity as service providers, such as lawyers, carriers, factors (Le Gallou and Wesley, 2018: 570). Precisely because these creditors assume the risk of loss, they are entitled to retain all the debtor's assets at their disposal, regardless of the source or nature of the claim they invoke to increase the chances of the creditor's right being realized. Despite this, the doctrine states that the lienor does not have the right to capitalize the goods by sale in the absence of an express statutory stipulation or a judicial authorization (Le Gallou and Wesley, 2018: 570; Hall, 1917: 69). Such an example could be The Innkeepers Act granting the right to sale the debtor goods which the innkeeper holds.

We can therefore see that the effects of the common law lien are more like the right of retention present in the French-inspired systems, where this guarantee mechanism becomes effective in so far as it can compel the debtor to perform his obligation, is depending on the utility and intrinsic value of the affected goods.

Other similarity with written law systems, is that this right, which is closely related to possession, ceases by the voluntary dispossession of the creditor or by the establishment of another guarantee (Popesco, 1930: 140-143).

In addition to the lien which is justified in the detention exercised by the creditor, there are other categories identified as lien, but they have a very special applicability.

Equitable lien, is another form of lien entirely specific to English law. This is closely linked to the Praetorian roots of the lien due to the fact that it originates from equity, defined as a body of exceptionally applicable legal rules that control the gaps appeared in the Common Law system. Equity law is the creation of specialized courts, starting from the imperative of judging the case in accordance with the human conscience (Popesco, 1930: 30; Le Gallou and Wesley, 2018: 33).

The main difference between a right of retention arising on the basis of equity and that derived from the common law is an essential one, since the creditor can exercise the right of guarantee without the encumbered property being in his possession. For reasons of equity, possession of the property is no longer considered a prerequisite for sett of this guarantee mechanism, but its fundamentals in the idea of equity leads to a very narrow area of application, the most common cases being the real estate sale-purchase, contract both to guarantee the payment of the price and for refunding the deposit paid by the buyer (Le Gallou and Wesley, 2018: 571).

Another peculiarity is that equity lien will cease when other guarantees on the same good will be established in favor of the creditor, even if they are subsequently extinguished (Le Gallou and Wesley, 2018: 571). As long as Equity Law is meant to prevent iniquity that may arise in the context of legal relationships, when the lienor acquires another security, he can no longer benefit from this form of lien justified precisely by the need to and provide a way to ensure the fulfillment of the claim.

In Anglo-Saxon legal systems, written law is also a source of law, and the statutory lien is that security recognized under legal provisions (Popesco, 1930: 32), the term statute having the meaning of a normative act issued of Parliament (Popesco, 1930: 33) On this category of lien, the doctrine has ruled that each lien stipulated by law has its own legal regime, but the main prerogative given to the creditor is to refuse to

Elements of Comparative Law Concerning the Exercise of the Lien

hand over the property, so it is a passive form of guarantee (Le Gallou and Wesley, 2018: 571).

In the United States, one of the most common forms of statutory lien is the right of lien recognized in favor of the state, to guarantee tax claims such as building tax and income tax or other taxes. As regards the object of a tax lien, it may extend to all movable and immovable property of the debtor.

In the field of maritime law, as in German law, there is a specific lien called maritime lien, which is exercised by the creditor over the ship or its cargo, without the need for them to actually be in the creditor's possession. This variety of the lien is used to guarantee claims arising from the payment of salaries to seafarers, the payment of expenses resulting from rescue operations or those relating to compensation for damage caused by the ship (Le Gallou and Wesley, 2018: 571).

In addition to these varieties of the lien the power of the autonomy of will principle determines the recognition of the possibility for this security to have a contractual source. Therefore, the consent of the parties may give rise to a right of lien in the English legal system, whether we are talking about a particular lien or a general lien (Popesco, 1930: 36-37). Recent doctrine states, however, that only tangible property can be the subject of such a contract, and intangible assets can be encumbered by a charge (Le Gallou and Wesley, 2018: 555).

5. Final considerations

Based on equity, it is understandable that the lien will find its correspondent in all legal systems, as it is fair for a creditor who that is holding the assets of the person from whom he pretends to receive a payment, to be able to retain them as security.

Through this article we aimed to create an overview of this juridical institution by analyzing its juridical regime in the legal systems not under French influence and to observe the possible similarities with the provisions of the new Romanian Civil Code contained in art. 2495-2499.

First of all, it must be said that the form of manifestation of the lien is that of a substantial exception, whereby the creditor refuses to perform his obligation, which is why the possession of the property is an insurmountable condition for the guarantee mechanism.

We later found that in legal systems in which the lien benefits of an express regulation, there are provisions that prevent the abusive exercise of the prerogative of the lienor, on the one hand, and block the emergence of the right of guarantee through circumstances falling within the area of illicit acts, on the other.

Going beyond these aspects, which were also found in the general theory of lien as created by the French authors, it must be pointed out that German law distinguishes between the exercise of the lien between traders and non-traders. In the civil legal relationships for the emergence of the lien it is necessary the presence of the connection between the claim and the retained good, and in the case of commercial relations the same right is recognized *ex dispari causa* on any goods in the possession of the creditor. Such a distinction is also made in English law, between particular lien and general lien.

The most important distinction between the two large families of continental law concerns the prerogative of the lienor to capitalize on the good in order to satisfy his claim from its price. Therefore, in German-inspired, as opposed to French, legislation, the lienor may, by virtue of his right of guarantee, sell the property in accordance with

the applicable pledge procedure either directly or in foreclosure. However, it should be noted that in cases where the lienor has the prerogative to sell the property, the object of this security is represented by the movables or securities.

For this reason, we consider that the choice of our legislator to associate a special movable privilege to the lien is a justified one, as it is under the influence of comparative law, where, as can be seen, the effectiveness of the latter on movable property is increased, thanks to the variety of transferring or constitutive contracts whose derivative object is movable property.

Acknowledgment:

“This work was supported by the grant POCU / 380/6/13/123990, co-financed by the European Social Fund within the Sectorial Operational Program Human Capital 2014 – 2020”.

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Article Info

Received: March 23 2023

Accepted: March 30 2022

How to cite this article:

Bosneanu, I.A. (2022). Elements of Comparative Law Concerning the Exercise of the Lien. *Revista de Științe Politice. Revue des Sciences Politiques*, no. 73/ 2022), 144-154.



ORIGINAL PAPER

Brief analyzes on the manner in which the state power is distributed among the constitutional institutions of Romania

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Abstract:

One of the pillars of the rule of law is the fundamental principle of separation of powers in the state – a concept that involves a clear, concrete and precise distribution of attributions between the Legislative, Executive and Judiciary power, so as to ensure both the institutional balance and also the proper functioning of the state.

Precisely the balancing of powers in the state, through means of mutual control - which ensures the necessary conditions for the proper functioning of the institutions but also of the relations between them-, represents a more convenient solution than the absolute delimitation of powers, separation that inevitably produces an institutional blockage capable of disrupting the efficient functioning of institutions.

Starting from these considerations, it emerges the idea of collaboration and balance between the state powers, which can be interpreted as a counterweight to the tendency of their rigid separation. According to this constitutional principle, the establishment of distinct public authorities, each with a well-defined role in the rule of law is a necessary measure, which involves the idea of balance and cooperation between state powers, cooperation that must be governed by mutual respect and constitutional loyalty.

This is in fact the desideratum, because in reality, every public institution seeks by any means, the protection of its own interests, and precisely this lack of cooperation between state institutions determines an obvious violation of this principle that affects the internal order of the rule of law.

Therefore, it is not possible to bring into discussion a correct distribution of state power between its constitutional bodies without implicitly discussing about legal conflicts of a constitutional nature. Moreover, the domain of legal conflicts of constitutional nature is in fact a matter of pure clarification of the system of competences established by the Constitution, and the effect of these disputes can only consist in damaging the distribution of responsibilities with the direct consequence of affecting the proper functioning of institutions within a state based on the separation of powers.

Therefore, it can become a common fact that the legal conflicts of a constitutional nature represent the guarantee of the distribution of state power among its constitutional bodies.

Keywords: *legal conflicts; public authorities; Constitutional Court; fundamental law; loyalty; separation of powers.*

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The principle of separation of powers in the state is one of the essential principles of the rule of law, which is found in the content of any Constitution and which is closely linked to the idea of a representative regime in which the danger of tyranny and the restriction and abusive violation of individual rights and freedoms is eliminated. (Muraru, Tănăsescu, 2001: 98).

This principle is recognized as inherent in democratic political regimes, regardless of their parliamentary nature, and it involves the entrustment and exercise of the various functions of the state to distinct and independent bodies. (Drăganu, 1993: 253).

Thus, in order to prevent the abuse of power, the attributions within the state are divided between several centers of power, but without tilting the balance towards one of the powers. There must be a balance between the powers which enables all citizens to live in dignity and in the same time ensures their fundamental rights and freedoms.

Romania is a democratic state in which, according to the Constitution, the power is divided on the basis of the principle of separation and balance of powers in the state. Thus, the Executive power is exercised by the Government and the President, the Legislative power belongs to the Parliament, and the Judicial power to several courts of justice.

The Parliament is the supreme representative forum of Romania, representing the only legislative authority of the country. The main function of the Parliament is to debate and adopt laws, decisions and motions, after obtaining in advance the vote of approval by a majority of its members.

The Executive power, the second component of public power, also called the administrative power/authority of the state, presupposes a system of state organs (the executive) which is entrusted with the specific and fundamental activity of enforcing and organizing the concrete execution of laws. The Executive power as the primary power, resulting from the direct application of the principle of separation of powers in the state, is a constitutive element of the state.

In a functional sense, the Executive power is defined as a distinct function of the state, along with the Legislative function and the Judicial function, in which content there are specific attributions that represent the object of activity of several distinct public authorities. (Vida, 1994:29).

In the most general sense of the term, the Executive or the Executive power designates the function of the state that ensures the execution of the law. (Popa, 1998:231). This state function involves in present extremely diverse activities. These include the exercise of the function of head of state, the coordination of the action of the public administration for the implementation of the law, the development of direct actions for the application of the law or the organization of the application of the law, the exercise of certain attributions regarding the evolution of the legislative process, as well as the general leadership of the state. (Topolov, 2009: 2)

In Romania, the Executive is dualistic, composed from the President of the Republic and the Government, each authority having established specific attributions, which are exercised relatively independently.

The Government is the executive body of Romania which, in accordance with its governing program, ensures the implementation of Romania's internal and foreign policy and exercises the general management of the central public administration.

The third power in a rule of law, in the context of the fundamental principle of the separation of powers, is the Judiciary. If the Legislative and Executive powers are

Brief analyzes on the manner in which the state power is distributed...

assigned by the Constitution to one or two state bodies, the Judiciary is assigned to all judicial bodies, from the lowest to the highest. (Goriuc, 2014:1).

Anyone who carefully analyzes the relationship between state powers in a form of government in which there is a separation of them, will find that the Judiciary, by the nature of its functions, is the one that always endangers the least the political constitutional rights; because it is in a position from which it cannot harm them.

While the Executive assigns the honors, the Legislative in addition to managing the budget, it also elaborates the laws governing the rights and obligations of every citizen, the Judiciary has no influence over funds, it cannot influence the strength or welfare of the society and it cannot take any active position. It can be said that the Judiciary has neither Force nor Will but only Judgment (Discernment); and it ultimately must depend on the support of the Executive Branch for its decisions to be put into practice. (Stoica, 2009: 2)

In Romania, justice is done in the name of the law, being unique, impartial and equal for all. It is done through the High Court of Cassation and Justice and the other courts (courts, tribunals and courts of appeal). The guarantor of the independence of the Judiciary is the Superior Council of Magistracy. With regard to the appeals against the decisions of the courts, they can be exercised by the interested parties and the Public Ministry. In the judicial activity, the Public Ministry represents the general interests of society and defends the rule of law, as well as the rights of citizens.

It has been shown over time that although no hierarchy can be established between the three forms of power due to the fact that no authority is subordinate to another, and none of them can assume the prerogatives of another authority, however, an absolute separation of powers in the state would generate a constitutional deadlock, aspect which led to the idea that public authorities are not isolated, but interdependent, existing actually a mutual control.

Moreover, precisely these difficulties found in the functioning of a pure model, that of the rigid separation of powers, have directed the attention and shifted the center of gravity of the classical theory to the idea of balance and collaboration between the powers of the state, collaboration that must be governed by mutual respect and constitutional loyalty.

In this sense, the constitutional relations between the public authorities are characterized by mutual implications of some in the sphere of activity of the others, implications that mean balance through collaboration and control. In a democratic state, the three powers of the state function as a system of checks and balances, a mechanism of mutual verification between powers and ensuring a functional balance between them.

The Relations between the Parliamentary and the Executive, in the constitutional regulations, can be examined by the involvement of the Legislative in the activity of the head of state and of the Government. Thus, the Parliament receives the oath of the President (The Constitution of Romania, art. 82); it may extend his term of office in case of war or catastrophe (The Constitution of Romania, art. 83); it may decide to charge the head of state for high treason (The Constitution of Romania, art. 84); it listens to the messages of the head of state (The Constitution of Romania, art. 89); it ratifies international treaties under the conditions of art. 91; it approves the declaration by the head of state of the partial or general mobilization of the armed forces (The Constitution of Romania, art. 92); it approves the establishment of a state of siege or a state of emergency (The Constitution of Romania, art. 93); it may suspend from office the President of Romania in case of committing serious acts by which he violated the

provisions of the Constitution (The Constitution of Romania, art. 95); it establishes the indemnity and the other rights of the President of Romania (The Constitution of Romania, art. 100).

Regarding the relations with the Government, it can be mentioned in particular that the Parliament: grants the vote of confidence on the program and of the entire list of the Government (investiture, The Constitution of Romania, art. 102); it withdraws the trust granted (The Constitution of Romania, art. 109 and art. 112); it may request information and documents (The Constitution of Romania, art. 110); through deputies and senators there can be asked questions and can be addressed interpellations (The Constitution of Romania, art. 111); it assesses the political responsibility of the Government, it may request the criminal prosecution of members of the Government for acts committed in the exercise of their office; it establishes by law the cases of liability and the punishments applicable to the members of the Government (The Constitution of Romania, art. 108); it empowers the Government to issue ordinances in the areas that are not covered by organic laws (legislative delegation, The Constitution of Romania, art. 114).

The compatibility of the parliamentary quality with that of a member of the Government is also an aspect of mutual involvement.

It is a fact that the Executive is also involved in the activity of the Legislative. Thus, the President of Romania: promulgates the laws, being able to request, only once, the re-examination of the law (The Constitution of Romania, art. 67); the President may dissolve the Parliament under the conditions of art. 89. As for the Government: it has the legislative initiative (The Constitution of Romania, art. 73); the President may request the adoption, with the emergency procedure, of legislative projects or proposals (The Constitution of Romania, art. 74); the President may be held accountable to Parliament for a program, general policy statements, or law projects (The Constitution of Romania, art. 113) these being considered approved if the Government is not dismissed; the President may be empowered to issue ordinances in areas that are not covered by organic laws (The Constitution of Romania, art. 114).

As for the relations between the Legislative and the Judiciary, they must be assessed taking into consideration the principle of independence of judges and their submission only to the law (The Constitution of Romania, art. 123). Therefore, the intervention in the sphere of justice of other powers is contrary to this constitutional principle.

In order to fulfill its role in relation to the other powers of the state, to society in general and to the parties of a dispute, the Judiciary must be independent. This independence of judges is not a prerogative nor a privilege granted for their own interest, but for the interest of the rule of law and of all those who seek and desire justice. The judicial independence is the mean through which the impartiality of judges is ensured. However, although the importance of judicial independence is so frequently expressed, it should be noted that no one - including the Judiciary - can be completely independent of any influence.

In fact, there are several reasons why the Judiciary must be accountable to the other powers of the state. First of all, it is the Legislative that creates the legal framework that magistrates apply. Therefore, the Legislative has the right to receive explanations, through well-formulated reasoning of sentences, on how the Judiciary interprets and implements the laws that the Legislative has adopted.

Secondly, in order to fulfill its obligations to society, the Judiciary benefits from

Brief analyzes on the manner in which the state power is distributed...

financial resources through the decisions of the Legislative. However, no matter how the budgetary and administrative administration is organized, the resources of the judiciary are allocated by the Parliament and come, ultimately, from the taxpayers.

On the other hand, in all their relations with the judiciary, the other powers of the state must respect the principles of independence and impartiality of the Judiciary, but this does not exclude certain constitutional relations that naturally result from the system of state organization of power. It should be mentioned that the organization and the functioning of the courts is done in accordance with the law (The Constitution of Romania, art. 125, 126, 128, and especially art. 172 paragraph 3 letter h). As such, it is the Parliament that establishes by law the competences and procedures for the courts.

Romania is currently in a severe institutional crisis. The deep problem of democracy in Romania is that the three pillars that support it: the Executive, the Legislative and the Judiciary are in crisis, the major cause being the violation of a fundamental principle in the democratic state, namely the separation of powers in the state which generates a series of major disorders for the rule of law. (Chiru, 2011: 204).

It can be said that this crisis is also due to the fact that the Legislative is always subordinated to the Executive, which lately has assumed many emergency ordinances (taking responsibility for a series of very important laws in Romania that should be debated in Parliament), the Executive is somehow "taking over" the main attribution of the Parliament.

Specifically, it is about those situations in which the conduct of the Executive, although it formally respects the provisions of the Constitution meaning that, according to the fundamental law *The Government may be held accountable to the Chamber of Deputies and the Senate in a common sessions on a program, a general policy statement or a law project, or the Government may be empowered by Parliament to issue ordinances in areas that not covered by organic laws*, yet, if it abuses of these attributions, the Government infringes the Parliament's power to legislate, because in essence, the institution of the Government's responsibility for a law project is an indirect legislative way of adopting a law, not by debating the law in the ordinary legislative procedure, but by debating issues of a pure political nature, related to the remaining or dismissal of the Government.

The occurrence of such situations is due to the fact that the fundamental law does not expressly establish any condition regarding the nature of the law project, its structure, regarding the number of laws projects on which the Government can assume responsibility on the same day, or in another given period of time, or as to when the Government decides to assume its responsibility. Therefore, by the way in which the Government acts, respectively, by its acts of commitment of responsibility on some laws projects, regardless of when, of how many times and on what regulations it intends to assume its responsibility, it can be considered that the principle of separation of powers in the state is fully respected. But what creates the institutional blockages that affect the proper functioning of the rule of law are the frequency of these situations through which the Government takes over one of the attributions of the Parliament and also the extremely tensed political context.

For Romania, the solution for overcoming the constitutional crisis from the point of view of the relationship between the Legislative and the Executive power is to consolidate the democracy, with the consequence of division of responsibilities in the state.

As a conclusion of the above mentioned, it can be stated that we are in the

presence of a cooperation of state structures in achieving the will of the people. This cooperation involves: clearly delimited competences by the Constitution, organizational and functional autonomy, mutual control without interference, constitutional guarantees of the fulfillment of the mandate and of the observance of the citizens' rights.

Conclusions

As already stated, no state power can act in complete isolation and separately from the other two. In this regard, there can never be a complete "separation of powers." However, in order to achieve a proper balance of the three powers of the state, each power must exercise certain limitations in its relations with the other powers.

Acknowledgement:

„This work was supported by the grant POCU380/6/13/123990, co-financed by the European Social Fund within the Sectorial Operational Program Human Capital 2014 – 2020.”

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Article Info

Received: March 27 2022

Accepted: March 31 2022

How to cite this article:

Murgu, E.C. (2022). Brief analyzes on the manner in which the state power is distributed among the constitutional institutions of Romania. *Revista de Științe Politice. Revue des Sciences Politiques*, no. 73/2022, 155-160.



ORIGINAL PAPER

The Effect of Post Human Reproduction in Inheritance Relationships

Afet Mamuti¹⁾

Abstract:

The rapid development of technology and medicine is posing a challenge to other sciences. This development has broken down the traditional boundaries of science and nature. The conception of a child by a natural and biological process is complemented by a technological and medical process. This fact is best observed in the case of artificial insemination, surrogacy, and post human reproduction. Post human reproduction represents the conception and birth of a child after the death of the parent. This way of conceiving a child has changed the conventional biological methods to date. Due to the conception of children after the death of the parent, a time vacuum is created that seems as if the child is separated from the parent. According to the legislation of North Macedonia, a woman can be fertilized for up to one year after the death of her husband. The issue of this time distance opens dilemmas in terms of gaining rights from the inheritance relationship, as the father of the child is considered the spouse of the mother who gave birth to the child during the continuation of the marriage or 300 days after the dissolution of the marriage. In the case of post human reproduction, the child will be born 300 days after the death of the father and will not be able to inherit the genetic father. Such an approach to legislation constitutes to child discrimination, in which case the law must change and adapt to the new circumstances of social relations. On the contrary, although the children biologically belong to the testator and must be the first-degree heir of the inheritance, due to such a legal provision the same is excluded.

Keywords: *post human reproduction; inheritance; legislation; biological; heir*

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Theoretical Concept of Post Human Reproduction

The dynamics of the development of medical technology sciences in recent years regarding the treatment of health problems and the improvement of human life has created the impression that we live in a time of biological revolution. The application of the biomedical assisted reproduction method imposes the need for the inclusion of technology, laboratory, biology and medicine methods in order to achieve the fulfillment of people's desire to have children through reproduction. Artificial fertilization and post-death implantation are made possible as a result of artificial reproductive technologies that include in vitro fertilization (IVF) and cryogenics (d'Almaine&Zaal, 2018:2).

Even in post human reproduction, the main role was the science of technology. Lazzaro Spallanzani the Italian biologist was the first to report on the effects of temperature on freezing human sperm, and Montegazza in 1866 was the first to suggest banks that freeze human sperm (Sazme, 2019:2). A major contribution to the rapid freezing of sperm and their successful use for the fertilization of the woman and the birth of a healthy child was given by Sherman and Bunge in 1953 (Swanson, 2012:260-265). These developments presented the beginning post human reproduction, which clearly seemed to break the traditional boundaries between science and nature. This idea came as a result of the desire of couples and especially women to have children with their husbands who went to war and were not sure they would come back alive.

Scientific practice and theory in the 20th century (not only in the biological sciences but also in physics) have contributed to the breakdown of boundaries and traditional ontologies (Bolter, 2016:3), that today the freezing of reproductive cells has become a common and highly successful issue and can be carried out by many specialized public and private health institutions.

Subsequent changes in medical sciences and legislative changes also changed the concept of family and inheritance relations. The true purpose of these sciences remains the creation of unconventional methods for health problems, as well as the treatment of methods for conception of the child and pregnancy that included artificial fertilization, surrogacy and post human reproduction. The concept of artificial fertilization, surrogacy and post human reproduction has been a taboo topic for our society, and until the end of the last century this topic has not been addressed almost at all in theoretical or in that normativeterms. The Human Body has had exclusivity in the case of conception of life and the continuity of human kind until eternity.

When we talk about post human reproduction, it should not be confused with assisted reproduction technology (ART). Assisted reproductive technology is broader in meaning and involves using methods with the aim of achieving a successful pregnancy or avoiding complications during pregnancy. The Assisted Reproductive Technology (ART) includes, but is not limited to, in vitro fertilization and embryo transfer, gamete intrafallopian transfer, zygote intrafallopian transfer, tubal embryo transfer, gamete and embryo cryopreservation, oocyte and embryo donation, and gestational surrogacy (F. Zegers-Hochschild & G.D. Adamson & J. de Mouzon & O. Ishihara & R. Mansour & K. Nygren & E. Sullivan & S. van der Poel, 2009:2685). According to Article 5 of North Macedonia's Biomedical Assisted Fertility Act, "Assisted biomedical fertility presents the medical procedure with which the union of female and male gametes with the aim of achieving pregnancy in a way different from sexual relations. Instead through post human reproduction the child's occupation as a natural and biological process is replaced by a technological and medical process. Post-human reproduction represents the child's occupation and birth after the parent's death. In this case the development of science

The Effect of Post Human Reproduction in Inheritance Relationships

enables the taking and use of the dead person's gametes while alive and the creation of the child by the deceased genetic parent. Through post human reproduction the way the child is naturally conceived is completely changed and a longer time vacuum is created from the death of the parent to the birth of the child, with what case for the right creates dilemmas in regulating family relations and inheritance. Therefore, we can say that the concept of post human reproduction will also impose the reconfiguration of human science, excluding the natural course of events and opening debates about the role of humans in natural processes.

Reason for Application of Post Human Reproduction Technology

The reason for post human reproduction remains the desire of parents to have children together, even in the case of a loss of a partner. The motive in this case is simply the love of the partners for each other and the desire to have offspring together. Post human reproduction is a personal reproductive right, as family planning and creation is also a personal right of partners. Reproduction remains one of the basic human freedoms and as a right it is inseparable from the dignity and moral duty of man to realize one of the basic premises, which is the possession of descendants and the continuation of the species. The right to have children is a natural right, and the way posthuman reproduction helps to fulfill this right, simply by going beyond the action of nature as we also factor in human intervention through the methods of reproductive technology. If the right to have children is to be considered an absolute human right, then the use of artificial post human reproduction methods will also be a human right to use reproductive techniques with cryopreserved sperm. "Wife and husband who based on experience or medical knowledge from the medical sciences are at risk of infertility for medical reasons, may in an authorized medical institution with written consent preserve their sperm, egg cell, ovarian tissue or testicles, for personal use", according to Article 13 of North Macedonia's Biomedical Assisted Fertility Act.

On the other hand, if post human insemination is not allowed while abortion is allowed (at the request of the woman abortion is allowed in almost all European countries in the first 10 to 12 weeks of pregnancy, and by court decision in the case of *Roe v. Wade* abortion is also allowed in the US), lawmakers would find themselves in an impossible and absurd situation; on the one hand they allow the destruction of a potential human creature, while on the other hand they prevent the birth of a human creature even against the desire of both parents for the child to be born (Mickovic, Ignovska, Ristov, 2016: 315-316).

This approach is also supported by the Tehran Declaration adopted on July 11, 1968, at the International Conference on Human Rights, according to which "family planning was considered a human right" and "it is a fundamental right of parents to decide on the number of children and the birth interval of children". Apart from being the desire of the parents, the creation of the child through reproductive technology, as well as the conception of the child by the only woman with genetic material from the donor, remains part of the state's proprietary policy that aims at positive population growth due to declining rates of fertility and population aging. Even in Northern Macedonia, where parents have the exercise of free and responsible parental rights, parents are obliged to provide optimal conditions for healthy growth and development of their child in the family and society (Family Law, Nr.80/1992, 1992, paragraph 2, article 5). An even more advanced approach in this regard can be found in the decision of the US Supreme Court in the case *Skinner v. Oklahoma ex rel. Williamson*, according to

Afet MAMUTI

which it is considered a violation of Amendment 14 of the US Constitution, violent sterilization is provided for persons who commit “criminal offenses for violating moral issues”, provided for in the Oklahoma Statute. According to this decision and in accordance with Amendment 14, equal civil and legal rights are guaranteed for all citizens and that marriage and reproduction represent fundamental rights for the existence and survival of the human race (SKINNER v. STATE OF OKLAHOMA, May 6, 1942, 316 U.S. 535). The desire to have children after the death of the spouse or the partner will create effects in family relationships in general, both in parental rights and in inheritance relationships. This is characteristic of countries with more liberal approaches and policies to increase the birth rate.

The causes which lead to the application of posthuman reproduction are various. It can come as a result of: the result of any disease, such as therapy against cancer which can cause infertility; not planning to have children in the near future; in cases of clinical death; in case of involvement in armed conflicts of any of the partners; or life dynamics that may impose increased circumstances of risk of loss of life of the partners, etc. In 1998, 19-year-old Jeremy Reno shot himself while playing Russian roulette and lost his life. His mother, Pam Reno, has asked doctors to take her son's sperm in order to enable her to become a grandmother. She had planned to look for a donor egg to conceive an embryo and the same would then be placed in a surrogate mother for embryo transfer. That was the only way to fulfill her wish to become a grandmother (Doroghazi, 2005:1598).

Until the birth of the first child through the reproductive medicine method of artificial insemination IVF, by Luis Broun in 1978, and until the first cloning applied by British sheep doctors Dolly 1996, the debate in scientific, religious and wider circles has been focused primarily on topics related to abortion, sterilization, or contraceptive use. The rapid development of reproductive technology completely changed the approach to the problems that were imposed in recent years.

We already live in permanent states of transition, hybridization and nomadic mobility, in emancipated, post-feminist, multi-ethnic societies with high degrees of technological mediation which, however, have not ensured justice for all, or resolved enduring patterns of inequality (Braidotti, 2013:1). Topics discussed were the dilemmas of whether regulation and legal restrictions on abortion and sterilization issues affect bodily integrity and morals of the individual in the concrete case of the woman.

Posthuman reproduction has sparked heated debates in the circles of scientists, philosophers, religious circles, the media, NGOs, as well as lawmakers and legal practitioners, over whether to allow post human reproduction and if it is, how should the normative adjustment of the same be made. These issues include, *inter alia*, the ownership of gametes, the inheritance rights and benefits of posthumously conceived children, and the social construction of families. (Simana, 2018:1).

Regarding the terminology used is also the difference between post human reproduction and in vitro fertilization, where in post human reproduction of the biological material used by the parents is taken from the man or woman who are known to each other and are in a marital or extramarital relationship. Concerning in vitro fertilization, the donor of sperm or egg cells is a man or woman who has given prior consent to the use of their reproductive material for the fertilization of a person with whom he is not a spouse or extramarital spouse. In this case the identity of the donor remains secret and the donor cannot be registered as the parent of the child and has no rights and obligations towards the child.

The Effect of Post Human Reproduction in Inheritance Relationships

Post human reproduction has opened many dilemmas regarding the traditional and exclusive role of man in the process of childbearing. For some authors this method is considered quite extreme and morbid due to the way and circumstances in which it is applied. The method of post human reproduction excludes sexual intercourse as a way of conceiving a child and alienates the role of woman and man from the fundamental role they played in the birth of a child. This way excludes the traditional meaning that the child should have a mother and a father and he should be born from their sexual relationship. The only exception from the religious point of view that can be mentioned is in the case of Jesus, who is believed to have been born without having sexual intercourse, by only one parent (Brown, 1973:49). Post human reproduction is one of the most challenging and sensitive topics in the field of medicine, also for the fact that the beginning of a new life begins after the end of the parent's life. Receiving and storing biological material (sperm, embryo or egg cells) is an emotionally sensitive issue that creates consequences with moral and normative effects.

