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## **PRESENTING**

The term Afro-Eurasia denotes the combined landmass of Africa, Europe and Asia, conceptualized as a singular continent commonly referred to as the Old World. Geopolitically, the mainland of Afro-Eurasia is recognized as the World Island. The evolution of economic, political, cultural, and social relations among Afro-Eurasian countries and their respective urban centers has been notable. Concurrently, there has been a gradual enhancement in academic linkages among social scientists.

Within this paradigm, the importance of establishing an efficacious communication network among scholars engaged in the Social Sciences within Afro-Eurasian territories becomes evident. This endeavor aims at bolstering intellectual and academic exchanges, fostering cooperation, and facilitating the dissemination of knowledge and experiences.

The International Congress on Afro-Eurasian Research endeavors to contribute to the advancement of social sciences by fostering awareness and facilitating the comparison of diverse cultural perspectives. Consequently, scholars hailing from Afro-Eurasian countries and urban hubs are provided with a platform to readily present their academic pursuits and thereby enrich the field of social sciences on both a global and regional scale.

The Congress will be hosted by a different Afro-Eurasian country each year. This year, the seventh congress was held on 17-18 November 2023 in Tirana, the capital of Albania. The focus of this congress was determined as the interaction between civilizations and cultures.

We are very proud to present the full-text proceedings book, which is in line with the objectives of the congress, to you, our esteemed audience. We would like to express our sincere gratitude to everyone who contributed to the success of our congress and look forward to further cooperation and solidarity in the future.

Assoc. Prof. Dr. Hakan Arıdemir

**Founder, International Congress on Afro-Eurasian Research**

Burak Yalım

**President, International Relations Studies Association - TUIC**

## CONTENTS

PROBLEMS RELATED TO THE FOOD OBLIGATION FOR CHILDREN DURING AND AFTER THE DIVORCE .....	14
FROM OTTOMAN LANGUAGE TO DIDACTICS OF TURKISH ON THE 100TH ANNIVERSARY OF POLITICAL RELATIONS BETWEEN ALBANIA AND TÜRKİYE .....	24
EU INTEGRATION PROCESS FOR ALBANIA AND TURKEY: SIMILARITIES AND DIFFERENCES .....	35
“DAMAGE COMPENSATION FROM COPYRIGHT INFRINGEMENT. THE CASE OF ALBANIA” .....	43
FOREIGN POLICY DECISION-MAKING PROCESSES IN THE FRAME OF POPULISM: CASES OF TÜRKİYE AND HUNGARY .....	53
THE QUESTION OF TURKISH EURASIANISM AND ITS IMPACT ON RELATIONS WITH THE TURKIC STATES .....	76
THE INFLUENCE OF PARENTAL EDUCATION ATTAINMENT AND THE PREVALENCE OF AGGRESSIVE BEHAVIOR AMONG THEIR CHILDREN IN PUBLIC HIGH SCHOOLS IN TIRANA .....	89
LEGAL AND FISCAL FRAMEWORK OF NON-PROFIT ORGANIZATIONS IN ALBANIA. CHALLENGES AND PROBLEMS .....	102
CHALLENGES OF FREE LEGAL AID .....	118
LEGAL BRIDGES: TURKEY-ALBANIA RELATIONS AND BROADER IMPLICATIONS IN AFRO-EURASIAN JURISPRUDENCE .....	131
THE DIGITALIZATION OF THE MEDIA MARKET AND ITS IMPACT ON THE LABOR MARKET .....	143
SOUND ALTERNATION IN KLARJULI SPEECH .....	154
ASPECTS OF EULOGISTIC POETRY DEDICATED TO LEADERS IN THE SOVIET LITERATURE .....	164
RECONSIDERING GEOPOLITICS: EXPLORING AWKWARD DYNAMICS IN EMERGING MIDDLE POWERS A COMPARATIVE ANALYSIS OF BRAZIL AND TÜRKİYE .....	171
SINGLE WORD / TWO WORD CORRESPONDENCES ON THE INTERLINGUAL PLANES .....	189
MEDICAL MALPRACTICE IN PROSPECTIVE OF CIVIL RESPONSIBILITY THE EXPERIENCE IN ALBANIA .....	203
ANALYSIS OF SALARIES (MOTIVATING FACTOR FOR INCREASING PERFORMANCE) IN PUBLIC AND PRIVATE SECTOR ACTIVITIES (CASE ALBANIA) .....	218
ARTIFICIAL INTELLIGENCE: IMPLICATIONS FOR EDUCATION AND THE ROLE OF TEACHERS .....	231
MORE UXORIO COHABITATION – PROPERTY ASPECTS .....	242
NEW PERSPECTIVES ON TEACHING GREEK AS FOREIGN LANGUAGE AT ALBANIA HIGH EDUCATION SYSTEM .....	254
ABOUT THE LANGUAGE AND STYLE OF F.M. DOSTOEVSKY, IN THE NOVEL "CRIME AND PUNISHMENT" .....	262
RUSSIA-UKRAİNE WAR AND TURKEY'S MEDIATION ROLE .....	268
YEŞİL ADA KKTC PROJESİ; SÜRDÜRÜLEBİLİR KALKINMANIN SAĞLANMASI VE KKTC'NİN ULUSLARARASI KONUMUNUN GÜÇLENDİRİLMESİ .....	275

CROSS-CULTURAL NATIONAL MODERNISMS IN ARCHITECTURE: A READING THROUGH SEDAD HAKKI ELDEM AND BORIS ČIPAN'S ARCHITECTURAL PRODUCTIONS.....	290
ANALYZING THE RELATIONS BETWEEN TÜRKİYE - ALBANIA AND ALBANIAN COMMUNITIES IN THE WESTERN BALKANS.....	299
LEARNING GREEK AS A SECOND/FOREIGN LANGUAGE THROUGH TURKISH TO STUDENTS OF TURKISH LANGUAGE. DIFFICULTY AND CHALLENGE.....	306

## PROBLEMS RELATED TO THE FOOD OBLIGATION FOR CHILDREN DURING AND AFTER THE DIVORCE

ADISA TELITI<sup>1</sup>  
ENDRI BALLA<sup>2</sup>

### ABSTRACT

Marriage is the legal cohabitation, which is based on the moral and legal equality of the spouses, on the feeling of mutual love, respect and understanding, as the basis of family unity.

With the termination of the reasons for which the marriage was concluded, with the mutual consent of the parties or with the request of one of the spouses, the marriage can be dissolved by addressing to the Court. In cases where the parties have minor children, the Court with its mechanisms regulates the consequences of the dissolution of the marriage, the consequences of the dissolution of the marriage are related to the exercise of parental responsibility, the meeting with the other parent and the food obligation for the minor children.

The study aims to describe and analyze the problems encountered by litigants regarding the food obligation for minor children, during the divorce process (marriage dissolution) and after its dissolution.

The result of the study using the qualitative method of data collection presented a clear picture of the problems encountered from the moment the spouses no longer lived with each other, waiting for the Court's decision regarding the food obligation, charging the party who took care for the child in meeting all the needs of children. Problems also resulted in the determined value of the food obligation and its compliance by the party that had to deposit the determined income.

Important in this process is the synchronization of the persons involved in the process protecting the best interest of minor children. Also the coordination of the work of all actors and institutions taking care of the well-being and physical, emotional and psychological development of minor children.

**Keywords:** dissolution of marriage (divorce), minor children, child support obligation

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## Introduction

In Albanian society, marriage as an institution is very important. In the general concept, it was quite difficult to conceive the dissolution of the marriage, only in cases where the reason was major. Over time individuals realized that it was not easy to stay and live with someone if you did not have a positive relationship, love or mutual respect just to take care of the children.

Constant family conflicts harm children's well-being. The presence of parents in non-quality time harms children, it does not protect their highest interest. Under these conditions, the marriage solution avoids facing the children's family problems.

The dissolution of marriage represents the end of the marriage while the spouses are alive. In the Family Code of the Republic of Albania, various cases of marriage dissolution are provided (Family Code) as an effective form in the welfare of minor children.

Objectives of the study:

1. To explore the difficulties faced by parents who no longer live together in relation to the food obligation that the other parent must pay during the pre- and post-marriage dissolution process.
2. To explore the difficulties and challenges faced by parents who exercise parental responsibility if the food obligation, determined by the Court for minor children, is not fulfilled.

Research questions:

1. How do parental conflicts affect the well-being of minor children during and after the marriage dissolution process?
2. What are the difficulties faced by parents who exercise parental responsibility in relation to the absence or non-fulfillment of the food obligation by the other parent?
3. How does the lack of timely realization or termination of the food obligation by the non-custodial parent affect the well-being of minor children?

## Literature review

Over the years, Albanian society has increasingly paid special importance to marriage. The cases of marriage dissolution have been more and more numerous, as the parties have become aware that the family will provide a child's well-being if the parents are in a relationship characterized by love, communication and mutual respect between the couple. Continuous conflicts between couples harm children's well-being by creating difficulties in

children's development and up to persistent personality problems.

In our society there is a constant discussion about the rights and protection that every child enjoys. The Albanian legislation has provided several responsible mechanisms and bodies, which aim to effectively guarantee the exercise, respect and promotion of these rights. Based on the principle of the best interest of the child, a number of instruments have already been created for the special protection of the child. This is an important principle, as it protects the right of the child to have a healthy physical, mental, moral, spiritual and social development, as well as to enjoy an appropriate family and social life.

The Albanian legal framework provides several principles for the persons involved in marriage and the dissolution of marriage, as well as the rights of minor children. Everyone has the right to marry and have their own family, but it is the duty of the state to provide the regulation and legal protection of these institutes. The legislator and the Albanian government have the obligation to take all the necessary measures to regulate the stipulation and dissolution of marriage. (Constitution of the Republic of Albania)

The Convention on Children's Rights also defines a set of obligations and responsibilities that must be taken into consideration to protect children's rights. The general principles on which the determination of the obligations and responsibilities related to the protection of children are based are: Equality and non-discrimination, The highest interest of the child, the state must provide the child with protection and care, the right to life, survival and development, as well as respecting the opinion of the child (United Nations Convention on the Rights of the Child).

The Family Code also provides for the conditions under which marriage is dissolved:

- With the mutual consent of both spouses (Articles 125-128 of the Family Code).
- Due to the interruption of joint living (Articles 129-131 of the Family Code).
- At the request of one of the spouses (Articles 132-133 of the Family Code).

With the request for the dissolution of the marriage, the spouses must also submit to the court a draft agreement in which the way of regulating the consequences that come as a result of the dissolution of the marriage is provided, which are:

- Leaving the upbringing and education of minor children and determining the income for their upbringing and education.
- The contribution of each spouse in favor of the spouse in need.
- Regulation of property relations between spouses.

Thirdly, the court has the duty to examine the request of the two spouses. If the court is convinced of the above, it decides the dissolution of the marriage and in the same decision, approves the agreement that regulates the consequences of the dissolution of the marriage. The court's decision, like any judicial decision, may be subject to the means of appeal provided for in the Civil Procedure Code (Civil Procedure Code).

### **The emotional impact of divorce**

**Divorce** creates emotional turmoil for the whole family, but for children, the situation can be quite scary, confusing and disappointing:

- Young children often struggle to understand why they have to move between two homes;
- They may worry that if their parents don't love each other, they may one day stop loving them;
- They may worry that the divorce is their fault, that they have not behaved well, or they may assume that they have done something wrong;
- Teens can get very angry about a divorce and the changes it creates;
- They may blame one parent for the dissolution of the marriage or both parents for the turmoil in the family; (Bonnell, 2017)

Of course, each situation is unique. In extreme circumstances, a child may feel relieved by the divorce – if a divorce means less arguing and less stress.

Parents play a big role in how children adjust to a divorce. Intense conflict between parents has been shown to increase child distress. Excessive hostility, such as yelling and threatening each other, is associated with behavioral problems in children (Robert, 2016).

Despite the fact that **divorce** is difficult for families, staying together for the sake of the children may not be the best option.

Children who live in homes with a lot of fighting, hostility and resentment may be at a higher risk for developing mental health issues and behavioral problems.

Consequently, after **a divorce in the family**, it is normal for children to struggle with their feelings and behavior in the immediate aftermath. But if your child's mood or behavior problems persist, seek professional help.

## Methodology

This research uses the qualitative method of data collection. The fact that we consider divorce as a process is related to personal experiences and perceptions of the parties in relation to their family situation. This research method helps in analyzing personal perceptions by giving freedom to the interviewee in expressing their opinions, which are completely subjective. Thus, the literature review phase helped to create a database of existing reports and studies on this issue. Studies focused on divorce and issues related to the assignment and implementation of the food obligation for minor children were taken into consideration. This analysis, on the one hand, helped the formulation of the main research questions of the study and on the other hand, it was used to analyze the discussion of the findings of the study, serving as a source of comparison and confrontation regarding these findings. The advantages of qualitative methods such as: flexibility, obtaining in-depth information, high percentage of responses from interviewees and other participants in the study, the significance of non-verbal behaviors, originality of responses, etc., were taken into consideration in this study.

The sample selected in the study is with the method of intentional sampling, that is litigants who have undergone the divorce process, are currently in a judicial process and parties who have divorced 2-5 years ago.

The sample included 10 couples who are in the process of divorce, that is, they had filed a lawsuit in court, and 10 other couples who had divorced after spending 2-5 years separated.

The study focused on the formulation of several research questions that guided the design of an in-depth semi-structured interview guide that was used for the individual interview of the persons involved in the study. The interview represents an intentional conversation (Dudwick, N., Kuehnast, K., Jones, V. N., & Woolcock, M., 2006). The interview gives the researcher the opportunity not only to collect data and fresh thoughts about various problems of social reality, but also to encourage the elaboration of the original thoughts of the interlocutors during the interview process (Flick, 2014). In this sense, the interviews that were carried out were of the "collaborative interview" type, because during the interviewing process a relationship was created with the interviewee so that the experiences and ideas shared helped the data production process (Gustafsson, 2017).

Before the interview process was carried out, an interview guide was drawn up, which rather than a list of questions constituted an interview work program.

During the interviews, it was taken into account that the interviewees were left free in their answers, expressed their thoughts with their own words. I myself, in the role of the researcher, explored the most important issues with the participants. Encourage interviewees to express their feelings and opinions as freely and naturally as possible. To inform the interviewees about the purpose of the study, the preservation of anonymity and confidentiality.

The interview process was carried out in the period March 2022 - March 2023.

In-depth semi-structured interviews were conducted divided into 4 sections. The focus of the sections was related to how the divorce process was developed, how the consequences of the divorce were resolved, i.e. the exercise of parental responsibility, meetings with the other parent and child support obligations. In couples in the process, whether the food obligation (Convention on the Applicable Law for Maintenance Obligations) was realized at this time by the other party who did not take care of the children, and in couples who had completed the divorce, if more problems were faced regarding the food obligation or not.

## **Data Analysis**

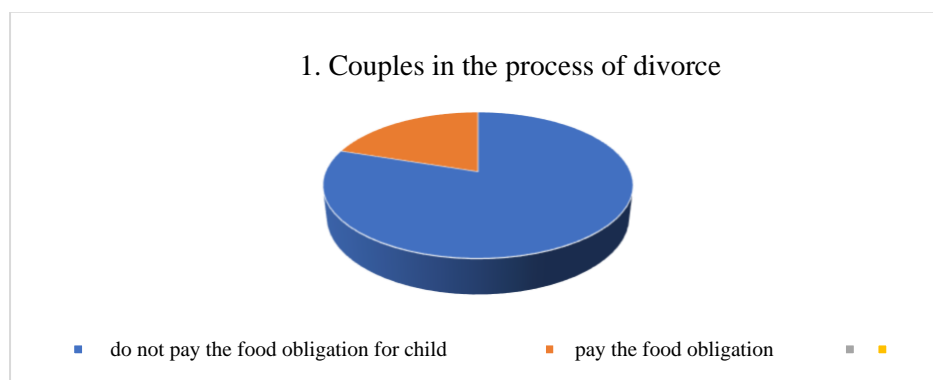
The organization of qualitative data obtained from individual interviews was done on the basis of labeling (creating indicators) and then on the basis of coding (categorization). This way of organizing the data enabled the realization of a thematic analysis guided by the thematic guide prepared before the start of the interview. Thematic analysis is "the process of segmenting, categorizing and reconnecting data aspects before their final interpretation (Zohrabi, 2013).

The process of labeling and categorization started immediately after the first interviews were conducted, so that if the data related to some indicators were incomplete, during the other interviews it was aimed to obtain the missing information, so that the findings of the study were more diverse and in-depth.

The results of the study, having as the main focus the problems related to the determination of the food obligation by the Court according to the divorce and its implementation by the litigants, as well as its realization during the divorce process with the wishes of the parties, a number of problems were observed.

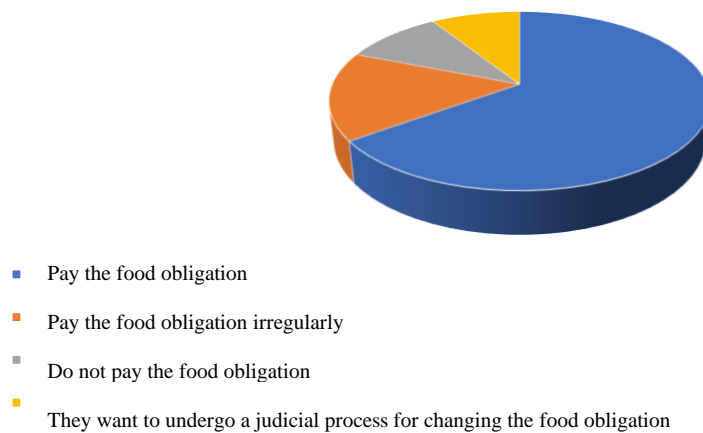
It turned out in 80% of the cases of couples who were in the process of divorce that because of the conflicts they had from the fact that one party did not accept the divorce,

meetings with the other parent, that they did not willingly repay the food obligation. The party who does not take care of the child stated that he was waiting for the Court's decision regarding the determination of the food obligation. Also, a part of them stated that the fact that the other party had asked for a divorce, had also thought of ways to take care of the well-being of the children. Only 20% of the couples who were in the process of divorce shared the expenses of the children, carried out meetings with the children by consensus and had a good communication regarding the needs of the children in the growing process. These couples understood very well their importance in creating the children's personality and shared the problems they might encounter while raising children.



Also, in couples who had divorced 2-5 years ago, it turned out that there was a direct connection between the conflicts that the parties could have with each other and in relation to the consequences of the divorce on the children. It turned out that 65% of them fulfill the food obligation regarding the children as it was determined in the Court's decision. The custodial parents felt that there could be more needs as they get older, while they did not ask for the Court's decision to be reversed. 16% of couples stated that the food obligation was not applied regularly, claiming from the other party that he was no longer employed or the income was insufficient. 10% stated that the food obligation and periodic visits with the children were not implemented, showing no interest in the children's well-being. 9% stated that they wanted to undergo a judicial process to change the decision regarding the food obligation, as it was totally insufficient.

## 2. Couples who divorced 2-5 years ago



The findings of the study also shed light on the difficulties faced by the parties taking care of the children, in relation to their employment, the difficulties of dropping them off and picking them up from school or other activities during the day. Scheduling meetings mainly on weekends or 2 weekends a month made it difficult for the parent exercising parental responsibility to carry out personal or professional activities.

Also, other issues were related to the measure determined by the Court for the food obligation, usually standard or related to the possibility of the other party documented only in relation to employment, while the child may have much greater needs.

The findings of the study also reflected the difficulties faced by litigants when one party did not repay the food obligation, while the needs of the child were at all times.

The study highlighted that parents who were in consensus with each other had regularity in all the consequences of the dissolution of the marriage, the food obligation for the child, meetings with the children and shared together any difficulties related to the well-being of the children.

## Discussions and Conclusions

The study focused on the divorce process and one of the consequences, the food obligation for the minor child.

The divorce process is something completely personal and the qualitative method provides information about the personal perceptions of the parties who are in the divorce process and the parties who have been divorced 2-5 years ago.

It turned out that there was no difference in the way the consequences of the divorce were resolved, i.e. the food obligation, meetings with the children or communications between them based on the time distance, i.e. the parties in the process of divorce or those who were

separated for 2-5 years. The parties who had confrontations or conflicts during the divorce process continued to have them after the end of the divorce process.

Couples who were in the process of divorce had greater difficulties regarding the food obligation, as the other party was waiting for the Court's decision, thus leaving aside the best interest of the child and putting only the custodial parent in front of the responsibility. Parental conflicts harmed the physical, psychological and emotional well-being of the parents, reacting in the child's behavior, increased aggressiveness or decreased academic performance.

The couples who had been divorced for almost 2-5 years had regulated their lifestyle, taking care of the children and fulfilled the obligations towards them.

Another problem encountered in relation to the food obligation was the amount of its determination. The parties considered that the value of the obligation may not meet the needs of the child in different periods of time.

For this problem, the Albanian legislator has provided and established these variable, i.e. not permanent, decisions, understanding the ever-growing needs of minor children or the changes in prices for products or services.

An effective recommendation for parents exercising parental responsibility is to request a change in the decision regarding the food obligation, if the conditions have changed. Regardless of the duration of court proceedings, expressed by the interviewed parties, parents should undergo such a process if they encounter difficulties in raising their children, if the other parent has changed job, that is, there is a high payment and objective opportunities to repay the food obligation. All instances or persons involved in the process must focus on the highest interest of minor children.

In any case, the court must invest heavily in assessing the real financial possibilities of the debtor parent, in order to offer the child a good quality and standard of living and not different from the previous one. Our family legislation does not provide for a monetary value of the child support contribution or the food obligation, both in terms of determining a minimum and a maximum limit. the food obligation for the child must include everything necessary to meet the material and cultural needs of the child's life and more specifically, it must include expenses for food, clothing, housing, heating, medical services, education, entertainment and any other necessary activity for a normal life. These should in no case be considered by the court as excessive expenses.

It is recommended the provision in the legislation of the decision on the determination of the food obligation be made at the stage of the preparatory actions by the Court with immediate execution, so that this will protect the interest of the child to the highest degree,

avoiding any problems at the stage of execution.

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## FROM OTTOMAN LANGUAGE TO DIDACTICS OF TURKISH ON THE 100TH ANNIVERSARY OF POLITICAL RELATIONS BETWEEN ALBANIA AND TÜRKİYE

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### **The historical relationship before Independence**

In historical data - and therefore in the works of today's historians - there are chronological differences regarding the date when the Ottomans first set foot on the Balkan peninsula. In 1347, 1349, and 1352, the soldiers of Sultan Orhan VI. Alongside Johan's soldiers, they entered the Balkan lands to fight against the Serbian and Bulgarian armies. Thus, in 1352, the Ottomans captured the Çimpe castle next to the city of Gallipoli and gained their first territory on the European continent. Two years later, in 1354, the Ottomans captured the city of Gallipoli and then the entire Dardanel region. Sultan Murat I advanced further into the Balkans between 1362 and 1389 and captured new regions, castles and settlements (including Albanian regions). However, there are also cases that suggest that Albanian-Turkish language relations began much earlier than these dates. For example, Byzantine Emperor Paleologus III. Andronik (to suppress the Albanian rebellion in 1328-1341) organized an operation in the Berat region and its surroundings, which was considered the most developed principality of the Albanians. The Byzantine Emperor, whose core army consisted of Oghuz soldiers, entered Berat in 1336 after occupying the cities of Ohrid, Kolonja and Devoll.