The death of the spouse and the use of biological material for post human reproduction by the surviving spouse presents a rather difficult moment to make a fair and rational decision. The dilemmas are whether the gametes of the deceased person can be used without his consent, either at the request of the cohabiting partner, or at the request of his parents. Depending on the country, there also exist different legal regulations. According to the current legislation of Northern Macedonia, this can only happen with the prior consent of the person who due to any intervention risks sterility or due to the existence of circumstances that endanger the loss of life. Although it is not known exactly how many years the sperm can remain frozen so that it can be successfully used for fertilization and the baby is born. It is assumed that sperm can be successfully stored for several years. For example, in March 2001, an IUI was performed by Dr. Nancy Durso of Mid-Atlantic Fertility Center in Bethesda, Maryland, the sperm used for this insemination had been frozen for 28 years, 11 months (Joseph Feldschuh, James Brassel, Nancy Durso, Allen Levine, 2005:1). The first case of post-mortem sperm application was reported by urologist Cappy Rothman in 1970, in which a 30-year-old man was involved who was in clinical death after a motor vehicle accident and the family sought custody of sperm. In cases of brain injuries (due to trauma caused by lack of oxygen or progressive brain infections), the person is unable to judge. When the person is in a constant vegetative state, he is unable to judge and manifest the desire to give biological reproductive material if he has not given this before coming to this state, therefore it should be given by family members. This issue is even more controversial from an ethical and legal point of view. This is because the desire to have children and to become a parent must be manifested by both parents together. Family planning is the exclusive right and duty of future parents. This rule has an exception only in the case of cloning and in the case of post human reproduction when the biological material is obtained without the consent of the deceased person. But cloning is banned as a process by most countries in the world, and even the Council of Europe in 1998 amended the Additional Protocol to Prohibit Cloning of Human Beings to the Council of Europe Convention on Human Rights and Biomedicine which prohibits “any intervention that aims to create a human being genetically identical to another human being, whether alive or dead”.

Another issue is whether the realization of the right to post human reproduction within the procedure for biomedically assisted fertilization can be applied only between married and extramarital spouses or even between other persons who are not in this

report. According to the Law on Assisted Biomedical Fertilization in Northern Macedonia, this right can be exercised only by persons who are married or having an extramarital union.

In general, the position can be accepted that from a moral point of view, that posthuman reproduction should be allowed, because it represents respect for the principle of individual freedom of partners, and at the same time the principle of utility, that with the birth of a child the interests of not only partners are realized, but also the interests of the child and of society (Dejan Micković, Elena Ignovska, Angel Ristov, 2016:310). Despite this approach, there is also the opinion that through post human reproduction, the born child will be deprived of the right to live in a family composed of both parents, which may cause repercussions in psychological and economic terms. Furthermore, for the child, from the moment he realizes that he has come to life and is conceived by a deceased parent can present an emotional shock. This fact can cause deep psychological problems, not only in the child but also to the mother. Also children born through Assisted Reproduction Technology (ART) had a higher risk of being born with defects compared to children conceived naturally. The risk increased further when the data were limited to defects of large birth or just single (Hansen, Kurinczuk, Milne, Bower, 2013: 1). Given this uncertainty that is directly related to the health of the child, dilemmas arise as to whether or not to support this method.

An issue that needs to be harmonized and specified in the normative aspect is the way of proving the paternity of the child and gaining rights from hereditary relations and social security. Because of these uncertainties, the principle of special protection of children, or the protection of the best interests of the child, as recognized by the UN Convention on the Rights of the Child, which in paragraph 1 of Article 3 provides, "In all decisions concerning the child, whether taken by public or private social welfare institutions, courts, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration." Article 7 of the same convention states that as soon as a child is born, if possible, he has the right to know his parents and to have their care. If the child were to be conceived through post human reproduction, we would be violating precisely this right of the child.

If the right of the partner to preserve the reproductive material, for the purpose, of post human reproduction is honored, in addition to being enabled after giving prior consent in writing, should the same be allowed with a will which would have the same effects? This is because the deceased person, just as he would have all the rights to disposable of his property by his will, with the exception of the necessary part of the inheritance, would similarly have to be allowed to dispose of his reproductive body cells in order produce a child after death, and with the prior consent of the surviving partner. I say this because even in the case of post human reproduction, the written statement of the deceased partner alone does not oblige the surviving partner to post human fertilization, but it also depends on the desire that he must manifest for such a thing. We have a similar situation with the testamentary inheritance, wherein the heir is not obliged to accept the inheritance, he even has the right to give it up. The same thing can happen with biological reproductive material. Whether or not the surviving partner will accept it in this case also depends exclusively on the will of the cohabiting partner, in addition to the testator's wish. The problem in this case arises when the testator has to deposit his biological reproductive material, as the protocols and the requirement of law is that the same can be done in specialized medical institutions and under strict conditions provided by law that include the written statement of the person. By this we mean that, without

The Effect of Post Human Reproduction in Inheritance Relationships

such a declaration, the biological reproductive material for post human fertilization cannot be deposited, which excludes the possibility that the same be done through the will, as the effect of the will would be consumed by the declaration. The other reason is because the will based on the form as a unilateral legal act is more discreet, and its content is often completely unknown until the day of its opening, while the written statement on post human fertilization to the public may be discreet, but for the surviving partner the content of the request is known from the moment of drafting. In terms of the time interval of how long before the testator's death or how long before the death or undergoing any therapy the patient giving written consent can deposit the reproductive biological material, this issue remains unspecified, as neither the moment of death nor the moment of the onset of disease or infertility are circumstances that may be known in advance. This issue is not a problem if we take into account the longevity of biological reproductive material, such as: sperm can be used successfully during fertilization therapy, even 40 years after cryopreservation (Rozati, Handley, Jayasena, 2017:1). Another dilemma that may arise is that the LFB allows for the possibility of post human fertilization for up to one year after the death of the partner, whereas if it were allowed to be done by will, there is a risk that the inheritance review procedure, in which the testament will be opened, one year after the testator's death, or the document will be found some time later after the examination of the inheritance or it will not be found at all, because Northern Macedonia does not have a database where wills are evidenced.

Normative Regulation of Post Human Reproduction

If we look at the legislations of different countries that regulate the issue of post human reproduction, we will notice that not all countries regulate this issue in the normative aspect. Post human implantation is permitted by a small number of countries such as Austria, Belgium, the Czech Republic, Germany, Norway, Greece, the Netherlands, the United Kingdom, Spain and Northern Macedonia. In most European legislations, artificial insemination is prohibited (Bulgaria, Denmark, France, Bulgaria, Croatia, Slovenia, Sweden, Switzerland, Lithuania, Finland and Portugal), while in other countries this issue is not regulated at all (Dejan et al., 2016: 300).

Even countries that regulate this issue with their own legislation have features and differences from meeting the formal requirements to gaining rights. This shows that each country has distinctive features, however there are three elements in common: legal uncertainty, the requirement for prior consent and authorization for the partner, but not the parents, and to retrieve and use the gametes of the deceased. The science of law in general, creates the impression that it is very slowly adapting to these changes, which occur as a result of the development of other sciences, such as biotechnology, medicine and technology. Even in some under developed countries, including Northern Macedonia, there is a belief that the normative regulation of these phenomena occurs much later after they occur, and that the norms do not precede the occurrence of these situations.

The issue of post human reproduction in Northern Macedonia is normatively regulated by the Law on Assisted Biomedical Fertilization (RNM, 37/08). According to paragraph 2 of Article 33, it is provided that in case of the death of the husband, post human assisted biomedical fertilization is allowed, with his prior written consent, up to one year from the day of his death. Partners can decide on their own volition whether to conceive a child through post human reproduction, if there are justifiable reasons for it. The woman has no moral or legal obligation to agree to become pregnant if she does not

want to. The husband's unilateral decision has no legal and moral significance for the wife.

The Effects of Post Human Reproduction on Hereditary Relationships

Posthuman reproduction due to the effects it creates on family relationships, will undoubtedly be reflected in hereditary relationships as well. For a person born through post human reproduction, in order to gain the right to inherit a deceased parent, the normative requirements and conditions for the realization of such a right must be met in advance.

Inheritance relations in material terms in Northern Macedonia are regulated by the provisions of the Law on Inheritance. The right to inherit is acquired by law and by will. When it comes to testamentary inheritance, the person who declares that with his biological material the child is conceived with the surviving partner, may, in the capacity of testator, foresee by testament the acquisition of certain inheritance rights for the child to be conceived and will be born after his death.

If the child conceived through posthuman reproduction will not be able to inherit by will, because the testator did not leave a will or did not include this child in the will he left, then the right to inherit will have to be won under the law. But, because from the death of the parent to the conception of the child a time vacuum is created, this seems to sever the connection of the child with the parent. According to the Law on Assisted Fertilization of Northern Macedonia, a woman can be fertilized for up to one year after the death of her husband. The issue of this time distance opens dilemmas in terms of gaining inheritance rights, as the father of the child is considered the spouse of the mother who gave birth to the child during the continuation of the marriage, or 300 days after the dissolution of the marriage (Family Law, 80/1992, article 50). In the case of post human reproduction, the child will be born 300 days after the death of the father, in which case the child will not be legally considered an heir and will not be able to inherit the genetic father. In the extramarital union, the father of the child will be considered the person who accepts the paternity of the child, while in the case of the death of the father previous to the birth of the child, the paternity would be recognized if the father had previously left a will accepting the paternity of the child which is expected to be born.

The right to post human reproduction is also allowed between persons who are not married to each other, respectively between extramarital spouses. Even for the issue of inheritance, the child born through post human reproduction could gain the right to inherit by will, but not according to the law, as here too we will be presented with a time distance of more than 300 days between the death of the father until the birth of the child. The positive law of the RMV does not regulate the issue of inheritance in post human reproduction at all. Such an approach to the legislation, specifically the Law on Inheritance, constitutes discrimination against the child born through post human reproduction, in which case it must be changed, clarified and adapted to the new circumstances of social relations. Thus, for example, the heir can only be a person who is alive at the time of the opening of the inheritance, except in the case of *nasciturus*, when the child who was conceived at the time of the opening of the inheritance, is considered born, if they are born alive (Inheritance Law, 47/1996, article 122). According to this provision, the conception of the child must have taken place while the father was alive and the child was born no later than 300 days after the death of the father, for him to be considered the child of the testator and able to acquire the status of

The Effect of Post Human Reproduction in Inheritance Relationships

heir. In contrast, for children conceived through the method of post human reproduction, positive legislation does not specify whether paternity will be recognized even if the child is born 300 days after the death of the father. However, the written statement of the deceased biological parent should also have the effect of acknowledging paternity. This is because by making this statement, he is supposed to be aware that this action will bring about the birth of his offspring whom he desires.

Based on the legal provisions, even though the child biologically belongs to the testator, he is excluded from the right to inherit under the law. A child born through post human reproduction must be enabled to acquire the status of first-degree heir. In fact, this child should be the necessary heir of the inheritance, in front of the deceased father. Necessary heirs according to the Law on Inheritance of RMV are: the children of the testator, his adopted child and the spouse (Inheritance Law, article 30). But the fact of the birth of a child at a distance of more than 300 days after death excludes him from this right. This fact has opened many dilemmas for notaries as trustees of the court or the judge during the review of the inheritance procedure, in cases where the deceased has deposited biological material for reproduction in a specialized bank that aims to fertilize the surviving partner. However, they should be careful as it is the legal norm that excludes this child from this right.

Unlike in Northern Macedonia, in the USA, the parent who applies for the right to posthuman reproduction submits the request to the Social Security Administration (SSA). The Social Security commissioner approves the application based on whether the child could inherit personal property from the deceased as his or her natural child under state inheritance laws based on the U.S. Social Security Act.

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Article Info

Received: March 20 2022

Accepted: March 29 2022

How to cite this article:

Mamuti, A. (2022). The Effect of Posthuman Reproduction on Inheritance Relationships. *Revista de Științe Politice. Revue des Sciences Politiques*, no. 73/2022, 161-170.



ORIGINAL PAPER

Current effects and future implications of the Covid-19 pandemic on tourism

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Abstract:

The current COVID-19 pandemic has led the global challenges, economic and healthcare crisis and has had an impact on the global industries, including tourism and travel which are heavily involved in the global service industry. This study covers the impact of this pandemic on global and national tourism, its current effect, implications and future trends. Thus, we performed a comparative analysis of the main indicators in tourism in the last 10 years, highlighting the transformations that this industry has gone through, starting with the period before of the appearance of the coronavirus, as well as during the pandemic. We also aim to investigate the consequences of the COVID-19 pandemic and how innovation and change can help bring the tourism industry back to the next normal. The article constitutes a contribution to the evolving literature on the impact of the COVID-19 pandemic on the development of the tourism sector.

Keywords: *tourism, Covid-19, economic crisis, future implications of tourism.*

Jell code: F00, O52, Z32.

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1.Introduction

"The world is facing an unprecedented social and economic emergency as a result of the Covid-19 pandemic" (Stoicea, 2021a). Due to the relatively high mortality of Covid-19 compared to other influenza-like diseases and the ease of its human-to-human transmission, the World Health Organization (WHO) has labeled Covid-19 a pandemic. Many countries have declared a temporary suspension of public / private outdoor activities and closed down key businesses. Chang and the collaborators (2020) said that "it is essential to distinguish between a single pandemic such as Covid-19 and other events that are shaking the earth, such as the world wars", SARS (2002-2003), MERS (2012) and the global financial crisis (2007-2009) - in their long-term effects on the international community and on the physical, economic and financial environment (Chang, Mc Aleer & Ramos, 2020).

Tourism is among "the most affected sectors with a massive decline in international demand amid global travel restrictions" (Santos & Moreira, 2021), including many borders completely closed to control the spread of the virus. The tourism sector is an economic and social system, whose components are interdependent. This system together with its components is sensitive and vulnerable to any cyclical change. Santos and Moreira (2021) stated in their study that "the economic crisis, armed conflicts, terrorism, outbreaks, have an impact on local, regional, national and global tourism system".

Tourism produce special benefits both in terms of "rebuilding the national economy of many countries with high tourism potential and because, according to UNWTO assessments, the tourism industry ranks first in the world in terms of contribution to employment for work" (Gruescu, Nanu & Pîrvu, 2009). Also, the promotion of a sustainable tourism is determined by the essential changes in the models of economic growth by moving towards the intensive types, by changing the emphasis towards the branches that "consume little of material resources exhaustible towards globalization and integration" (Stoicea, 2021b). Firoiu and the contributors (2019) affirm that "at the same time, the opening up at a global level of tourism can lead to the mass destruction of the environment over time", which imposes restrictions in relations to the way travel is conducted, type of practiced tourism, targeted destinations and the selected reception facilities (Firoiu, Ionescu, Bădîrcea, Vochița, & Enescu, 2019).

From the beginning of the Covid-19 crisis in China, the pandemic impact on the tourism industry has been considerably underestimated. The political decision makers do not entirely understand, even at this time, "the scenarios and the effects of the crisis that will have an unprecedented impact on the tourism industry" (Skare, Soriano & Porada-Rochon, 2021). "Covid-19 has changed the world forever in every imaginable way and has had a strong impact on all the individuals and on every industry, including the international travels, tourism demand and the hospitality industry" (Chang, McAleer & Ramos, 2020).

This study tries to explore what is expected to be a negative impact on the world and on the geographical industry of travel and tourism. It is crucial to investigate how the tourism, travel and hospitality industry will recover after Covid-19, after the appearance of the vaccine and how the industry can become sustainable in a dramatically changed world.

Before the pandemic, "travel and tourism accounted for 1 in 4 of the total new jobs created worldwide, 10.6% of total jobs (334 million) and 10.4% of global GDP (\$9, 2 trillions)" (WTTC, 2020). The most recent research report of the world Travel and

Current effects and future implications of the Covid-19 pandemic on tourism

Tourism Center (WTTC) counts up to 75 million workers exposed to immediate risk of employment as a consequence of Covid-19, a loss of GDP for travel and tourism in 2020 of up to 2, 1 trillion dollars. Pine and his collaborator (2004) have studied the "impact of the SARS pandemic in 2002 on the Provence Guandong in China". The results of the study show that the impact was negative.

Gomez Garcia and the contributors (2021) reported that, in regard to those positive aspects, "the main countries that are the source for the arrivals in tourism are making rapid progress in vaccinating their populations". Also, their economies are rapidly recovering, and people's savings are high for many families whose jobs have not been affected by the crisis. Incentives in the United States are represented by the financial aids granted to middle class families. People's perception of travelling is improving. In fact, there may be a combination of a request for readmission and a "champagne effect", in order for people to feel safe when they travel again. There may be a positive geographic advantage if tourists who prefer long trips go to destinations closer to their home (Gomez Garcia, Money, Rosenblatt, Zegarra, Frazier, McCaskie, Gauto, Bollers, Christie, Khadan & Abdul-Haqq, 2021).

In regard to the negative aspects, there may be the risk that the vaccination programs stagnate in the source countries for several reasons. There may be a geographic prejudice even stronger bias the internal one, rather than international, travelling, because families meet with relatives that live or work in other countries. In general, surveys show that the traveler's preferences have shifted to the familiar, predictable and most reliable. In this pandemic context, there seems to be no place like home (or near home). In short, COVID-19 pandemic could have affected the preferences for touristic products of people from traditional source countries and may be difficult to adapt to those preferences (Gomez Garcia et al., 2021).

2. Literature review

Tourism sector is regarded to be an extraordinarily important domain for world wide economy. Tourism is an indispensable factor in growth and prosperity for all areas, creating positive, direct and indirect effects for the local and regional economy. With a "strong dynamic and a high share of contribution of the global GDP, tourism generates unlimited development opportunities, but also the freedom to travel, therefore being an open system" with extraordinary benefits for society, economy and environment (Firoiu et al., 2019).

The first identification of the Covid-19 virus was in a person in Wuhan, China, then, the virus spread in the entire world causing the WHO to declare this situation a pandemic, meaning that this new disease has spread worldwide. The symptoms of this virus vary from person to person, producing few or no symptoms. However, it can lead to a serious illness and can be fatal. "Common symptoms include fever, dyspnea, cough and loss of taste and smell" and can last 2-14 days (Bakar & Rosbi, 2020).

When people get close to each other, the virus is transmitted, especially through the air. It can also be spread through contaminated surfaces. Until 15 March 2021, this disease has infected over 119 million people, of whom more than 2.66 million have died.

COVID-19 (declared a pandemic by the WHO on March 12, 2020) has a significant impact on economic, political, socio-cultural global systems. Strategies and communication measures in the health sector (for example social distancing, travel and

mobility bans, community lock-in, stay at home campaigns, self-quarantine or mandatory quarantine, limitation of overcrowding) "have stopped travels, tourism and leisure world wide" (Stoicea, 2020).

The touristic impact of COVID-19 will be different in space and time and, in addition to the impact it has on people, the estimates show an enormous economic effect globally. Promising patterns of recovery have been noticed in several internal markets, including in Continental China and the United States of America due to the pandemic control and the availability of effective vaccines (Czerny et al., 2021). There are high expectations for a *new normality* to appear as travel restrictions are relaxed and the quarantine measures are revised for international travel (Tsui et al., 2021).

In the booming touristic industry have been discussions and research on tourism and COVID-19 and, there has been an "unanimous call to see and use the pandemic as an opportunity for transformation" (Mair, 2020). Industry should not only "recover, but reimagine and reform the next normality and economic order" (McKinsey, 2020). Sigala reported in the study *Tourism and COVID-19: Impacts and implications for advancing and resetting industry and research* (2020) that the "researchers should not use Covid-19 as a different context to replicate the existing knowledge to measure and estimate the impact on tourism".

3. Research Methodology

This study considers a pandemic that has been going on since 2020, devastated the world in 2021 and continues in 2022. Since May 2020, World Tourism Organisation has been looking for solutions to restore the touristic sector, and governments all around the world have presented the current situation in their countries to help restart the sector.

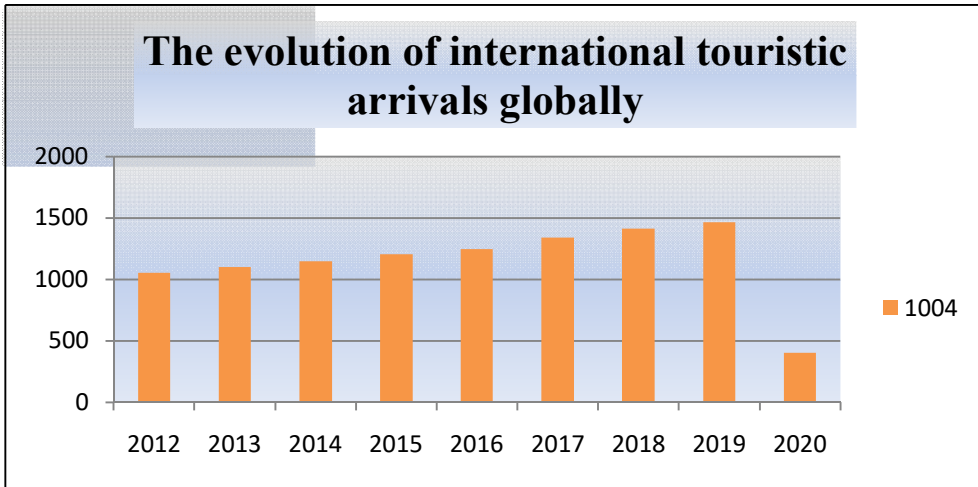
While qualitative research focuses on the depth and quality of collected data, quantitative research keeps in the first place the number and volume of collected data. In this paper I have used a mix of research methods to analyse the current effects and future implications of the Covid-19 pandemic on global and national tourism. The study commences with the description of the present crisis.

3.1. World tourism during Covid-19 pandemic

Coronavirus epidemic is putting the tourism industry under an unprecedented pressure. It has led to the "suspension of most internal and international travels, causing a significant reduction in revenue and creating liquidity problems" (Stoicea, 2020) for all tour operators. Both travelers, and businesses face uncertain prospects.

The evolution of international touristic arrivals globally in the period 2011-2020

At the level of the analysed period, 2011-2020, there is a generally positive evolution with significant decreases at the level of 2020, in which the economic and health crisis was intensely manifested because of the COVID-19 pandemic. The greatest share of international tourist arrivals was registered in 2019, showing a slight increase compared to 2018, and respectively 2017.



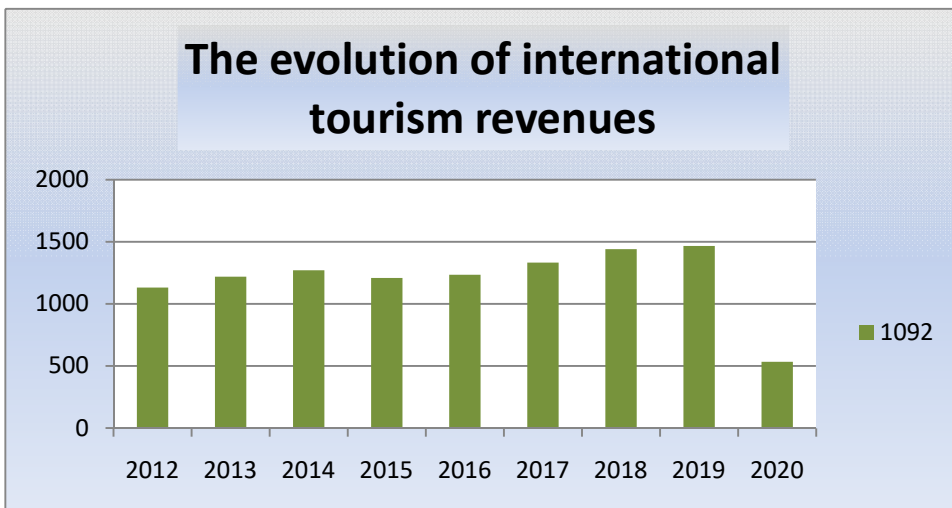
ITA – international touristic arrivals

Figure 1. The evolution of international touristic arrivals globally – million tourists

Source: UNWTO

The evolution of international tourism revenues in the period 2011-2020

Given the data presented in image 1.2. it is found that there is a generally positive evolution, with small decreasing fluctuations in revenues from international tourism in 2015, 2016 and 2020. The highest volume of international tourism revenues was recorded in 2019, followed by a decrease of 64% in 2020. This sharp drop was due to the restrictions imposed by authorities worldwide to stop the spread of coronavirus.



ITR – international tourism revenues

Figure 2. The evolution of international tourism revenues – billions of dollars

Source: UNWTO

The impact of tourism on the economy

Analysing, worldwide, the total contribution of tourism and travels industries to GDP in the period 2011-2020, it can be seen that, on average, tourism and travel industries has contributed a total of 7392 billion dollars to GDP, which represents on average a percentage of 9.55% of GDP, according to Table 1.1.

Table 1. The total contribution of tourism to global GDP

| Year | Percentage increase | Percentage of GDP | Billions of dollars (Nominal price) |
|------|---------------------|-------------------|-------------------------------------|
| 2011 | 5,65 | 9,49 | 6915 |
| 2012 | 3,57 | 9,54 | 7085 |
| 2013 | 3,57 | 9,68 | 7392 |
| 2014 | 4,74 | 9,89 | 7725 |
| 2015 | 4,40 | 10,11 | 7429 |
| 2016 | 3,26 | 10,2 | 7613 |
| 2017 | 2,6 | 10,4 | 7600 |
| 2018 | 4,6 | 10,4 | 8300 |
| 2019 | 3,5 | 10,3 | 9170 |
| 2020 | -49,1 | 5,5 | 4671 |

Source: WTTC

Figure 1.3. shows us the situation of tourism in 2020 compared to previous years. The lowest level of travel GDP was recorded in 2020 amid the Covid-19 pandemic, even lower than 2008-2009 when it was the highest point of the worldwide economic crisis, which began in 2007.

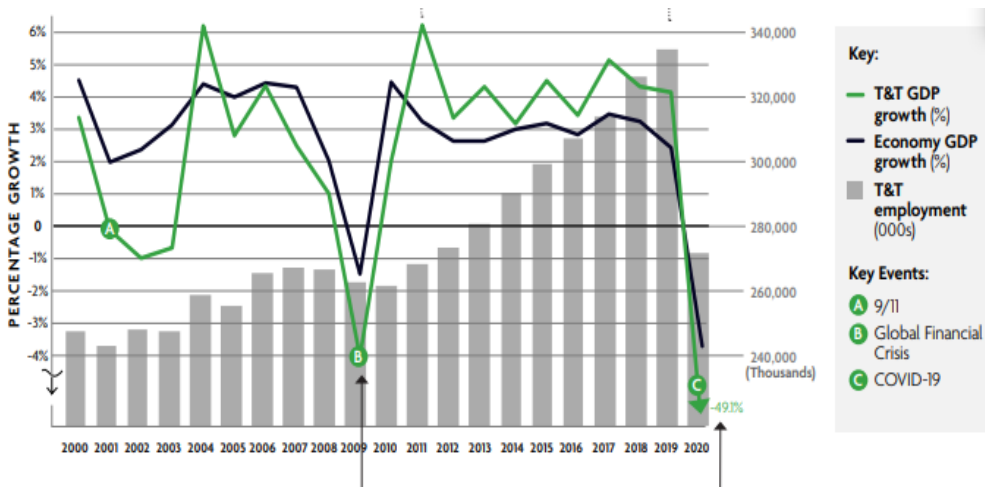


Figure 3. The economic impact of tourism

Source: WTTC

Current effects and future implications of the Covid-19 pandemic on tourism

3.2. Tourism in Romania

On July 1, 2021 entered into force the Regulation on the European Union Digital Certificate on Covid. Thus, all EU citizens who have the right to stay or legally reside in a member state have the right to travel to another one and can get this certificate if they have been vaccinated, cured of Covid or have a negative PCR or antigen test. The Covid digital certificate should facilitate free movement inside the European Union, but it is not a mandatory condition for free movement (ec.europa.eu).

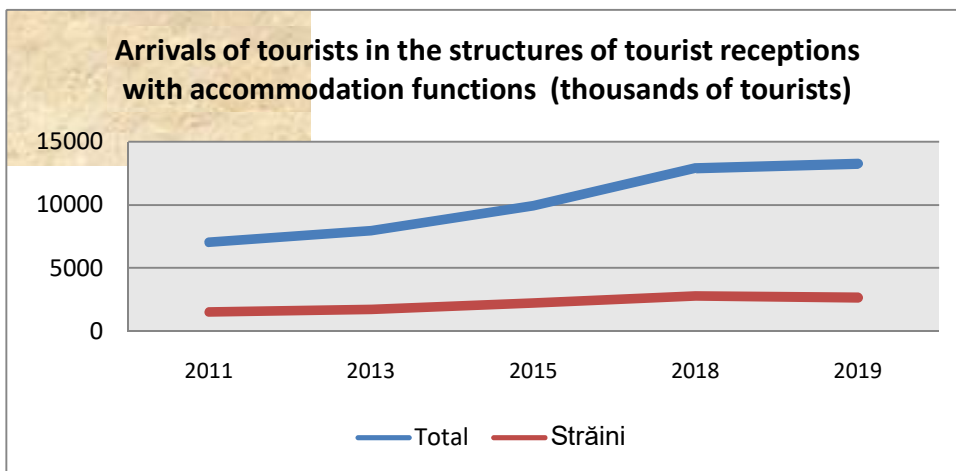


Figure 4. Arrivals of tourists in the structures of tourist receptions with accommodation functions in the period 2011-2020

Source: National Institute of Statistics

Foreign tourists who prefer accommodation in units with a high and very high level of comfort in Romania, visit our country when practicing business tourism. The number of these tourists has increased considerably in the last 10 years, reaching 2671 thousands in 2020 from 1517 thousands in 2011. The total number of tourists accommodated has recorded the same increase of almost 100 % in the analysed period. In 2020 a very small percentage of only 16.4% of the foreign tourists chose to spend stays in Romania.

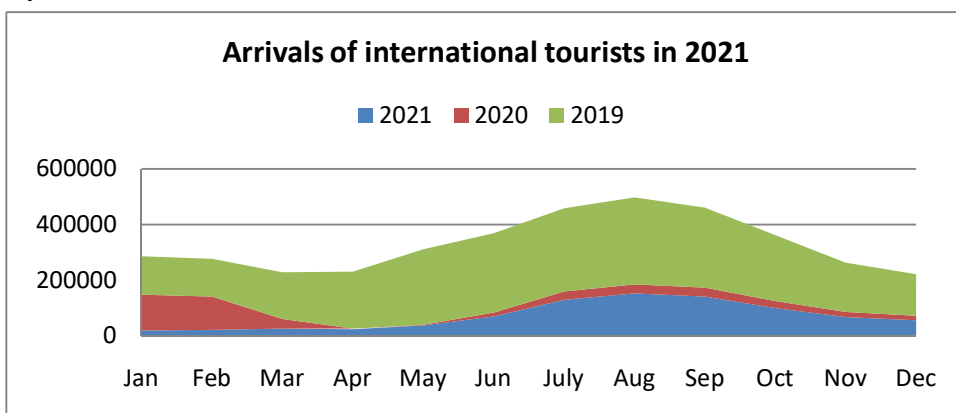


Figure 5. Arrivals of international tourists in 2021 compared to 2020

Source: UNWTO

From the graph above you can see the drastic decrease in the number of international tourists who arrived in Romania in the period 2020-2021, 2020 being the year in which our country has welcomed the fewest foreign tourists. The lowest number was recorded in April and May of 2020 because of the restrictions imposed by the governments of the countries to stop the spread of Covid-19. In the following year, respectively 2021, the recovery of tourism supported by the World Tourism Organisation, being observed the upward trend since the beginning of the year, and in the summer months record figures were reached for this pandemic period.

3.3. Future implications of tourism

UNWTO reported a 4 % increase in international tourist arrivals in 2021. However, 2021 has been another difficult year and recovery requires a closer coordination and higher vaccination rates (UNWTO, 2022).

The World Tourism Organisation indicates that rising vaccination rates combined with easing travel restrictions have helped increase demand. The pace of recovery remains slow and uneven across regions of the world due to varying degrees of mobility restrictions, vaccination rates and travel confidence.

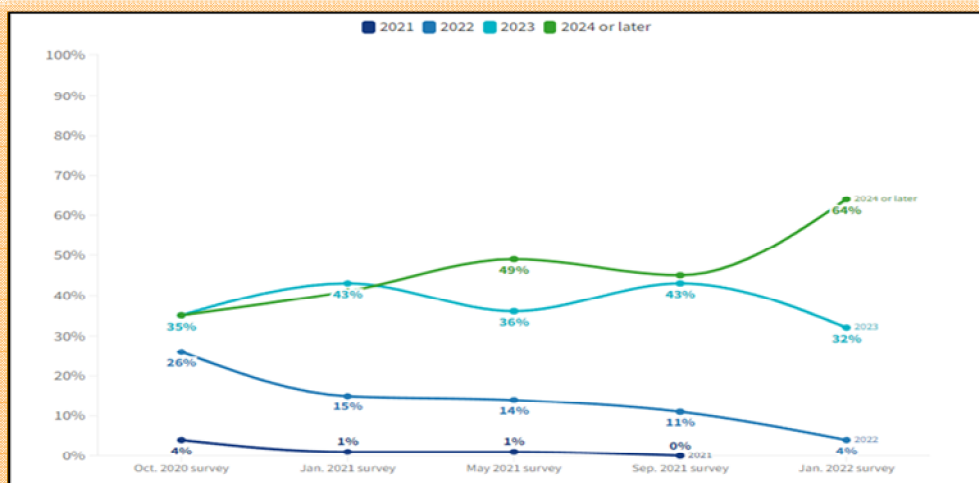


Figure. 6. The return of international tourism expressed by specialists
Source: World Tourism Barometer UNWTO / Global tourism statistics

According to UNWTO experts, most tourism professionals see better prospects for 2022. While 58% expect a return in 2022, 42 % indicate a potential return only in 2023. Most experts expect that the international arrivals return at the level from 2019 only in 2024 or later.

The recent rise in cases of Covid-19 and the Omicron variant is set to disrupt recovery and affect people's confidence. Also, a difficult economic environment could put additional pressure on the effective recovery of the international tourism with rising oil prices, rising inflation, rising interest rates and high debt.

Current effects and future implications of the Covid-19 pandemic on tourism

4. Conclusions

The Covid-19 epidemic will have an unequalled negative impact on global travel tourism. In this study I have empirically investigated these effects. The negative shocks will be significant not only in the short term but also in the long term and will take several years for the industry to recover. The fear of travelling, combined with the extremely restrictive governmental measures imposed on various economic activities have led to a sharp decline of all touristic activities indicators.

In regard to those positive aspects, the main countries that are the source for the arrivals in tourism are making rapid progress in vaccinating their populations. Also, their economies are rapidly recovering, and people's savings are high for many families whose jobs have not been affected by the crisis. Incentives in the United States are represented by the financial aids granted to middle class families and people's perception of travelling is improving.

In regard to the negative aspects, there may be the risk that the vaccination programs stagnate in the source countries for several reasons. There may be a geographic prejudice even stronger bias the internal one, rather than international, travelling, because families meet with relatives that live or work in other countries (Gomez Garcia et al., 2021).

Industry operators need strong skills of creativity, innovation and resilience to apply innovative solutions to rebuild the sustainable tourism industry. Entrepreneurial ideas for destinations, products and sales and, in general, for new business models will be essential to help the sector to attenuate the pandemic impact and start effective recovery efforts. Eventually, it is "essential that the political decision makers to use the aftermath of the COVID-19 pandemic" (Livandoschi & Melnic, 2020) to improve the crisis management strategies and to strengthen the international and internal coordination and mutual learning mechanisms between regions and touristic sub-sectors to rethink a more sustainable and stronger touristic system, and thereby respond in a conjoint and focused manner to possible future shocks.

Acknowledgment:

This work was supported by the grant POCU380/6/13/123990, co-financed by the European Social Fund within the Sectorial Operational Program Human Capital 2014 – 2020.

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Article Info

Received: March 24 2022

Accepted: March 31 2022

How to cite this article:

Stoicea (Ignătescu), D.-M. (2022). Current effects and future implications of the Covid-19 pandemic on tourism. *Revista de Științe Politice. Revue des Sciences Politiques*, no. 73/2022, 171-181.



ORIGINAL PAPER

Sustainable Policies and Resilience during the COVID-19 Pandemic: Advances in Humanitarian Aid, Civil Protection and Human Health within the Regulation (EU) 2021/836

Anca Parmena Olimid¹⁾, Daniel Alin Olimid²⁾

Abstract:

This paper reviews the European Union (EU) legal framework of Regulation 2021/836 concerning the relationship between humanitarian aid, civil protection and human health. Using a legislative data set consisting of three documents, namely: Regulation (EU) 2021/836 (2021), Decision No 1313/2013/EU (2013) and Decision (EU) 2019/420 (2019), we find that the need for development and coordination is associated with innovation and resilience measures. Thus, the study aims to better observe the complex preparedness measures and actions of the European Commission (EC) and to understand the legislative changes in the field of civil protection (CP), humanitarian aid (HA) and human health (HH) in the context of the COVID-19 pandemic under the Regulation (EU) 2021/836, namely: (i) the coordination of actions including the protection of the population and the establishment of logistical support and resources for the Member States (MS) [Recital (19) Regulation (EU) 2021/836]; (ii) the crisis management system (CMS) at EU level and (iii) the approaches to HH and “medical countermeasures” [Recital (3) Regulation (EU) 2021/836]. The research thus points to the legal and institutional analysis of the: (i) the “Union Civil Protection Mechanism” (UCPM) within Decision No 1313/2013/EU and Decision (EU) 2019/420; (ii) the “European Civil Protection Pool” (ECP) within the Decision (EU) 2019/420; (iii) the approaches to the “Union Civil Protection Knowledge Network” (UCPKN) within the Regulation (EU) 2021/836. The research concludes by focusing on the logistical measures and resources, as well as the role of operational capabilities and information.

Keywords: *EU; civil protection; humanitarian aid; human health; population.*

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Introduction

The research area of humanitarian aid (HA), civil protection (CP) and human health (HH) have concerned experts and policymakers during the last decade. Moreover, in the last five years, there has been an active debate concerning the “humanitarian assistance” (Abdelmagid, Checchi, Garry, 2019), “humanitarian principles” (Broussard, Rubenstein, Robinson, C. *et al.*, 2019), “informal disaster protection” (Duda, Kelman, Glick, 2020), “civil protection”, “solidarity”, “humanitarianism and resilience humanitarianism” (Hilhorst, 2018) and networking analysis for “humanitarian protection” (Cachia, Holgado Ramos, 2020). To research this policy, our paper also proposes an integrated approach to the ethical governance of the human settlements and the European Union (EU) HH legislation to focus the most common held perspective of the social research area and principles for human capital, population, inclusion and citizen safety, public space (Olimid, Olimid, 2018: 48-61; Broussard, Rubenstein, Robinson, C. *et al.*, 2019, Olimid, Olimid, Chen, 2018: 1305-1310; Olimid, Olimid, 2020: 277-281; Georgescu, Olimid, Olimid, Georgescu, Gherghe, 2017).

While most of the recent studies have focused on examining the pandemic response (Zwitter, Gstrein, 2020), research on the changing “humanitarian sector” is limited to “humanitarian practice”, “humanitarian action” and “humanitarian contexts”. Furthermore, there is thus a need to create more knowledge about how humanitarian principles and guidelines are developing other potential areas of concern, research (Wilson, Jumbert, 2018) and innovation (Sandvik, 2017). Moreover, existing research has examined how EU policies and governance are initiated by: (i) identifying the coordination of the civil protection systems in the EU (Konstadinides, 2013; Morsut, 2014; MBackman, Rhinard, 2018; Parker, Persson, Widmalm, 2019) and (ii) highlighting the constitutive patterns of the nexus between the humanitarian principles and assistance, sustainable policies, “development assistance” and “good governance” (Lie, 2020; Sivakumaran, 2015; Jacob, 2018; Opdyke, Goldwyn, Javernick-Will, 2021). Furthermore, this evidence was developed by the study conducted in 2020 by Zwitter and Gstrein regarding the contribution made to the “humanitarian experience” and data protection, sustainable policies, and initiatives (Zwitter, Gstrein, 2020). In this context, this study underlines the link between privacy protection and the guidelines for international organizations and humanitarian actors during the COVID-19 pandemic (Zwitter, Gstrein, 2020). In detail, according to the conclusions of the study, the “humanitarian practice”, the data protection and data responsibility legislation represent a set of tools and indicators characterized by a high degree of interdependency.

Other studies have also noted the health protection for the population and the “environmental protection” during the COVID-19 pandemic (Forman, Mossialos, 2021), “transcultural crisis management” (Bajaj, Khandelwal, Budhwar, 2021) and “emergency management” (Wendling, 2010). Although recent studies have examined the relationship between humanitarian aid, health protection and humanitarian policies and responses (Lawson-McDowall, McCormack, Tholstrup, 2021), a recent review of the literature demonstrated that only a few studies had examined the interlinkages between civil protection and the urban economy (Kalogiannidis, Toska, Chatzitheodoridis, 2022). Furthermore, many types of research have highlighted the implementation tools, the mechanisms during the COVID-19 pandemic and the institutional structures of the EU Civil Protection Mechanism (EUCPM) (De Pooter, 2020). Moreover, as evidenced in 2020, the “population-based management approach” represents the basic topic within the EU policy responses (Goniewicz, Khorram-Manesh, Hertelendy, Goniewicz, Naylor, Burkle, 2020). Thus, the evaluation of the interlinkages between crisis coordination and civil protection represents a dominant and emerging research dimension for the management information and decisions (Alexander, 2018; Goniewicz, Khorram-Manesh, Hertelendy, Goniewicz, Naylor, Burkle, 2020; Boin, Rhinard, Ekengren, 2014).

Methodology

The main aim of the research methodology is to assess the current legal provisions on HA and CP within the EU legislation by focusing on two approaches: (i) the legal basis of how the EU legal documents have been regulated over the past 9 years (2013-2021) the main thematic topics ("humanitarian aid", "civil protection" and "human health") by focusing the legal documents in the field and (ii) to provide a comprehensive framework of the adopted EU regulations and decisions in the area of HA and CP. Therefore, we researched the EUR-Lex database and manually selected three main legal documents using the refine search of the year of publication. Additionally, we selected two different categories according to the EU thematic topic namely: (i) the "reserve of capacities" [Recital (2) Regulation (EU) 2021/836] and "operation of capacities" [Recital (2) Regulation (EU) 2021/836] and (ii) the "societal functions" [Recital (12) Regulation (EU) 2021/836] and the "social consequences". Moreover, for further separation of the EU policies between the two categories, we considered the decision-making mechanisms and the institutional analysis. The research designed an in-depth analysis to boost the understanding of the cooperation and coordination policies and mechanisms at EU and MS levels by formulating six research questions (RQ) namely: (RQ1). What is the EU legal framework on HA, CP and HH? (RQ2). What is the relationship between "situational awareness", "early warning systems" and "scientific information" (RQ3)? What is the added value of the CP system at the EU level? (RQ4). How can we analyze the relationship between HA, CP and HH? (RQ5). What represents "collective response" and what role have the Emergency Response Coordination Centre (ERCC) and the Union Civil Protection Knowledge Network (UCPKN)? (RQ6). How can we use the results of the HA, CP and HH analysis in the context of the COVID-19 pandemic?

Thus, the current study reviews the EU legislation in the area of HA, CP and HH using comparative-legal research by explaining the patterns and characteristics that focus the following units of analysis: (i) the EU sustainable policies and HA; (ii) CP and HH. We begin by examining the legal framework of HA, CP and HH within Regulation (EU) 2021/836 (2021) considering previous legal documents namely: Decision No 1313/2013/EU (2013) and Decision (EU) 2019/420 (2019). Therefore, our analysis contributes to the debate on determinants of the HA and the relationship between "situational awareness", "early warning systems" and "scientific information" [Article 8(1) Regulation (EU) 2021/836 (2021)]. To do this, we need to reassess the principles adopted by Decision No 1313/2013/EU (2013) and Decision (EU) 2019/420 (2019), namely: solidarity, humanitarian values, predictability, subsidiarity and quality requirements and responses.

EU legal framework on humanitarian aid, civil protection and human health

The EU legal framework on HA, CP and HH identify three main tasks of the reform package of the EU: (i) the preparedness and prevention actions and measures within the EU; (ii) the "risk management" (RM) and "the risk assessments" (RA); (iii) the capabilities and response capabilities establishing a cross-sectoral framework for the coordination of MS. Therefore, our case focuses on the legal provisions of Regulation (EU) 2021/836 (2021), Decision No 1313/2013/EU (2013) and Decision (EU) 2019/420 (2019) pointing to key explanatory issues of the theoretical and legal framework on HA, CP and HH. Moreover, the study also investigates the latest legal changes adopted

within the Regulation (EU) 2021/836 (2021) setting a new analytical schema based on cooperation and coordination at the EU level. Moreover, according to previous legal changes, the EU policies emphasize, in particular, structural and operational changes in the area of response resources and facilities and response capacities within the Union Civil Protection Mechanism (UCPM) and functional conditions for the sector of CP.

After discussing the theoretical framework and recent contributions of the literature, the paper aims to outline the EU reform package, the role of CP for HH and the functional perspectives of the EU policy responses. In this context, a key explanatory framework is designed to evaluate seven mechanisms and policy responses, namely: (a) protection and preparedness; (b) EU policy responses and cooperation; (c) the “culture of prevention” [Recital 8 Decision No 1313/2013/EU]; (d) risk management and monitoring; (e) risk assessment (RA) and cross-sectoral outcomes; (f) “response capacity” and assistance; (g) logistical capacity and operational goals.

“European Civil Protection Pool” (ECP) within the Decision (EU) 2019/420: “adaptation of capacities” and “operational costs”

The Decision (EU) 2019/420 adopted in March 2019 on UCPM constructs a legal and institutional roadmap to “adaptation and repair of capacities” [Recital (12) Decision (EU) 2019/420] by identifying the systemic challenges and listing how key mechanisms [e.g. Common Emergency Communication and Information System (CECIS)] are used and updated to ensure “exchange of information” [Recital (29) Decision (EU) 2019/420]. In other settings, all the aims and conditions of the Decision (EU) 2019/420 are prioritized by providing an overview of the system parts and processes [Recital (32) Decision (EU) 2019/420], namely: (i) main responses for the ECP; (ii) requirements for “capacities rescEU”; (iii) the implementation of the UCPM; (iv) impact of criteria and processes approaching CP. Moreover, it is important to mention the following information required to fill out the framework of the ECP [Article 11(b)(1)(2) Decision (EU) 2019/420]: (i) “a pool of voluntarily” capacities; (ii) responsibility and engagement of the MS; (iii) capacities required by the MS; (iv) cooperation and monitoring of the “capacity goals”. Using the analytical perspective, we highlight the types of *input actions* to ensure the understanding of the ECP: (i) “disaster prevention” [Article 11(b)(1a) Decision (EU) 2019/420]; (ii) “existing capacities” [Article 11(b)(1a) Decision (EU) 2019/420]; (iii) “necessary capacities” [Article 11(b)(2) Decision (EU) 2019/420]. Furthermore, the analysis will highlight an institutional networking approaching: ECP [Article 11 Decision (EU) 2019/420]; rescEU [Article 12 Decision (EU) 2019/420] and UCPM [Article 13 Decision (EU) 2019/420].

The legal analysis of the Regulation (EU) 2021/836: “reserve of capacities” (RC), “operation of capacities” (OC) and “social consequences”

The Regulation (EU) 2021/836, adopted in May 2021 the field of CP aims to encourage cooperation between MS and to facilitate a collective response “to natural and man-made disasters” [Recital (1) Regulation (EU) 2021/836]. Since its introduction in 2021, the context of the Regulation revealed three-dimension dynamics: (1) institutional; (2) organizational and (3) functional. Moreover, the legal analysis of the Regulation (EU) 2021/836 will provide key themes in the area of: (i) focusing on the “reserve of capacities”; (ii) understanding the importance of the “collective response”; (iii) merging RM diagnosis with RA, RC and OC. Thus the content of the Regulation focuses on the existence of complex interlinkages between RC of the MS, “distribution of reserves” and OC at the EU level [Recital (2), Recital (23) Regulation (EU) 2021/836]. Concerning the

main scope of the Regulation, it should be observed that the main objective is the protection of the population, “environment and property” [Article (1) Regulation (EU) 2021/836] considering the social context.

In this sense, the introduction of the Regulation [from Recitals (1) to Recital (10)] is driven by the need to introduce an up-to-date analysis in the context of “the unprecedented experience of the COVID-19”. Moreover, other six important developments are focused: (i) cooperation and coordination at EU and MS levels [Recital (1) Regulation (EU) 2021/836]; (ii) responsibility and “collective response” [Recital (2) Regulation (EU) 2021/836]; (iii) the medical emergencies and measures taken in accordance with MS [Recital (2) and Recital (7) Regulation (EU) 2021/836]; (iv) the quality requirements for the health system, services and facilities [Recital (7) Regulation (EU) 2021/836]; (v) solidarity and response to “global health challenges” [Recital (7) Regulation (EU) 2021/836]; (vi) the institutional approach to the ECPP and the operationalisation of the rescEU capacities [Recital (2) Regulation (EU) 2021/836].

In this context, different key topics should be considered: the context of the “health emergencies” [Article (1), paragraphs 2 and 3 Regulation (EU) 2021/836], the degree of coordination [Article (1), paragraphs 2 and 3 Regulation (EU) 2021/836], and the nature of measures needed to be taken [Article (3) Regulation (EU) 2021/836]. In particular, the research found the relationships between “societal functions” and CP with specific reference to “resilience goals” [Recital (12) Regulation (EU) 2021/836]. Thus, supporting the need for preventive action and response measures, the analysis requires in-depth monitoring of the scenarios at MS and subnational levels [Recital (13) Regulation (EU) 2021/836] related to the risk assessments (RA), but also the support and assistance of vulnerable population [Recital (14) Regulation (EU) 2021/836]. Moreover, regarding the national level, the Regulation presents a new scheme of analysis needed to assess: the “coordination mechanisms” [Recital (12) Regulation (EU) 2021/836]; the national functions and structures [Recital (15) Regulation (EU) 2021/836]; “the national structures” [Recital (8) Regulation (EU) 2021/836] and “the national purposes” [Recital (21) Regulation (EU) 2021/836]. Moreover, according to Recital (12), it should be added “the immediate social consequences of disasters”, as the specific approach to societal patterns describes the interoperability and cross-border support and assistance. Particularly, more details are advanced concerning the transport and the logistical support for MS defined as “rescEU capacities” [Recital (19), Recital (20), Recital (21) Regulation (EU) 2021/836]. On an operational analysis, we also focus other central topics of the Regulation (EU) 2021/836, namely: (i) *health*: “human health”, “quality health”, “global health”, “health emergencies” [Recital (3) and Recital (7) Regulation (EU) 2021/836]; (ii) *climate change* and “response to disaster” [Recital (3) and Recital (7) Regulation (EU) 2021/836]; (iii) *humanitarian*: “humanitarian principles” [Recital (22), Recital (7) Regulation (EU) 2021/836], “humanitarian response” [Article 13 Regulation (EU) 2021/836]; (iv) *development* and *assistance* [Recital (11), Recital (19), Recital (25) Regulation (EU) 2021/836].

Emergency Response Coordination Centre (ERCC): CP coordination and “communication capabilities”

On a more strategic analysis, different levels are presenting the fundamental questions of CP such as information, cross-sectoral resilience and “general preparedness actions” (GPA). Given the broad scope of the Regulation (EU) 2021/836, the legal analysis of the Emergency Response Coordination Centre (ERCC) is critical to

developing the overall context of the CP and HA. Moreover, the framework of the ERCC involves the establishment of a “24/7 operational capacity” and mechanisms of coordination and monitoring to provide “real-time response” [Article 7 Regulation (EU) 2021/836]. The ERCC provides a good fundament for analysing the CP coordination system at the EU level and also at the national authorities level. These provisions provide also the functional perspectives for two different types of capacities and capabilities: (i) “operational capacity” [Article 7(1) Regulation (EU) 2021/836] and (ii) “communication capabilities” [Article 7(2) Regulation (EU) 2021/836]. Another task of the ERCC is to focus on the development of a “cross-sectoral approach to disaster management” that reflects the collective response at the EU level, both directly and indirectly [Article 7(2) Regulation (EU) 2021/836]. Moreover, our findings also indicate the need for “preparedness actions” provided by the European Commission (EC) in which communication and management of information play a dynamic role in supporting the relationship between the ERCC and the national authorities by developing “situational awareness” and facilitating “analysis capability” [Article 8(1) Regulation (EU) 2021/836]. In particular, it is also important to distinguish the mobilisation and efforts of MS under the Union Civil Protection Knowledge Network (UCPKN) by facilitating the coordination of actions of the MS and establishing “assistance with expertise” [Article 8(1)(d) Regulation (EU) 2021/836]. These requirements ensure the assessment of needs and establishment of a logistical network able to support the GPA [Article 8(1)(e)(f)(g) Regulation (EU) 2021/836]. Moreover, three principles should be involved in GPA, namely: “interoperability”, “competence” and “consultation” [Article 8(1)(h)(i)(k) Regulation (EU) 2021/836].

Union Civil Protection Knowledge Network (UCPKN): CP monitoring and evaluation

One of the consequences of the approach presented above is the establishment of the UCPKN focused on the “multi-hazard approach” [Article 13 Regulation (EU) 2021/836]. In this context, the legal provisions of the Regulation (EU) 2021/836 are used to describe the status of planning, decisions and processes under the UCPM. Moreover, the same article takes into account a comprehensive and legal approach to the status of UCPKN. In this respect, Article 13 sets a reform package with specific goals that emphasize: “training and exercised programme” in the field of CP, “disaster management personnel” and “exchanges of professionals” [Article 13(1)(a) Regulation (EU) 2021/836]. Additionally, the implications of Article 13 add elements and aspects that address and strengthen the monitoring and evaluation of CP mechanisms and actions [Article 13(1)(b)(i) Regulation (EU) 2021/836] taking into account a flexible assessment of capacities and programmes. Furthermore, the analysis underlines the exchange of information and the need for the establishment of an “online platform” to support the UCPKN. Importantly, Article 14(1) provides broad indicators concerning the “event of a disaster”, determining two approaches to the: (i) “multi-country transboundary effects” and (ii) consequences for the MS [Article 14(1) Regulation (EU) 2021/836]. Concerning the legal provisions of the validation of information concerning a particular situation, a fourth contribution to the legal framework lies in examining Article 15 and Article 17 of the Regulation (EU) 2021/836 and the relationship to MS “collective response”. The provisions of Article 17 provide valuable details and inputs for the institutional analysis and the particular design of the EU legislations determining also the approaches to “operational effectiveness”, cooperation

between MS and “involvement of additional experts” [Article 17 Regulation (EU) 2021/836].

Conclusions

In conclusion, the study presented new approaches to EU legislation on HA, CP and HH in the context of the COVID-19 pandemic. The research helps to understand and develop new resilience guidelines that integrate strategies and programmes addressing the coordination and cooperation of the MS. Moreover different aspects of the analysis namely “collective response” and “involvement” show that the evaluation framework of CP shares the EU common vision including “communication” and “information”.

Authors' Contributions:

The authors contributed equally to this work.

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Article Info

Received: March 02 2022

Accepted: March 10 2022

How to cite this article:

Olimid, A.P., Olimid, D.A. (2022). Sustainable Policies and Resilience during the COVID-19 Pandemic: Advances in Humanitarian Aid, Civil Protection and Human Health within the Regulation (EU) 2021/836. *Revista de Științe Politice. Revue des Sciences Politiques*, no. 73/2022, 182-190.



ORIGINAL PAPER

IT-Related Jargon and Slang - Necessity or Gibberish?

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Abstract:

Information Technology is not about just a bunch of high-tech words. Students in Automation unwittingly tend to use a series of non-specialized terms in order to facilitate communication and, at the same time, to keep conversation within the limits of their technical interests. Sometimes, the use of technical jargon is doubled by the use of slang words, which are somewhat different, but technical jargon and slang words have a common feature: both belong to the marginal area of lexicon. The reasons why students use technical jargon and slang words are multiple: jargon is used to convey meaningful information in a convenient way and to exchange information optimally, whereas slang plays a role in constructing identity, helps students reinforce connection with their peer group and excludes outsiders. If, for obvious reasons, for many people, IT – related jargon and slang words may sound awkward or even funny, in reality, these words, expressions, abbreviations or contractions make full sense, as they are intrinsically related to the topic of discussion.

Key words: *jargon; slang; identity; connection; efficiency.*

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1. Introduction

Most modern dictionaries offer a plethora of similar definitions of jargon and slang, widely defined as marginal areas of lexicon, which consist of words, phrases or linguistic usage in specific circumstances. This type of communication refers to the language generally exclusive to the members of particular groups in order to establish group identity or to optimize information exchange. Jargon and slang are two different notions, as jargon is formal language unique to a specific discipline or field, whereas slang is informal, colloquial language, sometimes used by a group or groups of people. However, one really important aspect is that both jargon and slang help individuals identify as members of a group and create the feeling of belonging to a specific social group. If jargon is unanimously defined as the technical terminology or characteristic idiom of a special activity or group, slang is actually more difficult to define than jargon, as it refers to a variety of informal language used in highly informal situations by people with similar background. The Oxford definition of slang is quite clear: "language of a highly colloquial type, considered as below the standard of educated speech, and consisting either of new words or of current words employed in some special sense". However, linguists Lars Andersson and Peter Trudgill claim that there is no viable definition of slang and quote poet Carl Sandburg, who gave a metaphorical definition: "Slang is a language that rolls up its sleeves, spits on its hands and goes to work". (Andersson & Trudgill, 1992: 12) Slang is, after all, "a peculiar kind of vagabond language, always hanging on the outskirts of legitimate speech, but continually straying or forcing its way into the most respectable company". (Greenough & Kittredge, 2011: 4).

The etymology of slang is not clear enough, as this term was not used before the early nineteenth century. However, there is some evidence that the origin of slang might be the highly colloquial *sling off at*, meaning *to jeer* at a person or *to taunt*. Starting with 1850, slang has been accepted as describing the colloquial speech and, as it is used by virtually every social class, the stigma attached to the slang word has been removed.

As it is informal and spoken rather than formal and written, slang sometimes evokes negative attitudes, although it changes its identity according to who is speaking. The people's perception of slang differs from one person to another, depending on educational and economic background, social position and even geographical location or generation. Slang is generated from any number of specific language communities or subgroups: musicians, college students, immigrants, the military and the list might continue. One interesting feature of slang is that although it lacks the status of standard written language, due to the fact that it is informal and spoken, it somehow manages to make its way into culture, once the slang words have been indexed by dictionaries.

Jargon, on the other hand, is a set of words or phrases that make sense to the reader or collocutor, provided that they belong to a specific social or professional group. In a depth, technical jargon refers to the words or expressions that belong to a certain field of knowledge which can only be understood by the specialized people who study or work on those areas. The origin of jargon dates back in the 14th century, when *jargoun*, a variant of *gargoun*, migrated from French, literally meaning *the twittering of birds*. According to University of Bergamo professor Maurizio Gotti, author of *The Language of Thieves and Vagabonds. 17th and 18th Century Canting Lexicography in England*, the word showed up in English through Chaucer's *The Canterbury Tales*. (Gotti, 1999:

IT-Related Jargon and Slang - Necessity or Gibberish?

16) "Jargon can be a problem, but it also serves a purpose", claims Hillary Shulman, who adds that "As our ideas become more refined, it makes sense that our concepts do too". (Shulman, 2019: 847) Yule defines jargon as specialized vocabulary used among members of a social groups (Yule, 2006: 211). Finegan supports Yule's definition of jargon, claiming that jargon consists of specific terms used by a group of people with common typical interests and connects jargon to occupations in various fields of science and research such as finance or medicine and links it to activities involving sports, music and computing (Finegan, 2008: 322). As the society discovered the power of jargon in the last century, jargon has been given new definitions from new perspectives. Hudson defines jargon as "a word which can indicate intention and effect, as well as characteristic, and helps us to identify society's enemies more closely". (Hudson, 2010: 28)

Here are some characteristics of jargon and slang:

| Features | Technical jargon | Slang |
|--|---|---|
| Typical linguistic features | Official name of things; Sometime spelt in capital letters; Commonly shortened to abbreviations, contractions or acronyms | Low colloquial vocabulary; Limited vocabulary resources; Use of words with general meaning specified by the situation |
| Common in writing? | Yes | No |
| Common in speaking? | Yes | Yes |
| Rate of change | Depends on the rate of change in professional areas | Only words and phrases, not structures |
| Indexed in dictionaries? | Only in specialized or technical dictionaries | No |
| Typical length of plain-English alternatives | Longer, except for abbreviations | Shorter |

2. Problem statement

More deliberately than not, groups define themselves through the use of specific terminology. When this terminology becomes vague or is defined as gibberish by outsiders, we are dealing with technical jargon or slang. The use of technical jargon allows us to communicate efficiently using shared context around concepts for which there is no need to be explained in detail for each time they are used. Technical jargon and slang refer to specific domains of interest, such as Automation, Multimedia, Robotics, Electronics, Computers or Communication over the Internet. These terms and expressions can be grouped, according to the relationship with their referent, in subdomanins such as:

A. Pieces of data

- *Bit*: a single binary piece of data, either 0 or 1.
- *Byte*: eight bits strung together to represent a specific value such as a letter or a digit.
- *Dword*: a double word, or 32 bits.