After the Battle of Evros, the princes in the Balkans - including Albanian princes - became vassals of Murat I. According to the conditions of vassalage, these princes had to pay a certain tax to the sultan every year and participate in the war with their own armies alongside the soldiers of Murat I in case of war. The Ottoman armies set foot on Albanian lands, that is, Albanian castles, cities and towns, in the 1380s. After capturing the city of Sofia, the Ottoman armies under the leadership of Timurtaş Pasha, the governor of Rumelia, set out on an expedition to the Albanian cities. In September 1385, this army was defeated by the Albanian princess II. He confronts Balsha soldiers in the Savra plain (modern-day Lushnjë city). II. This war, in which Balsha was martyred, resulted in the victory of the Ottoman army. After this victory, like a domino effect, most of the Albanian cities and castles came under Ottoman rule; These are the castle-cities of Berat, Gjirokastër, Krujë, respectively. In 1386, the Ottomans captured the city of Nish, which is considered the most remote settlement of the Albanians, and the Thessaloniki castle in 1387.

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Immediately after the conquests (except for a few cases), administrators from Anatolia were appointed to manage these cities or castles. Some of them took office as a compliment, while others took office with their families as a result of a change of rank or as exiles. As can be understood, especially in the late 14th and early 15th centuries, Oghuz-Ottoman Turks entered the Albanian geography with a new state administration, new institutions, new social order and new semantic values; They introduced a religion that was completely new to the Balkan people, Islam, in an institutional way. Here is Arn, one of the words related to state administration and which has the value of old/obsolete word in today's Albanian. kadi – Tr. kadi, Arn. government – Tr. government, governor – governor, dilaver, dylaver – dilaver, dizdar – dizdar, kala – kale, bajraktar – flagtar, aga – ağa, bej, bek, beg – bey, bimbash – major, nizam – nizam, at – at etc. The verses form the third group, preserving the linguistic features of Western Turkish, that is, Oghuz, diachronically according to the chronology of antiquity. Incidentally, we know that during the Great Roman Empire, dozens of castles were built or repaired in the Albanian geography and their names were called Kështjella – Kastello, Castell or Kastrum (as we see in the example of Ergirikasrı). The change of this name to castle after the Oghuz-Ottoman Turks entered the region is one of the important examples emphasized by linguists. In Albania, there are also settlement names with this derivation such as Kalaja e Prezës, Kalaja e Dodës.

We can say that Albanian and Turkish language relations were limited between 1385 and 1912 (Çabej 1975: 125). (These dates are the dates when the Oghuz Turks dominated the borders of Albania, and since the Turkish of this period was the language of the administration and the victor, it was in a superstratum against the language spoken in the region, that is, against the Albanian language. However, it should also be noted that during this long period of time, only Administrative units were not established. The Turks brought a new order of life and lifestyle to the region and especially built educational, legal and cultural institutions from scratch. The organization of state institutions was based on a feudal military order based on the fief system. Many investments (if we can call them investments) were made not through central planning. It was carried out as regional planning. However, the money for the investments (mosques, madrasahs, roads, bridges, clock towers next to famous mosques in Balkan cities, etc.) was covered by philanthropists, merchants and tradesmen. To understand the dynamics of the spread of the 14th century timar system in the region, Since we only have the cadastral records as a source, we will not dwell on this. Oghuz and Albanian are two unrelated languages, and as it is known, they both belong to two separate language families. Albanian is one of the Indo-European languages and Oghuz is one of the Altai

Group languages. The Turkish of this period had a significant influence on the phonology, morphology, syntax and semantics of Albanian, that is, on every branch of linguistics. Although poets such as Ahmed Fakih and Yunus Emre, who were very famous among the Turks in this period, had long introduced their works to the world, we come across the first written work in Albanian only in 1555. This view shows us the inevitability of linguistic influence and that Oghuz, which is more developed in terms of its literature, administrative, economic and military terms, is the transmitting language and Albanian is the receiving language.

While the traditional sentence structure of Albanian is subject-predicate-object, Western Turkish is subject-object-predicate. We believe that the subject-object-predicate system was not yet established in the Turkish of this period and therefore was not established enough to be effective in the syntax of Albanian. For this reason, the Oghuz-Albanian language contact will be seen mostly on the folkloric and lexicographical plane. There are approximately 5000 words of Turkish origin in today's Albanian; In standard Albanian, this number decreases to 1800. If we talk about the lexico-semantic distribution of Turkish verses, as we mentioned above, religious, military and administrative data come first. Then comes the troubles of home, family and city life; However, whether in standard Albanian or in the northern and southern dialects of Albanian, these words preserve the characteristics of Oghuz Turkish. For example Arn. qilar~ Tr.kiler, qoshe- corner, gjerdek - gerdek, hambar - warehouse, legen - basin, aga - aga, dyshek - mattress, peshqir - peshkir, poste - post, postiqe - postik, qilim - rug, socks - sock, papuçe - shoe, perçe - perçe, qylah - cone, badihava - free, dyqan - shop, qar - snow, sheqer - candy, karvan - caravan, bazaar - bazaar, shatërvan - fountain etc. are the most used.

The Turkish dialects of the Middle Turkish period, represented by Chagatai in the east, historical Kipchak in the north, were represented by Oghuz in the west. In fact, in addition to the term Oghuz language, Anatolian-based Western Turkish is also used. Oghuz language developed a written language according to the native dialect characteristics of Anatolia starting from the 13th century, and was replaced by Ottoman Turkish in the 16th century (Akar 2005:269).

Contacts between Albanian-Turkish languages sometimes occur in the form of direct contact on the cultural or ethical level, and sometimes on the interpersonal level. One of the earliest factors affecting the emergence of contacts between these languages is the spread of the Islamic faith.

The traces of Albanians' first contact with Islam and their entry into this religion date back to

ancient times. Before the Ottoman period, at the beginning of the 13th century or before, the lands where Albanians lived were frequently visited by missionaries from the Oghuz-Turkish world for both religious and military purposes, due to their geographical location. In this regard, it must be said that the Islamization of the Albanian people did not happen suddenly; On the contrary, the first contacts we have mentioned, although limited, played a groundbreaking role (as in the early periods of the spread of Christianity) and facilitated the general acceptance of Islam seen in the Ottoman period.

This religion spread with the philanthropic works of Hacı Bektaşî Veli's disciples and dervishes, such as Sarı Saltuk and Balım Sultan, in the geography where Albanians lived and by introducing and endearing Islam to the people; In addition, this created sympathy for the language of these people. In our opinion, the first Turkish words that entered Albanian were religious words containing the characteristics of the Old Anatolian Turkish period, and the oldest of these is Arn. prayer~ Tr. prayer, Arn. xhenet ~ Tr. heaven, xhenem, xhehenem - hell, sacrifice - sacrifice, prayer - prayer, Qabe - Kaaba, avdes - ablution, harram - haram, gjynaf - sin, good deed - good deed, imami - imam, dervish - dervish, musliman, mysliman -Muslim, words such as islam - Islam, religion - din, prophet, peygamber - prophet, hajde - hadi, charity - charity. These are words that have settled into the utterance and lexicon of today's Albanian language and have withstood the purification movements that have been going on since the beginning of the last century (Gjinari 2003, Shkurtaj 2003: 263).

We have a treasury of Albanian-Turkish religious literature that developed intertwined for 600 years until 1912. We have only reached a few drops from this treasure of thousands of pages, which was ignored because it was written in Arabic letters. With the establishment of the Republic of Albania in 1912 and the transition to the Latin alphabet in 1908, the works of the most prominent names of Islamic literature of the period were written in the Latin alphabet and became a light for later generations. In these products, as much as we see the grammatical elements of Oghuz language, we also see the most original features of the language and world view conveyed through words and expressions.

### **Linguistic and literary relationships in modern area**

After the declaration of our independence, that is, after 1912, for obvious reasons, we see ruptures and distances in all kinds of fields, and we also see such a distance in the cultural and literary fields. Naturally, this would be reflected in his failure to follow literary developments in Turkey.

Last century. Turkey, under the leadership of Mustafa Kemal in the early 20's, would again be a reference point for Albanian intellectuals. But this time the reference would be based on

political factors.

20th century At the beginning, Albania was on the way to securing its independence, and all eyes were mostly on the west. At that time, everything coming from the "Ottoman East" was synonymous with reactionism. In the excitement of those days, reaching the "West" was the ideal, while the East bore the symbol of the swamp that meant "let's escape as soon as possible." These historical data show us how difficult it is to accept values coming from the East. On the other hand, we need to emphasize that our national culture would preserve the values that came from the east and have been settled for centuries until today. For this reason, escaping from such values or even considering these values as anti-value would now be considered absurd.

The social-realist culture that settled in Albania after the Second World War maintained a progressive attitude in this direction. Social-realist culture has directly or naturally destroyed many barriers that hindered communication between societies, provided that it replaced them with new ones. It is true that they prefer small societies and especially societies within anti-imperialism; Interestingly, at that time, 'Turks' were neither among the large societies nor among the small societies; But as far as we can see, the 'principle of expropriation' was in effect at that time, and they would fill the void of values coming from the West, which they had turned into an enemy with everything, with values imported from different countries and also from Turkey (However, we are not talking about the tendency to return to the 'old lover' with this). Literary products had an important role among the imported values.

Nowadays, Turkish literature in general and especially contemporary literature is little known by the public in Albania. To confirm this, only Nazım Hikmet, among the poets from Turkish literature, and Aziz Nesin, among the novelists, are included in the literature programs of our primary, secondary and high schools. These writers have nothing but a page corner.

Of course, we are very sure that Hikmet's poetry and Nesin's verse will honor any literary anthology, regardless of the place and time of publication, but it is powerless to represent the whole of Contemporary Turkish Literature.

We understand and accept that the lack of recognition or lack of knowledge until the '90s of the last century was due to lukewarm relations and strict actions in choosing writers, but, with the opening of Albania and the establishment of freedom, we cannot understand and tolerate this lack of recognition and ignorance. It is true that the Albanian reader cannot be blamed for these shortcomings.

Our libraries contain the works of various writers from contemporary Turkish literature; Among them, Yaşar Kemal, Reşat Nuri Güntekin, Suad Derviş, Talip Aydin, Fakir Bajkurt,

etc., but we see issues that need to be emphasized in the works of these writers translated into Albanian.

First of all, we must point out that these works are translations of the 70s - 90s; This is the time when the translation of works by Western authors was limited, for political reasons. Another striking feature is its circulation number, which does not exceed 8 thousand issues. (This is a smaller figure than the average number of works of foreign authors printed).

Another issue is that at that time, the works of Turkish writers were translated not from Turkish but from other foreign languages. Our famous author Dritëro Agolli sincerely accepts this and says in the foreword of Yaşar Kemal's book 'İnce Memed':- "...the book has been carefully translated by Donika Omari, preserving the richness of the words. Of course, it was a difficult job for the translator, Because, although we do not know Turkish and we cannot taste the original, it is felt that Yaşar Kemal's language is dominant and rich. However, we can see the richness and weight of his words when we read his works in other languages. "On the first page of this book, it is stated that -translated by Donika Omari- , but it does not say from which language it was translated. Besnik Mustafaj, one of our important writers and translators, also translated Nazım Hikmet's poem titled 'Human Pejsajları' (in our opinion, it was translated from French).

It is not a new phenomenon that works are translated from other languages rather than from the original language. We can see this even in the most serious publications. What is new here is that these works are presented as if they were translated from the original. Many might call this the 'sin of ignorance'... but for us it goes even further than that. During this period, we also notice that 'the work has changed'; We see this as a printing problem, not a translation problem, due to mutilated and abbreviated reasons. The most obvious example is R.N., one of the Turkish classics. We encounter it in Güntekin's work 'Wren'. The elements controlled by time and the parts called 'eroticism' have been removed.

At the time we are focusing on, only Yaşar Kemal, among the Turkish writers, has been privileged in this regard. He has works such as 'Middle pole' (1975), 'İnce Memed' (1983) etc. As we mentioned above, Dritëro Agolli, Kemali's colleague and the leader of our national literature, carefully wrote the foreword of this book. At the same time, our writer Azem Shkreli expresses the following about Nazım Hikmet, who is valued and honored by Albania's elite writers:-... As Hikmet said, that great poet, with his words of fire...

We see that the value and importance given to writers who represent contemporary Turkish literature started after the 80s, when Albania took a more liberal position.

Recently, due to the increasing relations between the two countries in every field, we have

noticed that the interest and care towards Turkey in general has increased with the increase in the number of people interested in Turkish language and culture. The works of the Nobel Prize winning author Orhan Pamuk have been translated from Turkish and he is known for his three books 'White Castle', 'Snow' and 'My Name is Red'. Selected Stories from Turkish Literature, Turkish Language and Literature, sponsored by TIKa and promoted at the Yunus Emre Tirana Centre. The gift of the faculty members of the Department of Literature to Albanian readers is the most obvious indicator of this.

Adriatik Derjaj, *Rreth Drejtshkrimit të Turqizmeve dhe Emrave Vetjakë me Origjinë Turke*, Prishtinë 2007  
Dritëro Agolli, *Kujtime*, Tiranë 1988

### **Main Conclusions**

The Ottoman Empire and the subsequent Republic of Turkey have played significant roles in the historical and cultural development of the region. The 100th anniversary of political relations between Albania and Turkey is an opportune moment to reflect on the linguistic and educational aspects of this relationship, transitioning from the Ottoman language to the didactics of Turkish.

#### **1. \*\*Ottoman Language and Cultural Ties:\*\***

- The Ottoman Empire, which lasted from the 14th to the early 20th century, had a profound influence on the linguistic and cultural landscape of its territories, including Albania.
- The Ottoman Turkish language served as the administrative and literary language, contributing to a shared cultural and historical heritage among diverse populations.

#### **2. \*\*Transition to Modern Turkish:\*\***

- With the establishment of the Republic of Turkey in 1923, led by Mustafa Kemal Atatürk, there was a deliberate effort to modernize and reform various aspects of Turkish society, including language.
- The Ottoman Turkish script was replaced with the Latin alphabet in 1928, marking a significant shift in linguistic practices.

#### **3. \*\*Didactics of Turkish:\*\***

- The didactics of Turkish refers to the teaching and learning of the Turkish language. This process has evolved over the years, adapting to the changing linguistic landscape and educational needs.

- Educational institutions in both Albania and Turkey have likely played a crucial role in shaping the didactics of Turkish. This involves curriculum development, language teaching methodologies, and cultural exchange programs.

#### 4. **\*\*Cultural Exchanges and Educational Cooperation:\*\***

- The 100th anniversary provides an opportunity to celebrate the enduring cultural ties between Albania and Turkey.

- Bilateral initiatives such as cultural exchanges, educational partnerships, and language programs may have contributed to a deeper understanding of each other's languages and cultures.

#### 5. **\*\*Challenges and Opportunities:\*\***

- Reflecting on the journey from the Ottoman language to the didactics of Turkish involves acknowledging challenges and identifying opportunities for further collaboration.

- Challenges may include linguistic nuances, historical legacies, and the need for continuous adaptation of educational approaches.

- Opportunities lie in leveraging shared cultural heritage for mutual understanding, fostering academic collaboration, and promoting linguistic diversity.

#### 6. **\*\*Future Prospects:\*\***

- Looking ahead, both countries can explore avenues for strengthening linguistic and educational ties. This could involve joint research initiatives, teacher exchanges, and collaborative language programs.

- Embracing technological advancements in language education can enhance the accessibility and effectiveness of Turkish language instruction.

The 100th anniversary of political relations between Albania and Turkey is a momentous occasion to reflect on the linguistic and educational journey from the Ottoman language to the didactics of Turkish. It provides an opportunity for both nations to celebrate their shared heritage, address challenges, and explore new avenues for collaboration in the realm of language and education.

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## EU INTEGRATION PROCESS FOR ALBANIA AND TURKEY: SIMILARITIES AND DIFFERENCES

PROF. ASSOC. DR. ARBER GJETA<sup>45</sup>

### ABSTRACT

The process of enlargement of EU for the countries of Western Balkans is an ongoing process, the most important from the adhesions of 2004 and, maybe, the conclusive enlargement of the Union. Through this paper we aim to offer an insight of the historical progresses made from Albanian in its integration process from the Association and Stabilization Agreement until the opening of the negotiations and screening procedure also as to analyze the latest progress reports of the EC from a legal perspective.

Differently, the path of Turkey as a candidate country started at 1999 at Helsinki and the negotiations opened in 2005. Yet, due to several slide backs the negotiations framework with Turkey is on hold since 2016 and there is a serious uncertainty on the path forward and, maybe, the renewed relationship EU-Turkey that is taking place at high-level dialogue may pave the path for a new negotiation framework.

There are differences between the methodologies of enlargement adopted from EU in the two cases. In our opinion, the key and most relevant issue within the process of integration and during negotiations remains the correct adoption of the *acquis*.

**Keywords:** EU enlargement, *acquis* adoption, negotiations, new methodology, Albania, Turkey

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## 1. Timeline of the integration process for Albania and historical background

Albania has undertaken an important path toward EU from several decades now in order to become a member State of the Union. This important process for Albania, and EU as well<sup>6</sup>, started with the Stabilisation and Association Agreement (SAA) signed from the Republic of Albania in 12 June 2006 and entered into force in 2009 with the signature of all Member States. Thus, in 2009, Albania submitted its formal application for EU membership. The implementation of the SAA started in Albania years before in order to be fully compliant with the obligations included in it, especially the adoption of the *acquis* within its national legislation.

In June 2014, several years after the adoption of the SAA, finally Albania was awarded the status of candidate for membership<sup>7</sup>. The following years several efforts were made from Albania in order to seek the goal of accession negotiations and a first unconditional recommendation for opening the negotiations was granted from the Commission in 2018, then with the Enlargement package in May 2019. Thus, the Council in its conclusions in June 2019 assessed the possibility of opening the negotiations and in March 2020 the Council decides to open negotiations with Albania presenting then in July a draft negotiations framework to the Member States.

Furthermore, the Commission, in May 2021, states that Albania has meet the criteria for holding the first Inter-Governmental Conference for accession.

In the light of this timeline, we notice that the path of Albania toward full adhesion was long and shaped by serious threats, especially regarding the institutional infrastructure within country and their functioning. It is also important to bear in mind that the *acquis* adoption shall be accompanied by a strong implementation within institution in order to ensure the rule of law and to fully comply with European values<sup>8</sup>. Yet, in Council conclusions of 2018

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<sup>6</sup> Albania, as part of Western Balkan, was identified as a potential candidate state worth for EU membership during the Thessaloniki European Council held in June 2003 and included in a larger agenda of enlargement advanced in the aftermath of the imminent adhesion of the countries of Central Europe and Balkans of 2004.

<sup>7</sup> The Council conclusions on Albania (General Affairs Council meeting in Luxemburg 24 June 2014) states, among other conditions, that "Following the granting of candidate status, the Council underlines that Albania should act decisively on all of the recommendations in the Commission's report and intensify its efforts to ensure a sustained, comprehensive and inclusive implementation of the key priorities, notably the reform of the public administration and the judiciary, the fight against organized crime and corruption, the protection of human rights and anti-discrimination policies including in the area of minorities and their equal treatment, and implementation of property rights."

<sup>8</sup> Council conclusions on enlargement and stabilization and association process of 26 June 2018. In the assessment of the Council, despite a favorable opinion issued by the Commission, a significant progress was made in order to meet the criteria for opening the negotiations but still there is a need for further reforms in Albania especially fighting corruption, increasing competitiveness, fighting informal economy, fiscal consolidation and continuing judiciary reform.

progress in some areas, such as liberalizing the energy market, enhancing transport infrastructures and digitalization, was fully recognized. The Council meeting of 2018 is the key point in shaping the path of Albania, having regard of a new enlargement methodology and a new perspective for Western Balkan countries, toward the opening of the negotiations, which was adopted in 2020<sup>9</sup>.

In July 2022 the Intergovernmental Conference on accession negotiation with Albania was held and the screening process started with the explanatory meetings. The EC has produced the screening report on Cluster 1- Fundamentals and submitted it to the Council.

## **2. The latest annual progress reports of the Commission on Albania**

The process of enlargement, as shaped in the Copenhagen criteria, on the need of a credible enlargement process toward Western Balkans also as bearing in mind the lessons learned by the enlargement process of 2004<sup>10</sup> is of crucial importance for the institutions of the European Union. The fulfillment of the duties of assistance, support and monitoring toward the candidate countries rely on the Commission. The Commission is keen to foster the enlargement process with the WB countries and it is evident in the analysis of the progress reports.

The 2023 progress report for Albania issued in November 2023 refers on political criteria mainly regarding elections in Albania in 2023. For the Commission Albania is moderately prepared regarding public administration, functioning of the judiciary, public procurement, statistics, financial control, most areas of internal market, areas linked to competitiveness and inclusive growth.

There is some level of preparation in fight against corruption, fight against organized crimes, areas of green agenda and sustainable connectivity such as transport and TEN, environment and climate change, areas of resources, agriculture and regional policy and cohesion.

There is need to better implement the legal and policy framework in the field of fundamental rights and regarding freedom of expression Albania is classified between some and moderate level of preparation in its accession process.

Regarding economic criteria, Albania is between moderate and good level of preparation on the functioning market economy. In addition, regarding external relations, foreign security

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<sup>9</sup> COM(2020) 57 final

<sup>10</sup> See D. ADAMSKI, *The social contract of democratic backsliding in the "New EU" countries* in *Common Market Law Review* 56: 623-666, 2019. Also, for the ongoing process for the enlargement of 2004, see G. BURGHART, F. CAMERON, *The next enlargement of the European Union* in *European Foreign Affairs Review* 2: 7-21, 1997

and defense Albania has a good level of preparation.

This report signs the efforts of Albania in the process of integration and finds relevant improvements. Being in the phase of the process of screening there was a enormous effort made from Albanian institutions in order to fully auto-evaluate its progress correctly. The findings of this report should be readied in the light of the screening process that was ongoing for Albania in 2023. It is with interest to attend the Council evaluation in December regarding the progresses made from Albania.

#### 2.1. The *acquis* adoption procedures in Albania in the light of the progress reports

As in regard the most important point, the *acquis* adoption, which is instrumental and fundamental to achieving all the other criteria, the reports of 2019, 2020, 2021, 2022 and 2023 present almost the same situation. In our opinion, it is of crucial importance, beside deep reforms of public administration and judiciary system the correct harmonization of the legislation with the *acquis*, especially having regard of the nature of implementation of directives. Thus, candidate states like Albania shall have very efficient legislative drafters in order to ensure a correct implementation. This will certainly impact the good and efficient interpretation of legislation in line with EU principles and, also, provide a faster path toward full adhesion.

During 2019, according to the Commission “Albania continued to align its legislation to EU requirements in a number of areas, enhancing its ability to assume the obligations of membership”<sup>11</sup> and it is moderately prepared in some areas such financial control, education, culture and statistic. In other areas, such as public procurement or trans-European network it has some level of preparation. The Commission individuates some areas like transport and energy where Albania shall continue development of networks. The Commission main concerns remains the administrative capacities and professional standards of the bodies entitled of the implementation of the *acquis* and their independence.