- *Nibble*: a half byte, or 4 bits.
- *Word*: 16 bits of data used to represent a discrete piece of data.

B. E-mail related terms

- *Black hole*: a place on the Internet where deleted messages go.
- *Bounce*: an e-mail message when it is returned to you as undeliverable.
- *Emoji*: also known as *emoticon*; little smiley faces, frowning faces etc. that are used to convey mood in written conversations, sometimes consisting of combinations of punctuation marks such as colon or semicolon and parenthesis or capital letters.
- *Martian*: an unexpected message as a result of faulty routing.
- *Spam*: irrelevant or unsolicited messages sent over the internet, typically to a large number of users, for the purposes of advertising, phishing or spreading malware.
- *Phishing*: message designed to trick a person into revealing sensitive information to the attacker or to deploy malicious software on the victim's infrastructure like ransomware.

C. Computers

- *Bluetooth*: a wireless networking technology which allows chordless connection between devices, named after Harald Gormsson, King of Scandinavia, who apparently had a pretty gnarly smile as a result of blueberry consumption, legend has it.
- *Blob*: Binary Large Object, large amount of data other than just simple text, usually stored in a database.
- *Bug*: first used by Thomas Edison, referring to a moth trapped in an early computer that blocked a relay from proper functioning; it refers to any error in software or hardware.
- *Crapplet*: pejoratively used, indicates an applet that is not worth anything;
- *Dead Tree*: a paper printout of an electronic file, frequently done single-sided and in color.
- *Easter Egg*: originates in the tradition of hiding colorful eggs for children to seek out; programmers may also embed Easter Eggs in their programs for motivated hackers to find. These hidden features can require a very unlikely series of keystrokes, mouse clicks or cheat codes to activate.
- *GUI*: abbreviation for Graphical User Interface.
- *Hash*: a fixed-length numerical value calculated from a variable length amount of data.
- *Kludge*: poorly programmed software, a piece of hardware cobbled together from spare parts, or a temporary fix of a problem.
- *Mouse*: a type of input device.
- *Thinking*: the process of calling a subroutine to complete a task.
- *TWAIN*: standard for hardware interoperability, whose acronym was inspired from Rudyard Kipling's *The Ballad of East and West*: ...never the twain shall meet.
- *Virus*: malware which causes damage, steals data and can provide attackers with remote access to computers.

IT-Related Jargon and Slang - Necessity or Gibberish?

- *Wintel*: common combination of Windows running on computers which have Intel processors.
- *Worm*: another type of malware which crawls across systems, either seeking specific data or exploiting vulnerabilities which can in turn be used to exploit other systems.

D. Social media

- *Hashtag*: The # character combined with a word or phrase concisely defines a conversation, post, tweet or image; it is intended to make it easier for people to find a topic by performing a search on the term associated with the hashtag.
- *Lurker*: a person who spies on discussions on forums or groups, without intervening.
- *Stories*: Short videos uploaded on various social platforms.
- *Troll*: a person who participates in discussion groups, public forums or on social media websites and posts inflammatory statements in order to ridicule and deride others.
- *Tweet*: the act of submitting a post on Tweeter.

E. Web terms

- *404*: Hyper Text Transfer Protocol response code for *File Not Found*, 404 is being used to simply convey things like *not found* or users who are not present or cannot be found.
- *Cookies*: files used to store information from one visit on a webpage; cookies are also being used to track users and deliver advertising.
- *Newbie*: a new user on a platform or a subscriber without experience.
- *Spider*: search engine.
- *Web*: pages or sites on the Internet.
- *Wiki*: acronym for *What I Know Is...*

F. Communication

- *AFK*: abbreviation for Away From Keyboard, to signify when you need to step away, so that people chatting with you don't think you are ignoring them;
- *AMA*: abbreviation for Ask Me Anything.
- *Interwebs*: slang for the Internet, as a way to make fun at non-technical people who confuse the Internet with the World Wide Web.
- *IRL*: abbreviation for *In Real Life*.
- *IMO*: abbreviation for *In my opinion*.
- *N00b*: spelled with zeroes, indicates a relative newcomer or someone who lacks experience.
- *Podcast*: any recorded media that can be consumed later and can cover virtually any topic.
- *TBH*: To be honest.
- *WYSWYG*: abbreviation for What You See Is What You Get.

Although some of the jargon words or slang provided in the list above can be found in dictionaries (*web*, *spider*, *cookie*, *bug* or *mouse*), these words are used in their connotative meaning for technical purposes. Other words, such as *newbie*, *interwebs*,

lurker or *sysop* are created by means of lexical contamination. Abbreviations or contractions are also present, as some structures are bulky or cumbersome, e.g. Yahoo for *Yet Another Hierarchically Organized Oracle*.

3. Research questions

Being the very essence of colloquial speech, slang is related to convenience rather than to grammar rules. The question that arises is rightful: why do people use slang words? Well, there are some obvious explanations: just for fun, to escape from clichés or to disperse the solemnity of conversation. Some of these explanations work for the students in Automation, as slang allows them to be understood only by their peers and to show that they belong to a certain social group.

When tackling a specific area of the lexicon, certain professionals or people with common interests tend to use specific terms, known as technical jargon, which can be recognized and understood by their peers. But why do people need to use technical jargon instead of plain English? Using technical jargon among professionals saves time and offers a great range of accuracy, as not all technical terms can be expressed in plain English with concision. Many jargon terms exist due to their use among specialists or groups of professionals. For students in Automation, Computers and Electronics, the main purpose of using jargon is to make the interaction among peers easier. For common individuals, terms such as *the Big Blue*, *gremlin* or *glitch* may sound funny, although for students they make sense.

4. Purpose of the study

The purpose of the study, which was conducted over a period of 12 weeks on a group of 86 students in the first year, first semester, at the Faculty of Automation, Computers and Electronics from the University of Craiova, was to identify the frequency and the degree of complexity of the jargon and slang words they use.

5. Research methods

The methods used for this study were survey, participant observation and secondary analysis. The frequency of jargon and slang words was measured for 1 occurrence per 10000 word corpus, grouped in 10 series, in spoken production, spoken interaction and writing, while the degree of complexity was analyzed by observing the level of comprehension from the collocutor's part, expressed through the need for further clarification.

6. Findings

The results of the study are shown below:

Table 1: Results

| Word/expression | Type | Referent | Frequency | Complexity |
|-----------------|--------|----------------------|-----------|------------|
| <i>meg</i> | jargon | megabyte | 5,7 | low |
| <i>comms</i> | jargon | communications | 5,6 | low |
| <i>zap</i> | slang | to delete | 5,4 | low |
| <i>RAM</i> | jargon | Random Access Memory | 5,4 | low |
| <i>kludge</i> | slang | temporary correction | 5,3 | high |
| <i>gremlin</i> | slang | an unexpected fault | 5,0 | medium |

IT-Related Jargon and Slang - Necessity or Gibberish?

| | | | | |
|-------------------------------|--------|--|-----|--------|
| | | in the system | | |
| <i>asap</i> | jargon | as soon as possible | 5,0 | low |
| <i>glitch</i> | slang | an error that causes the system to crash | 4,8 | medium |
| <i>vapourware</i> | jargon | products which exist in name only | 4,7 | medium |
| <i>to pass the smoke test</i> | jargon | casual test | 4,5 | high |
| <i>wetware</i> | slang | the knowledge, human brain | 4,3 | medium |
| <i>LAN</i> | jargon | Local Area network | 4,2 | low |
| <i>Big Blue</i> | jargon | I. B. M. | 4,0 | medium |
| <i>bozo</i> | slang | stupid guy | 4,0 | low |
| <i>KISS</i> | jargon | Knowbot Information Service System | 3,7 | high |
| <i>black hole</i> | slang | a place where deleted mails are sent on the web | 3,6 | low |
| <i>snail mail</i> | slang | traditional postal services | 3,4 | medium |
| <i>404</i> | jargon | a web page which cannot be found or a person who is absent | 3,4 | medium |
| <i>lurker</i> | slang | a person who does not participate actively in forums or discussion | 3,1 | medium |
| <i>MIME</i> | jargon | Multipurpose Internet Mail Extensions | 2,8 | high |
| <i>trojan</i> | slang | A type of computer virus | 2,5 | low |
| <i>CAFE</i> | jargon | Common Access for Everybody | 2,5 | high |
| <i>SysOp</i> | jargon | System operator | 2,5 | low |
| <i>bells and whistles</i> | slang | unnecessary things | 2,3 | low |
| <i>chrome</i> | jargon | thing meant to embellish | 2,2 | medium |
| <i>martian</i> | slang | a message received following a routing error | 2,1 | high |
| <i>VERONICA</i> | jargon | Very Easy Rodent Oriented Netwide Index to Computerized Archives | 2 | high |
| <i>wow and fluttering</i> | slang | background noise | 2 | medium |

Adrian Florin BUŞU

| | | | | |
|-------------------|--------|--|-----|--------|
| | | (e.g. on computer speakers) | | |
| <i>Easter egg</i> | jargon | message hidden inside a program | 1,7 | medium |
| <i>baud barf</i> | slang | meaningless digits on screen, as a result of faulty internet connection | 1,6 | high |
| <i>geek</i> | slang | a person keen on technology | 1,5 | low |
| <i>hamster</i> | slang | chordless mouse | 1,5 | low |
| <i>WINS</i> | jargon | Windows Internet Name Service | 1,4 | medium |
| <i>luser</i> | slang | contraction of <i>lose</i> and <i>user</i> ; a ridiculous guy | 1,4 | low |
| <i>wintel</i> | jargon | contraction of Windows and Intel processors; it refers to a type of computers using Intel processors and running Windows | 1,4 | low |
| <i>newbie</i> | slang | a new subscriber | 1,4 | medium |
| <i>spam</i> | slang | sending messages sistematically for advertising purposes | 1,3 | low |
| <i>PING</i> | jargon | Packet Internet Groper | 1,2 | low |
| <i>flooding</i> | jargon | sending countless messages in order to block a system or a user | 1,1 | medium |
| <i>PIN</i> | jargon | Personal Identification Number | 1 | low |
| <i>spider</i> | slang | search engine | 1 | medium |
| <i>net lag</i> | jargon | long time awaiting for server response | 1 | low |

Note: if the collocutor required no further explanation, the degree of complexity is considered low. If the collocutor required partial explanation, the complexity is considered medium. If the collocutor required extended explanation, the complexity is considered high.

As we can see from the table above, the first four words, *meg*, *comms zap* and *RAM* have the highest rate of occurrence and a low degree of complexity, as they were understood immediately, without the need of any supplementary explanation. What is really interesting is that, in terms of word type and frequency, out of the 42 words listed in the table, the number of jargon words (22) is slightly similar to the number of slang

IT-Related Jargon and Slang - Necessity or Gibberish?

words (20). By continuing the analysis of the results provided in the table, we can note that 19 words/expressions have a low level of complexity, 15 have a medium level of complexity and just 8 have a high level of complexity. One observation that is worth mentioning is that technical jargon and slang have become so ingrained in students's practice that they use them unintentionally. This just goes to show that words belonging to technical jargon and slang are interwoven in communication, so that to ensure the most efficient way of communication among students while maintaining a satisfactory level of comprehension.

7. Conclusions

All things considered, the jargon words and slang related to Internet Technology play an important role in communication among peers. Technical jargon describes terminology that can only be understood by those with a technical background. Rather than using normal, accessible words that can be easily understood by everyone, jargon is a kind of shorthand that is used to simplify communications among certain groups. It implies the use of words and phrases that are unintelligible to ordinary people, if these structures are taken out of context. Moreover, jargon is different from slang in that slang is an informal use of language, while jargon is simply a collection of terms and phrases that can only be understood by certain groups of people. However, jargon and slang are interwoven within the framework of Information Technology domain, as jargon is used to convey meaningful information in a convenient way and to exchange information optimally among students, whereas slang plays a role in constructing identity and helps students reinforce connection with their peer group.

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Article Info

Received: March 25 2022

Accepted: March 31 2022

How to cite this article:

Buşu, A. F. (2022). IT-Related Jargon and Slang - Necessity or Gibberish? *Revista de Ştiinţe Politice. Revue des Sciences Politiques*, no. 73/2022, 191-200.



ORIGINAL PAPER

The Dynamics of Legal English Lexicon

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Abstract

The paper is a complex investigation of lexical features and culturally specific elements in legal translation. The applied research is based on analysis of the bilingual corpus (European legal documents). In order to validate the working hypotheses, linguistic, socio-cultural and translational aspects were carefully correlated, with the stated purpose of identifying the recurring problems in the management of specialized lexicon and of the cultivems in the legal translation, considering the increasing importance on which the translations from and into English have been received.

The translation market has imposed high quality standards, and the competence of the translator, in this case the legal translator, is not limited only to technical issues.

Keywords: *socio-cultural aspects; which must be carefully managed; different legal systems; different interpretations of terms.*

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1.1. The English lexicon and language varieties

With regard to the synchronic features of the English lexicon, further appreciations are to be taken into consideration. Thus, maintaining the concept of central *core* or *Common English*, linguistic research studies emphasize the fact that the lexicon of the English Language displays typical features according to certain language varieties. Specialised classifications of English language varieties provide further the synchronic features of the English lexicon. According to this classification, a graphical representation of the language varieties and their lexical peculiarities would show the following (Quirk 1985: 15):

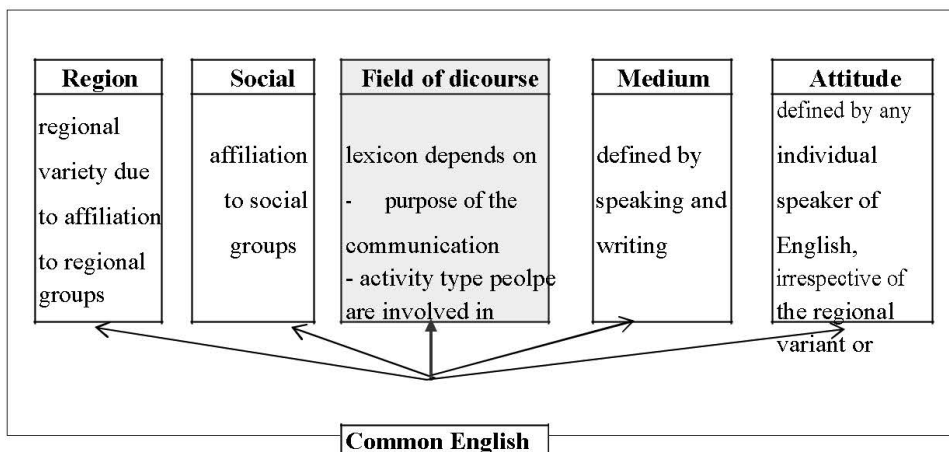


Figure 1 - Language varieties and their lexical peculiarities

As the main interest of the present paper is to present typical lexical features of legal language, in what follows we will focus mainly on certain lexical characteristics of Standard English versus legal English used in written documents.

1.2. Language varieties according to field of discourse

Depending on the professional domain, training and interest, the individual can change the register of the language used. Thus, the change of register can be understood as the individual's choice to turn to a particular set of lexical items, which are frequently used for handling the field in question.

The switch to a certain register implies further changes beside the particular set of lexical items. This aspect is clearly emphasised by the language of technical and scientific description. In such cases the passive is common and clauses are often nominalised. Moreover, noticeable grammatical differences are to be found in the language of legal documents.

Generally speaking, literature is a long-established field, though it extends to other fields (Quirk 1985: 24). Furthermore, some fields have certain characteristics in common, for example, legal and religious English have numerous forms peculiar to their respective fields, but both may include usages that are otherwise archaic.

Moreover scientific language covers a wide range of subject matter (psychology, literary criticism, history, physics, medicine), each of which could be regarded as a separate field, though all these varieties belong to the scientific register.

The Dynamics of Legal English Lexicon

According to Quirk, the scientific languages number considerable varieties which have developed their own linguistic expression (Quirk 1985: 25). Among these language varieties, legal language lexical peculiarities are to be further presented and analysed.

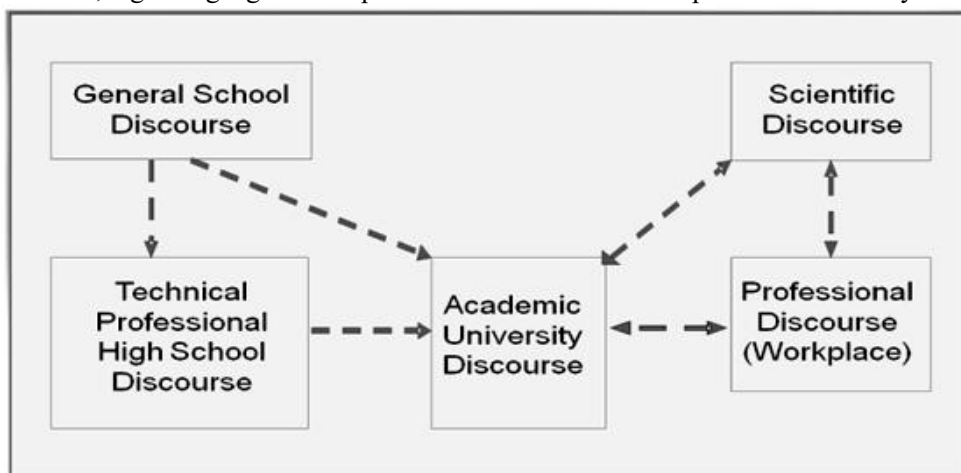


Figure 2 - Continuum of texts in academic and professional fields

1.3. Legal language lexical features

Characterised by Cao (2007: 21) a distinctive feature of legal language, legal discourse is a complex and unique aspect in translating legal texts.

As postulated by Danet (1984: 3), legal *vocabulary exhibits distinctive lexical features particular to expressing the concepts of law and*, as a consequence, it has been subjected to analysis in a number of studies. Thus, the author highlighted the following features as characteristic of the legal register:

- *technical terms*
- *common terms with uncommon meanings*
- *archaic expressions*
- *formal items*
- *unusual prepositional phrases*

Nevertheless, despite the efforts of simplification and *unfreezing* prominent theorists and researchers within the field of legal language feature this area of expertise by mentioning attributes like *formality*, *frozen*, *consultative* Danet (1984: 9). Consequently, key features of the legal register and style indicate concepts such as concreteness, conciseness, and clearness of intentions and actions, a special system of clichés and stamps which lack of emotional colouring. As a result, the frozen style of legal English is typically exemplified in its lexicon.

Based on theoretical arguments and practical analysis, the present section aims at proving that even though more and more people ask for the use of plain English in official documents, most of them exhibit the lexical features of archaic words, technical terms or use deliberate vague words.

1.3.1. Formal words

Not everyone knows what initiate or *terminate* means, but virtually any speaker of English understands *begin* and *end*. The formal words like the former ones which are

rarely used in general English, are frequently used in legal language. Formal language is one of the traits of the legal lexicon. There are a lot of formal words, a small sampling of those would mention terms like: *approximately*, *commence*, *complete*, *construe*, *convene*, *employ*, *notify*, *present* etc.

Transfer of days between fishing vessels flying the flag of different member states

“Member States may permit the transfer of days present within the area for the same management period and within the area between any fishing vessels flying their flags provided that points 4.1. and 4.2. and 12 apply *mutatis mutandis*. Where Member States decide to authorise such a transfer, they shall *notify* the Commission, before the transfer takes place, of the details of the transfer, including the number of days to be transferred, the fishing effort and, where applicable, the fishing quotas relating thereto”. (REGULATION (EU) 2015/104:114)

“In light of the particular characteristics of air traffic in the Union, common competence standards for air traffic controllers employed by air navigation service providers should be introduced and effectively applied, ensuring air traffic management and air navigation services (ATM/ANS) to the public.” (REGULATION (EU) 2015-340:7)

One of the main purposes in using such words is to make legal documents to sound formal.

1.3.2. Archaisms

D. Crystal writes: “It is especially noticeable that any passage of Legal English is usually well studded with archaic words and phrases of a kind that could be used by no one else but lawyers” (Crystal 1969: 194) Such old-fashioned words are archaisms. Lawyers tend to believe that these archaisms enable clearer and less ambiguous reference and give greater weight and authority to the language. In legal language, the typical used archaisms are compound adverbs formed usually by adverbs, such as *here*, *there*, or *where*, to which prepositions, such as *after*, *at*, *by*, *from*, *in*, *of*, *to*, *under*, *upon* or *with* etc., have been suffixed. These words were common in medieval English. Rather than saying “under it” or “under that”, a speaker of Middle English could say “*hereunder*” or “*thereunder*”. And instead of using “with what” or “with which” in questions, Middle English speakers would generally say “*wherewith*”. In addition, legal English has retained several morphological forms that have died out in ordinary speech.

“Having regard to Regulation (EU) No 167/2013 of the European Parliament and of the Council of 5 February 2013 on the approval and market surveillance of agricultural or forestry vehicles (1), and in particular Article 22(4), Article 24(4), Article 25(2), (3), and (6), Article 27(1), Article 33(2), Article 34(3), Article 35(4), Article 45(2), Article 46(3) and Article 53(8)” there of REGULATION (EU) 2015-504:1

“Direct fishing of the species set out in Part A of Annex V, shall be prohibited in the zones and during the periods set out therein.”

For exploratory fisheries, the TACs and by-catch limits set out in Part B of Annex V, shall apply in the subareas set out therein”. (REGULATION (EU) 2015/104:117)

Such kind of words reflects the regular, solemn, conservative, rigid and authoritative style of contracts and the use of which can avoid the repetition and redundancy. One of the main justifications for continued use of antiquated vocabulary is

The Dynamics of Legal English Lexicon

that it is more precise than the modern equivalent. Using antiquated terminology bestows a sense of timelessness on the legal system, as something that has lasted through the centuries and is therefore deserving of great respect. And archaic language is considered more formal than everyday speech.

1.3.3. Loans or Borrowings

Loans represent the second linguistic layer of the legal vocabulary. Concerning borrowings of Latin root, Cao (2007: 58) considers that comprehension difficulties might appear as such words, even if they are similar linguistically; turn out to be different in legal substance. Accordingly, Cao (Ibid: 57) presents several examples of *common false friends* such as the word *demand* which is differently treated in English and French; in this respect, the word *domicile* in English, *domicile* in French and *Domizil* in German are differently rendered within the legal documents in these languages. In addition, examples of noun phrases such as *good faith* in English, *bona fides* in French and German are not entirely the same, as they are regarded by Cao as examples of linguistic equivalents but conceptually non-equivalents or partial equivalents in different languages.

Transfer of days between fishing vessels flying the flag of different member states

“Member States may permit the transfer of days present within the area for the same management period and within the area between any fishing vessels flying their flags provided that points 4.1. and 4.2. and 12 apply mutatis mutandis. Where Member States decide to authorise such a transfer, they shall notify the Commission, before the transfer takes place, of the details of the transfer, including the number of days to be transferred, the fishing effort and, where applicable, the fishing quotas relating thereto.” (REGULATION (EU) 2015/104:114)

1.3.4 Technical terms

Legal language contains a large number of words that are not used at all in ordinary speech.

In legal texts, technical terms are widely used such as: *defect, remedy, jurisdiction, damages* and/or *losses indemnities, tenancy*, etc. In the following example the underlined words are commonly used technical legal terms in contract English.

“This system and the results of the assessments shall be documented; (2) established a documented agreement with a qualified entity, approved by both parties at the appropriate management level, which clearly defines: (i) the tasks to be performed; (ii) the declarations, reports and records to be provided; (iii) the technical conditions to be met in performing such tasks; (iv) the related liability coverage; and (v) the protection given to information acquired in carrying out such tasks. (b) The competent authority shall ensure that the internal audit process and a safety risk management process required by ATCO. AR.B.001(a)(4) cover all certification or oversight tasks performed on its behalf”. (REGULATION (EU) 2015-504: 19)

In this excerpt there are 106 words, among which more than 25 words are technical terms. That can show us the frequent use of technical terms in legal documents.

According Cao (2007:10) such terms affect the meaning of the other lexical units used in connection with them, thus legal words have meanings only in the context of the existence of a legal system and only through particular rules of law. Under the

circumstance, we can emphasise that legal language provides a typical a lexicon which is constructed differently from that of the ordinary language, and involves terms that relate to each other in ways different from those of the ordinary language.

1.3.5 Common words with uncommon meanings

Words used on any occasion are called common words. In legal language, there are some common words used in specialized style, therefore they can be considered technical terms. In this situation, they are used not for their common meaning, but for their special sense. Thus, for example *prejudice* as a common word (noun), means an unfair and often un favourable feeling or opinion formed without thinking deeply and clearly or without enough knowledge. But in legal language, *prejudice* means loss of any rights. In ordinary speech, *same* usually implies comparison to a similar object or person; that implication is lacking in the legal meaning, which refers to *the thing mentioned*.

According to the analysis of the proposed corpus there were encountered common words with uncommon meanings like: *action, article, award, consideration, party, satisfaction* etc.

“findings, corrective actions and date of action closure”. (REGULATION (EU) 2015-504: 36)

“Upon notification to the Commission by the Member State concerned, the Commission may endorse the outline of the intended quota transfer or exchange that the Member State has discussed with the relevant Contracting Party to the RFMO. Thereupon, the Commission shall exchange, without undue delay, the consent to be bound by such quota transfer or exchange with the relevant Contracting Party to the RFMO. The Commission shall then give notification of the agreed quota transfer or exchange to the secretariat of the RFMO in accordance with the rules of that organization”. (REGULATION (EU) 2015/104:15)

1.3.6. Deliberate use of vague words

According to Mellinkoff, the language of the law is sometimes characterized as one of extraordinary *precision*, and *unambiguous* (Mellinkoff 1994: 26). Precision is the driving force for the unique characteristics of legal English, which is critical to reducing the likelihood of misinterpretation. But precision is not necessarily extreme clarity—it may also involve selecting the appropriate level of vagueness or flexibility. Exactitude and completion are achieved by using both the accurate and vague words together.

According to the examples provided below we could argue that terms or expressions like *in a reasonable period of time* or by *technical regulations in force* are used by the contractual parties with the intent to make the contract more operative:

“(b) The competent authority shall ensure that the internal audit process and a safe tyrisk management process required by ATCO.AR.B. 001(a) (4) cover all certification or oversight tasks performed on its behalf”. (REGULATION (EU) 2015-504: 19)

“If the competent authority allocates tasks related to the initial certification or continuous oversight of persons or organisations subject to Regulation (EC) No 216/2008 and its implementing rules, they shall only be allocated to qualified entities.

The Dynamics of Legal English Lexicon

When allocating tasks, the competent authority shall ensure that it has:...” (REGULATION (EU) 2015-340: 85)

“(4) The authorities performing supervision and verification of compliance under this Regulation should be sufficiently independent from air traffic controllers when issuing licences or extending the validity of the endorsements, when suspending or revoking licences, ratings, endorsements or certificates in cases where the conditions for their issue are no longer met. Those authorities should also be sufficiently independent from air...” (REGULATION (EU) 2015-340: 1)

Based on the translation-oriented perspective postulated by Cao (2007:23) that “the nature of law and legal language contributes to the complexity and difficulty in legal translation, we further aim at highlighting particular features of legal language in terms of lexical and culture-bound particularities.

2.1. Legal language specific features and translation difficulties

Regarding the special occurrences and the difficulties translators may face when dealing with legal language texts, Cao (Ibidem) establishes a classification of various factors which influence and may even alter the quality of a legal translated document, even if the most appropriate translation strategies and procedures have been applied. In this respect, Cao refers to the difference between legal systems and laws arguing that even though legal language is a technical language *it is not a universal technical language, but one that is tied to a national legal system.*

Within the same climate, it is worth mentioning that:

- a main factor that may imply translation difficulties is the difference between the two legal systems of the source and target language, this aspect being clearly emphasized by Trosborg (1991) as well.
- Still, it is not only the peculiar characteristics of each legal system which may lead to ambiguities, but the cultural differences as well. We could say that it is due to cultural differences that specific legal systems have been developed among different societies as *language and culture or social contexts are closely integrated and interdependent* (Cao 2007: 31). Trosborg (1991:78) highlights that law reflects society and that a legal system of a particular nation or a speech community is a reflection of its culture and its institutional traditions and regularities. Because of this close interaction between the legal system and the culture of a nation, legal translation between two languages becomes more difficult, the translator is assigned the tasks of *a mediator between two intercultural situations of communication* (Croitoru 1996: 212). This view is also supported by Cao (2007: 25) who states that law is an expression of the culture, which is expressed through legal language. Legal language, like any other language use, is a social practice and legal texts necessarily bear the imprint of such practice or organizational background.
- The third factor, and an essential one for our investigation, also mentioned by Cao (Ibidem), which can give rise to ambiguities in legal translation, is the linguistic dimension. At this point, Cao refers to two interrelated linguistic dimensions which can affect the translation process from a source text into a target text. Firstly, it is worth taking into consideration that legal language is an instance of LSP, thus encoding special syntactic, semantic and pragmatic rules (Sager 1990 in Cao 2007: 28). Trosborg

(1991: 66) states that *The acquisition of a special language happens through explicit rules which need common language for their introduction [...]*.

However, equal attention should be paid to the translators' competence and behaviour towards legal documents. In this respect, Cao (2007: 81) considers that often, *a translator has to make hard decisions within the constraints of language*. Admittedly, considering both the importance of the most appropriate translation strategies that have to be applied throughout a translation process and the translator's skills and competences in approaching legal texts we will further adopt the perspective put forward by Cao (2007) regarding the existence of translation difficulties that are likely to occur in legal documents translation. Being aware of the significance of all the previously defined factors that influence the translator during the translation process, we shall focus mainly on the lexical aspects that may generate ambiguities at various levels.

It is worth mentioning that our research is focused on both English and the Romanian translations, aiming to identify and analyse particular features of lexical and culture-bound particularities that may happen during the translation process, i.e. during the translation of English Regulations into Romanian.

By means of this investigation we first attempt to reveal those particular lexical and culture-specific issues that may occur during translating the source texts into the target texts. Accordingly, we shall to carry out a linguistic contrastive study of the findings in terms of qualitative and quantitative forms of lexical and culture-bound particularities in the translation of EU official documents, i.e. EU Regulations.

Conclusions

To sum up we could envisage that lexical characteristics of legal language and moreover of EU official documents are to be emphasised by the very nature of this language variety as a branch of legal English

If analysing contracts' language lexical features synchronically, various characteristics are to be mentioned:

- thus, concerning compounding the analysis showed that this process is not quite productive, especially regarding compounds from adjectives, verbs and even adverbs;

- the most frequently encountered compounds belong to the class of nouns to which other words were attached;

- furthermore the undertaken analysis showed that the process of derivation is the most productive in contracts. Thus, derivation by suffixes has recorded the highest number of new word forms encountered within the analysed contract texts, around 250 derivatives, while prefixation only produced about 70 new word forms;

- further processes of word formation seem to be rarely used in contracts. Among other products of word formation which were encountered in contracts, though not so productive, were examples backformation and acronyms.

At the *lexical* level ambiguities seem to occur most frequently due to an ambivalent use of specific vocabulary items. Thus, by investigating both native and bilingual contracts we reached the conclusion that: **common words with uncommon meaning** are likely to cause lexical translation difficulties;

- **archaisms** and **loans** are the less frequently encountered examples of translation-related difficulties, especially due to the formal and strict norms of the contract style. However, borrowings have been encountered in our analysis; most of the loan items being instances of **Latin** and **French borrowings**, such as *quantum-cuquantum*

The Dynamics of Legal English Lexicon

which were is understood and used both by the drafters and the translators of the analysed texts. Some other examples of borrowings used in Romanian target texts, which regard more contemporary contract and business lexical items such as *joint venture* or *the format* (of the document) have also been properly transferred and used in the TT documents;

- in the case of synonyms, **legal terms** seem to produce most of the ambiguous examples encountered, mainly due to an ambiguous interpretation of such words during the translation process. The most frequently encountered instances of lexical ambiguity determined by **synonymous legal terms** are noun phrases or compound nouns containing words such as *law, lege; regulation, regulament, dispoziții; provision, măsură de precauție, prevedere; rule, normă, regulă*, which sometimes have been ambiguously interpreted and used interchangeably;

- in terms of *morphological* characteristics, we can state that **noun + noun compounds** are those ambiguous instances most frequently encountered both in source and target texts. While comparing source texts and target texts a further conclusion indicated that a high rate of **noun + noun compounds**, some of which ambiguous, have been transposed into the Romanian target texts mainly as **noun phrases**. Moreover, these target text **noun phrases** frequently display multiple interpretations, for example, *performance warranty – garanțiede bună execuție, quality terms, condiții calitative, remedy costs, costuri de remediere*.

We may conclude by stating that translation-related difficulties in terms of lexical and culture-specific issues do occur in legal language texts. Moreover, most translation-related difficulties do not occur due to translation errors, but rather due to the specific features of legal language which translators have to take into consideration, acting cautiously.

Needless to say those social, cultural and political factors also need to be taken into consideration when drafting or translating contracts.

Authors' Contributions

The authors contributed equally to this work.

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The Dynamics of Legal English Lexicon

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Article Info

Received: March 24 2022

Accepted: March 30 2022

How to cite this article:

Păunescu, F.A., Chirițescu, I. M. (2022). The Dynamics of Legal English Lexicon. *Revista de Științe Politice. Revue des Sciences Politiques*, no. 73/2022), 201-211.



ORIGINAL PAPER

Lucian Blaga – diplomatic friendships

Ramona Șendrescu¹⁾

Abstract:

In this paper, we aim at highlighting the relationships that Lucian Blaga — in our view, the most complex Romanian author of the last century — had, during his 11 year-journey through five European capitals, when he attended various administrative and diplomatic functions, with family members and close relatives, representatives of the diplomatic corps, politicians, etc., in order to get a better knowledge of this stage in his professional life by means of his diplomatic reports, his memories and extensive correspondence with personalities of the 19th century. We have therefore conducted an analysis of Blaga's diplomatic friendships upon thoroughly consulting several sources — correspondence, memorials, press articles, literary studies. We focused on the early stages of his diplomatic career, when he was influenced by his wife, Cornelia Brediceanu, and her brother, Caius Brediceanu. We then carry on with the friendship he maintained with Nicolae Titulescu and King Charles the IInd of Romania, his royal protector.

Through hard work and perseverance, Blaga went from press attaché to holding various grades of auxiliary positions in Romanian diplomatic legations in Europe and, later on, in diplomatic functions as Under-Secretary of State and Minister Plenipotentiary of Romania to Portugal. Due to his desire to remain apolitical, having Titulescu as his role model, Blaga wasn't looking to become a member of any party, but he had to accept the proposal of King Charles the IInd to be part of a government of intellectuals (the government under Prime Minister Goga), as Under-Secretary of State and, later on, as a representative of Romania to Portugal.

Keywords: *traditional diplomacy; cultural diplomacy; diplomatic friendships; diplomatic professions; press attaché; Minister Plenipotentiary.*

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Lucian Blaga – diplomatic friendship

1. Romanian diplomacy — post-World War I renewal

After 1914, along with peace negotiations that took place after the world's first conflict, international and Romanian diplomacy went through a radical transformation i.e. disavowing the absolute secrecy revolving around French territory, redesigning the diplomatic functions and methods of communication. Diplomatic activity suddenly becomes an intense subject of debate for the media. Diplomats become actors who play on the international stage, true stars for a political and diplomatic thrill-hungry audience. Diplomacy becomes public with the Treaty of Versailles (1919), which led to the official conclusion of World War I after 6 months of intense and publicised negotiations.

The Romanian delegation which included Ion I.C. Brătianu, Nicolae Mișu, Constantin Coandă, Nicolae Titulescu, Ioan Cantacuzino, Alexandru Vaida-Voevod, led by Prime Minister Ion I.C. Brătianu, signed the Peace Treaty between the Allied and Associated Powers and Germany on June 28, 1919, an unfavourable treaty for the Romanian people. On July 2, 1919, the president of the Romanian delegation left Paris, by publicly protesting and drawing the attention of the international press to the injustice made to the Romanian state.

The fact that the Great Union was declared on December 1, 1918 provided Romanian intellectuals, who were part of Romanian cultural diplomacy, led by Titulescu and Ion Ghe. Duca, favourable premises to serve legitimate national interests. Knowing as no other the labyrinths of diplomacy, Nicolae Titulescu saw and promoted in diplomatic functions young people who were well-informed about Romania.

At the beginning of the nineteenth century, the diplomatic network of the young Romanian state included 11 missions (in Athens, Berlin, Belgrade, Constantinople, London, Paris, Petersburg, Rome, Vienna, Brussels and Sofia). Until the outbreak of the First World War, the Romanian government opened other five diplomatic representations in Bern, Madrid and Dürres, as well as a diplomatic agency in Cairo. The network of diplomatic representations created by the modern Romanian state was therefore centred on Europe. The 1921 Law mentioned that Romania had 25 permanent diplomatic missions in Athens, Belgrade, Berlin, Brussels, Budapest, Christiania (Oslo), Constantinople (Istanbul), Copenhagen, the Hague, Helsingfors (Helsinki), Lisbon, London, Madrid, Paris, Prague, Rio de Janeiro, Rome, Sofia, Stockholm, Tokyo, Warsaw, Vatican City, Vienna and Washington. (Potra, 2006: p.185)

2. Lucian Blaga enters Romanian diplomacy persuaded by his wife and her brother, Caius Brediceanu

According to the state of service within the Ministry of Foreign Affairs, the diplomat Lucian Blaga spoke the following foreign languages: German, French, Hungarian, was a university professor of Philosophy of Culture and an active member of the Romanian Academy.

According to his personal file in the Archive of the Ministry of Foreign Affairs, Lucian Blaga conducted a continuous diplomatic activity from 1926 to 1939, as follows: from November 1926 to November 1927 in Warsaw; from November 1927 to April 1928 in Prague; from April 1928 to November 1932 in Bern; in November 1932 he was promoted press secretary of the Vienna Legation and then press adviser until 1937; from February 1, 1937 to December 1937 he returned to Bern. As of December 30, 1937, Blaga was part of the Goga government, at the Ministry of Foreign Affairs, holding the function of Under-secretary of State, where he worked until the dismissal of the

government — on February 10, 1938; from April 1, 1938 to April 1, 1939, he was appointed Extraordinary Minister Plenipotentiary to Lisbon.

The young literate wanted to enter into diplomacy soon after the end of the First World War, in the political, cultural and diplomatic climate created by the Great Union of Alba Iulia in 1918 and the creation of Great Romania, probably persuaded by Cornelia Brediceanu and upon recommendation of her elder brother, Caius Brediceanu. Advised by the latter, Blaga prepares for his diplomatic career, attending studies in the field of law at the University of Cluj. In her diary, Cornelia Blaga-Brediceanu confirms with certainty that the poet Lucian Blaga entered into diplomacy at her suggestion and under the guidance of Caius Brediceanu, diplomat, holder of a PhD in law obtained in Vienna and Paris, an active participant in the act of the Great Union, who was part of the Romanian Delegation to the Paris Peace Conference, Minister Plenipotentiary of Romania to Brazil, Vatican City, Vienna and Helsinki.

To this end, in his application, a handwritten document from the Archive of the Ministry of Foreign Affairs, bearing the stamp of the General Registry, no. 00863/January 5, 1922, Blaga referred to himself as follows: “I am a PhD holder in Letters and Philosophy awarded by the University of Vienna — and I have published a series of literary works well received by our critics, among others ‘The Poems of Light’ and ‘Stones for My Temple’, both awarded by the Romanian Academy. Being given this function, I think I can further develop myself and get in touch with the West.”

The request — dated Bucharest, December 28, 1921 — includes a recommendation signed by Caius Brediceanu with a small motivation “I warmly recommend the appointment of Mr Blaga, especially since we don’t have any Transylvanians to represent us in Paris”. The philosopher’s application was archived by the Minister of Foreign Affairs as there were no vacancies. However, on January 5, 1922, Lucian Blaga received a copy of Decree No. 76 issued by the Department of Personnel and Protocol within the Ministry of Foreign Affairs, which announced his appointment to the requested function, as of January 1, 1922. Blaga is not content with the news and, after requesting a postponement for illness, he received the news that his petition had been accepted by Decree No. 1739 on April 17, 1922.

Cornelia Blaga is responsible for his return to diplomacy, after insisting on the idea between 1923 and 1926. In 1926, Blaga applied for classification as a “press attaché” in Munich but ended up at the Romanian Legation in Warsaw. The young Romanian diplomat began his activity as press attaché in Warsaw, where a Romanian Legation was founded for only a few years, following the establishment of the Romanian-Polish diplomatic relations in June 1919.

In order to dispel any concerns related to Blaga’s choice to become a press attaché, we quote the following excerpt from his memo of activity (1958): “I lived in Lugoj from 1924 to 1926, working as a publicist, dedicating my time mainly to poetic, theatrical and philosophical writings and publishing a series of volumes. At the time, I published articles in German for the great Czech newspaper *Prager Presse* related to the cultural and artistic life in Romania. This collaboration with an important foreign newspaper was one of the reasons why I was appointed, in 1926, as an official of the Foreign Ministry and sent abroad.” (Popa, 2018: 18)

We would like to point out that, for his career as a press official in external services, Blaga met the following requirements: to hold a Bachelor’s degree granted by a faculty in Romania or abroad; to be a professional publicist or journalist recognised by the professional organisations concerned; to have an experience of at least two years of

Lucian Blaga – diplomatic friendship

actual activity in a newspaper or periodical publication; to speak, in addition to French, the language of the country where he was assigned to work. (Potra, 2006: p.185)

Lucian Blaga was not really a diplomat, as according to the *Law on the amendment of several articles in the law on the organization of the Ministry of Foreign Affairs of 1920*: the following staff shall be part of the diplomatic service: 1) Ministers Plenipotentiary, Classes I and II; 2) Legation Counsellors; 3) Legation Secretaries, Classes I, II and III and 4) Attachés of Legation. (Potra, 2006: p. 59)

With the approval of the *Law on the Organisation of the Ministry of Foreign Affairs* on July 15, 1938, a distinction is made between diplomatic, administrative and press staff, which includes: 1. Press advisors. 2. Press secretaries cl. I. 3. Press secretaries cl. II. 4. Press secretaries cl. III. (Potra, 2006: p. 209)

In his memorial book, *Lucian Blaga necunoscut*, Corneliu Blaga, a career diplomat, notes that “Lucian Blaga was never part of the diplomatic corps itself” while working as a press attaché (1926-1929), press secretary cl. I and cl. II (1929-1933) and press and cultural adviser (1933-1937) at the Romanian Legations in Warsaw, Prague, Bern, Vienna, except for the time he spent working in Lisbon (April 1, 1938-March 31, 1939) when he served as an Envoy Extraordinary and Minister Plenipotentiary of Romania to Portugal. In the interview he gave to I. Oprișan, Corneliu Blaga was even more direct: “Lucian Blaga had worked as an attaché, secretary and press adviser to that time. He was never a diplomat. However, this was completely different from diplomacy. Press attachés are rather similar to press representatives of the major agencies like *Hawas*, *Reuter* and others”. (Oprișan, 1995: 105)

Blaga himself expresses his opinion in regards to the profession of press attaché, in 1945, at a conference in Cluj: “In the spring of 1928 it has been decided that I shall be transferred from the Legation of Romania in Prague to the Legation in Bern. I had been a press attaché for quite a while, a rather uncertain position, at the edge of diplomacy, which gave many possibilities to the person holding it.” (Blaga, 1972:182–199)

The young writer had not yet completed his mission as a press attaché to the Romanian Legation in Warsaw, which began in November 1926, when he was awarded, by high royal order, given by King Ferdinand, in June 1927, the Order of the Star of Romania in the rank of knight. Certainly, the reports sent by Blaga to Bucharest, some reaching the government or the Sovereign's office, related to the way in which the Polish press was monitoring the situation in Romania, had a significant influence on the proposal made by the Ministry of Foreign Affairs to give the young cultural attaché the highest order. This is how Blaga got to be the youngest press attaché to receive the highest distinction, before many colleagues of his generation.

3. The influence of Nicolae Titulescu on the diplomat Blaga

Nicolae Titulescu, permanent delegate of Romania to the League of Nations since 1924, the Minister of Foreign Affairs (1927-1928 and 1932-1936) and President of the Assembly of the League of Nations in 1930 and 1931, a brilliant diplomat and orator, made Romania's voice heard internationally.

After 1918, Titulescu led the Romanian foreign policy. He had a great influence not only on Romanians but also on Europeans. The final version of the Covenant of the League of Nations (Versailles, June 28, 1919) was approved on April 28, 1919 and signed by Nicolae Titulescu and Ioan Cantacuzino on behalf of Romania.

Ramona ȘENDRESCU

In the autumn of 1930, the great Romanian diplomat was elected president of the League of Nations, almost unanimously, and in the following year, he was elected for the second time in this position, which is uncommon for that period.

Romanian diplomats, namely Titulescu, also carried out a remarkable activity within the League of Nations, in order to maintain peace and ensure the territorial integrity and national sovereignty of Romania.

During his two mandates as Minister of Foreign Affairs, Nicolae Titulescu advocated for the inclusion in the Romanian diplomatic corps of several people who recommended themselves exclusively through intellectual qualities and moral virtues, as well as their professional commitment.

Lucian Blaga asked Nicolae Titulescu, the Minister of Foreign Affairs at that time, to dispatch him from Warsaw to Prague, where he stayed only for three months, being transferred to Belgrade right after. Blaga was surprised by this decision, which enabled him to write to Nicolae Dianu, press and information director, and request his transfer to Bern. Thus, on November 1, 1927, Nicolae Titulescu appointed Lucian Blaga as a press attaché to the Romanian Legation in Prague.

Lucian Blaga's professional duty was to identify articles and other press information concerning Romania and to report on them. Considering that, during the longest period of the press adviser's activity, the position of Minister was fulfilled by Titulescu, most of the stories were related to his actions in international politics.

It was not by chance that Nicolae Titulescu appointed him adviser to the Romanian Legation in Vienna (on November 1, 1932), as a recognition of the exceptional diplomatic activity he had carried out in Switzerland.

Since the beginning of 1933, when National Socialism came to power in Germany, Austria had become — in Blaga's words — the “most sensitive point” on the continent, being “the most sensitive barometer of international cyclones and anticyclones”, which is why Nicolae Titulescu insisted on being informed about “everything that was going on in Vienna”. (Blaga, 1972:182–199)

Blaga's admiration for Nicolae Titulescu has grown with the work he carried out in Switzerland and Vienna, where he was directly connected to the debates in international politics at the League of Nations and where he had the opportunity to meet Nicolae Titulescu several times. In the *Foreword* to his book *Lucian Blaga. Din activitatea diplomatică*, Pavel Țugui holds that Titulescu was the ideal model of a diplomat for the young Blaga: “over the years, we see that he has ideologically and morally associated himself with the political principles cultivated and affirmed on the national and international arena by Nicolae Titulescu” (Țugui, 1995:11), and George G. Potra goes on even further by stating that: “Nicolae Titulescu praised Lucian Blaga, who worshipped Nicolae Titulescu.” (Potra coord., 2011:16)

The event that took place in August 1933, namely Titulescu's arrival in Bad-Gastein, Austria, for a short holiday, is utterly significant in terms of the relationship Blaga had with Titulescu. Upon receiving a few envelopes by diplomatic post at his office at the Legation, which had to be handed over to him as soon as possible, Blaga was the one to take them to the minister: “One afternoon, he invited me over his place. Titulescu engaged in some kind of speech, quite eloquent, in regards to the international situation [...] No one else realized as well as Titulescu the seriousness of the historical turning point that has been reached in international life”. (Blaga, 1972:182–199)

Lucian Blaga was the one who revealed Titulescu's opinion on his play, “Avram Iancu”. Blaga recalls that, whenever he passed through Switzerland in his ministerial

Lucian Blaga – diplomatic friendship

train wagon, Nicolae Titulescu stopped in Vienna for a few hours during which he used to present to him “some sort of brief verbal reports on the political conditions”. During such a meeting, when the train was about to leave, Lucian Blaga handed over to him a freshly printed copy of his drama play – “Avram Iancu”. The minister smiled at him and said: “Be sure that I'll read it”. “For me, Titulescu's promise to read it was satisfactory enough, although I was confident that he would never have the time for it.” (Blaga, 1972:182–199)

Titulescu often appreciated Blaga's diplomatic activity in Austria, either verbally or in writing, and used to tell him: “Thank you for your interesting Report”, as well as his work as a writer, showing him high appreciation. When meeting him at the train station in Vienna, the great Romanian diplomat recited a few lyrics from the “Avram Iancu” drama play, showing him that he had read the play and how much he liked it. This is how Blaga records the story: “Titulescu recited the lyrics in which I spoke about the mythological bird in the Apuseni Mountains, which, in my play, stands guard near the heart of the nation.” (Blaga, 1972:182–199)

On November 23, 1945, Lucian Blaga organized an extensive conference in Cluj, in the Academic College hall, which was dedicated to Nicolae Titulescu. After the death of the great diplomat, Blaga created a flattering portrait of Titulescu, by reenacting his last confrontation from 1928, in regards to the issue of optants, when the serious matter of Hungarian landowners' rights over their lands in Transylvania was under debate: “Then Titulescu entered the hall, standing tall, with a pale face, calm and even-tempered. The crowd turned heads towards him and a frenzy of curiosity spread amongst press correspondents: Titulescu! The rumbling made me feel the immense reputation he enjoyed internationally. It was for the first time in four months when Titulescu left his hotel room. The sacred disease came to an end... This is how I knew Titulescu. For years, later, I had many opportunities to watch and admire his work on the international stage.” (Blaga, 1972:188)

As a sign of great appreciation, Lucian Blaga dedicated his volume, *Cunoașterea luciferică* (1933), to the father of modern Romanian diplomacy: “To Mr. Nicolae Titulescu, a tribute to the man, a bow at the dialectician”.

4. King Charles the IInd, Blaga's protector

In the decade of his reign, Charles the IInd gave generous support to Romanian intellectuals and cultural institutions. Through his initiatives, he assumed the status of main leader of national culture at a time of strong nationalist demands. Many intellectuals saw Charles the IInd as an intelligent and ambitious sovereign, able to support their cultural projects and reforms. By means of these cultural approaches, the monarchy tried to enrich its own political project.

King Charles the IInd stated that he wanted to be the new “Brâncoveanu of Romanian Culture” (an allusion to the cultural development of this Wallachian prince's reign), the one called by his contemporaries “Voivode of Culture” (the use of the term “voivode” is not random; it refers to a medieval culture and to a political language) and, as he used to speak about himself, in August 1930, in a short speech given at the University of Vălenii de Munte: “I have the same Romanian heart beating in me and, following the example of the Romanian voivodes who supported the culture of the Romanian nation, I commit to being a Voievod of the Romanian Culture” (Carol II, 1940: 32, 46). The King founded two Cultural Foundations, making a great contribution to the field of written culture in the first half of the 20th century, just like his predecessor,

Carol the 1st. His greatest cultural achievement is the creation of the Royal Foundation Charles the IInd, with the Royal Foundation for Literature and Art Publishing House and, in 1934, of *Revista Fundațiilor Regale* (Magazine of Royal Foundations) by means of which he supported and financed people of culture such as Emil Cioran, George Enescu, Mircea Eliade, Constantin Brâncuși, George Emil Palade and Constantin Noica. For those concerned with the problems of contemporary thinking, “Biblioteca de Filosofie Română” (the Romanian Philosophy Library) was created, where the works of Romanian representative thinkers were published: D. D. Rosca, T. Vianu, M. Eliade, L. Blaga, P. P. Negulescu and M. Ralea.

In June 1937, when Blaga was elected member of the Academy, the solemn sitting was postponed several times until June 5, 1937, so that the king, who wanted to be present as well, can give an extremely commendable speech on Lucian Blaga's literary creation. The reception speech held at the Romanian Academy on June 5, 1937, was broadcast live on the radio.

In her Diary, Dorli Blaga recalls the times in which her father prepared his speech for the Academy reception: “Usually, the newly elected person followed in the place of a deceased academician and gave a reception speech, a eulogium to the departed one. Blaga was at that time the youngest academician, who didn't step in the place of someone else. The position was created for him. This is why the reception speech was not a eulogy to a predecessor. But to the predecessor of us all: The Romanian village, from which we all descend.” (Blaga, 2012: 302)

The newly appointed academician thus gave, in front of King Charles the IInd, the reception speech at the Romanian Academy entitled “Eulogy to the Romanian village”.

L. Blaga was elected only in the third round, as Nicolae Iorga vehemently opposed his election. In his speech, the sovereign, who presided over the sitting, as honorary president of the Romanian Academy, praised Blaga, the youngest academician, who was barely 41 years old: “I wanted to attend this reception because it has great significance. The Academy welcomes the first representative of a new Romanian school, the first representative of the Romanian post-war literary talents. Lucian Blaga's reception at the Romanian Academy is the official and definitive enshrining of Romanian literature”. (Carol II, 1940: 32-46) So, by praising Blaga, the sovereign had the opportunity to talk about his favourite two topics: the village and the culture.

In a letter addressed to Basil Munteanu, the newly appointed academician confirms the King's highly praising attitude: “And the king's speech made an impression like no other at the Academy: he wanted to assert that he identified himself completely with the way in which I see the future evolution of Romanian culture. [...] The King congratulated me, but in his speech, he congratulated especially the Academy for choosing me.” (Munteanu, 1979:172)

On February 1, 1937, after the dismissal of Nicolae Titulescu as Foreign Minister, Lucian Blaga was transferred again to Bern, where he worked only for one year, until January, 1938 when Prime Minister Octavian Goga appointed him Under-Secretary of State to the Ministry of Foreign Affairs, being actually in charge, as of February 3, of all foreign relations matters of the ministry, as per Government Decision. But, a week later, on February 10, the Goga Government resigned and, naturally, Lucian Blaga could no longer preserve his position. On March 11, 1938, he was appointed Plenipotentiary Minister to Portugal by King Charles the IInd, reaching Lisbon on April 10-11.

After only one year, the Plenipotentiary Minister to Portugal asked the king to call him back into the country, although it was for the first time when he was very well

Lucian Blaga – diplomatic friendship

paid — knowing that Blaga always sought to have minimal financial security to deal with his true vocation, poetic and philosophical creation — to take care of his university career in Cluj. On April 1, 1939, Blaga's mission had ended and, with it, his entire diplomatic activity.

Without a doubt, Charles the IInd helped Blaga become “Under-Secretary of State to the Ministry of Foreign Affairs in the forty-four-day government led by Goga and Cuza” (Petreu, 2021:15), Minister Plenipotentiary of Romania to Portugal (1938-1939) and he was also the one who enabled him to become full professor at “Ferdinand I” University of Cluj.

On May 10, 1939, Charles the IInd gave Lucian Blaga a decoration, the Cross of Faithful Service in the rank of Commander, as a sign of appreciation.

Few know that Charles the IInd personally appointed Lucian Blaga Senator at the National Renaissance Front, alongside with George Enescu, Mihail Sadoveanu, Emil Racoviță, Iuliu Hatieganu, where he worked from June 1939 until the summer of 1940, when the king closed down the Front (June 22, 1940).

After Charles the IInd left the country in 1940, Blaga remained without any royal protection and was soon subjected to the attacks of the priests, culminating with the criticism launched by Dumitru Stăniloae, by the rationalist philosophers — by means of their representative, Rădulescu Motru, and by fellow colleagues from the magazine “Gândirea”, represented by Nichifor Crainic.

5. Conclusions

This paper aimed at providing an answer to the following questions: Was Lucian Blaga a public official or a diplomat? Did the functions assigned to him during the 11 years of diplomatic activity influence his poetic and philosophical activity?

Lucian Blaga took part in the Romanian diplomatic activity when Western diplomacy met an unprecedented effervescence, but in a difficult period, both from an organizational and political point of view. From an organisational perspective, some Legations were newly established, understaffed and did not have well-trained personnel; moreover, there were not many laws and regulations to establish the obligations of diplomats and press attachés, in particular. From a political perspective, by means of his diplomatic activity, Lucian Blaga participated in geostrategic events, such as the recovery and stabilization of European countries after World War I and the new areas of influence with the assertion of German National Socialism and Nazi ideology.

We would like to point out that the system of press attachés was introduced after World War I for the journalists. This decision did not achieve its goal, as it was impossible to appoint all journalists press attachés, as there were always new ones entering the field who criticized the government or their former fellows.

It cannot be denied that Blaga was an invaluable asset as a press attaché in diplomatic matters. By offering this distinction to Lucian Blaga, the man of culture, Romania enjoyed the advantages that came along with the role he played as an objective analyst at a time when Europe was changing. But, of course, this distinction was also beneficial for the writer and philosopher Blaga, giving him the chance to have a much-enriched perspective on the contemporary world and helping him define his cultural method in presenting philosophy. In addition to his qualities as a man of culture, Lucian Blaga demonstrated throughout the missions entrusted to him a talent appreciated in diplomacy that took the shape of a successful career in the field, ranging from press

attaché to the most respected diplomatic position — Ambassador-Envoy Extraordinary and Plenipotentiary Minister of Romania to Portugal.

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Article Info

Received: February 02 2022

Accepted: February 10 2022

How to cite this article:

Șendrescu, R. (2022). Lucian Blaga – diplomatic friendship. *Revista de Științe Politice. Revue des Sciences Politiques*, no. 73/2022, 212-221.



ORIGINAL PAPER

From Moldovian Dialect to Romanian Literary Language – Similarities and Differences

Ileana Mihaela Chirițescu¹⁾, Floriana Anca Păunescu²⁾

Abstract:

The development of the Romanian language in various closed communities led to the emergence of regionalisms. These lexical units are sometimes incomprehensible by speakers from other regions of Romania.

The Romanian language is a paradise for borrowing and has adapted to all situations and overcome them all. The Romanian language will always be winning. Because, in a dictionary article, in etymology, sometimes five origins are given, because we had translations from French, German, Greek texts. They all influenced and this is known from phonetics. It was the language that chose the ideal form. Usual chose a form and the Romanian language did not drown due to too many sources. But the Romanian language will win, because it is very important that today's students use the terms according to the European norm. Not around our isolated corner of the world. No language stands still, it is constantly enriched by borrowings of any kind from other languages and in turn gives to other languages. It is a continuous movement, and it is natural for that to happen. Here we can give the example of words that for a period of time are accepted in specialized dictionaries with two or even more forms, all being considered correct.

The writer Nicolae Dabija said that the dialect spoken by the Bessarabians can easily enter in the Guinness Book - because the language spoken in Bessarabia has the most names in the world - the Moldavian language is called: state language, native language, language of the ancestors, language of instruction, Eminescu's language, Moldovan language, Vieru's language, only not to be called by name, and her name is one – Romanian language.

Keywords: *literary language; dialect; terminology; linguistic variations.*

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From Moldovian Dialect to Romanian Literary Language – Similarities and ...

Introduction

The development of the Romanian language in various closed communities led to the emergence of regionalisms. These lexical units are sometimes incomprehensible by speakers from other regions of Romania.

The Romanian language is a paradise for borrowing and has adapted to all situations and overcome them all. The Romanian language will always be winning. Because, in a dictionary article, in etymology, sometimes five origins are given, because we had translations from French, German, Greek texts. They all influenced and this is known from phonetics. It was the language that chose the ideal form. Usually chose a form and the Romanian language did not drown due to too many sources. But the Romanian language will win, because it is very important that today's students use the terms according to the European norm. Not around our isolated corner of the world. No language stands still, it is constantly enriched by borrowings of any kind from other languages and in turn gives to other languages. It is a continuous movement, and it is natural for that to happen. Here we can give the example of words that for a period of time are accepted in specialized dictionaries with two or even more forms, all being considered correct. After a while, one form disappears and the other remains because it was the most used by the current speakers of that language. The present dictates the form of any language. We cannot use words whose object has disappeared in the 21st century.