The same conclusions are present in the 2020 report with a clearer statement on the need to “to continue its efforts as regards the overall preparations for adopting and implementing the EU *acquis*”<sup>12</sup>.

In the report of 2021 there is no specific mention of the process of *acquis* adoption but the Commission in several occasions recognizes the efforts of Albania in the light of the imminent starting of the first Intergovernmental conference. Thus, Albania has changed and

<sup>11</sup> SWD(2019) 215 final of 29.05.2019, p. 5

<sup>12</sup> SWD(2020) 354 final of 06.10.2020, p. 8

enhanced its governance structure and appointing the Chief Negotiator responsible for negotiations with EU and the other structures related to EU issues<sup>13</sup>.

The assessment of the Commission through these progress reports is made in the light of the new and enhanced methodology proposed in February 2018 on “A credible enlargement perspective for and enhanced EU engagement with the Western Balkans”<sup>14</sup> and the Communication of 5 February 2020<sup>15</sup>.

The Commission, through its new methodology of enlargement, underlines the importance of the adoption of the *acquis*. Thus, it is clearly stated that “much remains to be done across the board to align with the EU's *acquis*, to establish or build up the related institutions, and to ensure implementation capacity, whether in terms of single market rules, social policy, energy and transport *acquis* or EU environmental law.”<sup>16</sup>. In addition, it finds important offering technical assistance and support for institution building having in mind that for a credible enlargement perspective there must be a strong support from the European Union.

The correct adoption of the *acquis* is one of the most important issue in the path toward adhesion. The correct adoption of the *acquis* is of crucial importance and instrumental to enhance and boost the process of integration. The correct adoption of the *acquis* may create synergy between institutions in Albania and a better enforcement of the law in order for the future evaluation to change from ‘some preparation’ to a better assessment. Yet, the most important issue that threat the whole process remains the poor acknowledgment of the EU legislation and institutions within the country. It suffices to say that are only a few judicial decisions that relies on the ECJ ruling in order to motivate the ruling based on correct interpretation of EU principles that now are included within Albanian legislation<sup>17</sup>.

Actually, the grade of adoption of the *acquis* for Albania is under scrutiny under the Screening process for 2023.

### **3. The Turkey path of EU integration through a renewed relationship with EU**

Turkey was found eligible as a potential EU member during the Luxemburg Council summit in 1997 and the European Council held in Helsinki in 1999, almost 25 years ago, declares it as

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<sup>13</sup> SWD(2021) 289 final of 19.10.2021, p. 11

<sup>14</sup> COM(2018) 65 final

<sup>15</sup> COM(2020) 57 final

<sup>16</sup> COM(2018) 65 final, p. 6

<sup>17</sup> A. GJETA, *Shoqeria e thjeshte midis Kodit Civil dhe legjislacionit tregtar. Problematika ne sistemin ligjor shqiptar* in *Avokatia* 30, 2019

a candidate country<sup>18</sup>. The process of integration of Turkey started a quarter of century ago and it is still an ongoing process. In 2004, after the European central countries accession, EU opened the negotiation process with Turkey, which meets the Copenhagen criteria. After October 2005 the screening process started and formally, the negotiations started in June 2006, when the first chapter to be negotiated was the 25 (Science and research) successfully closed. The process continued in the years to come with the opening of chapter 12 (food safety, veterinary and phytosanitary policy), chapter 22 (regional policy and coordination of structural instruments), chapter 17 (economic and monetary policy), chapter 33 (financial and budgetary provisions). Actually, there is one chapter provisionally close and 16 opened chapters in the negotiations process.

Since 2015 the process of negotiations remained as above with no further progress made in the years to come. The chapters remained opened and no advance was made. On the other hand, within EU substantial changes was made to the enlargement methodology itself in 2018, which mostly refers to new candidate countries, Western Balkan countries, foreseeing a reversible process in opening and closing the chapters of negotiations once there were backsliding from a candidate country and proceeding by clusters of negotiations when opening chapters. Yet, the EU states that the process of enlargement will remain strongly linked to the established criteria of adhesion and the principle of merit based process for each candidate country will remain despite the proposal of block enlargement for the WB countries. Thus, the path of Turkey toward EU integration remains in this status quo but the relationships between parties has continued in a constant process of political negotiations in several areas of mutual interest, i.e. migration, climate or agriculture.

Turkey remains a candidate country in the adhesion process despite the negotiation process has come to a stall since 2016 with a formal recognition of the Council Conclusion of June 2018. Yet, Turkey remains a key partner for EU and a renewed interest in fostering the negotiation process was launched in March 2021 when the EU declares its intention to engage with Turkey in a phased, proportionate and reversible manner to cooperate in areas of common interest, declaring that Turkey is a significant partner of EU. In 2023, the European Council is seeking an understanding regarding the relationship between EU and Turkey in order to better assess the relation between the two entities.

### 3.1. Latest report on Turkey

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<sup>18</sup> The relationship EU-Turkey dates back in the '60s and the formal application for membership in the European Economic Community was presented in 1987.

The every year progress report for Turkey, as a candidate country, was recently issued for 2023<sup>19</sup>. The EC finds that in several areas the accession criteria are not met. Thus, the report finds deficiencies in the functioning of democratic institutions, backsliding regarding civil society, early stage in fight against corruption, backsliding in human and fundamental rights, etc.

There are some advances and a moderate level of preparation regarding other issues as public administration reform, early stage of preparation regarding judiciary, fight against organized crime, migration and asylum policy, public procurement, Green Agenda and sustainable mobility, agriculture and cohesion and fight against corruption.

There are areas that show a good level of preparation regarding internal market cluster, part of cluster in competitiveness and inclusive growth and economic criteria with a well-advanced economy.

It is of interest to document the findings of the EC regarding obligation of membership on alignment with the *acquis* that are on a limit degree and on ad hoc basis. Thus, one of the most important criteria in the path of integration, from a legal point of view, need to be improved. Yet, the degree of *acquis* adoption is in line with the political moment between Turkey and EU and the status of the negotiations.

#### 4. Conclusions

Through this paper, we briefly analyzed the integration processes of two countries and the progress made so far by Albania and Turkey. It offers the evaluation of the process and the state of art of the progress documented by the Commission in 2023.

There are significant differences regarding the processes of Albania and Turkey in their path of EU integration. Despite the similarity of the process regarding enlargement criteria and their evaluation the cases of Albania and Turkey presents enormous differences.

In the light of the position of the EU toward enlargement with the countries of Western Balkans we can see a technical enlargement procedure for Albania and underlined its efforts for being compliant with EU requirements. Actually, we have Albania's screening report in cluster 1 and waiting for the opening of negotiations for chapters within the cluster of Fundamentals. The EU perspective for Albania passes through different background, under the stabilization process with all WB countries, and the integration process is different from that of Turkey, foreseeing with the Summit of Berlin process a block enlargement of all WB

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<sup>19</sup> Turkey 2023 Report SWD(2023) 696 final

countries. Yet, the enlargement requirements remains the same under the Treaty provisions and the process is merit based according to the EC methodology.

Formally, Turkey is in a more advanced status in the process of negotiations with one chapter provisionally closed and 16 opened chapters but there is no progress in the process since 2016. Time writing there is a stall between EU and Turkey and a renewed intention to try to understand the relationship between the two entities. This relation is far away from the ongoing technical process of integration and negotiation framework established. The negotiations shifted in a high-level political dialogue between EU and Turkey. Differently from the integration processes of the Western Balkan countries the negotiations with Turkey are now on a different track that may foresee a different and renewed framework of negotiations withdrawing from the ongoing process of integration. The latest progress reports of 2023 are different for Turkey and Albania and they reflect the differences between two countries in their path toward EU. It is clear that the methodology of enlargement is not anymore fit for the renewed relationship between Turkey and EU, at least from a legal perspective, which includes the criteria of adoption of EU legislation.

## **“DAMAGE COMPENSATION FROM COPYRIGHT INFRINGEMENT. THE CASE OF ALBANIA”**

ASSOC. PROF. DR. ANJEZA LIÇENJI<sup>20</sup>

### **ABSTRACT**

This paper analyzes the award of damages resulting from copyright infringement, highlighting the current issues and challenges of this issue in the digital environment. It begins by outlining the fundamental principles of copyright law and the significance of damage compensation as a crucial element in maintaining the integrity of the creative industry. It underlines the necessity of addressing, reporting and punishing all copyright infringements in an era where digital technologies and new developments are moving at an extraordinary speed.

While the enforcement of copyright law is essential to protect the intellectual property of the owner, determining the right compensation for copyright infringement can be a complicated and lengthy process. The complexity of estimating non-economic damages, such as reputational harm and emotional distress, is also explored, underlining the need for a comprehensive framework to determine appropriate compensation.

In addition to analyzing cases of copyright infringement, the paper also explores future trends in copyright infringement, including developments in artificial intelligence in the production of counterfeit content.

In conclusion, this paper provides a comprehensive overview of the challenge of compensating damages in cases of copyright infringement, emphasizing the importance of establishing the infringement, the different methodologies for calculating damages and their reflection in legal provisions as more effective and applicable.

**Key Words:** copyright infringement, internet, artificial intelligence, compensation, damages

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## 1. Introduction

### Copyright and its protection in Albanian legislation

The evolution of the state and law in Albania has significantly influenced the development of copyright. From its early recognition as a property right in the civil code of 1929 to the contemporary legal framework, copyright has undergone transformations in its conceptualization and protection. Rooted in the civil code of 1929, where copyright was initially conceptualized as an object of ownership, subsequent legal frameworks, including the general part of the civil code in 1955 and the code of 1981, delineated a transformation in treating copyright as a non-property personal right.

The current legal landscape, notably enshrined in the Constitution of the Republic of Albania, elevates creativity to a constitutional right. Article 58 affirms the "Freedom of artistic creation and scientific research," safeguarding copyright through legal protection. Delving deeper, law no. 35/2016, titled "On copyright and other related rights," provides a comprehensive framework for the protection of literary, artistic, and scientific works, emphasizing the rights of creators. (Article 1)

Author's rights in Albanian legislation refer to the rights of an author to protect and control the use of their original creation. These rights include the right to distribute, incorporate, reproduce and create other uses of the author's original work. According to Albanian legislation, copyrights are protected for a certain period and can only be granted with the approval of the author. These rights belong, by nature, to the natural person who created the work and can be limited, against the will of their holder, only under the conditions and in the manner regulated by law. (Article 3)

The legal delineation of an author is articulated in Article 13, affirming that any natural person or group thereof, creating a literary, artistic, or scientific work, qualifies as an author. This comprehensive definition underpins the broad scope of copyright, encapsulating various forms of intellectual expression irrespective of form or mode.

Thus, we can say that author's rights include the right of creators to authorize or prohibit the copying, distribution, publication, and modification of their work. This encompasses the right to decide how and when their work will be distributed and used by others. These right gains protection from the moment the work is created. (Semini, 2009, p. 58). It is not necessary for the work to be fixed in any tangible medium, nor is it necessary to have notice of who owns the copyright and when it began.

Balancing the imperative to protect authors' and publishers/producers' economic interests with the collective and public interest in the free dissemination of knowledge and cultural growth is

a central concern. Article 27 of the Universal Declaration of Human Rights underscores the right of everyone to participate freely in cultural life and benefit from scientific progress. This dynamic tension forms the backdrop against which copyright legislation is crafted in Albania. The rights of the author encompasses and protects the non-transferable personal rights of the author, ensuring respect for his intellectual and personal qualities in the work, as well as the economic rights of the author regarding his financial interests. The author has the right to compensation for any use or exploitation of his work, whether permitted or not by himself, unless otherwise provided by this law or by contract. From this perspective, literary, artistic, journalistic works, and other works are protected, including original works or any original intellectual creation of this nature, regardless of the form of its expression, as well as any creation derived in the form of a work or a collection. (Torremans, Tutulani, & Dedi, 2005, p. 155). Any use of the original work or its copies without the permission of the author/heir/or authorized person will be considered unlawful, except in cases specified by this law.

Upon the creation of a work, two distinct rights emerge in the hands of the author or co-authors: property rights and moral rights. While moral rights, such as the right to bear the author's name and the right to refuse modification, are perpetual and inalienable, economic rights have a finite duration. The law stipulates that economic rights endure throughout the author's life and for 70 years after their death (Torremans, Tutulani, & Dedi, 2005, p. 96), regardless of when the work was legally made public.

After the author's demise, legal heirs assume the responsibility of safeguarding these rights, guided by rules articulated in the Civil Code. Moral rights are non-transferable rights that aim to protect the personality of the creator, expressed through his work. In moral rights, we distinguish the elements of paternity and integrity. The element of paternity is expressed in the right of the author to have his name associated with the work<sup>21</sup>, while the element of integrity gives the author the right to refuse any modification or reuse sought for his work.

Economic rights are rights with an economic and pecuniary character that the author of a specific work enjoys and benefits from the exploitation of his work. These types of rights are transferable and temporary. They include the right of publication, reproduction, adaptation, publication within a collective work, transcription, transmission (on television, etc.), distribution, broadcasting, translation, lending of the work, or the right of public communication of the work by its creator.

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<sup>21</sup> "The author has the right to be recognized and mentioned as the author of the work. This right exists independently of the author's economic right, even after the transfer of rights or their assignments". - Article 22/1 Law No. 35/2016 "On copyright and related rights,"

Article 25 of the Albanian Law on Copyright elaborates more extensively on the exclusive economic rights of the author, which are:

- a) the right of reproduction of the work;
- b) the right of distribution of the work;
- c) the right of public communication of the work;
- d) the right to create derivative works.

## **2. Preventive mechanisms of copyright infringement**

Copyright infringement occurs when someone without authorization exercises the rights reserved exclusively for the copyright owner, presenting them as their own (Torremans, Tutulani, & Dedi, 2005, p. 100). In order to be considered a violation of copyright, there is no need to have as a criterion the conscious realization and the purpose of committing the violation. Even the violation caused unintentionally, without fault or spontaneously brings responsibility for the person who caused the violation.

To avoid the unfair use of a work by a person who is not its owner, as well as to punish the infringement of copyright, Albanian legislation provides several mechanisms for Copyright Protection rights, such as:

- a) Authorizations requirement: Authors must grant permission or licenses for the use of their work, obtained through permits or licenses issued by the authors. Users of the work must have an authorized permit or license to use the work legally. This mechanism prevents the unlawful use of works.
- b) Declaration of copyright infringement and legal measures to halt unlawful activities: The legal system emerges as a powerful tool in preventing copyright infringement. Through legislation, authors have the right to authorize or prohibit the use of their work by others. The law offers various mechanisms to punish those who violate these rights. Legal measures act as a robust deterrent and punitive mechanism against copyright infringement.
- c) Copyright protection technologies: The use of technologies such as Digital Rights Management (DRM) and watermarking helps protect works from unauthorized copying and distribution. DRM enables control over user access, curtailing unauthorized use, and protecting the copyright holder's rights.
- d) Internet monitoring and tracking: In the digital landscape, tracking and monitoring technologies play a crucial role in detecting copyright infringements on the internet. This includes using algorithms to detect work copying and prevent its distribution.
- e) Education and awareness initiatives: Awareness of the importance of copyright and the

consequences of infringement can help prevent violations. Educational campaigns and information for the public and internet users can raise awareness about this issue.

f) International collaboration: Copyright infringement is an ongoing challenge in the internet age. For this reason, international collaboration is crucial to address violations that have international implications.

g) Determination of possible compensation measures and legal penalties for copyright infringers.

For maximum effectiveness, it is necessary to use a combination of these mechanisms that should be adapted to the specific context of each case, always in conjunction with robust legislation to protect these rights. Additionally, the violation of copyright can be verified from a perspective different from the economic one, specifically related to the infringement of the honor and personality of the author of the work.

We can confidently say that the author has the right not to be treated in a demeaning manner by third parties who may distort, mutilate, or alter the work, causing harm to their honor and personality.<sup>22</sup> The same result will be achieved if the third person would perform actions or perform any other thing related to the work that is harmful to the honor or reputation of the author. (Article 108/c).

Albanian copyright law, in its provisions, stipulates that interpreters and/or performers of the work have the right to demand respect for the quality of their interpretation/presentation and to oppose any distortion, forgery, or other significant modification of their performance or any violation of their rights that could harm their honor or reputation.

'Demeaning treatment' regarding his work would bring a "destruction" of the artist if he is harmed in honor and reputation<sup>23</sup>, and this damage to his image takes on public dimensions. In this case, it has been established that the author does not need to prove actual harm but must demonstrate how the treatment his work has received has the capacity to harm the honor or reputation of the author.<sup>24</sup>

'Honor or reputation' should be interpreted as the honor or reputation of the author in his capacity as an author and an individual in general. This underscores the importance of a

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<sup>22</sup>:"Regardless of the economic rights of the author, even after the transfer of the rights in question, the author has the right to oppose any distortion, alteration, modification, or other denigrating actions that do not respect the integrity of the work, compromising his honor, personality, and reputation, according to the rules set out in the current legislation."- Article 23, Law No. 35/2016 "On copyright and related rights,"

<sup>23</sup> Reputation' means: the beliefs or opinions that are generally held about someone or something; a widespread belief that someone or something has a particular characteristic. Concise Oxford English Dictionary (11th ed, 2004).

<sup>24</sup> Case N.T. v. "Edisud" Company Sh.A., (Albanian Gazette), Decision of the Tirana District Court, No. 7579, date 26.12.2006.

nuanced understanding of the concept of integrity copyright, ensuring informed decision-making among stakeholders, legal practitioners, and courts.

### **3. Artificial Intelligence and Its Impact on Copyright**

The rise of artificial intelligence (AI) has profoundly influenced copyright law, giving rise to numerous legal and ethical questions. AI has impacted copyright through the creation of original works, as it can generate original creative works such as text, music, artwork, and even software. This raises questions regarding the recognition of authorship of works created by AI. For example, who owns the copyright to a painting created by an algorithm? This is one of the main questions facing copyright law.

However, AI not only enables the creation and improvement of works but also facilitates the detection of copyright infringement, especially on digital platforms. AI algorithms can automatically identify unauthorized use of copyrighted works, aiding copyright owners in enforcing their rights and seeking punishment for rights abusers.

Simultaneously, the use of Artificial Intelligence in signing copyright agreements or contracts enables the automation of both licensing and payment processes, as well as economic benefits from their use.

In short, AI is redefining the copyright landscape by offering new creative and rights management opportunities, while also posing legal and moral challenges that require attention and adaptation from legislators and copyright professionals. The evolution of copyright laws in the age of AI will be an important topic in the coming years, where copyright infringement will also include the use of new technologies, especially artificial intelligence (AI), and the proliferation of falsified content.

Artificial intelligence can be used to create manipulated video and audio, as has happened in recent months, which are used to spread false information. This fact puts legislators in front of responsibility and challenges us with the need for a quick reform of this ever-evolving right. Companies and governments must work together to develop advanced technologies and policies to detect and prevent the distribution of counterfeit content and copyright infringement.

To meet these future challenges, it will be necessary for society to work collaboratively with technology developers, legal experts, and copyright organizations to design and implement effective policies and laws that protect copyright and the integrity of content in an increasingly complex digital environment.

A major challenge will also be to ensure the balance between copyright protection and

freedom of information on the Internet. There is an open debate about possible restrictions on Internet freedom to protect copyright.

#### **4. Compensation for Copyright Infringement: Legal Framework and Calculation Methods.**

Compensation for damages arising from copyright infringements is an important aspect of intellectual property law in many countries. When copyright is infringed, the author or copyright holder may seek damages for the harm suffered because of the infringement. Compensation can cover various forms of damages, including pecuniary damage as well as moral damage.

In the case of pecuniary damage, the calculation may be based on the actual loss of earnings suffered due to the infringement. This may include the difference between the profits received and those that could have been received if the breach had not occurred. On the other hand, the assessment of moral damage is more subjective and depends on the specific circumstances of the case. This assessment may be influenced by factors such as the severity of the breach, its impact on the author, and the professional reputation of the author. (Semini, 2009, p. 152).

In Albanian judicial practice, the concept of moral rights of the author is often confused with the concept of moral damage. These concepts overlap with each other only when the author's personality and honor are violated or when their work is deformed, damaged, or mistreated, resulting in harm to the author's personality.

According to copyright law, legal holders of the rights recognized and guaranteed by this law have the right to demand the court's respect for their rights from any infringer and intermediary whose services have been used by a third party for the violation of the rights they enjoy, as well as compensation for the damage caused by this violation. (Article 163)

A right holder based on this law, whose rights have been violated, may request the cessation and prohibition of these violations or those that may occur in the future, according to the procedure provided for in this law and the legislation in force.

Copyright infringement may include:

- a) Piracy of copyrighted materials, including their copying and distribution without the author's permission.
- b) Distribution of counterfeit content, including deepfakes and manipulated texts.
- c) Unauthorized publication of the author's work.
- d) Modifying the author's work without their permission.
- e) Infringement of copyright in other artistic works and media.

According to Albanian legislation, authors and copyright holders have the right to seek compensation for damages caused by the infringement of their rights through legal procedures. Copyright law gives authors the legal means to protect their works and ensure that they are treated with respect and in accordance with the law.

If it is proven that the violation of any right, according to this law, has caused damages, the holder of the right has the right to request compensation for the damages, in accordance with the legislation in force for the compensation of damages, in a value equal to the remuneration for the use of the work.<sup>25</sup>

If the illegal use of any right, according to this law, results in profit, the right holder has the right to claim the profit obtained from the natural or legal person who violated this right on a copyrighted work.

Regarding the amount of compensation for damages, it can be said that judicial practice has alternatively supported the fact that when calculating damages, the judge must use the so-called fair price of consent as a criterion, or the value of the profits achieved by the infringer as a result of the unfair exploitation of the work. It should be noted that part of the doctrine excludes the possibility of effective damage caused by the infringement of copyright, always referring to copyright as an intangible good, for the very fact that it is not possible to destroy the good nor its destruction, which are the "ordinary" manifestations of damage that appear in relation to a material good.

In other words, it can be said that "forgery does not directly affect, to the detriment of the author, the good that is the object of the right (invention, trademark, or copyrighted work), therefore it cannot be said for effective damage, since it is an intangible good, a good that can be used economically, and the damage that can be derived from it can be expressed exclusively in terms of lost profit.

Referring to the compensation for damages, the law provides that the offender will pay the right holder damages in the amount determined according to the rules in force for the compensation of damages or with the amount agreed upon between the parties, or according to remuneration for the legitimate use of that work.

If a right has been violated intentionally or due to gross negligence, the right holder may request the payment, agreed upon between them, or the corresponding remuneration for this use from the person who violated his right, regardless of whether he has suffered damages due

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<sup>25</sup> "Request for compensation and reward for unauthorized use 1. If the unauthorized use of a copyrighted work or related rights has violated the right of the right holder, based on this law, he or an authorized collective management organization may claim compensation, which would be equal to the remuneration for use, according to the tariffs mentioned in this law". - Article 166, Law No. 35/2016 "On copyright and related rights,"

to this violation. In the request for the determination of damages and the determination of their amount, the court takes into account all the circumstances of the case and, in particular, the degree of damage to the offender, the amount agreed upon, or the reward from the legitimate use of the work.

In general, compensatory damages are an essential aspect of copyright protection and serve to discourage infringement and compensate the author or rights holder for damages suffered. However, it is important to note that the process of determining and obtaining compensation can be complex and requires a thorough understanding of copyright laws.

The lawsuit, with the object of infringement of copyright or rights related to them, can be filed in court within three years from the date when the plaintiff became aware of the infringement of the right, as well as the identity of the offender.

In any case, the courts, when deciding on the award of damages, consider various factors such as financial damage, moral damage, and the impact of the violation on the copyright owner. Authors, copyright owners, and lawyers specialized in the field of copyright are committed to protecting and enforcing copyright in cases of infringement.

### **Conclusion**

This research paper provides a detailed analysis of the phenomenon of bull bounty as a result of copyright infringement. Through the analysis of specific cases, legal interactions and future trends, this study provides a contribution to the understanding and management of this important issue in today's digital world.

As we extensively discussed in the paper, authors and copyright holders have the right to seek compensation for damages caused by the infringement of their rights through legal procedures. At the moment when it is proven that damages have been incurred as a result of the violation of the right, the author has the right to request compensation for the damages, in accordance with the legislation in force for compensating damages, at a value equal to the remuneration for the use of the work.

In conclusion, the paper underscores the dynamic nature of copyright in Albanian legislation, adapting to technological advancements and societal changes. Striking a balance between protecting authors' rights and ensuring freedom of information remains a key challenge. As the impact of artificial intelligence on copyright continues to unfold, collaborative efforts are essential to develop effective policies and laws that navigate the complexities of the digital environment.

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## FOREIGN POLICY DECISION-MAKING PROCESSES IN THE FRAME OF POPULISM: CASES OF TÜRKİYE AND HUNGARY

BÜŞRA ÖZYÜKSEL<sup>26</sup>

### ABSTRACT

In recent years, populism as an ideology or a discourse in international relations, has played a key role in policy-making processes of states. The notion leads policies either in the shape of discourse, as an ideology, or as a political strategy. Foreign policy occupies the most essential tool for delivering populist messages to outsiders. Thereby, in this work populism sets a framework for examining the foreign policy decision-making process and tackles populism by focusing on discourses in leader's speeches while executing foreign policy with a qualitative and interpretive method. Essentially Türkiye and Hungary's policy-making process composes case studies; the fact that these two countries are conferred as populists in the international area. The study reaches its aims to show the correlation between populism and the decision-making process in foreign policy for both countries. Populists comprehend politics as essentially organized by a conflict between "pure people" and a "corrupt elite". They oppose political plurality and see government as a common-sense application of common will. This rationale extends to foreign policy. This work targets to fulfil the lack in the literature to show connection between populism and foreign policy decision-making processes. In the literature, bringing populism into the foreign policy studies draws a recent frame. Besides, the scholarships mostly focus on general parts of the world, e.g., Europe, Latin America. Works combining Turkish and Hungarian populist foreign policy decision-making together is quite few. Results appear that populist countries, Türkiye, and Hungary, display similarities in terms of running populist policies internally and externally by considering their own state conjuncture. Both countries create external enemies, point out the importance of "rallying around the flag", they are the true representatives of "pure people" against the "corrupted elite".

**Keywords:** Populism, Foreign Policy, Decision-Making, Hungary, Türkiye

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## Introduction

One of the most important developments in world politics in recent years has been the rise of populists to power around the world. As populists seize executive and legislative powers, the consequences of their rise become more important for international politics. While populist parties can influence foreign policy as junior partners in coalition governments or by shaping political discourse when in opposition, the election of populist leaders and the formation of populist governments will have a much more direct impact on the foreign policy of states and therefore on world politics. Populism carries in essence, anti-elite, pro-people, and general will frames, the populist leader uses these frames to legitimize the selection of roles to play internationally. Certain viewpoints assert that populist governments pose a threat to multilateralism, free trade, and even the global liberal order itself (Müller 2017; Balfour et al. 2016). This might create unwanted effect on countries' place in the globalized world.

As a political tactic, an ideology, or a kind of language, populism directs policy (Gidron & Bonikowski, 2013). This study tackles with populism by focusing on discourses in leader's speeches while executing foreign policy. Politics, in the eyes of populists, is fundamentally driven by a struggle between the "corrupt elite" and the "pure people" (Mudde, 2017). They oppose political plurality and see government as a common-sense application of common will (Canovan, 2002; Caramani, 2017; Blokker, 2019; Bartha et.al. 2020). This rationale extends to foreign policy. In international politics, populist parties', and their leaders' views are sometimes imprecise and varied, not least since populism is typically associated with opposing political philosophies, from the far right to the far left.

Foreign policy decision-making processes are affected by many factors such as the leader's opinion, regime of the country, domestic policies (Hisarlıoğlu et al., 2022). Today, internal, and external decision-making processes are intertwined. This paper tries to fulfil the lack in the literature to show connection between populism and foreign policy decision-making processes. In the literature, bringing populism into the foreign policy studies draw a recent frame (e.g. Destradi et al, 2021; Frieden, 2021). Besides, the scholarships mostly focus on general parts of the world, i.e. Europe in general (e.g., Taggart, 2004; Kessel & Theodor, 2011; Rooduijn et al, 2019; Mudde, 2021), Latin America (e.g., Knight, 1998; Roberts, 2007). Combining Turkish and Hungarian populist foreign policy decision-making together is quite few (Hisarlıoğlu et al., 2022; Öniş & Kutlay, 2017; Schnyder et al., 2023). At this point, the problematics occur as is there a valid correlation between populism and foreign policy; do

leader's viewpoint shape their decisions.

This study uses examples and speeches for both countries to uncover how Viktor Orbán and Recep Tayyip Erdoğan execute their foreign policy decision-making under the impact of populism. When considering countries dynamics, for Hungary, the migration policies of the European Union (EU) and the ethnic Hungarians abroad were chosen as focal point in this study's frame. The reasoning behind this choice, these two subjects are easily used as populist discourses and exemplify well enough how populist foreign policies impact decision making processes for Hungary. As for Türkiye, 2013 Gezi Park protests, 2015 general elections and lastly 2016 coup attempt were chosen as instances. Even though Türkiye has active foreign policy towards its borders, namely to Syria, policy towards those regions was not mentioned among the sample years. The reason for this is that Syria policy is not an area in Türkiye's domestic politics where "external" intervention is utilised in the discourses of Erdoğan and the Justice and Development Party (JDP – *Adalet ve Kalkınma Partisi*), and the policy followed across the border should be evaluated within the framework of securitizing discourse rather than populist discourses. Apart from this, the influx of refugees into the country following the Syria policy has the effect and potential of decreasing the votes of Erdoğan and the JDP rather than increasing them. In terms of its subject, this study claims that populist countries remain in power by receiving the support of the people within the country as a result of the populist discourses they follow in their foreign policy decision-making processes. Discourses were chosen from the printed media, online newspapers, and formal websites of the countries, and were limited by using search engine, Google through setting and only picking up the years when the mentioned incidents happened. By using deductive method, the valid connection between two concepts in question were revealed. Theoretical background of the article covers the base between populism and foreign policy literature. Case countries, Hungary, and Türkiye's decision-making processes in foreign policy in the frame of populism cover the main part of this study and conclude it by summing up.

## **I. About Populism**

Populism has recently gained traction. Foreign policy principles, rhetoric, and strategies of actors such as the United States under Trump's administration, the United Kingdom in the aftermath of Brexit, and the opposition of various populist movements to the European Union's (EU) liberal values has clinched this rise (Wehner & Thies, 2021, p. 320). As for the meaning of the word, whether it is better understood populism as a mobilization

technique (Weyland, 2001), a socio-cultural frame (Aslanidis, 2016; Ostiguy, 2017; Rooduijn, 2014), or a thin-centred ideology is a subject of debate among academics (Mudde, 2004; Stanley, 2008).

The concept of populism exhibits a duality in its conceptualization, characterized either as a thin-centred ideology (Mudde, 2004) or as a discourse (Laclau, 2005), embodying a mode of political identification that formulates and imparts significance to the “people” as an active political entity (Panizza, 2017). Consonant with this ideational framework, populism manifests as a discursive praxis, wherein communal identities materialize and concretize through the utilization of binary dichotomies and confrontations, particularly evident in the contrasting notions of “corrupt elites” and the “pure people” (Laclau, 2005; Moffitt, 2016). The characterization of the “elites” extends beyond individuals with divergent priorities and values, delving into the realm of being morally “malevolent”. Populist leaders undertake the task of not only challenging the public legitimacy and personal principles of these elites but also casting doubts upon their material interests (Muller, 2017, p. 82). Nevertheless, this imaginative construct of adversaries, namely the “elites”, remains profoundly contingent on the prevailing context. An inherent ambiguity emerges in delineating the contours of these categories, given the fluidity in designating who qualifies as an “adversary” or a “friend” within distinct experiences (Müller, 2015). The “elites”, forming a uniform and foundational antithesis to the populace, serve as a reflective counterpart to the very essence embodied by populist leaders, namely, the collective identity of the people themselves (Casullo, 2019, p. 57). ‘The people’ is a flexible construction for leader manipulation — it may allude to the people as sovereign, to identify the nation while excluding the elite, and/or to identify the ordinary people. Populist leaders’ confidence arises from the comprehension or an illusion that they understand what the people want and deserve is reflected in the ‘general will’ (Mudde, 2004; Panizza, 2005).

While populism carries in essence, anti-elite, pro-people, and general will frames, the populist leader uses these frames to legitimize the selection of roles to play internationally. The role conceptions under populist leadership are informed by a thick ideology, such as neoliberalism or socialism, or a thin ideology, such as nationalism (Dzur & Hendriks, 2018; Stanley, 2008; Schroeder, 2020). This abstract work takes an ideational approach to populism, viewing it as a “thin-centred ideology” with a clear core: the people, the elite, and the general will and reveals this understanding by focusing on the discourses of the populist leaders.

Populism, as articulated by Holliday (2020), encompasses a simultaneous reconfiguration of both domestic and international dimensions. In essence, populists engage in an ongoing process of redefining their interactions with their own citizenry as well as with antagonistic entities, both within local contexts and on a global scale. The assertion by populists to represent the untainted populace in opposition to a tainted elite and the prevailing establishment constitutes an assertion of ascendancy over a distinct socioeconomic stratum (Hisarlıgolu, 2022, p. 6). This populist paradigm delineates borders and designates affiliation both internally and externally (Zarakol, 2017, p. 7).

Populism is widespread beyond America and Europe. Politicians like India's Narendra Modi, Türkiye's Recep Tayyip Erdoğan, and Venezuela's Hugo Chavez was and have been extremely successful in building electoral bases thanks to their personal appeal, augmented by their superior use of media and anti-elitist rhetoric. Not all politicians who criticize the ruling class are populists. The notion as a global phenomenon is used by Victor Orbán and Recep Tayyip Erdoğan to shape their countries' foreign policies. In terms of personalizing and centralizing the decision-making processes in politics, populist foreign policymaking diverges from non-populist governments. Foreign policy agendas attempted by populists in power are involved in international associations. This study examines how populist discourse reflects to the government decision-makers' policy implementations. Before going forward with the case studies, it is necessary to touch upon populism's impact on foreign policy decision-making processes.

## **II. Relation Between Populism and Foreign Policy**

Scholars frequently highlight the anti-elitist motive of populist leaders and their supporters, research on populism typically focuses on the influence of populists on domestic politics in their own countries (Lammers & Onderco, 2020). This is perplexing because politics is becoming less and less of a home domain in today's globalized world. The line between what is domestic and what is foreign has grown less distinct as domestic concerns influence international affairs and vice versa (Verbeek & Zaslove, 2017). Foreign policy is a widely accepted yet vehemently contested idea. It often refers to an actor's goals and deeds that are aimed toward their surroundings (Neack et al., 1995, p. 18). The actor is typically thought of as a sovereign state (Neack, 2008, p. 9).

Foreign policy and populism have a dynamic connection (Verbeek & Zaslove, 2017).

Political science research, foreign policy, and more broadly the coming to power of populists are still vague about the results for international relations. The consequences or impacts of populism on foreign policy come to the fore as an inquiry point. According to Plagemann and Destradi's (2019) remarks based on Global South (namely Latin American countries) besides Europe and the United States, foreign policy's scope and foreign policymaking process are significant components to comprehend populists in power (p. 112). The prevailing body of literature delving into the intersection of populism and foreign policy, particularly within the framework of a post-structuralist paradigm, has thus far asserted that populist undertakings at the international sphere predominantly revolve around the challenge posed to purported "corrupt elites" entrenched within the global hierarchy. This contestation is executed through a myriad of approaches and strategies, indicative of the multifaceted nature inherent in populism's engagement on the global stage (Hisarlıoğlu et al, 2022, p. 20).

There is a necessity to move beyond a conventional international relations perspective that treats the state as a given and relatively stable entity and defines foreign policy as the sum of official external relations conducted by an independent actor (usually a state) in international relations in order to consider foreign policy, and world politics more broadly, as potential sites for performing populism and creating antagonism between "the people" and "the elite" (Hill, 2003, p. 3). Such an alternate perspective, which problematizes the state and illuminates the co-construction of (state) identities and foreign policy, is provided by poststructuralist international relations theory (Wojczewski, 2023, p.89). Yet, within the scope of this article, the theory will not be examined, will only be left as a remark.

The increasing body of research on populism in international relations has highlighted the ways in which populist leaders and parties use populism to inform their foreign policy decision-making processes (Jenne, 2021; Lacatus and Meibauer, 2022; Wehner & Thies, 2020; Özdamar & Ceydilek, 2020) as well as the ways in which populist performances, rhetoric, and beliefs interact with security discourses and practices. When examining the connection between populism and foreign policy, the analytical focus moves to how the fundamental conflict between the "people" and the "elite" is projected onto the international scene. This means that populist anti-globalists target institutions, policies, and ideologies whose underlying internationalism and multilateralism they reject in the sake of regaining popular authority and national sovereignty (Jenne, 2021; Wojczewski, 2023). The relationship between elites and the populace has been profoundly impacted by globalization and the structural transformation of states in the international system, particularly with regard to their

diminished ability to regulate socioeconomic issues. This has led to their adaptation to transnational and supranational forms of governance and policy legitimization, like the EU (Chrysogelos, 2020; Krastev, 2017).

### **III. Hungary's Foreign Policy Decision-Making in The Frame of Populism**

Hungarian foreign policy has various dimensions since the country is member of international organizations, namely, EU, NATO, OECD, Visegrád. Being an EU member state might have the biggest impact and pressure on Hungary. The EU has binding regulations for the member-states, even in their foreign policy implementations, yet Hungary has its own foreign policy applications in various areas such as towards migrants and its ethnic citizens abroad. EU's immigration policies are one of the topics which Prime Minister Orbán has been attacking by discussing he thinks many of the general rules on immigration are not strict enough and member states ought to have absolute sovereignty about immigration decisions. This is important to mention as Hungary acts out of scope of the EU regulations in terms of protecting its borders and as will be delivered more clearly, the EU is sort of an "evil other" in Orbán's discourses.

Following the political shift at the end of the 1980s, Hungary faced years of challenges in forging peaceful bilateral ties with its neighbours. These included historical scars, linguistic barriers, nationalistic policies, and Hungarian minorities living abroad. However, as the Euro-Atlantic organizations grew, tensions reduced. Hungary was given a unique position when it joined the NATO in 1999 and EU in 2004, becoming a vital link in its region. (Tarrosy & Vörös, 2020). Hajba explains foreign policy of Hungary as first, joined NATO, which is considered as the central pillar of Hungary's national security (as cited in Mix, 2014, p. 5), and entered the EU in 2004. It seemed to solidify position of the nation among the Western states. Historically, Hungary was forced to sit on the fence whether it belongs to the east or to the west although the country usually wanted to belong to Europe. Between 2002-2012, the socialist governments that bifurcated the rule of Viktor Orbán were attacked for maintaining a dangerously close partnership with the Eastern force, while Hungary's position is obviously among the Trans-Atlantic persuasion nations (Hajba, n.d., pp. 56-71).

For Orbán to respect foreign and domestic policies, the issue of the national unit was important. One of the first actions of the government was for all ethnic Hungarians abroad to be granted citizenship (Demirkan, 2010).

“The most important part of the overview that I’m about to offer is clearly the new Hungarian Constitution. This law has laid a solid foundation for the Government’s decisions on citizenship which – in addition to existing cultural ties – seek to link all members of the Hungarian nation in terms of public law. Our basic philosophy, enshrined in several laws, holds that all Hungarian individuals and communities – whatever state jurisdiction they are subject to – are part of a united Hungarian nation. As has been mentioned, this philosophy has in turn given rise to specific policies.” (Orbán’s Speech on 9 November 2017).

The issue of Hungarian minorities abroad has been a long-standing issue for Hungarian foreign policy, a kind of legacy of the Trianon Peace Treaty drama. Fidesz turned out to support the extension of citizenship in opposition, even though the proposal suffered a humiliating defeat in a 2004 national referendum. Although this measure was not independent of its voting-maximizing activities and the expectation that Hungarians abroad would be predominantly democratic, the symbolic move was at the core of Orbán’s nationalist agenda (Deák, 2019, p. 150).

Apart from the subject about ethnic Hungarians abroad, migration has been in the Hungarian state’s foreign policy agenda for quite some time. With Hungary entering both NATO and the EU, Orbán’s government has distributed massive advertisements across Hungary (funded by taxpayer’s money) informing people that EU politicians want to bring refugees into the country (Tarrosy & Vörös, 2020).

“A great many European leaders believe that everyone should be allowed in, and this is the practice they adhere to. What’s more, general statements are being made by European politicians which an illegal migrant can only interpret as meaning that they have a good chance of coming to Europe, being allowed to enter, and staying here.” (Orbán’s Radio Interview on 5 September 2015).

Foreign policy trends in Hungary reflect society’s attitudes as they reinforce one another. Orbán, even if the move is against by Brussels, has announced Hungary might progress new national legislation rigorously restricting immigration (Mix, 2014, p. 4). After January 2015 Paris terrorist attacks, Orbán called for broadly pausing the immigration to Europe. In Hungary, the marginalizing discourses of Orbán against refugees stand out as examples of right-wing populism. The Hungarian government has adopted a vehemently anti-immigrant

stance since the “refugee crisis” of 2015 broke out, with national campaigns featuring catchphrases like “*If you come to Hungary, you must respect our culture!*” and “*If you come to Hungary, you cannot take away the jobs of the Hungarians!*” (Tarrosy & Vörös, 2020).

“The billboard campaign and the ‘national consultation’ were effective political weapons used to instil fear of migration in the Hungarian populace, or at the very least, to foster progressively unfavourable sentiments toward it for security and economic reasons”, as Drinóczi and Mohai emphasize (2018, pp. 99–100). Prime Minister Viktor Orbán made it quite evident after his party’s most recent resounding victory in the national elections in April 2018 that “we want that Hungary remains the land of Hungarians, the country of the *Magyars*” (Fidesz, 2018).

Amid considerable condemnation of its xenophobic policies, and its assaults on George Soros, a Hungarian American Jewish billionaire, the Hungarian government is not racist or anti-Semitic; it is populist (Hajba, n.d). Nevertheless, minority resentment leads to fear and hatred, abused, and aggregated by the propaganda of the regime (Hajba, n.d., pp. 56-71). Orbán builds an image of enemies against refugees, which he considers to be another culprit of this order, with the rhetoric he uses in the triangle of anti-elitism, anti-socialism, and nationalism. According to Orbán, Muslim refugees from Syria are seen as an invader and Christian lands will not unite with Muslim communities (Sputnik, 2018).

“We [Hungarians] are not a mixed race ... and we do not want to become a mixed race”, “countries where European and non-Europeans mingle were no longer nations”. (The Guardian, 2022).

For this, Orbán made amendments towards refugees called “Stop Soros” on the date of 20<sup>th</sup> June 2018 and Hungary signed a legislative amendment that foreigners from countries “considered safe for refugees” will not be granted asylum, the law enforcement authorities will be more empowered to maintain order against refugee influxes, and that arrangements for immigrants can be enacted only by two-thirds of the parliament (The Guardian, 2022).

The country’s internal political dynamics are the source of the inconsistent policies on the refugee crisis: making threats of mass migration helps Fidesz gain popularity—at least, it was a smart way to garner support in the previous several years. It appears that the government has determined to hold onto their trump card, as they attempted to maintain the “alarming situation” and extend the state of emergency (which was declared in 2016 and was

expected to last until September 2019) by using very basic reasoning (Tarrosy & Vörös, 2020). The discernment is straightforward: they moan about the EU not funding border control when the barrier and border security become costly. Hungary's government accuses Brussels of denying its sovereignty over border protection when the EU offers assistance in border control.

“As you are well aware, the hybrid uses of migration stemming from Belarus, as well as the disastrous evacuation of the security forces from Afghanistan may potentially bring forth an even more severe crisis than what we witnessed in 2015. I believe that the only reason behind the fragile stability that we currently have in the EU is the fact that Hungary, together with other Member States, successfully protects the external borders of our Union.”... (Orbán's Letter to Ursula von der Leyen, 2021).

Hungarian diplomacy purposely obstructs the EU's attempts to work with the African and Arab League nations to find a practical solution to the refugee issue, despite the fact that such agreements may reduce the number of migrants entering Europe. Hungary declined to join an accord between EU members and African nations in Morocco in May 2018. The Hungarian stance stems from the government's rejection of migration in all its forms and its scepticism about its potential benefits; for this reason, they also withdrew from the UN Migration Pact. On the day when the Hungarian government blocked an EU-Arab League deal, Minister of Foreign Affairs of Hungary Péter Szijjártó declared, “*Hungary has zero tolerance for migration.*” (Tarrosy & Vörös, 2020).

Among the concerns most obviously related with the worldwide growth of populism is that it will procreate an impoverishment of the founded global layout with its global institutions and global governance. This is not so astounding given European populists' common Euroscepticism – from right-wing populist parties such as Fidesz in Hungary (Plagemann & Destradi, 2019, p.10). Defining himself as a non-liberal democrat (Orbán, 2014), Orbán draws the image of an increasingly authoritarian right populist leader. This image is reinforced by anti-refugee and Christian values. Orbán has become one of the important names of right-wing populism in world politics, through laws and international rhetoric, which are in line with a nationalist and patriotic leader line. In this direction, despite being an EU member, it refuses to share Hungary's power with other circles or actors, not to defend its interests (Akin, 2019, p. 1).