There is only one good Romanian language. Instead, we can speak of four major dialects, in ancient branches of the Romanian language: the Daco-Romanian dialect (which we speak), the Aromanian or Macedonian-Romanian dialect spoken in the Balkan countries: Greece, Albania, Bulgaria and in some republics of the former Yugoslavia), the Megleno-Romanian dialect (in Romanian from the Meglen Plain, on the banks of the Vardar, north of Thessaloniki) and the Istro-Romanian dialect, spoken in the Istrian Peninsula, in the northern Adriatic Sea.

If we refer to the conversational level, it is obvious that the inhabitants of Romania and the inhabitants of the Republic of Moldova understand each other perfectly because they speak the same language. That Moldovans speak softer, gentler words, this is not necessarily related to the size of the language, but to a certain degree of kindness with which they were endowed.

Dialect – literary language

Linguistic analysis and research have always sought to eliminate all subjective variations from the study of language and map out each and every portion, catalogue every region of information transference as schematically as possible. From a linguistic standpoint, it is easy to scientifically quantify communication and language objectively. Letters form words, words form sentences, sentences form phrases and the origin of words can be scientifically explained and mapped out. The human factor, however, is highly unpredictable and prone to elusive subjectivity. It is for this very reason that linguistic research appealed to the merits of neuroscience in order to objectively understand and describe the synaptic connectivity behind the generation and proliferation of linguistic response. Michael Arbib et al. (2008) turned his attention towards connecting vocabulary to brain regions through what he called “schema theory”:

According Arbib “schema theory complements neuroscience's well-established terminology for levels of structural analysis (brain region, neuron, synapse)

with a functional vocabulary, a framework for analysis of behavior with no necessary commitment to hypotheses on the localization of each schema (unit of functional analysis), but which can be linked to a structural analysis whenever appropriate. Schemas provide a high-level vocabulary which can be shared by brain theorists, cognitive scientists, connectionists, ethologists and even kinesiologists, even though the implementation of the schemas may differ from domain to domain. [...] Schema-based modeling becomes part of neuroscience when constrained by data provided by, e.g., human brain mapping, studies of the effects of brain lesions, or neurophysiology. The resulting model may constitute an adequate explanation in itself or may provide the framework for modeling at the level of neural networks or below. Such a neural schema theory provides a functional/structural decomposition, in strong contrast with models which employ learning rules to train a single, otherwise undifferentiated, neural network to respond as specified by some training set". (Arbib et al., 2008:1459)

To regard the process of communication as a purely theoretical and objective undertaking can prove to be a substantial oversight on the side of specialised researchers. The subjective aspect of communication was investigated by Keyton et al. (2013) and she concluded that the process of information transference is indeed guided by "communication behaviors", and these subjective pillars of operation control the way we act or interact. The jungle of conversation around us is highly volatile, yet it is based on cooperation in the hope of achieving mutually beneficial harmonisation related to the way we talk and act:

According Keyton "Communication behaviors are composed of acts, interacts, and double interacts, or sets of them. Behaviors initiate a sequence of actions (or interactions) that work together to make progress (or regress) in reaching conversational goals. Thus, we assert that communication behaviors (a) are inherently social, (b) are used to engage in relationships with other members of the organization, and (c) link micro actions of individuals to macro communication patterns and collective structures. Indeed, communication scholars (e.g., Biesel, 2010) argue that communication is necessary for the organizing of any organization to take place and that we should not assume that more communication is equated with better communication. That is, communicating at work is an intersubjective sensemaking process as it occurs in a context bound by formal and informal workplace relationships and societal and organizational cultures". (Keyton et al., 2013:153-154)

Terminology is not just a reflection of our scientific progress, it is a tool that unites great minds who think alike, connecting specialists globally, allowing them to evade capricious cultural barriers and be brought together by the language of science whose ultimate objective is to be granted the status of universality. Specialised knowledge is not meant to be deceitful, its purpose is to promote not just truthfulness, but absolute truths. The honesty behind science is also connected to honesty of intention. It is never enough to just master human discovery; one must also desire to make it generally available and allow the merits of those new discoveries to act as a catalyst for the betterment of all mankind. Specialised communication is achieved among

From Moldovian Dialect to Romanian Literary Language – Similarities and ...

individuals, but its purpose, its supreme goal is the integrated and correlated transcendent advancement of species.

According Bărbuceanu “the world we live today does not resemble the world we grew up in, and the world today is undoubtedly not the world our children and future students will live in. The histrionic fluctuations our world has experienced, technologically speaking, the digital generation students are not the students our institutes and universities were planned for and are not the students present day teachers were skilled to teach”. (Bărbuceanu, 2021:177)

Standard linguistic variations are, of course, also bound to standard deviations of geography and cultural repositioning. Separation and distance will often lead to different paradigms of evolution or even dissolution. The evolution of communicative systems has produced a more stable linguistic product if we are to consider that topography has been all but annihilated through technology, transforming the world into one global village. Television and the internet have secured a standard global dissemination throughout the democratic world, functioning in synergy with the linguistic power of dominant cultures.

A dominant culture achieves this status based on powerful and irrefutable evolution in economics, science, manufacturing and the arts. The inventors of a concept will naturally have the right to name that term and that newly emergent term will successfully proliferate and even infiltrate other languages in the absence of a previously existent equivalent. The language is successful because those who speak it are powerful and bring forth innovation on an unprecedented scale in human history.

Through the embrace of specialised language, people have been able to use terminology to improve and disseminate not only scientific information but also strengthen social and cultural bonds by harnessing the power of communication to honour those positive common traits that can lead to the advancement and stability of humanity. The accuracy of language must work in harmony with a social sense of belonging that must not be allowed to overlook the importance of the individual. Language confirms that we are all stronger together, but the fuel behind our strong togetherness is provided by the individual’s ambition and assertiveness to achieve personal progress and prosperity. Those collective individual energies are brought together through terminology, through communication as a whole, unifying different but potentially complementary actions that can turn good thoughts into good deeds and allow the borderless dissemination of those good deeds across barriers and beyond prejudice for the ascension and cooperation of all mankind.

According Bărbuceanu “he might as well access online libraries, video trails on academic matters, teachers’ blogs or clouds, or even political blogs, networking concurrently with many, or with best few friends, writing on their walls, continually meeting each other and knowing one another, although having never met face to face, discussing, texting and posting what they think, in that moment”. (Bărbuceanu, 2020:139)

Transitioning from the components, the author is preoccupied with the manner in which that specialised lexicon is assembled. The ability to contextualise and conceptualise terminology is of great interest and, of course, syntax, discourse and semantics represent adequate methodologies that can manage specialised communication.

The synergic intersection of curiosity and limited knowledge can be interpreted as fuelling progress in a highly diverse array of human activity. These two elements are

paradoxically tributary to an infusion of meekness and humility, even modesty. Linguistic arrogance can lead to self-sufficiency and a subsequent lack of desire for further investigation and research, yet acknowledging there is a problem represents the first step towards remedying that problem. Modesty leads to ambition, to achieve not only personal evolution, but a collective positive transformation of society and of the species itself. Add pragmatism into the equation, in the sense that we actually need to be more competent in order to solve our problems and succeed, and we basically have the perfect recipe not only for linguistic success but also for adaptive evolution around the host of human activities, economic, cultural or otherwise.

According Bărbuceanu “these are the today students we encounter in the seminar rooms and try to teach them a second language, for example, a learning process that is not accepted by the brain promptly but through an extended period of practice and the acceptance of our surroundings and culture towards that language will also affect the way we learn it”. (Bărbuceanu, 2020:139)

A specialised teacher must not simply be a data bank for terminology but also a specialist who is able to understand and integrate that knowledge, both professionally and linguistically. With all these challenges in mind, it is clear that the effectiveness of specialised language teaching is put into question. The efficiency of this type of specialised language training remains unclear due to the relatively new nature of the practice, as well as the secrecy promoted by multinational companies who are either shy or disinterested in disclosing internal information regarding specialised language training, or simply there has been no interest in assessing the concrete results of that respective training due to cost concerns or issues with the internal allocation of manpower for assessments that are not ultimately essential for the lucrative interests of companies or multinational corporations.

According Bărbuceanu “visual literacy is the ability to distinguish and evaluate visual communications, and the capacity to contemplate and resolve problems in the visual field, to decode, read, inquire, produce, challenge and appraise texts that communicate with visual imageries rather than words”. (Bărbuceanu, 2021:178)

Referring to the differences and similarities between the Moldavian language and the Romanian literary language, it should be mentioned that it is not enough for the teacher to give only examples of words that belong to the Moldavian language.

In one of his speeches, Nicolae Dabija said that Moldovans who speak the correct language speak Romanian language, and Romanians who speak the crushed language, speak Moldavian language.

The greatest praise we can give to our language is to speak it correctly. There is no state outside the language and no language outside the state. And also, there is no people outside the language, there is no independence outside the language.

Over time, many linguists have agreed that the Moldavian and Romanian languages are identical. The Romanian language and the Moldavian language are identical, but different - this was the conclusion of other linguists.

The writer Nicolae Dabija said that the dialect spoken by the Bessarabians can easily enter the Guinness Book - “because the language spoken in Bessarabia has the most names in the world - the Moldavian language is called: state language, native language, language of the ancestors, language of instruction, Eminescu’s language, Moldovan language, Vieru’s language, only not to be called by name, and her name is one – Romanian language”. (<https://www.youtube.com/watch?v=Q-JhFBJP41Y>)

From Moldovian Dialect to Romanian Literary Language – Similarities and ...

According Nicolae Dabija “it is said that Stephen the Great spoke the Moldavian language. Dabija claims that all the documents written at the court of Stephen the Great are written in the Wallachian language. The Moldavian language, as another name for the Romanian language, is attested only over a hundred years after the death of Stephen the Great, around 1600”. (<https://www.youtube.com/watch?v=Q-JhFBJP41Y>)

So we speak and we spoke during the time of Stephen the Great, the Wallachian language, the Romanian language. The people of Bessarabia should be eternally grateful to the Romanian language they speak because it has lasted over time.

Although both the inhabitants of Romania and the Republic of Moldova speak the same language, there are variations of the same terms.

There are many specific terms in the area of Moldova. Let's look at some examples:

- The consonants "ș", "ț" are palatalized. For example, in the plural of words ending in "ș" or "ț": Two soldiers / Two soldiers (doi ostași – doi soldați- "E" mut is reduced to "i": girls - girls (fete-feti)- "Ă" opens in "a" - "forest" becomes "forests" (pădure-păduri) or "grill" becomes "grill" (grătar-gratar) - The group "what" (phonetically transcribed "č") is pronounced as a palatalized "and" - what do you want? = and do you want? (ce vrei? - și vrei). There are regionalisms that are found in different parts of the country. For example, "child" becomes "copchil" for both Moldovans and Maramureș residents. Emphasis is what makes the difference.
- From the vast list of regionalisms that belong to the Moldavian language, here are just a few:
 - harbuz = watermelon
 - barabule = potatoes
 - curechi = cabbage
 - blid = plate
 - păpusoi = corn
 - oghial = blanket
 - chisleag = whipped milk
 - perje = plum
 - pelinca = diaper
 - borta = today
 - chiparus = pepper

The first suggestion is to have specialised teachers actually integrate suggestions originating from students as a way of performing a full diagnosis of the entire educational milieu. The writing of questionnaires and the interpretation of the data can provide very important information that can help teachers filter through their system of knowledge and choose the exact informational packages that can generate a tailor-made experience when it comes to teaching.

It is very important that students know these differences and similarities. And the Romanian language teacher has a crucial role to play in making them understand that a language is not synonymous with the literary language, but this does not mean that that language should not be recognized. There could be no Romanian literary language without speeches, without dialects, without differences between one area and another. How could we even define literary language if we didn't have it all?

Conclusions

Teaching an advanced group of individuals using simplified or depleted materials represents not only de-calibrations terminological and methodological adaptations, but can also challenge the patrimony of trust between trainer and learner, draining confidence and enthusiasm, as well as determination.

Academic teachers can get a better grasp of the educational and cultural realities of the students and begin building early on a collaboratively bond that can have positive consequences in the long run. The job shadowing element is a new tactic in the teaching arsenal and it is based on highly innovative and courageous, if not visionary practices.

Teachers must seriously mention to the students that the Romanian literary language is one, but that its formation is based on centuries of history and linguistics, of movements of both peoples and languages, specific languages for each region. There is no language without region-specific languages, and no languages that are not an integral part of a language.

The Romanian literary language is a unitary whole. It took everything it needed from different regions, assembled, disposed of, put it together, borrowed, borrowed, and finally existed for centuries and still exists, improving day by day. The Romanian language is a treasure, an inexhaustible source of speeches and dialects.

Authors' Contributions

The authors contributed equally to this work.

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Article Info

Received: March 24 2022

Accepted: March 29 2022

How to cite this article:

Chirițescu, I. M., Păunescu, F. A. (2022). From Moldovian Dialect to Romanian Literary Language – Similarities and Differences. *Revista de Științe Politice. Revue des Sciences Politiques*, no. 73/2022, 222-228.



ORIGINAL PAPER

Efficient frontier in portfolios containing stock market and financial digital assets

Andrei-Dragoș Popescu¹⁾

Abstract:

The traditional finance infrastructure has been adapting and evolving with great speed in the last decade, due to the advancement of technologies and the performance of alternative financial models.

The paradigm shift that was presented due to the innovative models of financial digital assets, within the spectrum of Decentralized Finance (DeFi), has pushed investment portfolio structures to a new level of complexity, as they integrated the space of alternative investments and took a deep dive into an unregulated environment that presents new opportunities and challenges.

The risk associated to these new assets is directly proportional with the returns and opportunities that arise from such complex structures.

Fund managers and financial analysts are always embracing novel technologies that optimize, enhance and improve the way financial instruments perform and hedge for the best outcome. The space of financial digital assets introduced new variables for liquidity and volatility along with the connection to new possibilities of diversification in a decentralized environment.

This paper will analyze an innovative approach of a portfolio construction that is composed of stock market and financial digital assets. We will be assessing the Return on Investment (ROI) in the context of combining high volatility crypto assets with a traditional stocks portfolio, in order to identify the best opportunities that present themselves in this hybrid scenario.

The aim of this paper is to explore the balance between returns and risk management by means of an efficient frontier model. We will provide an in-depth analysis for the best performing portfolio taking in consideration volatility and market capitalization of the assets used in this study.

Key words: Financial Digital Assets, Stock Market Assets, Efficient Frontier.

JEL Classification: F33, F42, F01, E02.

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Introduction

In the last years, digital assets trading has been consolidating, reaching greater volumes and liquidity, as more users are understanding and adopting the underlying technology that drives the crypto assets.

The dynamic evolution and adoption of these emerging markets presented high volatility, which was translated in high risk assessment for the participants, and a consequence for these factors conferred higher returns compared to the traditional markets. As the markets matured and more seasoned investors joined, the symmetry of exposures to the risks associated to this environment decreased.

In our opinion we have applied the right methodology, in order to identify the best way to optimize a balanced portfolio, by calculating the efficient frontier for both of these spaces.

The efficient frontier is a method that originates from the modern portfolio theory, that focuses on achieving the balance between returns and risks, for a set of assets seeking to outline the highest performance. This method was formulated by Harry Markowitz in 1952, and was elaborated in a later study by the same author in 1959.

The theory behind our research is based on the assumption that given all the different assets in an investment universe, there is an optimal portfolio for any investor depending on their level of risk, and that portfolio consists of some proportion of stocks and financial digital assets.

This method optimizes the portfolio weights for a set of assets in an investment universe, minimizing the risk for each return assumed.

The essence of the modern portfolio theory is that it is possible to construct an efficient frontier of optimal portfolios, that offer the maximum expected return for a given level of risk. The popular notion which derived from this theory is that, the higher the risk, the higher the return.

Literature review

The literature strand with regards to the Efficient Frontier model present many setbacks or limitations on the theory. One of the limitations of this theory considers that it is best to be considered a theory and not to be applied in practical applications. The efficient frontier theory is based on an assumption model and because of this, it cannot be fully utilized with accurate results in certain applications.

One limitation of the theory is based on the fact that the investments making up the optimal portfolio in the efficient frontier are selected based on the assumption that returns on assets usually follow normal distribution. Another assumption is that investors always consider their allocations rationally, minimizing risk, and furthermore, the asset prices behave in the same manner, meaning they follow a normal distributed way.

In reality, returns on assets are said to follow a heavy-tailed distribution and not the normal distribution.

Aside from the above limitations, some underlying assumptions in the efficient theory such as the rationality of investors and their tendency to avoid risk is debatable. This is because the market generally witness irrational investors and risk-daring investors who can influence certain decisions in the market.

Efficient frontier in portfolios containing stock market and financial digital assets

Clara Calvo, Carlos Ivorra, and Vicente Liern (2012) studied the efficient frontier of the portfolio selection problem and their research concluded that the shape of the efficient frontier can present many irregularities which must be taken into account since the risk of an efficient portfolio can be very sensitive to the selected expected return. This scenario applies especially for small-sized problems. Their study reveals that as the number of assets increases, the efficient frontier becomes more regular at a large scale, and hence its “microscopic” irregularities are not relevant.

Quintana and Moreno (2021) analyzed how the efficient frontier model is used for different scenarios, using multi-objective evolutionary algorithms. Their research is focused on the differences in the number of portfolios or their spacing along the Pareto front, and they introduce a set of alternatives in resampling with standard multi-objective evolutionary algorithms under real-world constraints.

Clarence C.Y. Kwan (2003) researched familiar portfolio concepts that enabled investors to achieve higher expected returns without additional risk exposure, by pooling of investment capital. Based on his study, the risk of the pooled investment must be a particular weighted average of the participating investors' preferred risks.

Pedersen et al. (2020) approached the efficient frontier analysis from an Environmental, Social and Governance (ESG) model. In their study the solution to the investor's portfolio problem is defined by an ESG-efficient frontier and their results show the costs and benefits of responsible investing, analyzing the highest attainable Sharpe Ratio for each ESG level.

The efficient frontier theory was researched and calculated using deep neural networks in some Mean-Variance and Mean-CVaR portfolio optimization problems by Warin X. (2021). In his study, Warin concluded that by adding additional constraints, in order to compare different formulations, he presented the results from the perspective of a new projected feedforward network that is able to deal with some global constraints on the weights of the portfolio while outperforming classical penalization methods.

Different formulas, techniques and parameters have been used to optimize the modeling of the efficient frontier. For instance, Bauder et al. (2018) analyzed the expected return, the variance of the global minimum variance portfolio, along with the slope parameter, as the main parameters for his study of the efficient frontier from a Bayesian perspective. Their posterior distribution is derived by assigning the diffuse and the conjugate priors to the mean vector and the covariance matrix of the asset returns and is presented in terms of a stochastic representation. Furthermore, Bayesian estimates together with the standard uncertainties for all three parameters are provided, and their asymptotic distributions are established.

Methodology

The efficient frontier is one of the earliest portfolio management models used for optimizing portfolios.

In this model, we have to decide which are the optimal weights for a set of stocks in concordance with the behavior over time of the portfolio.

Our first step in our study is to define the weights of our portfolio.

Let N be the number of assets selected for our investment, and based on these, the weights are defined as follows:

$$\sum_{i=1}^N w_i = 1$$

Equation 1 - Weight of the set of assets in portfolio

In equation 1, w_i represents the weight for a stock asset in our portfolio, and all weights must sum 1, given that we define the percentage of our trading capital to be settled on different asset i .

We will also define the market return of the proposed asset and this could be defined as the percent change of the asset:

$$\text{return} = \frac{p_{i-1} - p_i}{p_i}$$

Equation 2 - Market return by percent change

We have defined the two basic concepts to develop our study and this allows us to construct our portfolio.

In equation 3 we display the formula that allows us to calculate the return of the portfolio:

$$\text{mean returns} = \frac{\Sigma \text{returns}}{N_{\text{days}}}$$

Equation 3 - Average of returns for an asset

First, we must calculate the mean return of each stock, which is a vector of $N \times 1$ with the mean return of each stock, and this will allow us to calculate the expected return of the portfolio with the given weights.

$$\text{Expected Return} = \sum_{i=1}^N \text{mean returns} * \text{weights} * \text{trading days}$$

Equation 4 - Expected Return for an asset

We will note that all these operations are matrix products, and the next necessary step that we need to determine is the expected volatility:

$$\text{Expected Volatility} = \sqrt{w^T \cdot \text{cov}(\text{returns}) * \text{trading days} \cdot w}$$

Equation 5 - Expected Volatility for an asset

As we have all the necessary metrics, we advance in computing the Sharpe ratio, which is a proportion of return/risk in our stock, and this will help us calculate our efficient frontier for a given number of random portfolios:

$$\text{Sharpe Ratio} = \frac{\text{Expected Return}}{\text{Expected Volatility}}$$

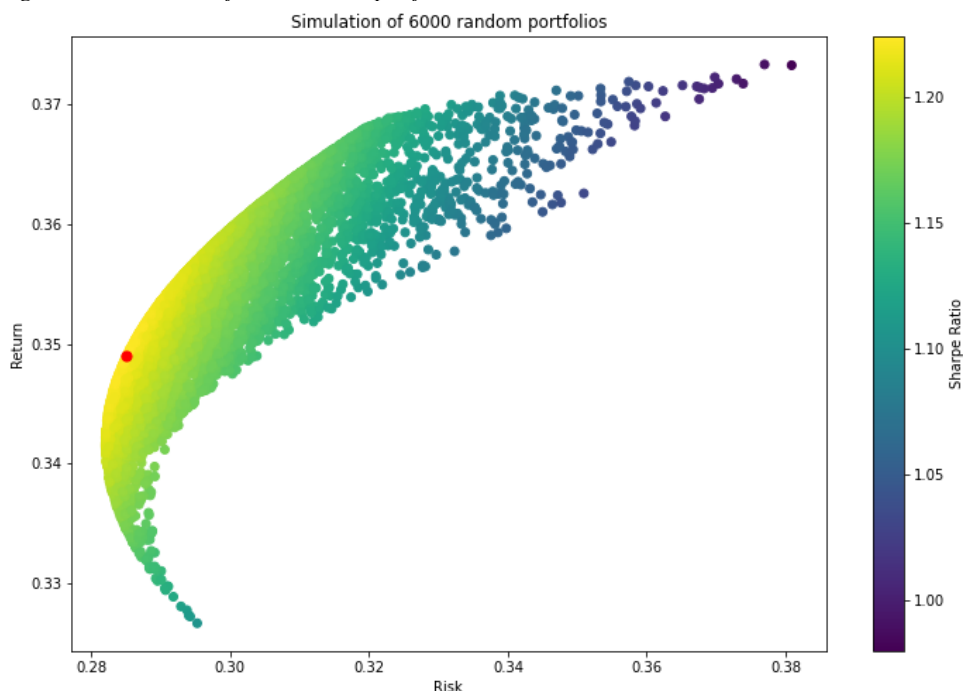
Equation 6 - Sharpe ratio for an asset

Efficient frontier in portfolios containing stock market and financial digital assets

Based on the above formulas, we can simulate several portfolios from which we can extract the maximized sharpe ratio and find the ideal weights for a given return and volatility.

As a continuation of our study, we can generate random portfolios with random weights, and we can present the efficient frontier in a graphical illustration. In the figures generated bellow, the red dot represents the optimal point.

Figure 1 – Simulation of 6000 random portfolios



Source: Author's creation

We can also find an optimal sharpe ratio for our portfolio changing the weights for every assumed return.

The efficient frontier can be modeled as an optimization problem with the next conditions:

$$SR_{max} = -\min(-SR(w_i))$$

Equation 7 - Optimization Problem

Equation 8 is defining the constraints:

$$0 \leq w_i \leq 1; \sum_{i=1}^N w_i = 1$$

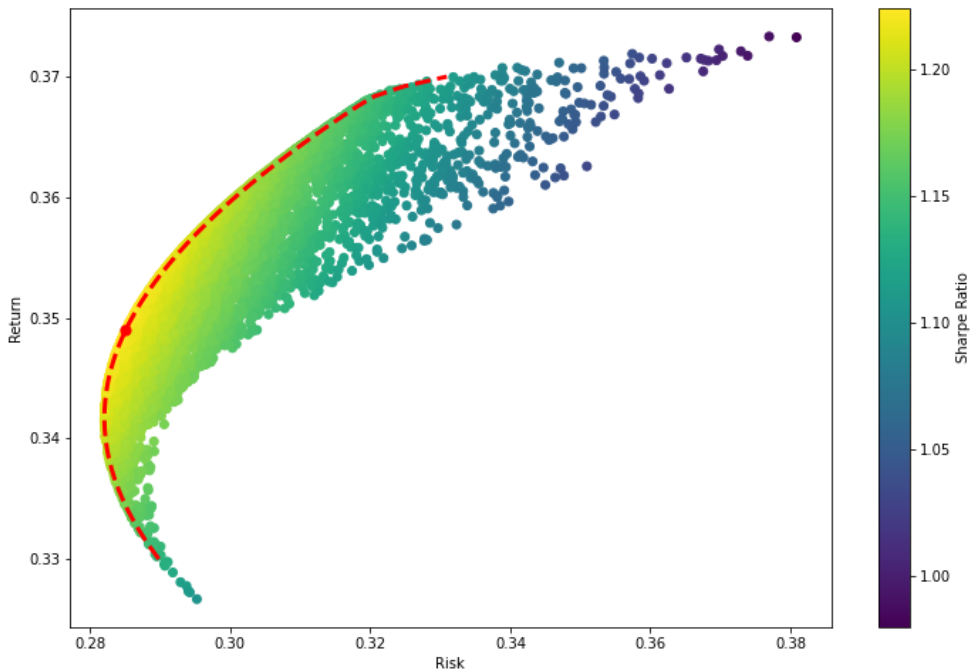
Equation 8 - Constraints for optimization problem

As we cannot control the market returns, nor the volatility, the only control variables we can establish are the weights of each stock in our portfolio.

Now we can use different methods to solve this optimization problem and we decided to use Sequential Least Squares which is implemented in scipy library for python language.

Our study is aiming to calculate the optimal weights to get the less risk for a given expected return, and this is what we interpret as the efficient frontier. Figure 2 illustrates the efficient frontier.

Figure 2 – Efficient Frontier



Source: Author's Creation

The efficient frontier solution allows us to identify those portfolios that are assuming more risk than they should for an expected market return, therefore, these portfolios are not efficient and only those that are on the efficient frontier fulfil the requirements.

To test the case study, we will form three investment portfolios: the first with three stock market assets, the second with three digital assets and the last will be a combination of the six previous assets.

For the benefit of this study, we have identified and used three stocks: Apple (AAPL), Microsoft (MSFT) and Google (GOOG).

For the first portfolio, we select the next stocks:

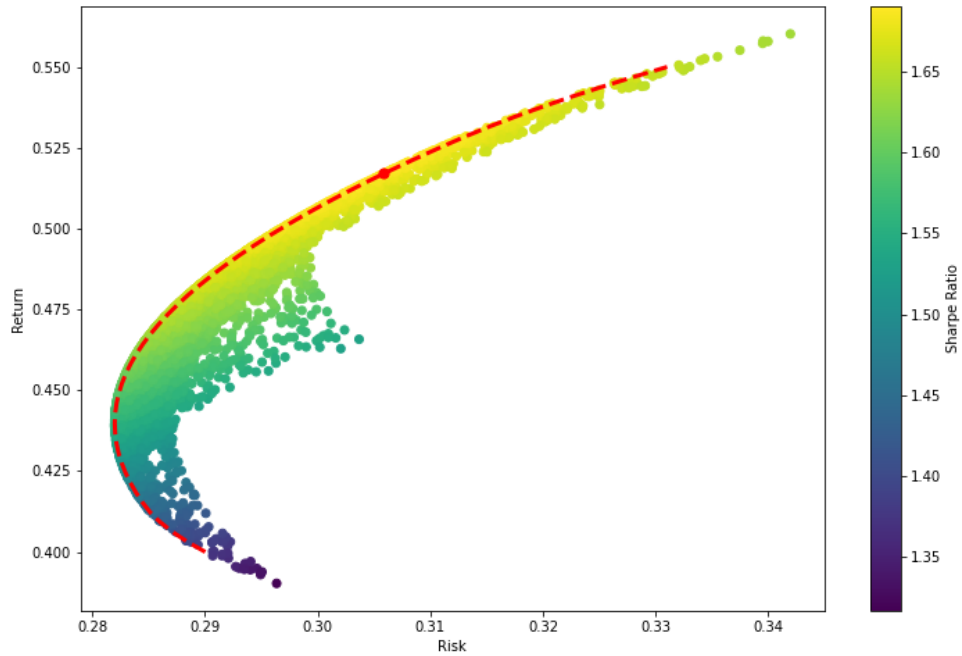
Table 1 – Stock Market Assets with Market Capitalization

| ASSET | MARKET CAPITALIZATION |
|------------------|-----------------------|
| APPLE (AAPL) | 2.94 T USD |
| MICROSOFT (MSFT) | 2.57 T USD |
| GOOGLE (GOOG) | 1.97 T USD |

Source: Author's creation with data taken from Yahoo Finance

Efficient frontier in portfolios containing stock market and financial digital assets

Figure 3 – Efficient Frontier for portfolio 1



Source: Author's Creation

Once the efficient frontier and the optimal point have been calculated for this portfolio, the maximized value for the **Sharpe Ratio is 1.69**, on the table 2 the weights for each asset are reported.