#### **IV. Türkiye's Foreign Policy Decision-Making in The Frame of Populism**

It is an issue agreed by all foreign policy experts that Turkish foreign policy after the Cold War is directed towards a more active and multidimensional perspective (Keyman, 2010; Uslu, 2004; Sayarı, 2000; Balta, 2019). It is obvious that this is an imperative of foreign policy as well as an issue that needs to be addressed with the transformation of domestic policy. The economy in the 1980s, civil society and entering a process of transformation to political actors in the 1990s, Türkiye was forced to drown the crisis could not solve the structural problems of the economy but has also demonstrated securitization around the internal and external politics of terrorism and political Islam threat perceptions. The rise of Islamist politics, which accompanied the low economic performance of terrorism and unstable coalition governments, which has grown substantially since 1993 (the Welfare Party took over the municipalities in major cities and a significant part of Anatolia in 1994 and became the first party in the 1995 elections) it resulted in a period in which democracy was disrupted with 28<sup>th</sup> February term. Finishing the 1990s is described as the last decade, began with the announcement of a candidate country for EU membership of Türkiye in 1999 Helsinki Summit. This process which consolidated Türkiye's democracy paved a way the transformation in internal and external policy with a series of package (Duran, 2010, p. 15). From this period, it is seen that domestic and foreign politics are mutually transforming each other. It can be argued that the transformation in domestic politics strengthened the new perspective in foreign policy with the Justice and Development Party's (JDP) coming to power alone in 2002 and its stronger exit from the 2007 elections (Aksu, 2017). After coming to power in the 2002 general election, Recep Tayyip Erdoğan and his JDP have altered Turkish politics. Türkiye has adopted a new and proactive foreign policy under the JDP that has attracted worldwide attention. Domestically, Erdoğan has generated a significant outcry among some segments of the Turkish population, given the democratization packages introduced, due to what many consider to be overt and authoritarian tendencies (Wood, 2014, p.1).

Erdoğan incarnates the anti-pluralist factor of populism through attesting to be 'the one who can comprehend (the people's) requests ... at the cost of pluralism and democratic institutions.' The highlighting thick ideology maintained by Erdoğan has been Islamism, in the contrary to his predecessors' laic (professedly 'elitist') Kemalism (Plagemann & Destradi, 2019, p. 6). During the JDP period, Turkish foreign policy witnessed a continuation of populism that had already started throughout Turgut Özal's presidency in the early 1990s and

under the Foreign Minister of the 1999-2002 coalition government İsmail Cem. Türkiye pursued a more proactive policy in both the global and regional arenas under the JDP government, seeking to exert more influence in the Middle East as well as in the Balkans, Central Asia, the Caucasus, and Africa (Saraçoğlu, 2013, p. 60).

Currently, most of literature on Turkish foreign policy has paid attention on influence of two notions; Islamism, and authoritarianism, to express the JDP's foreign policy transformation. In traditional wisdom's opinion, the JDP left its reformist understanding after the disappearance of army's impact on politics and started an authoritarian and Islamist agenda (Özbudun, 2006). In the inner world, while the JDP has adopted an Islamist discourse and policy against the outside world, it has centralized power by undermining democratic institutions and silencing alternative voices. Consequently, the JDP government has enforced an ambitious and minacious foreign policy based on Islamism, without being controlled and balanced by democratic institutions and opposition circles (Özpek & Tanrıverdi-Yaşar, 2018).

In Türkiye, Erdoğan, progressively moved away from the country's traditional Western associates, in parallel with a foreign policy shift toward the Middle East and Central-Eastern Europe (Satanakis & Süss, 2021). This understanding echoed Erdoğan's endeavours at advancing a 'view of working for the deprived and opposite the strong (also) on the global level. President Erdoğan presents himself and Türkiye as the sound of an underprivileged Muslim society against Western double standards (Plagemann & Destradi, 2019, p. 9). Government in Türkiye became gradually populist under Erdoğan rule, an exceptional continuum of progressive drifting away from international institutions occurred. According to some scholars' (Kardaş, 2008; Kanat, 2012; Doğan, 2015; Kara, 2022) examinations of the deal confirmed by consecutive Turkish government, the first JDP government until 2007 was quite tied in international institutions. Yet, a keen regression in Türkiye's affairs with international organizations occurred through the second and third JDP governments. This mirrors Erdoğan's refocusing of foreign policy toward the Middle East through the 2000s, and its increasing space from Western locations. The divergence between Türkiye and the West has also been about more obvious anti-pluralist factors in Erdoğan's populism; especially, the EU has raised censorious of Erdoğan's pressing internal policies, gaining itself indictments of mixing with Türkiye's internal relations (Plagemann & Destradi, 2019, p. 11).

The JDP obviously has benefited an anti-elitist debate to centralize foreign policy by saying that the Turkish foreign policy had been the job of an estranged

Westernizing/Westernist elite, who thought in the likelihood of an accomplished civilizational change toward the West, who lost concern and information about the native geography and culture, and who thus could not understand Türkiye's possible causing from its geopolitical and historical origins in the region (Plagemann & Destradi, 2019, p. 15). The party reshaped the perception of "us" by adding new actors to the "other/enemy" part of the populist discourse in the post-2010 period. This can be clearly seen, specifically since 2013 Gezi Park protests. Discourses that the Gezi Park events were an action planned "from outside" to collapse Türkiye's economy were included in Erdoğan's speeches in a high tone. In fact, it would not be wrong to claim that the intensity of Erdoğan's and JDP's populist discourses increased after the 2013 Gezi Park events. The incident had paved a way to raising populist tone of Erdoğan's discourses by blaming "outside forces", namely "others" as the intervenes of Türkiye's internal issues.

"...the Turkish economy was 'directly targeted' by the demonstrations, "A comprehensive attack on Türkiye has been continued with the involvement of malevolent international media organizations." (Erdoğan's speech, 2013).

"...the protests were used by 'some capital groups, interest lobbies and some media groups' who intended to 'target Türkiye's economy, tourism and investment environment'", "They want to play a big game in Türkiye under the guise of Taksim Gezi Park." (Erdoğan's speech during Gezi Park Protests, 2013).

Another event where Erdoğan received the support of the voters through his discourses regarding foreign policy was the general elections held two years after the Gezi Park events. As a result of the general elections held in June 2015, no party entered the election could win the majority on its own, and results appeared as the necessity of coalition government was formed. Regarding the news published in the foreign press during the election period, Erdoğan shaped his discourses with a tone that made the West hostile towards his voters, besides, representing his struggle as the national struggle against the enemies.

"In the foreign press, there were media outlets that identified Tayyip Erdoğan with the AK Party and say, 'Don't vote for Erdoğan'. The overwhelming majority of those who voted for the AK Party said, 'Tayyip Erdoğan is waging a national struggle and that's why we have to support him'". (Erdoğan, election speech in 2015).

After the coalition government could not be formed, according to the results of the

second elections held in November 2015, JDP won the election as the first party. The following words draws the picture that the foreign press reacting to this election result was made hostile in Erdoğan's discourse:

"I wonder why the world media is so interested in our country, but not their own countries? Why don't they respect the national will? And even though the national will elected Erdoğan as President with 52%, they still have not been able to respect him since the day the people elected him, this is what is significant. We need to ask them this question: Is this your understanding of democracy, why don't you respect 52 percent?" (Erdoğan, 2015).

Undoubtedly, 2016 coup attempt was a breaking point for Turkish foreign policy in terms of trust to the outside world. Erdoğan has blamed Western countries and international organizations to support that attempt and not being fair and shaped his discourses accordingly.

"Unfortunately, this West supports terrorism and sides with coups. They do not hurt like us, but we do." (Erdoğan's speech, 2016).

"This incident is not just an event that was planned and staged internally. I am frank, this event is a coup movement that had internal actors but whose script was written externally." (Erdoğan's speech, 2016).

"As in our fight against other terrorist organizations, I have to say clearly that we did not receive the support we expected from our friends during and after the coup attempt, and I express this with sadness. It is enough to look at the reactions during and after the coup to see this fact." (Erdoğan's speech, 2016).

"Amnesty International talks about us torturing. We have zero tolerance for torture. He may have been kicked or slapped in the eyebrow or eye during the fight. If he hadn't, he would have killed our police officer there. Will he say 'shoot me' or not defend himself? Amnesty International stays in London, if you have even an iota of dignity, you come to Türkiye, first you visit the parliament, you go and visit the special operations department, you visit the police headquarters, you come here and take a tour, then you visit our veterans in hospitals, and then you will see who did what to whom." (Erdoğan's speech right after the coup attempt, 2016).

The selected examples were important for Türkiye in 2013, 2015 and 2016 and caused

the populist tone of Erdoğan and the JDP to increase and the steps taken in foreign policy to move away from the West and towards its own east. The events created distrust towards the West in Erdoğan and his party, and policy-making processes were affected accordingly.

This part of the study showed that, developments in domestic politics find a place in discourses regarding foreign policy. Erdoğan and his party have shaped their discourse and decision-making processes, accordingly, based on external reactions as a result of the events in domestic politics. Looking at today, the reasons why the steps taken, and cooperation established in Turkish foreign policy are directed towards Caucasia, Asia and the Far East rather than the West can be deduced from these discourses.

## **Conclusion**

As observed by Adler-Nissen and Zarakol (2021), the discontent harboured by populist movements, when extended to the international arena, has initiated a process of eroding the foundations of the liberal international order. To be more precise, this erosion pertains to the residual elements that have endured or persisted within the framework of said order. This study explained that there is a valid correlation between populism and decision-making processes. Decision making is affected by many factors, yet the most important factor is the decision maker. Decision makers are varied according to countries' dynamics. While in Hungary the decision maker is Prime Minister Viktor Orbán, in Türkiye theoretically the Foreign Minister but in practice the President Erdoğan is the most influential actor. When the decision makers have a populist tendency, their policies are shaped according to this tendency.

In the recent term, Hungary's decision maker Orbán has been making steps that can be labelled as populist. Fidesz is using media to take and continue their encouragement, they touch upon Hungarian ethnic people outside of the country, the party's behaviour against refugee crises, speeches against to Brussels and the EU, emphasis on state's sovereignty, etc. Orbán personalises the foreign policy decision-making processes by hostileizing the EU's policies. Through that, the prime minister, and his party targets to foster support from the Hungarian people, and to pursue governance. Clearly, "us" represents the "pure Hungarian people" and "them" is the EU which interferes with the national security and foreign policy of Hungary.

As for Türkiye, since coming power of JDP government in 2002, Turkish foreign policy has been changing constantly. There are various terms can be evaluated separately;

taking over the rule after many crises, making country more democratic and civilized by trying to adapt EU rules, disappointment against the EU, internal crises such as Gezi Park protests in 2013, failed coup attempt in 2016, changing direction or so-called axis shift, external crises, etc. Those issues have quite crucial impact on Turkish foreign policy. As explained during the study, especially after 2010's, the government started increasing their populist discourse's tone both inside and outside. The party has an obvious endeavour to use any argument for taking support of public opinion which can be labelled as populist. Erdoğan draws the picture for the separation of "us vs them", and except for the people who sincerely support Erdoğan, whoever criticizes the decision-making steps is the "them".

In conclusion, this study has shown that in the contemporary world internal and external policies are intertwined. Studying foreign policy alone cannot satisfy the lack in the literature anymore. It has been showed in the case of Hungary and Türkiye, countries execute foreign affairs by considering their internal policies as well, and vice versa is valid. Also, it has explained that as populist countries, Türkiye, and Hungary, displays some similarities by considering their own state conjuncture. Both countries create external enemies, point out the importance "rally around flag", they are the true representatives of "pure people" against "corrupted elite".

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## THE QUESTION OF TURKISH EURASIANISM AND ITS IMPACT ON RELATIONS WITH THE TURKIC STATES<sup>27</sup>

DÁVID BIRÓ<sup>28</sup>

### ABSTRACT

Despite the fact that the Republic of Türkiye, founded in 1923, formally set itself the goal of a Western orientation, there was still much debate in the early republic about whether Türkiye belonged to Europe or Asia. Atatürk's party, the CHP (Republican People's Party), was clearly oriented towards the West. In the post-World War II period, the country's relations with the West were further strengthened, but the 1990s saw an increasingly active policy towards the East with the collapse of the Soviet Union. The emergence of the independent Turkic republics (Azerbaijan, Kazakhstan, Kyrgyzstan, Uzbekistan, Turkmenistan) played a major role in this. Since the early 2000s, a new political formation has seized power. After the AKP (Justice and Development Party) came to power in 2002, a number of new ideological and foreign policy orientations came to the fore, ranging from neo-Ottomanism to Turkish Eurasianism. In particular, the post-Cold War context and the recent activism of Turkish foreign policy have put Eurasian discourse back on the agenda. After the break-up of the Soviet Union, Turkish/Turkic-speaking countries engaged in a wide range of cooperation, which, although it partially faltered in the late 1990s, gained momentum in the second half of the 2000s. Neo-Ottomanism, Islamism, Pan-Turkism and Pan-Turanism have been the four main determinants of recent Turkish domestic and foreign policy. All these initiatives have been reflected in the results of efforts to rediscover linguistic and cultural affinities between Turkic countries. It is important to note that the ideas of Alexander Dugin's neo-eurasianism have also had a significant impact on Turkish Eurasian discourse, which is very visible in contemporary Turkish politics. Through these initiatives and ideologies, the proponents of Turkish Eurasianism seek ways to strengthen cultural, economic and political ties between Turkicspeaking countries. One of the most important theses of my research is that Eurasianism and Pan-Turanism play a central role in Ankara's foreign policy, in this case in relation to the Turkic States. In this context, one cannot ignore the writings of geopolitical scholars, which often serve as a legitimating

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factor in the formulation of Türkiye's foreign policy visions. My aim is to outline the directions that are closely related to the issue of Turkish Eurasianism.

**Keywords:** Eurasianism, Turkic States, Geopolitics, Pan-Turkism, Foreign Policy

## **Introduction**

Turkish Eurasianism, a foreign policy perspective rooted in both constructivism and Pan-Turkism, constitutes a dynamic approach guiding Türkiye's interactions with the Turkic states. Constructivism, as a theoretical foundation, posits that shared cultural and ethnic identities significantly influence international relations. In this context, Turkish Eurasianism recognizes the historical and linguistic bonds between Türkiye and the Turkic states, emphasizing a common Turkic identity. The theory embodies the constructivist belief that such shared identities shape diplomatic interactions, fostering a sense of kinship and mutual understanding.

Pan-Turkism, an integral component of Turkish Eurasianism, further reinforces this shared identity by constructing norms of solidarity and mutual recognition. As a normative framework, Pan-Turkism positions Türkiye as a protector of Turkic heritage and promotes the idea of a united Turkic world. Constructivism underlines how these constructed norms influence Türkiye's foreign policy decisions, shaping its role as a norm entrepreneur within the Turkic states.

The impact of Turkish Eurasianism on the Turkic states is multifaceted. Economically, it emphasizes collaboration and connectivity, aiming to strengthen economic ties through trade and infrastructure projects. Culturally, Turkish Eurasianism promotes educational and cultural exchanges, fostering a deeper understanding among societies. Politically, the theory envisions closer diplomatic relations, supported by the normative influence of Pan-Turkism. This introduction sets the stage for a comprehensive exploration of how Turkish Eurasianism, driven by constructivism and Pan-Turkism, shapes Türkiye's engagement with the Turkic states across various dimensions.

## **What is Turkish Eurasianism?**

Turkish Eurasianism is an ideological and geopolitical concept that emphasizes Türkiye's

engagement and cooperation with countries in the broader Eurasian region. This perspective suggests a departure from Türkiye's traditionally Eurocentric foreign policy and seeks to establish closer ties with countries in Eurasia, which includes not only Turkic states but also non-Turkic nations. The impact of Turkish Eurasianism on relations with the Turkic states can be explored through various dimensions. Turkish Eurasianism represents a shift in Türkiye's foreign policy focus from a predominantly Western orientation to a more diversified approach (Tüysüzöğlu, 2023). While still maintaining relations with Western countries, Turkish Eurasianism encourages a broader engagement with the Eurasian region, which includes Central Asian and Caucasian Turkic states.

Its emphasizes economic cooperation and connectivity as key components of Türkiye's foreign policy. Like trade, investment, and infrastructure projects that can enhance economic ties between Türkiye and Turkic states, fostering mutual development and prosperity. As part of Turkish Eurasianism, Türkiye has shown interest in establishing transportation and energy corridors that connect the Turkic states (Vasa & Barkanyi, 2023). This can include projects such as pipelines, highways, and railways, promoting regional integration and enhancing connectivity.

Turkish Eurasianism can impact security cooperation between Türkiye and Turkic states. Shared security concerns and the desire for regional stability may lead to increased collaboration in areas such as counter-terrorism, intelligence sharing, and military exercises.

Cultural and educational exchanges with Turkic states to strengthen people-to-people ties. This can involve academic partnerships, student exchange programs, and cultural events that contribute to a deeper understanding and appreciation of each other's cultures. Turkish Eurasianism recognizes the importance of cultural influence and soft power in enhancing Türkiye's standing in the Turkic world (Akıllı, 2019). Cultural exports, including media, arts, and entertainment, can be leveraged to promote a positive image and foster cultural ties. Turkish Eurasianism supports Türkiye's participation in multilateral organizations that include Turkic states, such as the Organisation of Turkic States (OTS). Active involvement in these organizations can facilitate regional cooperation on various fronts, including economic development and security. It is involves a diplomatic outreach to Turkic states, aiming to strengthen political dialogue and diplomatic relations. This can include high-level visits, diplomatic initiatives, and cooperation on regional and global. The Eurasianism acknowledges historical and cultural commonalities between Türkiye and Turkic states. Emphasizing these

shared elements can create a sense of kinship and contribute to a stronger bond between the nations. In that case Türkiye as a significant regional player in Eurasia, capable of contributing to regional stability, economic development, and cultural exchange (Taşbaş, 2019). This vision can impact how Türkiye approaches its relations with Turkic states, emphasizing mutual benefits and cooperation.

Turkish Eurasianism signifies a strategic reorientation in Türkiye's foreign policy, emphasizing deeper engagement with the broader Eurasian region, including Turkic states. The impact on relations with Turkic states is characterized by increased economic cooperation, infrastructure projects, security collaboration, cultural exchanges, and a recognition of historical and cultural ties. However, the extent of this impact depends on various factors, including the evolving geopolitical landscape, economic developments, and the willingness of all parties to engage in meaningful cooperation.

### **Differences between Turkish Eurasianism and Russian Eurasianism**

Turkish Eurasianism and Russian Eurasianism are distinct geopolitical concepts, each reflecting the foreign policy orientations of Türkiye and Russia, respectively. While both ideologies share the term "Eurasianism" and advocate for closer engagement with the Eurasian region, they have different historical roots, geopolitical objectives, and implications (Talbot, 2018).

Turkish Eurasianism emerged as a response to Türkiye's desire to diversify its foreign policy beyond a Eurocentric focus. It seeks to position Türkiye as a regional power with influence in Eurasia. Russian Eurasianism has deeper historical roots and is associated with Russian nationalist and intellectual movements in the early 20th century. It emphasizes Russia's unique identity as a bridge between Europe and Asia (Colakoğlu, 2019).

The Turkish Eurasianism is focuses on expanding Türkiye's influence, economic ties, and diplomatic presence in the broader Eurasian region, including Central Asia and the Caucasus. It seeks to enhance Türkiye's role as a bridge between East and West. Stresses the historical and cultural ties that Türkiye shares with the Turkic states in Central Asia and the Caucasus. It seeks to build on these shared cultural elements. mphasizes economic cooperation, trade, and infrastructure development as key elements of Türkiye's engagement with the Eurasian region. May contribute to regional security dynamics through diplomatic initiatives and collaborations but typically does not involve direct military aspects (Colakoğlu, 2019).

Historically, Russian Eurasianism has been associated with the idea of a distinct Russian civilization and the promotion of Russia as a Eurasian power. In contemporary geopolitics, it is linked with Russia's efforts to maintain influence in the former Soviet space. Emphasizes the distinct cultural and civilizational identity of Russia, viewing it as a unique Eurasian civilization that stands apart from both Europe and Asia (Laruelle, 2008). Prioritizes economic integration through organizations like the Eurasian Economic Union, with an emphasis on creating a common economic space among member states. In certain contexts, Russian Eurasianism has been associated with a geopolitical strategy that includes military presence, especially in areas with strategic significance, such as Crimea and the South Caucasus (Bassin, Glebov, & Laruelle, 2015).

While both Turkish Eurasianism and Russian Eurasianism share the overarching concept of engagement with the Eurasian region, they differ significantly in their historical foundations, geopolitical objectives, cultural identity emphasis, and regional partnerships. Turkish Eurasianism centers on Türkiye's expanding influence in Central Asia and the Caucasus, whereas Russian Eurasianism historically focuses on maintaining Russia's influence in the post-Soviet space.

### **Constructivist theory for understanding Turkish Eurasianism**

According to constructivists, international politics is created by individuals, primarily by heads of state. It is all based on thought. The way we think about each other in the present has also been heavily influenced by the ideological predecessors who conceived and thus created the international system. Consequently, if we change the way we think about the international system.

Since the late 1980s, discourse analysis has also emerged in the field of international relations, where it has become a major trend through constructivism. Alexander Wendt, a leading exponent of this movement, that nation-states remain the most important units of analysis in international relations (Wendt, 1999., but that the relationships that develop between them are socially constructed. In his view, the interests of states are rooted in society. Two fundamental tenets of constructivism are human structures are defined by common ideals rather than by material, natural forces and laws and people's identities and interests are constructed by these shared ideas. (Wendt, 1999).

Constructivism, with its ontological starting point, became the main critical tendency of

realism and liberalism. It argues that international relations are too complex and complicated to be understood in terms of a single overarching theory. The movement is essentially concerned with the influence of ideas and the social constructs that build on them on international relations.

According to constructivists, the distinction between the natural and social worlds is made, among other things, by human language. While the former is a reality that exists essentially independently of us, the latter is a reality constructed by, among other things, the discourses of the time. Representatives of this school stress the importance of identity as a foreign policy orientation. According to constructivists, the actions of states are fundamentally guided by subjective factors such as ideas, norms and historical-cultural experiences. These are the causes of changes in international systems. (Finnemore, 2003, 95.). It is subjective factors that enable states to cooperate and create common institutions, changing their own norms, preferences and behaviour. (Barnett – Finnemore, 2004). Constructivists focus on the mutability and social embeddedness of the interests and preferences of international actors, for which an understanding of the historical and cultural assumptions of the actors is essential.

Constructivism attempts to find a middle ground between postmodern and scientific rationality, showing that political reality is fundamentally socially constructed, its internal relations reproduced through discursive practices. It rejects the instrumental logic of rationalism, revealing that society is inherently intersubjective, with ideas and interpretations constitutive of political reality (Adler, 1997, 345). The interests and preferences that are taken to be objective are themselves shaped within a socio-political discourse.

A good example is the way constructivists critically reinterpret a number of basic categories of international relations theory. The basic concepts of geopolitics are all categories based on communication strategies, whether we consider the distinctions between East and West, North and South, which are saturated with strong political content, or other concepts in geopolitical theories often laden with racist ideologies. A number of other concepts in realist international theory are also laden with predictive implications. For example, the basic structure of the international system is characterised by the notion of 'chaos' between states that form an elementary unit, in the absence of an arbitrating power over sovereign states (Ren, 2012, 55).

### **The context of Türkiye and the Turkic states**

The relationship between Türkiye and the Turkic states is a multifaceted and dynamic one,

influenced by historical, cultural, political, and economic factors. This essay explores this relationship through the theoretical framework of constructivism in international relations. Constructivism offers a valuable perspective for understanding the interactions between Türkiye and the Turkic states, as it emphasizes the role of ideas, identities, norms, and perceptions in shaping international relations. By applying this framework, we can gain insights into how shared cultural and ethnic identities, norms, and social interactions influence this relationship.

Constructivism is a theoretical framework in international relations that focuses on how states and other international actors construct their identities, interests, and perceptions of the world. It emphasizes the role of ideas, norms, and social interactions in shaping international relations. When examining the relationship between Türkiye and the Turkic states (states with a significant Turkic ethnic population or cultural ties), constructivism can provide valuable insights into the dynamics of this relationship.