Table 2 – Stock Market Assets with their weights

| ASSET | WEIGHT IN PORTFOLIO |
|------------------|---------------------|
| APPLE (AAPL) | 0.59 |
| MICROSOFT (MSFT) | 0.35 |
| GOOGLE (GOOG) | 0.06 |

Source: Author's creation

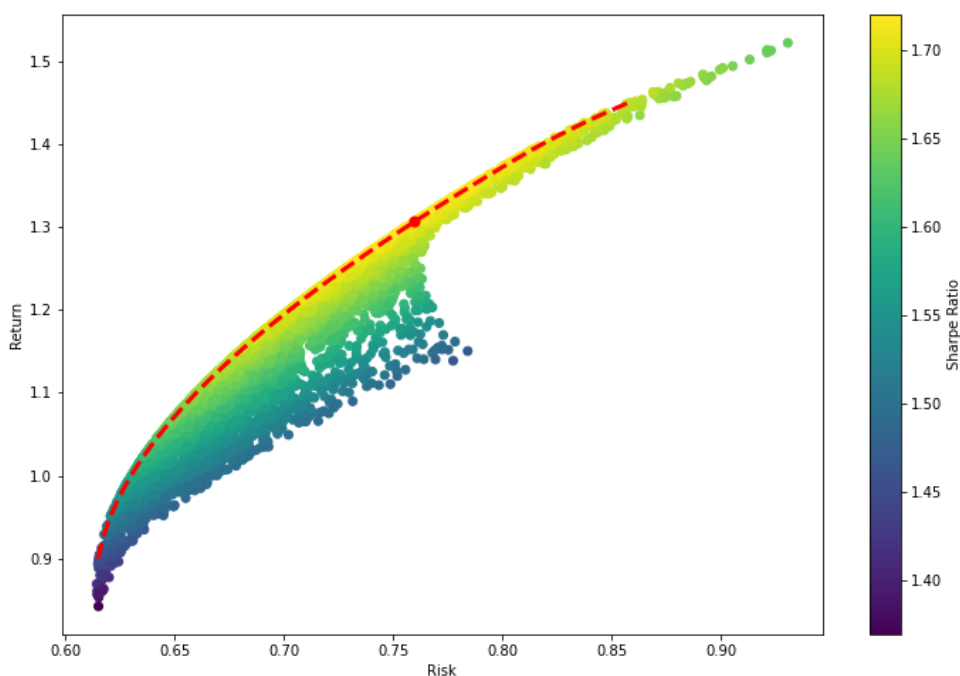
The second portfolio we have selected, includes the next digital assets:

Table 3 – Financial Digital Assets with Market Capitalization

| ASSET | MARKET CAPITALIZATION |
|--------------------|-----------------------|
| BITCOIN (BTC) | 932 B USDT |
| ETHEREUM (ETH) | 482 B USDT |
| BINANCE COIN (BNB) | 94 B USDT |

Source: Author's creation with data taken from Coinmarketcap.com

Figure 4 – Efficient frontier for portfolio 2



Source: Author's Creation

Making the relevant calculations, the result for maximized **Sharpe Ratio is 1.72**, the weights for each asset on this portfolio are reported on table 4.

Table 4 – Financial Digital Assets with their weights

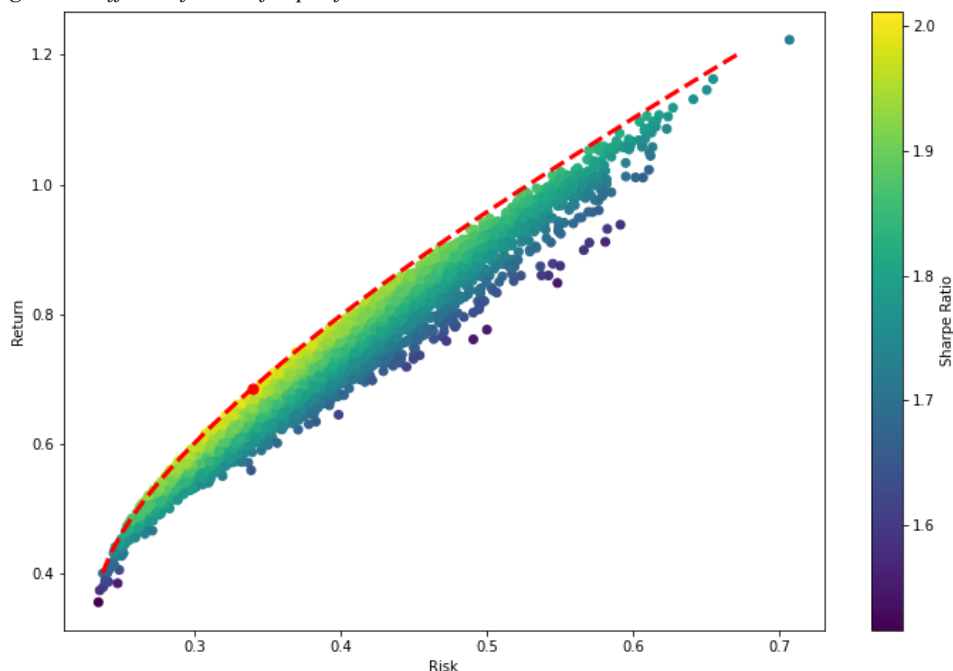
| ASSET | WEIGHT IN PORTFOLIO |
|--------------------|---------------------|
| BITCOIN (BTC) | 0.17 |
| ETHEREUM (ETH) | 0.29 |
| BINANCE COIN (BNB) | 0.54 |

Source: Author's creation

The third portfolio is a combination of the 6 previous assets.

Efficient frontier in portfolios containing stock market and financial digital assets

Figure 5 – Efficient frontier for portfolio 3



Source: Author's creation

Finally, for the combined portfolio, the value for **Sharpe Ratio is 2.0**, and the weights for each asset are reported on table 5.

Table 5 – Mixed portfolio of Stock and Financial Digital Assets with their weights

| ASSET | WEIGHT IN PORTFOLIO |
|--------------------|---------------------|
| APPLE (AAPL) | 0.4 |
| MICROSOFT (MSFT) | 0.23 |
| GOOGLE (GOOG) | 0.02 |
| BITCOIN (BTC) | 0.08 |
| ETHEREUM (ETH) | 0.06 |
| BINANCE COIN (BNB) | 0.21 |

Source: Author's creation

Results

The stock market is characterized by having a low volatility and sustained trends over time, this causes the risk to decrease, in the other hand, digital assets usually have greater volatility, but at the same time a higher return and performance.

A low sharpe ratio is interpreted as a high-risk investment, since proportionally, the expected return is much lower than the risk. However, a high sharpe ratio shows that it is a low-risk investment, as the expected return is greater than the risk.

Table 6 – Portfolio and sharpe ratio

| Portfolio | Sharpe Ratio |
|-----------------------------------|---------------------|
| Portfolio 1 – Stock Market Assets | 1.69 |
| Portfolio 2 – Digital Assets | 1.72 |
| Portfolio 3 – Mixed Assets | 2.0 |

Source: Author’s creation

The stock market and digital assets behave differently over time as each one is characterized by having a different volatility and returns. For this reason, the portfolio of stocks and digital assets presented a different sharpe ratio, and we can observe a higher sharpe ratio when we combine the assets. The result clearly shows the best-case scenario, as we optimize the best option of these two environments and assets.

Conclusion

The efficient frontier is an approach to model the behavior of a portfolio after selecting certain investment assets, maximizing sharpe ratio.

The model makes assumptions that all investors make logical decisions minimizing risk and that the price follows a normal distribution over time. The theory behind the Efficient Frontier and Optimal Portfolios states that we can identify the most favorable combination of risk and return.

The theory relies on the assumption that investors prefer portfolios that generate the most substantial possible return with the least amount of involved risk. We refer to these type of scenarios as optimal portfolios, and they form the efficient frontier curve.

Our study is based on the fact that different combinations of assets produce different levels of return. The optimal portfolio concept represents the best of these combinations, those that provide the maximum possible expected return for a given level of acceptable risk.

The scenario behind our study is based on a buy and hold strategy, so one important question that needs to be addressed is the correlation factor between the assets.

The relationship between assets is an essential part of the optimal portfolio theory. Some prices move in the same direction under similar circumstances, while others go in opposite directions. The more out of sync these price developments are, the lower the covariance between two assets is, which translates into lower overall risk.

The main reason why diversifying is important, comes down to minimization of the volatility and overall exposure to a single asset. This relies specifically to the financial digital assets market, where we encounter different types of risks. On this note, we can address two different type of risks, which are associated with any crypto asset: the first one is the market risk, where within the crypto ecosystem most of the crypto assets ebb and flow with the market as a whole, having bitcoin as the main market mover; and the second one is the idiosyncratic risk, which is crypto specific (Popescu, 2020b). The idiosyncratic risk reflects directly to DeFi, as it is vulnerable to fraud as well as to the proliferation of untested financial innovations (Popescu, 2020a).

Looking at the performance of the stock market from 2001 to 2010, the buy and hold strategy was hardly effective and this led to many people claiming that they could not rely on the efficient frontier anymore. The reason for these opinions came from the fact that the market moved in a range period. The efficient frontier proved

Efficient frontier in portfolios containing stock market and financial digital assets

valid as the performance of the stock market from 2010 to date, has been phenomenal, with an impressive growth.

With regards to the financial digital assets, specifically crypto assets, we believe that this asset class has proven itself to be an exceptional selection for alternative allocations. Financial digital assets present themselves as high volatility assets, with high returns, which are not correlated with the momentum and moves of traditional assets. As the market matures, some investors look at the crypto assets as a hedge for the current traditional portfolios and they are slowly being considered as a good allocation. The mindset and adoption for this new asset class will grow over time, as institutional investors keep researching the space and regulations for this environment are being formulated. There are still a lot of uncertainties with regards to the regulatory framework, as the technology that drives these new assets is being acknowledged. Once these hurdles will be passed, we believe that these novel digital assets will become a norm in most of the portfolio constructions.

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Article Info

Received: March 01 2022

Accepted: March 09 2022

How to cite this article:

Popescu, A.D. (2022). Efficient frontier in portfolios containing stock market and financial digital assets. *Revista de Ştiinţe Politice. Revue des Sciences Politiques*, no. 73/2022, 229-240.



ORIGINAL PAPER

HyFlex- Rethinking Courses in On-line Teaching

Costina Denisa Bărbuceanu¹⁾

Abstract

Language acquisition and instruction is well thought out to be a knotty cognitive activity. In order to simplify or make the process easier, software developers have created tools in this regard. In the actual pandemic context when social distancing is a must, classes can no longer unfold the way they used to, so the shift from traditional teaching to digital education had to be embraced by all parties, in order to stay healthy. Teachers need to reinvent themselves and their methodology in order to respond to the digital natives needs, needs that have been postponed for years now, and rethink the content of their courses. Today, ICT- Information and Communication Technology tools are increasingly present in classes worldwide, and the symbiosis between computer technology and education can no longer be denied or overlooked. ICT is gaining advantage over the educational area especially in foreign language teaching and learning, as it implies the bringing of technology of video and audio embedded in class presentations, with pronounced outcome on the quality and content of teaching-learning cognitive process. More precisely, ICT can improve education and learning through its energizing, synergistic, and attractive content and also supply real possibilities for personalized educational activity. The main beneficiary of the web 2.0 based learning is the educational activity that is witnessing a complete makeover which has, beyond question, affected the way teachers organize and deliver content, the teaching and learning process themselves, and eventually research. ICTs have the ability to intensify, improve, and increase skills, to incite and engage students, to help them associate school education to activity practices, opening the path to economic practicality and applicability for future workers. In a quickly dynamical world, fundamental instruction is indispensable for student be able to approach and utilise information, through ICT tools.

Keywords: *ICT, web 2.0 based learning, E-learning 2.0, Prezi video, system of multiple intelligences.*

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What are ICT and web 2.0?

ICT is characterized by a various set of technological means and resources utilized to interact, make over, distribute, keep, and manage content. ICT for educational purposes means the evolution of information and communication technology for instruction, while the use of **ICT** in education means the transfer and acceptance of broad constituents of information and communication technology applicable in teaching and learning processes, no matter if they are on line or inside the seminar room. Moreover, “ICT in education is any Information Technology that focuses on the acquisition, storage, manipulation, management, transmission or reception of data required for the educational purpose. For example, the information about students' records, their admissions, updates of their auricular and co-curricular activities. ICT in education is any technology that deals with the exchange of information or in other words communication in the teaching learning process. Uses of Electronic learning technology like, Teleconferencing, power point presentations, CD ROM are Communication Technology which is the part of ICT.”(Ugwu, 2019).

The main attributes of **Information and Communication Technology** are related to instant gratification given by the real time access to content and online information, that becomes easily available and user friendly and has geographic connectivity. In these economic processes and technological occurrences that have created a brand-new planetary economic system high-powered by technology, supplied by information rapidly accessed, the educational system must become congruous with the continuous thrive in cognition and helmeted with the technology to mänge this flow of knowledge. The term **web 2.0** was coined by Tim O'Reilly in 2005 and stands for synergistic, user-centred content presentation and interactive content admission, social media and phenomena such as Web for action, technology for web usage, and design that can be incorporated into the e-learning environment. The utilization of the Web 2.0 content in both e-learning practical application and methodology is called E-Learning 2.0.

ICT can provide for individual needs of the students as well as for their **multiple intelligences** in a collaborative and individualized learning environment, that can boost the acquisition quality of groups as well as of individual learners. Present-day seminar rooms with Wi-Fi and above the head video projectors advantage teaching and teachers that put emphasis on ability and performance and are more preoccupied with the manner in which the content and information will be utilized than with the quantity and what the information is. Modern-day ICTs are capable to supply powerful assistance for all these demands and there are now numerous conspicuous models of global class settings for ability and performance-based content that largely employ these affordable technologies. The integration of content into such web-based programs, such as Prezi, for example, can assist regenerate both teachers and students.(Bărbuceanu, 2021).The HyFlex model was developed at San Francisco State University, by Brian J. Beatty, associate Professor of Instructional Technologies in the Department of Equity, Leadership Studies and Instructional Technologies and has been used since then in institutions worldwide; others, nowadays, in the pandemic context are struggling to incorporate HyFlex into their curriculum.

The disruption in normality and the health crisis caused by the COVID-19 pandemic, has forced teachers and delivers of knowledge around the world to adopt a model that allows huge flexibility in physically and remotely attending the classes. Using hyflex model and creating courses to adjust to the new format is a challenge all

HyFlex- Rethinking Courses in On-line Teaching

teachers have to face in order to keep up with the instructional continuity during such perturbation affecting health and safety. The flexibility of this model if implemented, could ensure the institutions that educational and research activity are streaming accordingly by supplying diverse ways for students to access content and partaking in learning. HyFlex courses may be misleadingly problematic to be carried out sound. The available technology and the syllabus must line up, and the available technology must function steadily for everyone, with the requirement of periodically testing and probably new fittings or fixing.”Moreover, a syllabus for an online and blended course is generally more detailed than the syllabus for a face-to-face course. It needs to include the following: a description of the course schedule and activities for each week of a term, the assessment plan with dates and rubrics, policies and procedures, and content resources (textbook, readings, audio and video resources), requirements, and locations. A syllabus template may also contain the boilerplate information specific to an institution on library access, technical support, and contact information for non-course-specific questions.”(Boettcher, Conrad 2016). The education must be corresponding for all students, assuring that no student experiences drawbacks or shortcomings due to the learning trail selected. Teachers must be relaxed and operative with asynchronous training as they some who are not can straightforwardly undervalue the quantity of energy and communication essential to involve with online students. (Chirișescu, Păunescu, 2021). Some teachers as well as faculties have drawbacks when it comes to teaching in a synchronous live-stream setting with a backchannel. Certifying that all e-course or digital content is available or designed properly can be challenging and necessitates investments in preparation time, quality of the materials, video captions and other facilities. The logistics involving a HyFlex course must practically be environmentally friendly with the space here it is unfolding. Modality unfairness—on the part of the participants in the learning process such as faculty, students, teachers, and others involved - can ruin or alter the efficacy and usefulness of HyFlex courses if the online mode is perpetually criticised and deemed inferior. HyFlex brings more accountability for the education process on students, and some might have skills deficiency, digital literacy and maturity, self-motivation to thrive in such a setting.(Bărbuceanu, 2019).

Devising a HyFlex or Hybrid-Flexible Course

The HyFlex, course is student-oriented, multi-modal acquisition experience, an educational formulation that mixes **traditional teaching and learning** with the format of the web 2.0 based online or **e-learning**, that can be *synchronously online*, or *asynchronously online*. An important feature of the hybrid teaching-learning model is that students, no matter where they are, should not be in disadvantage. (Chirișescu, Păunescu, 2021). Learning experiences in physical and online classes, synchronous or asynchronous, together with the way they are organized, must ensure equal opportunities for achieving learning objectives. It is up to students to determine the method of participation, thus giving them the self-reliance, malleability, and smooth engagement in the learning process. A well-developed hybrid learning model delivers better educational outcomes than traditional, face-to-face or exclusively online models. As with every model, there are pros and cons. As we have mentioned before, the educational gap will increase even more for students who do not have access to electronic devices connectivity. Of course, this growing gap is systemic and needs to be addressed from the system level.

The HyFlex system implies that education is equal, no matter the manner, but the delivery of the content and the design of the course take other forms that bring the focus on student malleability, who can attend courses remotely, while their colleagues join physically from classroom or even campus room. The COVID 19 pandemic became one of the greatest menaces of the 21st century that troubled the way teaching was performed, and also the entire facet of the global economy, plunging students, business, small farmers into the most compromising groups. (Paraschivu, Cotuna, 2021). Allowing students this flexibility transforms them from passive learners into active ones, from reproducers of information to producer of information, from depended learner to self-directed one, from individual learner to cooperative one, thus shifting the paradigm from simple retention of the facts presented during the course into problem solving based learning, wide-open bendable delivery of knowledge, irrespective of fixed schedule and location imposed by traditional learning. A subject taught in a HyFlex class requires rigorous planning, with alternative variants of activities to achieve educational objectives, variants specific to each learning environment. The hybrid education model generally aims at: access to quality education for a larger number of students, facilitating small group discussions because some students study online, and the teacher works with those who need personalized support, the use of various media for a better understanding and application of the concepts, connecting students for the development of common task-based projects.

Effectiveness for teaching and learning, challenges and outcomes

The status of active learning in online surroundings possibly one of the most important criteria for developing an operative online course is active learning—this is a term, an instruction first introduced in 1991 by Charles C. Bonwell and James A. Eison. According to their ground-breaking exertion, active learning concentrates on including students in actually taking part in the lesson, engaging them in activities—not just letting them to inertly listen to a lecture, by doing things and rationalizing about what they are doing. Permeating dialog, deliberation, writing and problem-solving has been proven to produce many profits, including student gratification, data retention and enhanced exam performance.

There are three types of interactions, in any class: **student-contents, student-student** and student-teacher. In this hybrid model, the student-content interaction takes place in the reverse part of the learning process, when the student goes through the new lesson independently, the student-student interaction is ensured through work groups and the student-teacher interaction through communication between students who are physically in class and teacher. The teacher is in class with some of the students, the other students are online synchronously. They connect to the classroom through a web-conferencing platform. If the teacher wants to transmit information or instructions, she/he can use "flipped learning" (inverted or mirrored), breaking the learning sequence from a traditional class: the teacher presents the new lesson, the students take notes, and then reinforce what they have learned. In a flipped class, the student learns the new material at home, and in the classroom, it is fixed and applied. (Bărbuceanu, 2020). In this way, the teacher and students have more time to consolidate knowledge and apply it in complex contexts. It creates time for the development of thinking skills. The teacher has the choice between recording the explanation of the new concepts alone or finding an already published recording / learning sequence online. The first version is desirable and achievable through web 2.0 based learning and Prezi video as it has the following advantages: addressing students personally, building and developing a closer

HyFlex- Rethinking Courses in On-line Teaching

relationship with them; explaining using the terminology and teaching style they are used to; recording explanations improves the quality of the teaching act, by thinking more carefully when I recording. The disadvantage with pre-recorded, lessons is that they might not cover students' needs or lesson objectives entirely.

In a "flipped" class, students go through the new lesson at home and can research the content, materials and links embedded and take notes, or write down questions or uncertainties they might have, and try to find answers on their own, thus students become more independent in their thinking and take more responsibility for learning. Participants in the process of education, especially immigrant teachers ought to prepare to face students whose way of learning has seriously challenged. (Lăpădat, Lăpădat, 2020). One of the disadvantages of this method is that some students come to the physical class with the homework not done. In this case, the teacher can give these students time to complete their independent learning task or organize a learning group in which students discuss the content of the material before class, giving everyone a chance to find out what it is about and clarify their questions. Students who have not completed their homework assignment will learn from their peers who have already done it. (Chirițescu, Păunescu, 2021). Teachers can create groups with students who are in the classroom and separately groups with students who are online, using the ZOOM platform because it offers the option "breakout rooms" for teamwork and provoke students in thinking about this problem. (Scorțan, 2009). Managing groups might be challenging, given the fact that the teacher has to switch between physically and online groups, nevertheless an easier option to manage, but one that requires more careful planning, is that each work-group consists of both students who are in the classroom and students who are online. Thus, the communication between the online students and the teacher will be accelerated through the voice of the students who are physically present in the classroom. This model, of course, involves the idea that students have and are allowed to use their phone or computer in the classroom. The technique is completely based on technology, and technology related devices that all the participants in the process of education in the seminar room should possess: Chromebooks, Laptops, tablets, Wi-Fi, video projectors, and smart phones. (Bușu, 2018). Although it seems difficult to achieve, the model in which we create mixed groups will allow students to function as a unitary class (and not as two distinct subclasses) and will balance learning experiences, in the idea that all students will progress likewise.

The **HyFlex conceptualization** requires ability to construct the learning experience and reconsider content, colleagues and engagement level; teacher builds the course using all and any tolls and channels and manages the programme to reflect that construction. The students, irrespective of the manner they join the classroom, either physical or online, need to have full an unequivocal access to learning resources, operative use of classroom approaches being of uttermost importance so that all contributors can hear oral communication. The instructive resources must be e- learning materials and must be put at the disposal of the participants online. A significant differentiator of HyFlex concept is the flexibility of the *asynchronous possibility*, which often needs substantial preparation to be corresponding to the other educational routes. *The hybrid* concept mixes both online and face-to-face instruction and learning activities and with *flexible* concept students have the option to decide if they attend the courses face-to-face or not. A Hybrid-Flexible (*HyFlex*) course strategy allows a flexible attendance policy for students, meeting their specific needs, where students can physically choose to join face-to-face synchronous lectures -in an old-style classroom or

attend the courses online without physically joining the class and to receive feedback from the students in relation to the newly introduced new vocabulary. (Scorțan, 2013).

Ratio benefits vs costs Boosting the class capacity of enrolment by presenting supplementary **HyFlex course design**, timetable and physical / site flexibility to help more students with current resources, adjusting to students' fluctuating requirements and needs. The **hyperlinked minds** or the generation X, the digital natives are persons born and bred in the digital era; they are also stated as the "**iGeneration**" and considered having digital DNA. (Stoian, 2019).The costs of physical classroom technology are to be settled by the persons in charge in faculty/ school councils who need to evaluate the predictable immediate costs and maintenance costs over time.

Predictable **learning outcomes** are precise accounts about what the students will finally accomplish. For instance, an outcome correlated to acquiring of the new vocabulary, using it in appropriate context, in on line through minor group-discussion method, but asynchronous students might not have the same successful results, so the outcome might want to be reread, this offering the teacher a new possibility of clearing up the novel vocabulary with the help of asynchronous visual aids in order to attain the anticipated results: debates , discussions started on text messenger, and the whole classroom was involved and attentive. (Păunescu, Chirițescu, 2020). Teachers should choose the best materials in order to meet the needs of each teaching mode, either synchronous or asynchronous, identify the best resources to use, such as Prezi presentations, Prezi video, and materials for students to use offline as well, in the asynchronous mode, so the learning setting could be rousing, increasing the instruction procedure, and making education more widely reachable to all kinds of learners. (Stoian, 2019).Through audio-video input, students retain the gist and the new vocabulary easily giving teachers the possibility of reaching at a palpable result of the process of real communication, allowing them to confer sounds, colours, movement, and interaction that were not plausible in a traditional seminar room, thus boosting high emotional intelligence abilities. (Lăpădat, Lăpădat, 2020).

In a HyFlex course, the teacher delivers the digital content and chooses the best practices and activities to meet both the needs of students physically joining the class and online allowing students, no matter their learning style, to enhance their emotional intelligence, to internalize concepts they later deal with when creating new-sprung models. (Bușu, 2020).Activities in each teaching mode are not the similar for all students but are designed to lead to corresponding education outcomes, concluding that irrespective of the chosen format, teaching and learning activities should preferably present digital content successfully and jobwise, engage students with productive education activities, use genuine assessment to appraise student learning.

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Article Info

Received: March 25 2022

Accepted: March 31 2022

How to cite this article:

Bărbuceanu, C. D. (2022). HyFlex- Rethinking Courses in On-line Teaching. *Revista de Științe Politice. Revue des Sciences Politiques*, no. 73/2022, 241-247.



ORIGINAL PAPER

Identification of Educational Externalities. The Importance of Investing in Human Capital

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Abstract:

The approach to education in our research is based on the contributions made to the formation of human capital, social capital and externalities, capable of boosting the economic growth of countries. Investing in human capital by increasing the level of training and quality is what economists today call investment in education, because in the past, many economists believed that only investing in factories and machines contributed to economic growth. The value of education is increasingly recognized, which is no longer considered a cost, but a long-term investment, as long as it is recovered. Investing in education will generate income for the economy, for businesses and for individual workers. The article studies education as a key ingredient in the process of creating human capital, concluding that it is a precondition for future economic development, but at the same time a consequence of previous economic development, as raising the standard of living as economic growth continues and the increasingly complex social and economic environment is leading to an increase in demand for adequate human capital.

Keywords: *investment; level of training; human resources; labor resources; human capital; education.*

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Identification of Educational Externalities. The Importance of Investing in Human Capital

Introduction

Considered a “social springboard” (Zamciuc, 2013), education contributes to establishing social balance, reducing social inequities, promoting equal opportunities, minimizing social exclusion. The role of education in the social position of young people, and not only, is essential. At the time of employment, young people and adults are not only offered a source of income, but their daily routine is structured, their self-esteem increases, they become more responsible (Farrall, 2002). Education helps the social development of each state. Educated citizens behave differently from less educated ones, contributing to the sustainable social development of the community they belong to.

It is not possible to specify which level of education is most important, as each level has its role in the intellectual, personal and professional development of young people, even if higher education is considered by many as "the foundation of real and sustained human development" (Cicea, 2005: 51). This idea was also supported by Bowen (1977), who stated that: "The primary goal of higher education is to change people in the ways they want. In turn, these changes can have profound effects on the economy and society and even on history. But, in the first instance, the goal is to change the qualities and behaviors of human beings" (Cicea, 2005: 52).

In preschool and primary education, skills, competencies, behaviors are formed, which are then modeled with the help of knowledge. Education plays a key role in character formation, social development and the social position of each individual who is educated. Higher education is a supplement to the pre-university ones, only those who want to improve in a certain professional field, those who know exactly what they want from life, enrolling in them.

Education has an essential role in the formation of "human capital" and in determining human chance from an economic point of view (Berdule-Grigoruță, 2006). It can be said that the economic progress of a state is achieved by investing in people by investing in knowledge, skills and abilities. A very important component of investing in human resources is considered investing in education.

Activities that increase people's theoretical and practical knowledge, their intellectual, mental and physical skills, involve both financial expenses and human learning efforts; they qualitatively enhance human resources and are called human investments. The result of the efforts to increase the quality of human resources is incorporated into the living personality of the human being, allowing the obtaining in the future, of additional income, over the expenses made by those who are trained. The whole process - investments in man, the qualitative amplification of human knowledge and skills and the creation of additional flows of future income - manifests itself as a capital, called by the science of economics human capital (Pîrvu, 2011: 114; Jianu, et al, 2021:3). Investments in human capital are numerous, and can be grouped into expenses related to schooling, on-the-job training, health care, culture, job change (labor migration), the search for information on the labor market, etc.

In the circumstances in which the transition from the industrial society to the information society, dominated mainly by computers, the success depends on the chosen strategy regarding the use of efficient policies in the field of quality assurance, marketing and human resources (Dragomir, Tănăsie, 2010: 837). Thus, investments in human capital play an essential role in the development of society, being creators of knowledge, applicable in society and economy, but also generating the process of economic and social evolution. The government and educational institutions seek to

ensure superior environmental conditions conducive to economic development. The exchange of experience can be decisive both in the implementation of the elements of national policies in the field of education and in the policies of economic growth and development. The economic return on investment in human capital, in economic development, as shown by specialized studies, brings benefits to individuals and society after a relatively long time since the completion of any project.

Investment in Education

Investment in education influences the process of economic development in a specific way, the way in which the educational factor is integrated in the development of the economic process is a holistic one, it cannot be specified that a certain volume of education (seen as number of years of schooling or money for the training of individuals involved in active process) is necessary for the development of an economic act, the same volume of education has differentiated manifestations from individual, to individual, from one economic process to another. Some of the benefits of this investment can be measured, but some are not. The increasing share of services in the economy, the pace of technological change, the growing contribution of information and knowledge to the creation of added value of production, but also the level of economic and structural restructuring, have raised, more often in recent years, the acute need for investment in continuing education and training. A European Commission report concludes that investing in human capital contributes significantly to productivity growth and is an attractive investment in alternative spending, both micro-economically and socially. " There is evidence that social investment in human capital are responsible for a significant increase in overall productivity. "(European Commission, 2016).

Education becomes essential for any economy, because on the one hand through education the relations between man and society are diversified and, on the other hand, the current economy needs a well-prepared workforce, in the conditions of globalization, which requires the development of skills, creativity. solid knowledge, increased responsibility.

Education has positive effects on the existence of man, but also of society. The more educated a person is, the more adaptable and therefore the more productive in the long run that person is in the face of new and changing challenges. Ongoing training involves certain costs which are borne, first and foremost, by a large proportion of the individual (family), both directly and indirectly, and to a different extent by one country to another by society. These costs of investing in human resources are having an effect on the future. Milton Fridman appreciates that investing in human capital has the function of increasing the productivity of the human being, and whenever this goal is achieved, the individual, in a society based on free initiative, is rewarded because he will earn more than the one who did not benefit. of such an investment.

Education produces two types of effects in economics: qualitative effects and quantitative / qualitative effects.

The qualitative effects are closer to the social side, they come to ensure and increase the efficiency of economic processes. The individual himself becomes much more competent, being able to manage the economic act and to elaborate / implement complex, interdisciplinary decisions, in a clearly differentiated way from the past through speed of work and accuracy in execution. The existence of intelligent economic agents (high-performance educational product) ensures the democracy of economic processes, the development of the activity on the basis of a high quality competition. A

Identification of Educational Externalities. The Importance of Investing in Human Capital

properly educated manager will be able to see the best solutions and opportunities to achieve the best return on money spent.

Quantitative / qualitative effects refer to the number of qualitative transformations that occur (for example, the number of higher educated individuals). The orientation of considerable financial resources towards the educational system has led to a quantitative and qualitative increase of the human factor. Competent individuals have emerged, capable, at a high quality level, of exploiting high technologies and creating hi-tech themselves.

Investing in education as a way to build human capital - skills and abilities - is a vital element in ensuring economic development, raising living standards and improving social inequalities and inequities. It is an important element in combating unemployment and social exclusivism.