Constructivism highlights the importance of shared cultural and ethnic identities in shaping international relations. In the case of Türkiye and Turkic states, there is a common Turkic heritage, with shared linguistic and historical ties. Constructivists would argue that this shared identity plays a significant role in shaping their relationship (Rousseau & van der Veen, 2005, 692.). It can foster a sense of solidarity and mutual recognition, leading to cooperative efforts.

Constructivism also underscores the role of norms and values in international relations. Türkiye has positioned itself as a protector of Turkic identity and cultural heritage, particularly in Central Asia and the Caucasus. This norm of kinship and support for Turkic states is constructed by Turkish leaders and society. It is the basis for Türkiye's foreign policy initiatives and its involvement in the region.

Constructivists argue that the way states perceive one another and interact is not solely based on material interests but also on social interactions and perceptions. Türkiye's interactions with Turkic states are influenced by how Turkish leaders and the public perceive these states and how they perceive Türkiye. Positive perceptions can lead to increased cooperation, while negative perceptions can result in tensions. Constructivism also highlights that identities and interests are not fixed but can evolve over time. In the case of Türkiye and Turkic states, their identities and interests have evolved as political and social changes occur. Türkiye's interest in the Turkic world may change based on domestic and international factors, and constructivism

helps to explain how these shifts in interests are constructed.

The theory of constructivism emphasizes the role of transnational networks, such as cultural, academic, and diaspora ties, in shaping international relations. In the context of Türkiye and Turkic states, these networks can facilitate people-to-people connections and cultural exchanges, which can further strengthen the sense of a shared Turkic identity and cooperation.

In summary, constructivism provides a useful lens for understanding the relationship between Türkiye and the Turkic states. It emphasizes the importance of shared identities, norms, and perceptions in shaping their interactions and cooperative efforts. By analyzing how these factors are constructed and evolve over time, one can gain a deeper understanding of the dynamics in this relationship.

Similarly, Türkiye's perception of the Turkic states is crucial in understanding its foreign policy approach. Constructivism underscores the role of these perceptions in shaping state behavior. This section will explore how Turkish leaders and society perceive the Turkic states and how these perceptions influence Türkiye's policy decisions, such as aid programs, investment, and diplomatic engagement. Constructivism highlights that identities and interests are not static (Erbaş, 2022, 5093); they can evolve over time. In the case of Türkiye and the Turkic states, their interests and priorities may shift based on domestic and international factors. This section will examine how Türkiye's interests in the Turkic world have evolved and adapted to changing geopolitical circumstances, such as the dissolution of the Soviet Union and the emergence of independent Turkic states.

Pan-Turkism is an ideology that promotes the political and cultural unity of all Turkic-speaking peoples (İpek & Güler, 2023). Constructivism emphasizes how ideas, norms, and shared identities play a crucial role in shaping international relations. Pan-Turkism is a constructed norm within this relationship. It is an ideological framework that has been actively promoted by Türkiye, particularly in the context of its foreign policy. This norm shapes Türkiye's engagement with Turkic states, emphasizing cultural and political ties. Pan-Turkism is built upon the notion of a common Turkic identity that unites these entities, fostering a sense of kinship and cooperation.

Pan-Turkism, as a constructed norm, influences the behavior and actions of Türkiye and Turkic states. It encourages a sense of solidarity and mutual recognition, promoting cultural exchange, political cooperation, and economic ties among these entities. Constructivism

emphasizes the role of perceptions and how they are constructed. In the context of pan-Turkism, perceptions of Türkiye as a leader of the Turkic world and Turkic states as part of a larger Turkic community are actively constructed, shaping their interactions and diplomatic relations (Шумилов, 2022). Constructivism recognizes the role of cultural exchange programs in promoting pan-Turkism. Türkiye's cultural exchange initiatives with Turkic states can be seen as part of the effort to construct and strengthen a shared Turkic identity, fostering cultural understanding and cooperation. Diaspora communities in Türkiye and abroad can play a significant role in promoting pan-Turkism. They serve as transnational actors fostering a sense of shared identity and cooperation, aligning with the pan-Turkic vision (Gultekin, 2015, 2.). Constructivism underscores the significance of academic and cultural exchanges in shaping international relations. In the context of pan-Turkism, these exchanges are tools for promoting a shared Turkic identity and strengthening relations between Türkiye and Turkic states.

Both Pan-Turkism and Turkish Eurasianism have evolved over time, adapting to changing geopolitical circumstances. While Pan-Turkism emphasizes cultural and political ties with Turkic states, Turkish Eurasianism focuses on engagement with countries in the Eurasian region, including Turkic and non-Turkic states. Understanding the evolution of these ideologies helps in comprehending the nuances of Türkiye's foreign policy. Turkish Eurasianism represents a shift in Türkiye's foreign policy focus from a predominantly Western orientation to a more diversified approach. While still maintaining relations with Western countries, Turkish Eurasianism encourages a broader engagement with the Eurasian region, which includes Central Asian and Caucasian Turkic states.

Economic ties and interdependence among Türkiye and Turkic states are influenced by the Pan-Turkic framework. Turkish Eurasianism, on the other hand, looks at economic cooperation in the broader Eurasian context (Çetinkaya & Demirel, 2023). Understanding these economic aspects is essential to grasp the full extent of Türkiye's relationship with Turkic states. Turkish Eurasianism emphasizes economic cooperation and connectivity as key components of Türkiye's foreign policy. This includes trade, investment, and infrastructure projects that can enhance economic ties between Türkiye and Turkic states, fostering mutual development and prosperity (Temnycky, 2023). As part of Turkish Eurasianism, Türkiye has shown interest in establishing transportation and energy corridors that connect the Turkic states. This can include projects such as pipelines, highways, and railways, promoting regional integration and enhancing connectivity. Turkish Eurasianism can impact security

cooperation between Türkiye and Turkic states. Shared security concerns and the desire for regional stability may lead to increased collaboration in areas such as counter-terrorism, intelligence sharing, and military exercises.

Turkish Eurasianism supports Türkiye's participation in multilateral organizations that include Turkic states, such as the Organisation of Turkic States (OTS). Active involvement in these organizations can facilitate regional cooperation on various fronts, including economic development and security (Ataman, 2023). Turkish Eurasianism involves a diplomatic outreach to Turkic states, aiming to strengthen political dialogue and diplomatic relations. This can include high-level visits, diplomatic initiatives, and cooperation on regional and global issues.

Turkish Eurasianism recognizes the importance of cultural influence and soft power in enhancing Türkiye's standing in the Turkic world. Cultural exports, including media, arts, and entertainment, can be leveraged to promote a positive image and foster cultural ties (Fidan, 2023).

Turkish Eurasianism acknowledges historical and cultural commonalities between Türkiye and Turkic states. Emphasizing these shared elements can create a sense of kinship and contribute to a stronger bond between the nations. Türkiye as a significant regional player in Eurasia, capable of contributing to regional stability, economic development, and cultural exchange. This vision can impact how Türkiye approaches its relations with Turkic states, emphasizing mutual benefits and cooperation.

## **Conclusion**

In summary, Turkish Eurasianism signifies a strategic reorientation in Türkiye's foreign policy, emphasizing deeper engagement with the broader Eurasian region, including Turkic states. The impact on relations with Turkic states is characterized by increased economic cooperation, infrastructure projects, security collaboration, cultural exchanges, and a recognition of historical and cultural ties. However, the extent of this impact depends on various factors, including the evolving geopolitical landscape, economic developments, and the willingness of all parties to engage in meaningful cooperation.

The relationship between Türkiye and the Turkic states, viewed through the constructivist lens, is a complex interplay of shared identity, constructed norms, evolving interests,

perceptions, and transnational networks. This essay has highlighted the various dimensions of this relationship and how constructivism can provide a comprehensive framework for understanding its dynamics. By examining the role of identity, norms, and perceptions in this Constructivism provides a valuable framework for understanding the relationship between Türkiye and the Turkic states, considering the influences of both Pan-Turkism and Turkish Eurasianism. The shared Turkic identity and constructed norms, along with evolving perceptions and the role of diaspora communities, play a significant role in shaping their interactions and cooperation. The ideologies of Pan-Turkism and Turkish Eurasianism offer different perspectives on the role of Türkiye in the region and the broader international context.

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## THE INFLUENCE OF PARENTAL EDUCATION ATTAINMENT AND THE PREVALENCE OF AGGRESSIVE BEHAVIOR AMONG THEIR CHILDREN IN PUBLIC HIGH SCHOOLS IN TIRANA

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### ABSTRACT

Aggressive behavior is a common occurrence among adolescents, and due to its adverse outcomes, it's imperative to identify protective factors that can impede or mitigate its escalation before it solidifies. In this study, involving a group of 1239 teenagers, we sought to investigate the link between parental education and aggressive behaviors in children aged between 14 and 19 years. The role that parents play in the lives of their children is of paramount importance, from their formative years through adolescence. Children's values and aspirations are, in part, influenced by the values and expectations they encounter within their family. Among the numerous factors that shape the parent-child dynamic, one particularly crucial element is the educational background of parents. This study aims to investigate how the educational levels of parents affect their children's proclivity for aggressive behavior. The tool used for collecting data in this study ASEBA, YSR – the Youth Self-Report. ASEBA provides a comprehensive approach to assessing adaptive and nonadaptive functions of children and adolescents. The YSR is used to assess a wide range of emotional and behavioral problems that children and adolescents may experience. This can include internalizing problems (e.g., anxiety, depression) and externalizing problems (e.g., aggression, conduct problems). Overall, the father's educational level appears to be more dominant compared to the mother's level of education in influencing the issues related to the aggression of young people.

**Key words:** Mothers and fathers' level of education, Aggressive behavior, Adolescent

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## 1. Introduction

The educational level of parents serves as a significant predictor of children's educational and behavioral outcomes, as demonstrated in studies by Davis-Kean (2005), Dearing, McCartney, and Taylor (2002), Duncan, Brooks-Gunn, and Klebanov (1994), Haveman and Wolfe (1995), Nagin and Tremblay (2001), and Smith, Brooks-Gunn, and Klebanov (1997). Much of the research on how parental education influences child outcomes has typically involved cross-sectional correlational analyses or short-term longitudinal designs, wherein parents and children are tracked through the child's adolescent years. Children's attitudes and aspirations are, to some extent, molded by the values and expectations they encounter. Consequently, a parent's education, income and job role can act as informative signals for the child, shaping their perspective of their parents as role models and molding their future aspirations. In this study, our primary objective is to investigate the impact of parental educational levels have on children's aggressive behavior. The data collection instrument employed in this study is the Youth Self-Report, abbreviated as YSR. The ASEBA framework offers a comprehensive methodology for evaluating the adaptive and maladaptive behaviors of children and adolescents. It is noteworthy that the chosen age group for this study comprises high school students commonly referred to as teenagers. This selection is of paramount significance because adolescence represents a crucial life stage when individuals transition from dependent childhood to independent youth, preparing to assume adult responsibilities (as described by Schoon, 2003).

### *Research questions:*

1. How do the educational levels of mothers affect their children's tendency towards aggressive behavior?
2. What influence does the educational background of fathers have on their children's aggressive behavior?

### *Definitions:*

- *Mothers and fathers' level of education* Refers to an educational system that commences with elementary school, the fundamental initial stage featuring a four-year curriculum. It is followed by primary school (which has been extended from eight to nine years of education since 2009) for students aged 10 to 14. After primary school, there is high school, typically offering a four-year program (though reduced to three years since 2009). Subsequently, the educational progression includes university-level

studies, encompassing bachelor's degrees, master's degrees (the second stage), and doctoral degrees (the third stage).

- *Aggressive behavior* refers to a set of particular behaviors that are considered troublesome in interpersonal interactions, such as theft, shouting, engaging in physical altercations, abandoning education, and smoking, among others.
- *Adolescent* refers to people that are at a phase of human growth and development that occurs between childhood and adulthood, typically marked by the onset of puberty and encompassing the teenage years, which in this study is between 14 and 19 years of age.

## 2. Literature review

The income, the educational attainment of parents, and their occupational status hold significant importance. Children raised in economically challenging circumstances often confront recurrent difficulties that their more advantaged peers do not encounter. Children living in poverty are susceptible to various risk factors, with emotional challenges, acute and chronic stressors, cognitive developmental delays, health and safety concerns being among the most critical. The prevailing theory in the field of psychology and child development specialists suggests that behavior results from the interplay of genetics and the environment. Behavioral genetics emphasize that genes account for 30-50 percent of our behaviors (Saudino, 2005), leaving the environment responsible for the remaining 50-70 percent. Recent findings (Harris, 2006) suggest that social interactions experienced by students with peers or family members have a far more substantial impact than previously believed. This process commences with early relationships with parents or caregivers, shaping a personality that can be either affectionate and secure or lacking in affection and insecure. The educational level of parents serves as a significant predictor of their children's academic outcomes and behavior (Davis-Kean, 2005; Dearing, McCartney, and Taylor, 2002; Duncan, Brooks-Gunn, and Klebanov, 1994; Haveman and Wolfe, 1995; Nagin and Tremblay, 2001; Smith, Brooks-Gunn, and Klebanov, 1997). Much of the research concerning how parental education influences their children is conducted through cross-sectional correlational analysis or limited-time longitudinal studies, following parents and children during their teenage years. According to the reviewed literature, there exists a correlation between poverty and low socioeconomic status and a range of adverse impacts on children, including lower intelligence scores, diminished academic performance, and socio-emotional issues (Sirin, 2005; White, 1982; McLoyd, 1989, 1998).

Conger, etc. (2002); McLoyd (1989); Mistry, Vanderwater, Huston, and McLoyd (2002) point out that the effects of socioeconomic stress, such as financial difficulties or unstable employment, on child achievements are mediated through parental stress and family interaction patterns, including parental depression and low indicators of parental care and warmth. Consequently, variables like parental education and income influence the level of interaction among family members, thereby impacting children's behavior. It's well-established that parents have a significant influence on their children's behavior, even in more extensive social learning models (Huesmann, 1998).

Behavioral research indicates that children from low-educated parents tend to develop psychiatric disturbances and exhibit inappropriate social functioning (McCoy, Firck, Loney, and Ellis, 1999). According to Dodge, Pettit, and Bates (1994), children living in families with low parental education levels are more likely to display behavioral problems, which teachers and peers observe lasting for more than four years. Many studies examine adolescent behavioral problems as either a component of or an indicator of their emotional well-being. Although there isn't a universally accepted definition, emotional and social well-being generally relates to how an individual perceives and interacts with themselves and others. This encompasses their ability to adapt and confront the challenges of everyday life, demonstrating resilience and coping skills while leading a fulfilling life.

### **3. Methodology**

This research utilizes quantitative descriptive research, a methodology employed to portray the features of a population or a specific phenomenon under examination. It involves collecting information without influencing or altering the conditions in the environment being studied. Data collection for this study involved using the ASEBA questionnaire, a well-structured assessment tool created by Achenbach. It is renowned for its high standardization quality and is employed to evaluate emotional issues, behavioral traits, and social competencies in children and adolescents. The questionnaire is designed for use by parents, children, adolescents, and teachers. In our research, we exclusively utilized one of these instruments, namely the YSR (Youth Self-Report). This instrument is widely employed across mental health services, educational institutions, healthcare facilities, services dedicated to children and families, public health organizations, child counseling, training programs, and scientific research. It has been translated into over 80 languages, and there are more than 7,000 documented publications that have utilized ASEBA materials. These publications are

the result of the efforts of over 9,000 authors representing more than 80 diverse cultural and social groups.

This study focuses on a specific section of the instrument, which pertains to statements related to problem behavior. This segment comprises 13 statements, and respondents are required to select one of three provided options: "1" if the statement is "False," "2" if it is "partially or sometimes true," and "3" if it is "often or very often true." The labels assigned to these syndromes are chosen to reflect the content of the topics, and the language used is designed to facilitate communication between mental health professionals and questionnaire users. In this study, we specifically address issues related to the behavior of the respondents.

The group of behavioral problems includes the following statements: boasting and showing off, consuming alcohol without parental permission, damaging one's own belongings or achievements, damaging the belongings or achievements of others, displaying excessive dependency on adults, disobedience to parents, defiance of school authority, lack of remorse for wrongdoing, feelings of jealousy toward others, impulsive actions, lying or deception, poor academic performance, and a preference for staying away from home.

The sample selection process was structured in three stages and employed a clustered sampling methodology. In the initial phase, all of Tirana's public city schools were included, with the exception of the Sinan Tafaj school, which served as a pilot study site. In the second stage, a minimum of three classes were randomly chosen from each school. Subsequently, in the third phase, questionnaires were administered to individuals within the selected classrooms. The sample size was determined using a formula designed for elections, assuming that the number of adolescents in the population was practically infinite. 
$$N = \frac{Z^2 * p * (1-p)}{c^2}$$

Based on this formula, our sample size was projected to comprise 1167 students. In anticipation of potential incomplete responses, whether due to oversight or other factors, it was decided to opt for a larger sample size to compensate for any such losses. The final score was 1260 and only 1239 questionnaires were eligible.

Although the questionnaire's development and its effectiveness in meeting the study's goals have already been demonstrated in other countries, a pilot phase was undertaken to resolve issues related to language (translation), relevance to the specific context, and the clarity of individual questions. It was essential to ensure that the questionnaire's language was straightforward and easily understood, without any ambiguity. The instructions had to be

unambiguous, and it was crucial to confirm that the individuals who would be answering these questions had the opportunity and the knowledge required to provide accurate responses. The questionnaire underwent a pilot phase, which involved a sample of 30 students from the "Sinan Tafaj" school. The selection of students for this pilot phase was deliberately diversified to encompass different academic performance levels, parents from various social and economic backgrounds, and a wide age range. This approach was aimed at achieving a more comprehensive and diverse pilot sample.

During the final revision of the questionnaire, experts were consulted to assist in formulating the questions and conducting statistical analyses, particularly in terms of data coding and its alignment with the expected data analysis. Following the pilot phase, some questionnaire items were rephrased to eliminate ambiguity and enhance clarity. Furthermore, the original questionnaire was expanded to include a section of questions related to the socio-economic status of parents. Some open-ended questions were excluded from the questionnaire, as they not only remained unanswered but were also considered irrelevant to the scope of this study.

#### **4. Data Analysis**

##### **4.1 Descriptive analysis**

This section focuses on gathering information regarding behaviors and signs that characterize aggressive conduct. Respondents were queried about their views on a series of statements linked to the frequency of contentious behavior, rule-breaking at home or school, physical altercations, associating with troublemaking friends, physically assaulting others, using elevated communication tones, escalating situations, theft both at home and elsewhere, employing vulgar language, having a quick temper, issuing threats, smoking, skipping classes, shouting more than others, and exhibiting disruptive behavior. Respondents expressed their opinions on these statements selecting if the statements were true, false or partially true.

The respondents largely view the statements in this section as false in most cases. Approximately 49 percent do not believe the statement "I argue/quarrel" as true, with around 43 percent partially agreeing. Regarding the statement "I break the rules at home, school, or anywhere else," 74 percent find it untrue, while only 5 percent strongly affirm it. Roughly 74 percent of respondents do not consider the statement "I get into a lot of fights" to be true, and approximately 20 percent see it as partially true. Concerning the statement "I hang out with

friends who get into trouble," about 72 percent disagree with it, while less than 7 percent find it very true. The statement that "I attack people physically" is disapproved of by 86.5 percent of high school students, with only 3.8 percent admitting to such behavior. In response to the statement "I shout often," about 58 percent consider it untrue, and a significant portion of students (37 percent) express partial agreement with it.

Approximately 66 percent rate the statement "I irritate things, situations" as false, while around 25 percent view it as partially true. When it comes to the statement "I steal from my house," 94 percent of respondents assert that it is not true, with less than 3 percent stating it is very or often true. A similar assessment occurs for the statement "I steal elsewhere" with 94 percent of students believing it is not true, and about 1 percent considering it very true. For the statement "use dirty words," the majority of respondents, approximately 62 percent, find it untrue, and a significant portion (about 26 percent) believe it to be very true. The statement "I destroy other people's things/achievements" is perceived as false by about 83 percent of high school students, and only 5 percent regard it as very or often true.

There is noticeable variability in the evaluation of the acceptance of the statements as true among high school students. This variance may be attributed to the softened level of aggressiveness in the statements or socio-cultural differences in responses. Roughly 79 percent do not believe the statement "smokes cigarettes" is true, with only about 9 percent affirming its truth. Around 51 percent of respondents indicate that the statement "skipping class" is not true, while a substantial portion (about 37 percent) partially acknowledge as true. For the statement "I shout more than others," approximately 67 percent of students find it untrue, and about 24 percent consider it partially true. Roughly 79 percent disagree with the statement "I tease others," while about 5 percent consider it very often or often true. About 28.8 percent of high school students do not concur with the idea that they become quickly agitated, but a majority of them (approximately 40 percent) acknowledge experiencing such a condition.

## **4.2 Factor Analysis**

### **The breakdown of the factors for aggressive behavior**

In our quest to understand the factors influencing adolescent aggressive behavior, we meticulously adhered to the following procedure. Initially, we conducted a reliability analysis of the data. Subsequently, we performed Bartlett's sphericity test, evaluated the KMO (Kaiser-

Meyer-Olkin) measurement, and scrutinized the anti-image matrix elements. The results of these assessments are presented in Table 4.1. A glance at the table reveals that our sample is highly suitable for conducting factor analysis.

Bartlett's sphericity test was statistically significant at the 1 percent level, and our KMO measurement approached 0.9, indicating that our data is exceptionally well-suited for factor analysis. The Cronbach Alpha statistic, which stands at 0.86, further validates the results of the previously mentioned tests. Additionally, the anti-image matrix analysis reinforces the data's quality. The main diagonal elements fall within the range of 0.791 to 0.954, and the off-diagonal elements are sufficiently small. This collectively affirms that the data is highly amenable to factor analysis, ensuring the reliability of the results derived from it.

**Table 4.1. Kaiser-Meyer-Olkin measure, Bartlett's test of Sphericity and Cronbach's Alpha for indicator variables for aggressive behavior**

<b>KMO and Bartlett's Test</b>		
Kaiser-Meyer-Olkin Measure of Sampling Adequacy.		<b>.898</b>
Bartlett's Test of Sphericity	Approx. Chi-Square	5334.488
	df	120
	Sig.	<b>0.000</b>
<b>Reliability Statistics</b>		
Cronbach's Alpha	Cronbach's Alpha Based on Standardized Items	N of Items
<b>.861</b>	.869	16

The outcomes of the correlation analysis, along with the associated coefficients, in relation to the variables encompassed in this study, are succinctly presented in Table 4.2. The factorial analysis led to the identification of three distinct components. The first factor is closely associated with the following variables: frequently arguing, engaging in numerous fights, frequent yelling, becoming irritated easily by things and situations, and reacting vocally more quickly than others. This primary factor accounts for 17.67 percent of the total variance among the 16 variables included in the analysis.

The second factor is strongly linked to the variables encompassing rule-breaking at home, school, or elsewhere, associating with friends prone to trouble, using profanity, smoking cigarettes, and skipping classes or entire days. This secondary factor explains 17.03 percent of the original variance within the variables.

The final factor comprises five additional variables related to physical violence and theft, including physically assaulting people, stealing within one's own home, stealing outside of one's residence, frequently threatening others, and engaging in fights with others. This factor elucidates 16.84 percent of the variance. In summary, the collective influence of these three factors elucidates approximately 52 percent of the initial variance present among the 16 variables integrated into the model.

**Table 4.2. Factors derived from factor analysis for aggressive behavior**

	1	2	3
C3 I argue a lot.	.635	.205	.042
C28 I brake the rules at home, in school and everywhere.	.298	.549	.221
C37 I get into fights.	.453	.338	.291
C39 I socialize with friends that get into troubles.	.196	.553	.294
C57 I physically attack people.	.294	.309	.577
C68 I yell a lot.	.770	.047	.080
C72 I aggravate things, situations.	.524	.302	.213
C81 I steal in my own house.	.023	.113	.809
C82 I steal outside.	.028	.123	.835
C90 I swear.	.140	.695	.117
C95 I get angry soon.	.717	.114	-.033
C97 I threat others.	.174	.249	.617
C99 I smoke.	.070	.696	.191
C101 I sometimes drop class.	.146	.732	.085
C104 I yell more than others.	.683	.142	.319
C111 I mess up with others.	.282	.383	.442

### **4.3 The comparison of the averages of the indexes of aggressive behavior according to the characteristics of parents and family**

Table 4.3 displays the findings of the assessment of average scores for aggressive behavioral indexes based on the educational levels of mothers and fathers. The results indicate

statistically significant differences in the average scores based on mothers' educational levels, specifically for the second aggressive behavior factor. In the case of fathers' education, it is observed that there are statistically significant distinctions in the average scores for both the first and second aggressive behavior factors, with a significance level of 5 percent.

**Table 4.3 ANOVA for comparison of the averages of the indexes of aggressive behavior according to the educational level of mothers and fathers.**

			Sum of Squares	df	Mean Squares	F	Sig.
Mothers level of education	Aggressive Behavior 1	Between Groups	2.077	3	.692	.690	.558
		Within Groups	1103.342	1100	1.003		
		Total	1105.419	1103			
	Aggressive Behavior 2	Between Groups	21.051	3	7.017	7.231	.000
		Within Groups	1067.413	1100	.970		
		Total	1088.464	1103			
	Aggressive Behavior 3	Between Groups	1.550	3	.517	.517	.671
		Within Groups	1098.712	1100	.999		
		Total	1100.262	1103			
Fathers level of education	Aggressive Behavior 1	Between Groups	8.443	3	2.814	2.808	.038
		Within Groups	1089.302	1087	1.002		
		Total	1097.745	1090			
	Aggressive Behavior 2	Between Groups	10.584	3	3.528	3.558	.014
		Within Groups	1078.015	1087	.992		
		Total	1088.599	1090			
	Aggressive Behavior 3	Between Groups	1.912	3	.637	.642	.588
		Within Groups	1078.975	1087	.993		
		Total	1080.887	1090			

**Table 4.4 Tukey's b for the comparison of the averages of the aggressive behavior indices and the attention index according to the educational level of the mother and father**

Mothers and fathers level of education			
Level of education	Aggressive behavior 1	Aggressive behavior 1	Aggressive

							behavior 2	
	N	1	2	N	1	2	1	2
8 years or less	114	-.105		97		.239	-.112	
High school	598	-.111		551	.000		-.065	
University	285		.167	319	.007		.056	.056
Post university	107		.206	124	-.154			.221

Table 4.4 illustrates some unexpected trends. Specifically, it reveals that as the mother's education level increases, the first aggressive behavior index also tends to increase. Similarly, when considering the father's education level, the second aggressive behavior index displays an increase as well. Notably, this trend continues to hold as the father's education level rises.

In the case of the first aggressive behavior index and its comparison across various levels of paternal education, it becomes evident that adolescent aggressive behavior is more pronounced when the father has a lower educational level. Conversely, the levels of aggressive behavior tend to be statistically similar or lower when the father possesses higher levels of education.

#### 4. Discussions and Conclusions

The educational level of parents plays a pivotal role in shaping the behavior and academic outcomes of their children. Numerous studies (Davis-Kean, 2005; Dearing, McCartney, and Taylor, 2002; Duncan, Brooks-Gunn, and Klebanov, 1994; Haveman and Wolfe, 1995; Nagin and Tremblay, 2001; Smith, Brooks-Gunn, and Klebanov, 1997) underscore the impact of parental education on various facets of children's lives. Children with parents who possess higher educational levels consistently demonstrate more favorable outcomes compared to those with parents with lower educational attainments. These positive outcomes manifest in areas such as pro-social behavior, school attendance, academic achievement, and reduced tendencies to engage in tobacco or alcohol use.

Surprisingly, when it comes to indicators of aggressive behavior, the results reveal a somewhat unexpected trend. Higher levels of maternal education are associated with an increased tendency among respondents to engage in arguments, participate in fights, shout, become easily irritated by situations, and react quickly. A similar pattern is observed in the case of paternal education, particularly concerning specific elements of the second aggression

index, including breaking rules at home, school, or elsewhere, associating with friends who often get into trouble, using profanity, smoking cigarettes, and skipping classes. In these cases, there is a noticeable propensity for aggressive behaviors to increase with higher levels of paternal education.

As outlined by Cummings and Davies (1994), Eron et al. (1971), Huesmann et al. (1984), Lefkowitz et al. (1977), and Patterson (1982), children growing up in environments characterized by parental aggression, rejection, and marital conflicts often exhibit heightened levels of aggressiveness. This observation stands in contrast to the findings of this particular study, which does not validate this relationship. Several factors might contribute to these disparities. One potential explanation could be the influence of external aggressive societal factors that shape the behavior of young individuals more significantly than parental influences. Additionally, the impact of aggressive peers who serve as models for such behaviors cannot be discounted. Furthermore, local cultural elements might play a role in shaping the prevalence of aggressive behavior.

It is hypothesized that children learn their problem-solving approaches through aggressiveness, a consequence of repeated exposure to these behavioral models. To offer a more comprehensive and professional assessment of the underlying reasons for the observed aggressive behavior, further investigation is warranted.

In conclusion we can say that overall, the father's educational level appears to be more dominant compared to the mother's level of education in influencing the issues related to the emotional well-being of young people.

- The higher the level of education of parents, the higher the tendency of young people to show aggressive behavior and disobedience by getting involved in brawls, shouting, aggravating situations, swearing, drinking cigarettes, leaving class etc. They also show more social problems than their peers whose parents are the least educated.
- Adolescents whose mothers had limited educational backgrounds displayed a proclivity for solitude, along with a disinclination to engage in conversations with others. They also exhibited shyness as a defining characteristic.

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## **LEGAL AND FISCAL FRAMEWORK OF NON-PROFIT ORGANIZATIONS IN ALBANIA. CHALLENGES AND PROBLEMS**

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## ABSTRACT

Non-profit organizations are a key element in Civil Society in Albania. The legislator has taken care to adopt specific acts, laws or bylaws on the right to be organized on voluntary basis, the freedom of expression, the right to be organized and registered or to be organized as informal group, the legal and fiscal obligations arising from registration.

Albanian Civil Code, adopted in 1994, has ruled non-profit organizations under the private legal persons. It states that nonprofit organizations could be: associations, foundations and centers. Besides this, there are other acts which rules the establishment, organization and the functioning of non-profit organizations.

This article aims to analyze the legal and fiscal environment of Civil Society Organizations, the challenges of electronic register, the problems with VAT compensation.

At the end, the authors would underline some conclusions and recommendations on improving the working environment of non-profit organizations in Albania, in order to fulfill also the obligations raising from EU Integration.

**Key words:** non-profit organization, association, foundation, center, electronic register.

## Introduction

After the 90s, the adoption of the new legislation and the abrogation of the old legislation provided the proper environment for the right to gathering.

The first constitutional act is the law no. 7491, dated 29.4.1991 "On the main constitutional provisions" (Ligj, PËR DISPOZITAT KRYESORE KUSHTETUESE, 1991). On the first

provisions, it clearly states that human dignity, human rights and freedoms, equality before the law, social justice and pluralism are the basis of the state”. Due to the lack of a constitution, the legislator adopted at that time two more constitutional acts. The third one is the law no. 7692, dated 31.3.1993 “For an addendum to law no.7491, dated 29.4.1991 "On main Constitutional Provisions" (Ligj, PËR NJË SHTOJCË NË LIGJIN NR.7491, DATË 29.4.1991 "PËR DISPOZITAT KRYESORE KUSHTETUESE", 1993), which was an act explicitly on the provisions of human rights, due to the lack with them during the communism (Ligj, PËR NJË SHTOJCË NË LIGJIN NR.7491, DATË 29.4.1991 "PËR DISPOZITAT KRYESORE KUSHTETUESE", 1993)<sup>33</sup>. The article 20 The right to organize provides: “No one can be denied the right to organize collectively for any legitimate purpose. Restrictions on the exercise of this right may be set by law for public service employees.”

So, through these acts, everyone had the right to be organized and gathered, individually or collectively for legitimate purposes. At this time, the first Non-Profit Organizations were established and started working on their respective fields, in accordance with the law provisions.

For 2022, there are registered more than 12 515 Non-Profit Organizations (Development, May 2023).

Civil Society in Albania is developing and changing their objectives, in accordance with the technological, digital, scientific developments and on the needs of donors. It is a key factor on some state key issues, such as: the violence against children, economic issues, the protest against nuclear weapons.

This article aims to present some aspects of legal and fiscal framework of Non-Profit Organizations in Albania.

## **I. The legislation on the establishment and functioning of Non-Profit Organizations**

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<sup>33</sup>Its preamble provides: “Considering that, during the brutal and extremely inhuman 46-year dictatorship of the party-state in Albania, civil and political, economic, social and cultural rights, as well as the most basic human freedoms, have been violated and denied, through state terror; Considering that the universal respect and enjoyment of these rights and freedoms constitutes one of the highest aspirations of the Albanian people and one of the necessary preconditions for guaranteeing freedom, social justice and the democratic progress of our society.”

The right of association is a right known to everyone, for legal aims. The freedom of associations is provided in different laws and sub laws. If we analyze the acts respecting the hierarchy of them, we firstly mention the article 46 of Albanian Constitution (Kushtetuta e Shqipërisë)<sup>34</sup>. The article 9 provides the right of association for political parties<sup>35</sup>. Article 10 provides the basic rules for religious communities<sup>36</sup>.

The organizations and associations that follow anti-constitutional aims are prohibited according to the law. The law provides the criteria of establishing an association and then both substantial and formal procedure of acquiring legal personality. This article mentions some of the main acts that provide the freedom of association, the establishment and functioning of NPOs.

Albanian Civil Code (Civil, 1994) is the first act that regulates the establishment and functioning of NPOs. Firstly, the article 26 provides that: "Private juridical persons are: companies, associations, foundations and other private entities, who acquire their legal personality through law." This article just mentions two types of Non-Profit Organizations: associations and foundations. The articles 39 – 63 regulate the establishment, the personality and the distribution of associations and foundations.

**Law no. 8788, dated 7.5.2001 "On non-profits organizations"** ("Për organizatat jofitimprurëse", 2001)

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<sup>34</sup> This article provides: "1. Anyone has the right to organize collectively for any legal purpose. 2. Registration of organizations or associations in the court is done according to the procedure provided by law. 3. Organizations or associations that pursue unconstitutional purposes are prohibited by law."

<sup>35</sup>The article 9 provides: "1. Political parties are freely established. Their organization should comply with the democratic principles. 2. Political parties and other organizations whose programs and activities are based on totalitarian methods, which incite and support racial, religious, regional or ethnic hatred, which use violence to seize power or to influence state policy, as well as those of a secret nature are prohibited by law. 3. The financial resources of the parties, as well as their expenses, are made public at all times."

<sup>36</sup>Article 10 says that: "1. There is no official religion in the Republic of Albania. 2. The state is neutral in matters of belief and conscience and guarantees freedom of expression in public life. 3. The state recognizes the equality of the religious communities. 4. The state and religious communities shall mutually respect each other's independence and cooperate for the benefit of each and all. 5. The relations between the state and the religious communities are regulated on the basis of agreements concluded between their representatives and the Council of Ministers. These agreements are ratified in the Parliament. 6. Religious communities are legal entities. They have independence in managing their assets according to their principles, rules and canons, as long as the interests of third parties are not violated."

Gjetur

në

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is the organic law that rules the Non-Profit Organizations. This law defines the rules for the establishment, registration, functioning, organization and activity of non-profit organizations, which pursue goals for the good and in the public interest. The law defines explicitly non-profit organizations, listing: associations, foundations and centers. The legislator has been strict, underlining and mentioning three types of NPOs without leaving equivoques in the categories on NPOs.

The Civil Code is an act of a higher category than this law, due to the majority by which it was approved (Kushtetuta e Shqipërisë)<sup>37</sup>. The Law no.8788/2001 provides three types on NPOs, overcoming the provisions of Civil Code. Trade unions, political parties and other NPOs that are organized and ruled under specific laws.

Based on the freedom of assembly, provided in Constitution, everyone has the right to gather, without being legally registered as a Non-Profit Organization.

On 2022, based on European Union legislation, the Parliament adopted the law no. 36/2022 “On the organization and functioning of local action groups” (GRUPEVE, 2022). The law defines Local action group as a non-profit organization based on partnership, composed of representatives of local socio-economic, public and private interests, in which at the decision-making level no public authority or interest group represents more than 49% of voting rights. The law provides the obligation that these groups should be registered in the District Court of Tirana as any other type of NPO, according to the provisions mentioned above in this article. Law no. 8788/2001 “On non-profits organizations” regulates the internal life of NPOs and their relations with the state and other natural and legal persons. The establishment and functioning of NPOs are based on the principles of establishment and participation, the principle of protection and respect for human rights, the principle of independence from the

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<sup>37</sup> The Albanian Constitution is based on the principle of constitutionality. The Article 116 says: “

1. Normative acts that are valid throughout the territory of the Republic of Albania are:

a) Constitution;

b) Ratified International Agreements;

c) Laws;

ç) Normative Acts of the Council of Ministers.

2. Acts issued by local government bodies are valid only within the territorial jurisdiction exercised by these bodies.

3. The normative acts of the ministers and the governing bodies of other central institutions are valid throughout the territory of the Republic of Albania within the sphere of their jurisdiction.”

state, the relations of non-profit organizations with state bodies and relations of a civil legal nature ("Për organizatat jofitimprurëse", 2001)<sup>38</sup>.

With great importance, it is the division of non-profit organizations based on the way of organization. According to the article 10 of the above law, the NPOs are divided in: 1. non-profit organization with membership, as associations and 2. non-profit organization without membership, as foundations and centers. The law mentioned for the first time the centers, as NPOs. The center is a legal entity without membership, whose object of activity is the performance of services and the implementation of projects for good purposes and in the interest of the public, with funds and income provided by law. The center is not allowed to carry out profitable activities.

Albanian legislation clearly states that legal persons win their judicial personality in two manners: a. through the registration in National Business Center and b. through the decision of court. NPOs, as private legal persons, win their personality at the moment that the decision of First Instance Court of Tirana is final. In order to unify the procedures, to create a transparent and enabling environment for the development of their activities, the legislator adopted the Law no. 80/2021 "On the registration of Non-Profit Organizations" (JOFITIMPRURËSE, 2021). This law defines the registration procedures of non-profit organizations, as well as the rules for keeping their register for non-profit organizations, which have the obligation to register according to the legislation in force, which determines the rules for the establishment, registration, functioning, organization and activity of non-profit organizations.

This law provides the obligation to establish the electronic register for NPOs, for the first time, that will be created by the High Judicial Council and will be administered by the First Instance Court of Tirana. The law regulates all the aspects of the establishment of NPOs, from the first registration, every change of its documents: act of establishment and statute, to the deregistration (Albania, 2021).

The Decision of High Judicial Council No. 35, dated 26.01.2022 "For the creation and implementation of the electronic register of non-profit organizations" has provided that the functioning of this register begins on December 30, 2023 (Council, 2022). The Council of Ministers have adopted the Decision no. 94, dated 9.2.2022 "On the approval of detailed rules

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<sup>38</sup> For further information have a look at: article 4- 8.

for primary and secondary data, registered in the electronic register of non-profit organizations, for information providers, interaction with other databases, as well as for the level of access for interested subjects” (Ministers, 2022). The purpose of this decision is to determine the detailed rules for primary and secondary data, which are registered in the electronic register of non-profit organizations, for information providers, interaction with other databases, as well as for the level of access for interested subjects. in the electronic register of non-profit organizations. According to this act, the electronic register of non-profit organizations is a state database, through which information organized and stored in electronic form for non-profit organizations is collected, where its processing and updating are carried out through a computer system<sup>39</sup>.

Following this decision, High Judicial Council has adopted the decision no. 445, dated 24.07.2023, defining the standard forms of the electronic register of non-profit organizations (Council, 2023).

So, even though the adoption of the specific law, the opposition of Civil Society Organizations, the electronic register of NPOs is still not functioning. There is no consultation process with the interested subjects, so NPOs, on the content of this register,

At this moment, it is not known how many NPOs are in total, how many are active, the names and the risk to being duplicated or to have similar names.

Besides the disagreement of NPOs, who's their reasons are discussed before the adoption of the law no. no. 80/2021 “On the registration of Non-Profit Organizations”, especially on the information needed, data protection and being public, the electronic register will be an asset, if it is going to be managed in accordance with the law.

## **II. The fiscal aspects of functioning of NPOs**

DG NEAR Guidelines for EU Support to Civil Society 2021-2027 Baseline Assessment Report 2021 says that: “Access to funding is an integral part of the right to freedom of association. CSOs should be assisted in the pursuit of their objectives also through forms of support that include exemption from income and other taxes or duties on membership fees,

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<sup>39</sup> Meanwhile, the law no. 80/2021 “On the registration of Non-Profit Organizations” says that: “Electronic register is the register of non-profit organizations, which is created and administered as a state database, in which non-profit organizations are registered according to this law”.

funds and goods received from donors or governmental and international agencies, income from investments, rent, royalties, economic activities and property transactions. Other forms of support may include reducing the costs of bank transfers or making donations from international organizations tax-free. (3, May 2023)”

Different legal acts, both laws and sub laws, obligate the NPOs to be registered at the Directorate of Taxation, to declare their financial data, to declare their employees and to register the beneficial owners.

According to the General Directorate of Taxation (GDT), there are 2 497 NPOs with an active status, meanwhile, there are 12 515 NPOs registered in District Court of Tirana (Development, May 2023).

This data shows up that only 20% of the Civil Society Organizations are active, implement activities and declare data to Directorate of Taxation.

The law no. 9920, dated 19.05.2008 “On tax procedures in the Republic of Albania” (Ligj, Për procedurat tatimore në Republikën e Shqipërisë, 2008), as amended, defines in the article 5 as Taxpayer a person or individual who is obliged by law to pay taxes, duties or social and health insurance contributions, as well as the with holding agent. The article 40 of this law underlines the obligation of Non-Profit Organizations, which include foundations, associations, centers, as well as branches of foreign non-profit organizations registered in the Register of Non-Profit organizations, in the District Court of Tirana to register in the tax administration<sup>40</sup>. The law no. 9920/ 2008 “On tax procedures in the Republic of Albania” rules under the article 42 “The registration of non-profit organizations”. It is explicitly confirmed that the registration of NPOs in tax administration could be done after the registration in District Court of Tirana.

Law no. 87/2019 “On the invoice and monitoring system of the circulation” (Ligj, Për faturën dhe sistemin e monitorimit, 2019), as amended effects directly the activity of NPOs, as taxpayers. The article 4 “Taxpayers who must issue invoices”, the law lists all the natural and legal persons, who must issue an invoice. Non-profit organizations must issue an invoice as

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<sup>40</sup> As lawyer, we have to underline the necessity of law amendments in accordance with the latest development in economy, science technology etc. Also, the law should be incoherence with each other, that means that a later act that implicates another adopted earlier should be in line and provide the necessity of later amendments.

they are taxpayers exercising economic activity, in accordance with the legislation in force on value added tax. This law not only added more the obligation on NPOs, but also it added the economic cost for them.

Meanwhile the law no. 92/2014 “For the value added tax in the Republic of Albania” (Ligj, PËR TATIMIN MBI VLERËN E SHTUAR NË REPUBLIKËN E SHQIPËRISË, 2014) says that a non-profit organization is not considered a taxable person for payments received from quotations, if they have such, or funds, grants, donations received for the purposes of the organization's non-profit activity, in accordance with the law on non-profit organizations, except when this organization receives payments as a result of economic activity.

Through years the reimbursement of value added tax for NPOs has been a problem. With the new law amendment, it is expected that NPOs to be instead VAT exempted. In practice, the implementation of the procedure of VAT reimbursement for foreign donors’ grants has been challenging (Albania, 2021).

Based on the MONEYVAL recommendations (htt2), the legislator adopted in 2020, the law no. 112 “For the register of beneficial owners” (Ligj, 2020). The law provides in the article 4: “1. The Register of Beneficial Owners is administered by the National Business Center....6. General data on the reporting entity, which are registered in the Commercial Register and the Register of Non-Profit Organizations, will be automatically transferred to the Register of Beneficial Owners. 7. The rules for the procedure of data registration in the Register of Beneficial Owners, the method of transferring data from the Commercial Register and the Register of Non-Profit Organizations as well as the operation of the Register of Beneficial Owners are approved by decision of the Council of Ministers.” So, the law requires the functioning, collaboration and the program of transferring data between the Register of Beneficial Owners, the Commercial Register (that are managed by the National Business Center) and the Register for Non-Profit Organizations (that is going to be managed by Tirana District Court). From all the acts and reasons provided above, the Register for NPOs is planned to be established and functioned in the end of this year, so, all the data requested on the law no. 112/ 2020 are based on the self-declaration of the representative structures of NPOs.

In this spirit is also the law no. 9917, dated 19.05.2008 “For the prevention of money laundering and the financing of terrorism” (Ligj, PËR PARANDALIMIN E PASTRIMIT TË

PARAVE DHE FINANCIMIT, 2008), as amended, implies the obligation of authorities that register, license or supervises the activity of non-profit organizations must immediately report to the responsible authority any suspicion, information or data related to money laundering or terrorist financing.

In general, all the legislation for NPOs provides fines and administrative sanctions in case of violation of the above laws. For NPOs, the new level of fines is high and comes as a response to MONEYVAL's recommendation "Albania must ensure an adequate legal framework for violations of companies and NPOs obligation and implementing proportionate and dissuasive sanctions" (Development, May 2023).

The challenges with transparency of public funding provided to CSOs are reflected also in the perceptions of CSOs that took part in the CSO survey: only 12% of the respondents were of the view that the provision of public funding to CSOs was transparent and fair. The level of confidence was the highest in Albania at 21% of participating CSOs, and lowest in North Macedonia where only 5% of participating CSOs said they found the provision of public funding transparent and fair. In this regard, 58% of respondents were of the view that the provision of public funding to CSOs was insufficiently or not at all transparent (3, May 2023).

### **III. General aspects of Non-Profit Organizations working environment**

The establishment and the functioning of NPOs is based on the principle of non-discrimination. Everyone, natural or legal person has the right to establish a NPO in accordance with the legislation in force.