Although considered highly influential, the theory of human capital has been severely criticized, with extreme criticism coming from signaling theory or selection (Stiglitz, Boadway, 1994) which focuses on two key ideas:

- Learning by doing - education itself does not increase productivity. The general knowledge and skills acquired in educational institutions are often not applied in the later career of the individual, and the special skills needed in the professional activity are formed in the workplace.

- Screening or selection, - it is difficult for employers to predict the future performance of job seekers, respectively they use qualifications and diplomas as a system of selection of skills, motivation, social framework and personal inclinations to training, training starting, in fact, with the beginning of the professional activity.

The theory of selection is also criticized by a number of economists, according to whom: the most important contribution of formal education is the formation of the ability to learn, the cognitive skills of reading, writing and counting are the fundamental requirements to be able to learn in the future; training in the higher levels of education the skills to think analytically and to evaluate information independently is an important precondition in the formation of the competence to learn during the professional activity; inherited talents and belonging to the upper social strata are not sufficient conditions for success in contemporary society, education being one of the few social institutions that make possible the transition to higher levels in the social hierarchy. Individual or institutional decisions to invest in education generate both private and social benefits. Respectively, investments in education will bring income not only to the human capital bearer, but also to the whole society, which will benefit from the increase of the labor supply and the number of citizens with a high level of education, the latter being called externalities. The externalities of education are social effects that benefit current and future generations from the education that the population of a country possesses at a given time.

In the knowledge economy, in relation to theoretical approaches, there is an abundance of resources rather than a rarity of them and there is an orientation towards human resources, and the key form of capital is represented by intellectual capital. "Intellectual capital is the currency of the new millennium. Its wise use is the key to success in the age of knowledge (Bontis, 2000: 85-100)."

The development of the knowledge-based economy has led to a new general concept, that of intellectual capital. Intellectual capital or its components cannot act individually, but only in tandem with other resources of the company that allow the creation of sustainable value in the future (Simion, Tobă, 2009).

Intellectual capital is the sum of human and structural capital. Intellectual capital refers to applied experience, organizational experience, organizational technology, customer relations, and professional qualifications that give the company a competitive edge in the marketplace. Intellectual capital is the source of wealth for both individuals and organizations. The new economy focuses mainly on a portfolio of intangible and intellectual assets that will need to be managed.

In the knowledge economy, the inventive and creative capacities of people will generate an increasingly high economic productivity in terms of reducing costs, especially in areas such as energy, natural resources and environmental protection. Current knowledge can lead man to reconcile with nature if the advantages of knowledge are also used in the direction of nature protection, not only for exclusively economic purposes. Science, technology, knowledge should not be used as weapons against nature, the problem is not to have a winner and a loser but to find a compatibility between the two.

The acquisition of other knowledge results not only through schooling and training at work, but also through the personal request for information paid by the applicant, on the evolution of the labor market: information on salaries paid by different companies, on consumption and production possibilities, socio-political system, favorable employment opportunities, etc. One can find a better job by spending money for advertising agencies, visiting some companies, etc., so looking for the new job. These expenses are an investment in information on the favorable chances of getting a job, leading to a significant increase in the income obtained by gaining a new job, which covers the expenses with "acquiring other knowledge" and will be profitable. If companies are looking for new jobs for their workers who have become available, they will recover the costs of search and collect, in addition, a corresponding profit.

Investing in health care is a form of investing in human capital that improves the physical and emotional well-being of workers. Workers' health can be improved by several means, such as: reducing mortality during the working life (increasing the period during which they benefit from earnings), improving the diet (adding strength and vigor, increasing people's earning capacity) , improving working conditions (affects workers' morale and productivity), investing companies in employee care, providing lunches, avoiding activities with high accident and mortality rates, family investments and state investments in healthcare, etc. Improving the physical and mental condition of workers, through investments in health, increases the average and marginal productivity of workers, companies earn higher incomes and can afford to pay employees better.

An investment in health, which leads to increased productivity, simultaneously in several firms, is a general investment, having the same effect as general training (training), while an investment in health that has led to increased productivity only within companies that have done it is a specific investment and has the same effect as specific training. At the same time, investments in the field of health are made simultaneously by each company, manifesting itself as internal investments in human capital, as well as by families, non-governmental organizations, etc., appearing as external investments in human capital.

As intangible assets and especially knowledge have become the most important factors of production, their management is essential for the organization. Structural capital refers to hardware, software, databases, organizational structure, patents, and anything else that defines the organizational capability that can help increase employee productivity - all that is left behind when the employee goes home. An extremely

Identification of Educational Externalities. The Importance of Investing in Human Capital

important role in such a society has the financial support of the formation and accumulation of human capital which aims not only at the expenses intended for education, but also for the training of human capital. In this direction, financial efforts include: government spending on the supply of public goods, protection of public health, ensuring public order and national defense, social protection, environmental protection, combating pollution, etc., all of which are exercised by virtue of a certain public option. As the supply of public goods is dependent on the state budget, and it is conditioned by revenues obtained by the state as a result of the application of the fiscal code, it results that, depending on the tax rates of incomes, goods and property, which do not belong to the state, Ultimately, the amount of public financial resources distributed in favor of investments for human capital.

Beyond this separation, studies based on investment in human capital, applied in some countries with a high demographic rate have shown that financial efforts are likely to become vulnerable compared to the results obtained, for the following reasons: - the existence of a low value of investments in the labor resources that belong to a schooled person who risks to produce more often frustrations than positive training effects on the labor market; - the existence of increased taxation in social and economic environments, in which the majority of the population has a low standard of living, as well as in business environments in which labor productivity is low and risks inhibiting the accumulation and investment of profits; - the aggregate orientation of investments in favor of human capital and education risks to create an imbalance between the structural-qualitative accumulation of human capital, especially in the short term, which creates new distortions in the labor market, involving new costs of professional retraining of workers.

A recent study by the OECD (2014) confirmed the importance of investing in education as a key determinant of contemporary economic growth and development. It came to the attention of specialists, especially those in the economic field, when it was found, both individually and at the country level, that the highest profits are due to investments in knowledge, skills, qualifications and less physical capital (machinery, constructions, machines, equipment, etc.). Given the fact that most of the knowledge, skills, qualifications are acquired in school, through the instructional-educational process, education has been recognized the decisive role it has in the accumulation and development of human capital and, consequently, in the economic development of a country.

In order for the effects of education on the development of human and economic capital to be maximum, certain conditions must be observed:

- the quantity and quality of education measured in the number of years of study, the percentage of GDP allocated to education, the school participation rate, results, school performance to be high and the educational offer to correspond to the current and prospective requirements of the labor market;
- the existence of a stable socio-economic and political environment and an accelerated pace of economic growth;
- the differences between the incomes at individual level, the salary to correspond to the level of school and professional training of the individual.

Under-education and over-education

A few decades ago, the Romanian education system was a successful one, Romania being among the top 10 countries in terms of Olympics. The poor performance

and efficiency of Romanian education is reflected in the percentage of 0.003% of Olympic students registered in recent years (Romaniuc, 2015). The decline of education is observed in the social problems that Romania faces in recent years: the relatively large number of unemployed, lack of jobs, failure to adapt school curricula to the needs of employers, increasing the number of migrants, especially those with a high level of education, the large number of cases of domestic violence, the decrease in the birth rate, etc. These social problems stem from a lack of education or its poor quality. For example, educated people do not resort to violence and do not agree to be victims of domestic violence

Over time, education has been found to play a defining role in the social position of each individual, creating a crucial link between the social environment of individuals and their social position, which positively influences social inequalities and social mobility (Iannelli and Paterson, 2005, p. 2; Sdrobiş, 2015). Those with higher education are more likely to hold key positions in organizations, which gives them advantages such as: a higher standard of living, a work environment conducive to professional development, attending certain social circles with high standards, more opportunities for them and their families etc.

Regarding the socio-economic effects of under-education and over-education, we can bring into question the fact that the education system of each country goes through, over time, through a series of changes, most of them generated by economic development. At the same time, the education system is the one that contributes to the economic development, between economy and education there is a relationship of interdependence. Considered the “catalyst of economic development”, education influences economic development by satisfying the “need for population accumulation, which can only be satisfied through education” (Cicea and Dobrin, 2005: 48).

The education of individuals is a concern of all traditional and modern societies, its purpose being to create human values that contribute to the development of society, to the smooth running of things, to the elimination of all existing social barriers between communities / societies / states. For the economy, education is a vital factor, especially if we consider that "the development of education has been the consequence of economic changes that have taken place in society, and then education becomes the catalyst for economic development" (Cicea and Dobrin, 2005: 46).

In 1963, Anderson and Bowman were of the opinion that economic development is influenced more by primary than secondary or tertiary education, but their hypothesis proved erroneous, because for harmonious economic development much information is needed, not enough. literacy (Cicea and Dobrin, 2005: 46). Giving more attention to early and primary education certainly contributes to Romania's economic growth, with one condition, that of focusing on the weakest students, in order to increase the average quality of Romanian education (Varly et al., 2014: 25). Poor students need to be motivated to learn, to be educated, so that they can find a decent paid job, which would allow them to start a family, contributing not only to the increase in the birth rate, but also to the economic and social development. of the country.

Given the many changes taking place in the labor market, experts conclude that “the education system has to face the challenges posed by the possible emergence of educational disparities: over-education / under-education, over-qualification / under-qualification, skills above or below those required by the job, the deficit / surplus of qualifications, the mismatch of qualifications with the requirements of the jobs” (Dimian, Roman and Mureşan, 2012: 54). The mentioned disparities are repercussions

Identification of Educational Externalities. The Importance of Investing in Human Capital

of the current education system, implicitly contributing to the future of Romanian education, which must be constantly adapted to economic and social changes.

Under-education could be defined as the education of individuals below the average level of knowledge of the population. This phenomenon has many negative effects: income discrepancy, social exclusion, exclusion from the labor market, etc. Individuals whose level of education is quite low do not have the ability to cope with economic and social change, they often face problems of an economic and social nature. Without education, individuals cannot have a qualification, cannot have a legal service (with a work card), cannot have an average income that allows them a decent standard of living. At the same time, they do not have a level of culture that allows them to distinguish between good and evil, good and bad, and so on.

The opposite phenomenon of under-education, over-education, consists in the accumulation of a very high level of knowledge, which can be useful or useless in a society that has economic and social gaps. Over-education has negative effects: difficulty in employment (people with a high level of knowledge, graduates of higher education, are avoided by employers so as not to offer them high salaries), removal of those with lower levels of knowledge and less education from the labor market, the decline of the rural economy (those with higher education no longer want to return to rural areas to earn a living, preferring professional development in a multinational company that allows them to assert themselves and use their studies).

Both over-education and under-education contribute to the positive and negative fluctuations of the unemployment rate, as both can nuance or reduce the number of unemployed, being in full accordance with the requirements of the labor market. For example, those with higher education, considered over-educated, will find it difficult to accept to work in fields below the level of acquired qualification, thus increasing the number of unemployed young people, if they want to register at AJOFM, and those under-educated people are often unable to find a job due to unskilled employment, which also contributes to rising unemployment. At the same time, both categories of people (over-educated and under-educated) can accept any job, which would positively influence the unemployment rate.

A major effect of over-education is brain migration. Talented young people, graduates of higher education, decide to leave their country of origin and settle temporarily or permanently in a more developed country, which allows them to work in the field of graduation, receiving much higher salaries than in their country of origin, without worrying about losing a job (Mergeani, 2016). Migration can also be found in the case of individuals who fall into the category of under-education, who usually leave temporarily to work in agriculture, construction or other fields that do not require a professional qualification.

Conclusions

Based on the above, we can say that the educational system has its core role in the processes of development of human civilization. It will depend on how the development problems of the society as a whole and of each country will be understood and solved. And how changes in individual consciousness and social, cultural, moral and other categories that define human society and man, recognized as the main element of the knowledge economy, show a greater degree of inertia than economic, technological changes, etc., it is necessary to take them into account when modifying and adapting the educational system to the imperatives of the moment crossed by society, when planning

and carrying out reforms in education, when calculating the necessary and attracting investments, etc.

Education plays a key role in shaping "human capital" and in determining the individual's economic chances. Beyond the exceptions, the higher and better the quality of a person's education, the greater his chances and prospects of economic success. Certain government policies, such as fiscal policies, may discourage individuals from pursuing higher education, which reduces the productive capacity of the national workforce. Education generally increases an individual's anticipated earnings over his or her lifetime and is perceived as a long-term endeavor. However, if the individual's taxes and fees increase as his income increases, fiscal policy discourages him from using the time and resources necessary to obtain a higher level of education.

Education often affects the quality of life in ways that are rarely perceived as such. Highly educated individuals can adapt much better to the various conditions of life, and they can better adapt these conditions to suit individual preferences. Having a higher income they manage to invest in themselves, the access to a better quality medical care, to certain methods of psycho-physical maintenance, to certain services (housekeeping and tourism) resides in a better health, we can consider that we are dealing with a maintenance of human capital.

Frederick Harbison (1964) once said that "a country that is incapable of developing skills and knowledge for its people and using them effectively in the national economy will be incapable of developing anything else." Emphasis on the quality of education in the context of increasing participation in lifelong learning and using all known means is an issue that needs further clarification. However, the question remains: how much is being invested in education in general, in the public and private system, whether education should be a priority objective of public policy.

Acknowledgement:

This work was supported by the grant POCU380/6/13/123990, co-financed by the European Social Fund within the Sectorial Operational Program Human Capital 2014 – 2020.

Authors' Contributions

The authors contributed equally to this work.

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Article Info

Received: February 13 2022

Accepted: February 21 2022

How to cite this article:

Jujea (Vijulie), C., Mergeani, N., Cojocaru, A. (2022). Identification of Educational Externalities. The Importance of Investing in Human Capital. *Revista de Științe Politice. Revue des Sciences Politiques*, no. 73/2022, 248-257.



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17-18 March 2023

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We are delighted to invite you to participate in the 13th International Conference AFTER COMMUNISM. EAST AND WEST UNDER SCRUTINY in Craiova, Romania, 17-18 March 2023. More than three decades after, an event is both history and present. The annual conference organized by CEPOS involves both the perspectives of the researchers: research experiences and scientific knowledge. The conference will be hosted for two intense and exciting days, participants all over the world (professors, professionals, doctoral and post-doctoral researchers and students) are invited to raise the issue of the study of the recent history of the former Eastern space in connection with the Western world. We are confident that all of us will focus during these two days on what is important to move the research in the field forward. We dear to state that we even bear the moral obligation to do that.

Best regards,

The Board of Directors of CEPOS 2023 Conferences and Events Series

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- Economics, financial law and policy mechanisms
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<https://catalog.library.ucla.edu/vwebv/search?searchCode1=GKEY&searchType=2&searchArg1=ucoclc469823489>

For more details about the past issues and international abstracting and indexing, please visit the journal website at the following address:

<http://ciso1.central.ucv.ro/revistadestiintepolitice/acces.php>

CONFERENCE INTERNATIONAL INDEXING OF THE PAST EDITIONS (2014-2022)

CEPOS Conference 2022

The **Twelfth International Conference** After Communism. East and West under Scrutiny (Craiova, House of the University, 18-19 March 2022) was evaluated and accepted for indexing in 6 international databases, catalogues and NGO's databases:

<https://www.conferenceflare.com/events/category/social-sciences-and-humanities/art-history/>

Vinculation Internacional Diciembre 2021 newsletter n 99
https://issuu.com/fundacionargentina5/docs/diciembre_2021_fundaci_n_argentina-ai_ok?fr=sZjg2NjE5NTg3OTY

<https://www.schoolandcollegelistings.com/RO/Craiova/485957361454074/Center-of-Post-Communist-Political-Studies-CEPOS>

<https://10times.com/company/cepos>
<https://10times.com/after-communism-east-and-west-under-scrutiny>

<https://conferencealerts.com/show-event?id=238529>

<https://www.sciencedz.net/conference/82995-cepos-international-conference-2022-after-communism-east-and-west-under-scrutiny>

CEPOS Conference 2021

The Eleventh International Conference After Communism. East and West under Scrutiny (Craiova, House of the University, 19-20 March 2021) was evaluated and accepted for indexing in 5 international databases, catalogues and NGO's databases:

<https://academic.oup.com/jcs/advance-articleabstract/doi/10.1093/jcs/csaa064/5941887?redirectedFrom=fulltext>

<https://conferencealerts.com/show-event?id=229654>

<https://www.sciencedz.net/en/conference/72628-11thinternational-conference-after-communism-east-and-west-underscrutiny>

<https://10times.com/after-communism-east-and-west-underscrutiny>

<https://worlduniversitydirectory.com/edu/event/?slib=11thinternational-conference-after-communism-east-and-west-underscrutiny-2>

CEPOS Conference 2020

The Tenth International Conference After Communism. East and West under Scrutiny (27-28 March 2020) was evaluated and accepted for indexing in 7 international databases, catalogues and NGO's databases:

Scichemistry

<http://scichemistry.org/ConferenceInfosByConferenceTopicId?conferenceTopicId=57>

Oxford Journals

<https://academic.oup.com/jcs/advance-articlepdf/doi/10.1093/jcs/cszo78/30096829/cszo78.pdf>

Conference alerts

<https://conferencealerts.com/show-event?id=215370>

<https://www.sciencedz.net/en/conference/57625-10thinternational-conference-after-communism-east-and-west-underscrutiny>

Intraders

https://www.intradersorg.cdn.ampproject.org/v/s/www.intraders.org/news/romania/10th-international-conference-after-communism-east-and-westunderscrutiny/amp/?amp_js_v=a2&_gsa=1&usqp=mq331AQCKAE%3D#ah=15737604302246&referrer=https%3A%2F%2Fwww.google.com&_tf=De%20pe%20%251%24s&share=https%3A%2F%2Fwww.intraders.org%2Fnews%2Ffromania%2F10th-internationalconference-after-communism-east-and-west-under-scrutiny%2F

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10 times

<https://10times.com/after-communism-east-and-west-underscrutiny>

The conference alerts

<https://theconferencealerts.com/event/46428/10th-international-conference-after-communism-east-and-west-under-scrutiny>

Scirea

<https://www.scirea.org/ConferenceInfosByConferenceCountryId?conferenceCountryId=75>

CEPOS Conference 2019

The Ninth International Conference After Communism. East and West under Scrutiny (Craiova, House of the University, 29-30 March 2019) was evaluated and accepted for indexing in 6 international databases, catalogues and NGO's databases:

Oxford Academic Journal of Church & State <https://academic.oup.com/jcs/article-abstract/60/4/784/5106417?redirectedFrom=PDF>

10 Times

<https://10times.com/after-communism-east-and-west-under-scrutiny>

Conference Alerts

<https://conferencealerts.com/show-event?id=205682>

Researchgate

https://www.researchgate.net/publication/327905733_CEPOS_9TH_INTERNATIONAL_CONFERENCE_AFTER_COMMUNISM_EAST_AND_WEST_UNDER_SCRUTINY_2019?_iepl%5BviewId%5D=sjcOJrVCO8PTLapcfVciZQsb&_iepl%5Bcontexts%5D%5Bo%5D=publicationCreationEOT&_iepl%5BtargetEntityId%5D=PB%3A327905733&_iepl%5BinteractionType%5D=publicationCTA

The Free Library

<https://www.thefreelibrary.com/9th+INTERNATIONAL+CONFERENCE+AFTER+COMMUNISM.+EAST+AND+WEST+UNDER...-a0542803701>

Science Dz.net

<https://www.sciencedz.net/conference/42812-9th-international-conference-after-communism-east-and-west-under-scrutiny>

CEPOS Conference 2018

The Eighth International Conference After Communism. East and West under Scrutiny (Craiova, House of the University, 23-24 March 2018) was evaluated and accepted for indexing in 15 international databases, catalogues and NGO's databases:

Conference Alerts, <https://conferencealerts.com/show-event?id=186626>

Sciencesdz,

<http://www.sciencedz.net/conference/29484-8th-international-conference-after-communism-east-and-west-under-scrutiny>

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ManuscriptLink,

<https://manuscriptlink.com/cfp/detail?cfpId=AYAXKVAR46277063&type=event>

Maspolitiques, <http://www.maspolitiques.com/ar/index.php/en/1154-8th-international-conference-after-communism-east-and-west-under-scrutiny>

Aconf, https://www.aconf.org/conf_112399.html

Call4paper, <https://call4paper.com/listByCity?type=event&city=3025&count=count>
Eventegg, <https://eventegg.com/cepos/>

10 times, <https://10times.com/after-communism-east-and-west-under-scrutiny>

Biblioteca de Sociologie, <http://bibliotecadesociologie.ro/cfp-cepos-after-communism-east-and-west-under-scrutiny-craiova-2018/>

Science Research Association <http://www.scirea.org/topiclisting?conferenceTopicId=5>
ResearcherBook <http://researcherbook.com/country/Romania>

Conference Search Net, <http://conferencesearch.net/en/29484-8th-international-conference-after-communism-east-and-west-under-scrutiny>

SchoolandCollegeListings,

<https://www.schoolandcollegelistings.com/RO/Craiova/485957361454074/Center-of-Post-Communist-Political-Studies-CEPOS>

Vepub conference, <http://www.vepub.com/conferences-view/8th-International-Conference-After-Communism.-East-and-West-under-Scrutiny/bC9aUE5rcHNoZmpkYU9nTHJzUkRmdz09/>

Geopolitika Hungary, <http://www.geopolitika.hu/event/8th-international-conference-after-communism-east-and-west-under-scrutiny/>

CEPOS Conference 2017

The Seventh International Conference After Communism. East and West under Scrutiny (Craiova, House of the University, 24-25 March 2017) was evaluated and accepted for indexing in 10 international databases, catalogues and NGO's databases: Ethic & International Affairs (Carnegie Council), Cambridge University Press-<https://www.ethicsandinternationalaffairs.org/2016/upcoming-conferences-interest-2016-2017/>

ELSEVIER

GLOBAL

EVENTS

LIST <http://www.globaleventslist.elsevier.com/events/2017/03/7th-international-conference-after-communism-east-and-west-under-scrutiny>

CONFERENCE ALERTS-<http://www.conferencealerts.com/show-event?id=171792>

10TIMES.COM-<http://10times.com/after-communism-east-and-west-under-scrutiny>

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Hiway Conference Discovery System-<http://www.hicds.cn/meeting/detail/45826124>
Geopolitika (Hungary)-<http://www.geopolitika.hu/event/7th-international-conference-after-communism-east-and-west-under-scrutiny/>

Academic.net-<http://www.academic.net/show-24-4103-1.html>

World University Directory-
<http://www.worlduniversitydirectory.com/conferencedetail.php?AgentID=2001769>

Science Research Association-
<http://www.scirea.org/conferenceinfo?conferenceId=35290>

Science Social Community-<https://www.science-community.org/ru/node/174892>

CEPOS Conference 2016

The Sixth International Conference After Communism. East and West under Scrutiny (Craiova, House of the University, 8-9 April 2016) was evaluated and accepted for indexing in the following international databases, catalogues and NGO's databases:

ELSEVIER GLOBAL EVENTS-
<http://www.globaleventslist.elsevier.com/events/2016/04/6th-international-conference-after-communism-east-and-west-under-scrutiny/>

Oxford Journals - Oxford Journal of Church & State-
<http://jcs.oxfordjournals.org/content/early/2016/02/06/jcs.csv121.extract>

Conference Alerts-<http://www.conferencealerts.com/country-listing?country=Romania>

Conferences-In - <http://conferences-in.com/conference/romania/2016/economics/6th-international-conference-after-communism-east-and-west-under-scrutiny/>

Socmag.net - <http://www.socmag.net/?p=1562>

African Journal of Political Sciences-
http://www.maspolitiques.com/mas/index.php?option=com_content&view=article&id=450:-securiteee-&catid=2:2010-12-09-22-47-00&Itemid=4#.VjUI5PnhCUk

Researchgate-
https://www.researchgate.net/publication/283151988_Call_for_Papers_6TH_International_Conference_After_Communism_East_and_West_under_Scrutiny_8-9_April_2016_Craiova_Romania

World Conference Alerts-
<http://www.worldconferencealerts.com/ConferenceDetail.php?EVENT=WLD1442>

Edu events-<http://eduevents.eu/listings/6th-international-conference-after-communism-east-and-west-under-scrutiny/>

Esocsci.org-<http://www.esocsci.org.nz/events/list/>

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Sciencedz.net-<http://www.sciencedz.net/index.php?topic=events&page=53>
Science-community.org-<http://www.science-community.org/ru/node/164404/?did=070216>

CEPOS Conference 2015

The Fifth International Conference After Communism. East and West under Scrutiny (Craiova, House of the University, 24-25 April 2015) was evaluated and accepted for indexing in 15 international databases, catalogues and NGO's databases:

THE ATLANTIC COUNCIL OF CANADA, CANADA-
<http://natocouncil.ca/events/international-conferences/>

ELSEVIER GLOBAL EVENTS LIST-
<http://www.globaleventslist.elsevier.com/events/2015/04/fifth-international-conf>

GCONFERENCE.NET-
http://www.gconference.net/eng/conference_view.html?no=47485&catalog=1&cata=018&co_kind=&co_type=&pageno=1&conf_cata=01

CONFERENCE BIOXBIO-<http://conference.bioxbio.com/location/Romania>

10 TIMES-<http://10times.com/Romania>

CONFERENCE ALERTS-<http://www.conferencealerts.com/country-listing?country=Romania>

<http://www.iem.ro/orizont2020/wp-content/uploads/2014/12/lista-3-conferinte-internationale.pdf>
<http://sdil.ac.ir/index.aspx?pid=99&articleid=62893>

NATIONAL SYMPOSIUM-<http://www.nationalsymposium.com/communism.php>
SCIENCE DZ-<http://www.sciencedz.net/conference/6443-fifth-international-conference-after-communism-east-and-west-under-scrutiny>

ARCHIVE COM-http://archive-com.com/com/c/conferencealerts.com/2014-12-01_5014609_70/Rome_15th_International_Academic_Conference_The_IISES/

CONFERENCE WORLD-<http://conferencesworld.com/higher-education/>
KNOW A CONFERENCE KNOW A CONFERENCE-
<http://knowaconference.com/social-work/>

International Journal on New Trends in Education and Their Implications (IJONTE) Turkey <http://www.ijonte.org/?pnum=15&>

Journal of Research in Education and Teaching Turkey-
<http://www.jret.org/?pnum=13&pt=Kongre+ve+Sempozyum>

CEPOS NEW CALL FOR PAPERS 2023

CEPOS CONFERENCE 2015 is part of a "consolidated list of all international and Canadian conferences taking place pertaining to international relations, politics, trade, energy and sustainable development". For more details see <http://natocouncil.ca/events/international-conferences/>

CEPOS Conference 2014

The Fourth International Conference After Communism. East and West under Scrutiny, Craiova, 4-5 April 2014 was very well received by the national media and successfully indexed in more than 9 international databases, catalogues and NGO's databases such as:

American Political Science Association, USA-<http://www.apsanet.org/conferences.cfm>

Journal of Church and State, Oxford-
<http://jcs.oxfordjournals.org/content/early/2014/01/23/jcs.cst141.full.pdf+html>;
NATO Council of Canada (section events/ international conferences), Canada,
<http://atlantic-council.ca/events/international-conferences/>

International Society of Political Psychology, Columbus, USA-
http://www.ispp.org/uploads/attachments/April_2014.pdf

Academic Biographical Sketch, <http://academicprofile.org/SeminarConference.aspx>;
Conference alerts, <http://www.conferencealerts.com/show-event?id=121380>
Gesis Sowiport, Koln, Germany, <http://sowiport.gesis.org/>; Osteuropa-Netzwerk,
Universität Kassel, Germany, http://its-vm508.its.uni-kassel.de/mediawiki/index.php/After_communism_:East_and_West_under_scrutiny_:_Fourth_International_Conference

Ilustre Colegio Nacional de Doctores y Licenciados en Ciencias Políticas y Sociología, futuro Consejo Nacional de Colegios Profesionales, Madrid,
<http://colpolsocmadrid.org/agenda/>.



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** Lecturer, PhD, University of Craiova, Faculty of Social Sciences, Phone: 00407*****, Email: cata.georgescu@yahoo.com. (Use Times New Roman 9, Justified)

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Abstract

The abstract must provide the aims, objectives, methodology, results and main conclusions of the paper (please submit the papers by providing all these information in the abstract). It must be submitted in English and the length must not exceed 300 words. Use Times New Roman 10,5, Justify.

Keywords

Submit 5-6 keywords representative to the thematic approached in the paper. Use Times New Roman 10,5, Italic. After the keywords introduce three blank lines, before passing to the Article text.

Text Font: Times New Roman: 10,5

Reference citations within the text

Please cite within the text. Use authors' last names, with the year of publication.

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On first citation of references with more than three authors, give all names in full. On the next citation of references with more than three authors give the name of the first author followed by “et al.”.

To cite one Article by the same author(s) in the same year use the letters a, b, c, etc., after the year. E.g.: (Olimid, 2009a:14) (Olimid, 2009b: 25-26).

References:

The references cited in the Article are listed at the end of the paper in alphabetical order of authors' names.

References of the same author are listed chronologically.

For books

Olimid, A. P. (2009a). *Viața politică și spirituală în România modernă. Un model românesc al relațiilor dintre Stat și Biserică*, Craiova: Aius Publishing.

Olimid, A. P. (2009b). *Politica românească după 1989*, Craiova: Aius Publishing.

For chapters in edited books

Goodin, R. E. (2011). The State of the Discipline, the Discipline of the State. In Goodin, R. E. (editor), *The Oxford Handbook of Political Science*, Oxford: Oxford University Press, pp. 19-39.

For journal Articles

Georgescu, C. M. (2013a). Qualitative Analysis on the Institutionalisation of the Ethics and Integrity Standard within the Romanian Public Administration. *Revista de Științe Politice. Revue des Sciences Politiques*, 37, 320-326.

Georgescu, C. M. (2013b). Patterns of Local Self-Government and Governance: A Comparative Analysis Regarding the Democratic Organization of Thirteen Central and Eastern European Administrations (I). *Revista de Științe Politice. Revue des Științe Politice*, 39, 49-58.

Tables and Figures

Tables and figures are introduced in the text. The title appears above each table.

E.g.: Table 1. The results of the parliamentary elections (May 2014)

Proposed papers: Text of the Article should be between 3000-5000 words, single spaced, Font: Times New Roman 10,5, written in English, submitted as a single file that includes all tables and figures in Word2003 or Word2007 for Windows.

All submissions will be double-blind reviewed by at least two reviewers.