NPOs are in general free and the public institutions respect their freedom of expression, that was restricted during the Pandemic Covid-19. Also, they have the right to gather, especially the freedom of peaceful assembly, in accordance with the law provisions.

The NPOs has the right to information in accordance with the law no. 119/2014 "On the right to information" (Ligj, Për të drejtën e informimit, 2014). Using the spaces that this law offers, NPOs are too active on gathering information. In most of cases, the information is used for studies or data, in order to increase the transparency and accountability of central and local government in "hot" issues. Also, they have the right to be part of public consultation, especially on acts that effects their activities, rights and obligations. Even though, lots of acts

have not respected the consultation process, being approved without discussed with the stakeholders.

The findings of DG NEAR Guidelines for EU Support to Civil Society 2021-2027 Baseline Assessment Report 2021 confirms that: “In Albania, the participation of CSOs and citizens in policy- and decision-making processes is regulated by law. The law specifies the timeframe for consultations of between 20-40 days, as well as the requirement for officials to explain why recommendations have been accepted or rejected. An online platform has been created to facilitate the involvement of citizens in co-governance. (3, May 2023)”

The labor relations within the organization and he organization with third parties are mostly based on Labor Code of the Republic of Albania.

The law “On voluntarism” is still not applicable, due to a series of problematic issues that it represents, because it was not consulted with the groups of interests, and the developments in the country were not considered (Development, May 2023).

In Albania, criminal and civil codes guarantee the right of CSOs as legal persons to use all the mechanisms to challenge or seek the review of the decisions affecting their rights. In 2021, 6% of participating CSOs from Albania felt they were unable to challenge effectively such decisions, the lowest in the region (3, May 2023). Actually, NPOs are legitimate to complain in courts, civil, administrative and criminal cases. During 2021, the NPOs drafted the law “On class action”, as a remedy for NPOs to protect collective interests. NPOs could be licensed from Ministry of Justice on providing Free legal Aid, First or Second, for all the persons.

The latest development is the Decision of the Constitutional Court, dated 20.11.2023 on the repeal as incompatible with the Constitution of the Chancellor's powers in Law no. 80/2021 "On the registration of non-profit organizations" (“ Shfuqizimi i pikës 2 të nenit 5, për sa i përket delegimit të dhënë Këshillit të Ministrave; nenit 8; fjalëve “ose me emra që janë në kundërshtim me rendin ose dispozitave urdhëruese të ligjit” në pikën 1 të nenit 9; shkronjës “a” të pikës 3 të nenit 17, 2023).

This is a successful case that shows up the role and the importance of NPOs, the impact of the sector and their right to access to justice.

**Last remarks...**

The lack of an electronic register for NPOs is not supporting a clear understanding of the size and economic value of the sector and is forcing the sector to duplicate its reporting due to a lack of integration of state agencies' systems (Albania, 2021).

NPOs should be more active, should take part in the consultation and in decision making processes, in order to be heard and to have the right position in the market and in relation with the state.

The establishment and the functioning of NPOs and the fiscal legislation bring a confused situation, creating the perception of double registration, both in District Court of Tirana, for legal personality and in National Business Centre and Directorate of Taxation for fiscal and tax aspects. This regulatory framework has legal and economic consequences for NPOs, especially for Centers, that could start their activity with no budget.

The legislation provides the same level of obligations and the same status for both Non-Profit Organizations and Commercial Companies, even though the first ones are not profitable and the second are profitable, despite the economic activity.

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## CHALLENGES OF FREE LEGAL AID

IRMA ALUSHAJ

### ABSTRACT

Free Legal Aid is the most efficient instrument to guarantee the protection of human rights to the most vulnerable subjects within the framework of access to justice. The economic inability or being one of the subjects of the special categories cited in article 11 and 12 of the law no. 111/2017, "On Legal Aid Guaranteed By The State", has made it possible to approve a legal and by-law package as well as the organization of co-responsible structures for providing this service in the most efficient way. Access to justice is closely related to the provision of Free Legal Aid, since through this aid, any subject who is financially incapable or specified in one of the special categories, can receive the necessary support for the realization of his rights according to a procedure assigned. The concept of legal aid includes a set of legal services, such as representation by a lawyer in court proceedings, the benefit of an expert during the trial when deemed necessary by the court for a regular legal process, exemption from the obligation to prepay the fee for the execution of the order of enforcement, legal services that include information, advice, document preparation and representation.

Regarding the methodology of applying this law, it has been treated from the point of view of the legal and sub-legal acts of free legal aid, administration and analyses made by the Department of Free Legal Aid, studies, and various of other reports related to access to justice. Given that the law on legal aid guaranteed by the state is in accordance with Aquis Comunitar, and in the meantime Albania is in the process of integration into the European Union, this process requires the consolidation of the rule of law. In this context, access to justice, as one of the fundamental rights guaranteed in the Constitution, Conventions and International Agreements, is important to be uniform and applicable to subjects benefiting from free legal aid.

## **Introduction**

In anticipation of the objectives of the law for the operation and administration of legal aid guaranteed by the state in order to protect human rights within the framework of access to justice, these institutions have encountered various challenges due to the dynamics of implementing the law to practice. This, because the legal provisions cannot be exhaustive from the moment of drafting the legislator. The need and practice have dictated the importance of changes to by-laws from the problems encountered case by case, during the offering of this service.

This paper observes the challenges that were faced from serving free legal aid, its implementation in practice, the approval of by-laws in implementation of this aid, institutional cooperation chain for the management and recognition of free legal aid, the development of activities/campaigns that raise awareness of target groups benefiting from this aid in order to give them the possibility of equal access to justice.

As a result of the various provisions made within the framework of free legal aid, some changes are reflected. Before it was the institution of the State Commission for Legal Aid and its chairman, who, with an administrative act, had the discretion to decide on acceptance or rejection of offering the free legal aid. Now, the free legal aid benefit scheme has already undergone a completely new architecture and has implicated other actors in its administration and proper functioning.

The organization and administration of legal aid guaranteed by the state already has a different panorama of its operation, creating a network of co-responsible institutions in providing and guaranteeing free legal aid, such as the Department of Free Legal Aid, the Ministry of Justice, the National Chamber of Advocacy of Primary Legal Aid Service Centers, collaborations with Non-Profit Organizations authorized by the Minister of Justice and Law Clinics that provide primary legal aid, as well as collaborations with international donors PNUD, ADA and OSFA.

## **Historical Overview of The Free Legal Aid System**

For the functioning and good administration of the legal aid guaranteed by the state, it took a relatively sufficient time to arrive at the results of today. However, I still think that

there is necessary room for further adjustments in the provision of secondary legal aid. I will list my reasons below.

At the end of 2008, the legislator approved the now repealed law no. 10039, dated 22.12.2008 "On Legal Aid", which provided the conditions and procedures for the provision of legal aid by the state to people in need of legal aid in civil or administrative matters, but did not have sufficient means to pay this legal aid. In this law, there was no clear evidence of the type of aid beneficiaries, it was not determined how much the income margin should be or what makes the subject financially insufficient in terms of financial income/assets (Law, 10039, dated 22.12.2008, article 20). The procedure for obtaining primary legal aid is almost the same as that of secondary legal aid and there were no criteria for the selection of lawyers offering this service. (Law, 10039, dated 22.12.2008, article 20)

In the implementation and administration of this law, the State Legal Aid Commission, a collegial body consisting of 5 members, had the attributes of approving administrative acts for the provision of legal aid and issuing several acts detailing this law. One of the acts that was at the discretion of SLAC (aka KSHNJ) was the decide whether or not accept to offer primary legal aid. While the decision for secondary legal aid was at the discretion of the chairman of SLAC (aka KSHNJ).

After analyzing the provisions of Law No. 10039, dated 22.12.2008, you can easily come to the point that this law was a "legal slur" comparing to Law No. 111/2017, which has a radically different architectural system of providing free legal aid.

The legislator has provided another scheme for the provision of this service. It is well defined which are the competent bodies and what are their functional tasks; the beneficiary categories of the law, which beneficiaries are considered to have insufficient income and assets; who can provide primary legal aid; what is the method of benefitting it; It is determined to be the court as the competent body for granting a decision for the benefit of secondary legal aid, exemption from court fees and expenses, as well as the method of selection and appointment of the lawyer by the Local Chamber of Advocacy.

A number of by-laws have been approved by the Ministry of Justice (Justice, Order no. 225, dated 25.03.2019,) the Council of Ministers, (ministers, 110, dated 06.03.2019,no. 55,

dated 06.02.2019 and) si and other joint acts with the Ministry of Finance and Economy (Economy, no. 18, dated 5.8.2020). By-laws have detailed the procedures for the administration and analysis of free legal aid. This law has specified the beneficiary categories, the procedures for receiving this aid, the steps to be followed and determined co-responsible for the administration and functioning in an effective manner, - and that covers 90% of the Albanian territory.

Law no. 11/2017 that has started to apply on June 1, 2018 took a considerable amount of time to adapt into an institutional structure in order to guarantee the provision of legal services with professionalism and efficiency. The adoption of by-laws for the regulation and standardization of the legal aid laws of the country in the country with the Conventions and other acts reflects the strengthening of the rule of law.

## 1. What is legal aid, forms and where it consists of

Legal aid" is the free legal service and other services provided according this law, for people who meet the cr

Legal aid is categorized into three forms under the Free Legal Aid Act.

A. Primary legal aid

B. Secondary legal aid (representation by a lawyer in court proceedings).

C. Another form of secondary legal aid is the exemption from paying taxes and court expenses (expenses for witnesses, experts, translators and for the inspection of items or on-site inspection), according to the provisions of the procedural legislation; as well as the exemption from the obligation to prepay the tax for the execution of the enforcement order.

### 1.1 Primary Legal Aid:

Based on Article 13 of Law no. 111/2017 "On legal aid guaranteed by the state". Provision of primary legal aid is provided by:

a) **employees with special training** (state, No.111/2017 article 3.point 'c'), who provide this service in 20 (twenty) QSHNJP (Primary Legal Aid Service Centers).

b) **from 15 (fifteen) non-profit organizations authorized by the Minister of Justice**, which operate in Tirana, Vlora, Berat, Elbasan, Shkodër (Directorate F. 1., 2023).

c) **from the 12 (twelve) legal clinics near higher education institutions**, which have concluded a Cooperation Agreement with the Department of Free Legal Aid, which operate near faculties in Tirana; Vlora and Shkodër

**Primary legal aid consists of:**

- providing information about the legal system of the Republic of Albania, the normative acts in force, the rights and obligations of the subjects of the law and the methods for exercising these rights in the judicial and extrajudicial process;
- giving advice;
- providing advice on mediation procedures and alternative dispute resolution;
- providing assistance in drafting and compiling the necessary documents to set the state administration in motion or to request secondary legal assistance;
- representation in front of administrative bodies;
- and providing all other forms of necessary legal support that do not constitute secondary legal aid.

**Territorial extent of the Primary Legal Aid Service Providers covers the cities of** Pogradec, Vlora, Dibër, Kukës, Korça, Berat, Elbasan, Durrës, Fier, Lezhë, Gjirokastrë, Shkodër, Tirana, Lushnjë, Tropoja, Përmet, Pukë, Mat, Kavajë and Kurbin.

A very important role for the functioning of primary legal aid is also played by NGOs, which operate in areas that are more difficult to access by the CSHNJP due to their location, especially with the implementation of the new judicial map. In these conditions, NGOs have employees who operate in areas that are more difficult to access. For this, two important by-laws have been approved, which were issued for implementation:

1- VKM no. 110, dated 06.03.2019 "On determining the procedures and rules for the selection of non-profit organizations, authorized to provide primary legal aid guaranteed by the state, that benefit from funding from the state budget and the method of financing their" changed.

2- VKM no. 55, dated 06.02.2019 "On determining the procedures and documentation for the authorization of non-profit organizations that provide primary legal aid guaranteed by the state".

For the first time, this year (2023) two non-profit organizations authorized by the Minister of Justice for the provision of primary legal aid services, such as the "Counseling Line for Women and Girls" and "Vatra", have been financed after the competition (FLAD, 2023)

Primary legal aid can be benefited by all subjects who need to receive one of the services provided for in Article 3, without being conditioned by the beneficiary subjects that the law defines in Article 11 and 12. Therefore the possibility of providing this service to every subject shows the comprehensive character of this act, -to have access to justice. The person has the right to receive primary legal aid services for the same problem or issue only once, except for cases where certain new circumstances come up and justify the provision of further primary legal aid services to the same person, about the same problem or issue. However, this service is received unconditionally when primary legal aid is requested. While, to benefit from the other two forms of free legal aid according to the law no. 111/2017, "On legal aid guaranteed by the state", the subject must meet the conditions and criteria as well as must make a request according to a procedure defined in the law.

### **1.2 Secondary legal aid (representation by a lawyer in court proceedings)**

"Secondary legal aid" is the legal service that is offered for the compilation of the necessary acts to set the court in motion, for the provision of advice, representation and defense before the court in administrative, civil and criminal cases, for which mandatory protection does not apply (this, according to the provisions of the criminal procedural legislation) (state, No.111/2017 article 3.point 'c').

Referring to the provisions of law no. 111/2017 "On legal aid guaranteed by the state", secondary legal aid is one of the main forms of legal aid services guaranteed by the state and as such, it is offered in cooperation with several institutions.

Secondary legal aid is provided by a list of lawyers who are approved by the National Chamber of Advocacy after the request (according to the form) of the person who has the right to benefit from secondary legal aid. The request must be addressed to the competent court. The court must decide within 5 days from the date the request was submitted.

The request for secondary legal aid is submitted by the initiator of the process in person or through the postal service to the court or the proceeding body that starts the investigations, before the start of a judicial process, at the beginning of a judicial process and/or at any stage of judicial process, until the judicial investigation has not been declared closed, according to the rules provided in the procedural legislation. The person who has the right to secondary legal assistance can submit the request as explained above, through a legal representative or someone with a power of attorney, or through the spouse, cohabitant or a first-degree relative.

The request for secondary legal aid is exempt from court fees and expenses. The person, who seeks to benefit from secondary legal aid, signs a self-declaration that he fulfills the benefit criteria, defined in this law, according to the self-declaration form approved by the Minister of Justice, accompanied by proof.

### **1.3 Another form of secondary legal aid is the exemption from the payment of taxes and court costs as well as the exemption from the obligation to prepay the tax for the execution of the enforcement order**

Secondary legal aid means the payment of expenses for witnesses, experts, translators and for the examination of items or the examination in place according to the provisions of the procedural legislation, after the provision of the service has been completed and the supporting documentation is forwarded by the providers to the DNJF, according to and payment of the fee in advance by the DNJF through a request from the beneficiary entity, when the court has given a decision to accept the request for this dissolution.

The request for exemption from the payment of court fees and court expenses is given on the basis of a request format form approved by the Minister of Justice. The request for exemption from the payment of court fees and court expenses can be presented together with the request for secondary legal aid, attached to the claim in accordance with the provisions of the procedural legislation, presented at any stage of the process, until the judicial investigation is declared closed. In the request for exemption from the payment of court fees and court expenses, exemption from the payment of one, some or all court fees and/or court expenses may be requested, according to the provisions of Article 25 of the law on free legal aid. The request for exemption from the payment of court fees and court expenses can be submitted by the person who has the right of exemption from the payment of court fees and court expenses, by a legal representative or someone with a power of attorney, or by the spouse, cohabitant or first degree relative. The request for exemption from the payment of court fees and court expenses can be submitted in person or through the postal service to the competent court for consideration of the case on basically.

## **2. Beneficiary categories of free legal aid provided by law**

**2.1** The law on legal aid guaranteed by the state has comprehensively provided the categories that benefit from legal aid without the need to complete the above documents **Article 11 of law no. 111/2017**, defines the special categories of beneficiaries of legal aid,

regardless of their income and wealth:

a) victims of domestic violence, b) sexually abused victims and victims of human trafficking, at any stage of criminal proceedings, c) minor victims and minors in conflict with the law, at any stage of criminal proceedings, ) children, who live in social care institutions d) children under guardianship, who seek to initiate a process without the approval of their legal guardian or against their legal guardian, dh) people who benefit from disability payments, in accordance with the legislation in force for assistance and social services, including persons who benefit from the status of the blind; e) people who are subject to involuntary treatment in mental health service institutions, according to the provisions of the legislation in force on mental health; ë) people who undergo voluntary treatment in mental health service institutions for serious mental illnesses; f) people who are requested to remove or limit the ability to act, at any stage of this process; g) people, whose capacity to act has been removed or limited, who seek to start a process against their legal guardian, for regaining the capacity to act, without the approval of the legal guardian; gj) people who are beneficiaries of social protection schemes; h) people whose rights have been violated through an action or inaction that constitutes discrimination, based on the decision of the competent body, according to the legislation in force on protection against discrimination (state, No.111/2017 article 3.point 'c').

According to the law, these entities benefit legal aid regardless of their income. All they have to do is present a document from the competent body, which proves that they belong to one of the aforementioned categories. This provision is more related to the benefit of secondary legal aid, because as we discussed above, primary legal aid can be offered to anyone who needs it.

**2.2 Article 12 of the law no. 111/2017**, provides for the beneficiaries of legal aid with insufficient income and assets as follows:

1. The right to receive legal aid is available to anyone who proves that they have insufficient income and assets to cover the costs of counselling, representation and/or defense in criminal cases, in administrative cases and in civil cases.
2. The income of one person, who lives in a family, is considered insufficient, according to the meaning of point 1, of this article, if the total income of all family members, divided by the number of family members, is lower than 50% of the minimum monthly salary determined according to the legislation in force.
3. The income of a person, who does not live in a family, is considered insufficient, according

to the meaning of point 1, of this article, if it is lower than the level of the minimum monthly salary determined according to the legislation in force

4. If a person, who lives in a family, requests secondary legal assistance for a case against another member of the same family, the rule provided in point 2, of this article, will not be applied. In this case, the income of this person is considered insufficient, according to point 1, of this article, if it is lower than the level of the minimum salary determined according to the legislation in force.

5. A person's property is considered insufficient, according to point 1, of this article, if its total value does not exceed the value of 36 minimum monthly wages according to the legislation in force (state, No.111/2017 article 3.point 'c').

### **3. The co-responsible bodies provided by law no. 111/2017 are:**

- Ministry of Justice (MOJ);
- Directorate of Free Legal Aid (FLAD);
- National Chamber of Advocacy (NCHA);
- Courts of First Instance of General Jurisdiction.

### **4. Supervision of the quality of the legal aid service**

Referring to Law no. 111/2017, "On Legal Aid Guaranteed by The State", in article 8, it is defined as one of the tasks of the Department of Free Legal Aid: Implementation of the quality assessment system for the provision of legal aid and annual supervision of the standards of providing primary and secondary legal aid services by non-profit organizations and lawyers. Pursuant to these provisions, Order no. 534, dated 25.11.2019, "On the approval of the criteria and methodology for the evaluation of the quality of the provision of legal aid services and the supervision procedures by the Directorate of Free Legal Aid of legal aid services", the methodology that will be followed for evaluated and supervised the quality of legal aid services provided.

In compliance with letter "I" of Article 8 of Law no. 111/2017, "On Legal Aid Guaranteed by the State" where it is stated that: "The Department of Free Legal Aid supervises every year the standards of providing secondary legal aid services". At the beginning of each year, the DNJF drafts the supervision calendar, which details all the monitoring that will be carried out throughout the calendar year. Regarding the monitoring of legal aid lawyers and the HCSP,

the Department of Supervision of Legal Aid Service Delivery Standards that has the capacity for monitoring and supervising the quality of service provision of free legal aid providers, is an innovation of the provisions of this law to improve the quality of services.

In the framework of access to justice, for the recognition of Law no. 111/2017, the competent institution for the administration of free legal aid, DNJF, has concluded a series of cooperation agreements such as, (Municipality of Përmet, Kukës, Korçë, Gjirokastër, Lezhë, Albanian Caritas, with the Commissioner for Protection from Discrimination, Fier District Council, Courts of First Instance of General Jurisdiction, institutions and many other actors) as well as in cooperation with them has raised awareness campaigns for citizens, so they can get informed. Also, according to the annual reports of the DNJF, "street law" activities/meetings were held for the presentation and recognition of free legal aid. It continued with the doubling of contributions to various mandatory strategies for strengthening the measures to ensure a free legal aid.

### **5. Challenges of Free Legal Aid in the Context of Access to Justice**

Challenges in the system of free legal aid, despite the provision of services to individuals, have led to various challenges. The challenges faced by the implementation of this law have created the need for changes/additions to the regulatory framework. It is the practice of handling concrete cases, the problems that have been identified case by case, especially for the provision of secondary legal assistance that have contributed in an improvement of the law.

Judges, not in all cases, do not know how free legal aid works and this was a consequence of their lack of training from the competent institutions. as it happens that in the enacting terms of court decisions, except for the acceptance of the request for secondary legal aid, the lawyer who would represent him was also appointed. This happens because these judges do not know how legal aid works in terms of appointing the lawyers, which is a different procedure than the appointment of lawyers in general.

The challenges of free legal aid, in terms of "Access to Justice", aims to recognize and address the implementation of the law in practice, the problems of structural and institutional factors, taking into account the costs of legal processes (court fees, lawyer, psychologist, expert, review, etc.), which hinder the access to justice of vulnerable target groups and those in financial needs. Based on a roadmap for the free legal system, control and supervision of its implementation would strengthen efficiency by creating simple mechanisms for equal access, to ensure fair, transparent, effective, non-discriminatory and accountable services that

promote access to justice for all citizens.

A 2021 Report of the KShH, which while evaluating the engagement of authorized organizations in the process of providing free legal services, recommends the DNJF to speed up the financing procedures of NPOs. In accordance with VKM no. 110/2019, organizations should not have two funding sources for the same activity<sup>18</sup>. Taking into consideration the information conveyed by the DNJF staff, it is worth clarifying this VKM in the future, because the organizations authorized by the Ministry of 18 Point 6 letter ii VKM 110 dated 06.03.2019 "On determining the procedures and rules for the selection of non-profit organizations, authorized to provide primary legal aid guaranteed by the state" Page 16, have the right to benefit from funding from donors to provide primary legal aid against a certain category of people (avoiding overlap with the legal aid beneficiary categories of funded by the state). Taking into consideration the broad needs of the beneficiaries of law no. 111/2017 for primary legal aid, ACH (Albanian Committee of Helsinki) recommends avoiding legal prohibitions that limit the range of legal services that an NGO can offer to the citizens and instead focus of its activities (financing from the state or donors) (Helsinki, January.2021). This Recommendation was fulfilled in March of this year, for two non-profit organizations that met the legal and financial criteria, subject to a competitive and transparent procedure.

## Conclusions

The legal aid guaranteed by the state since 2019 has been found as a mechanism for the protection of fundamental human rights and freedoms proclaimed in the Constitution of the Republic of Albania, in international and national acts, to give opportunities to vulnerable and economically disadvantaged persons. They must have the right of access to justice as provided for in the provisions of these acts.

Full capacity operation of the Free Legal Aid Directorate The Free Legal Aid Directorate is a public legal entity under the Ministry of Justice, whose internal organization has been approved by the Prime Minister, with Order no. 59, dated 25.03.2019 "On the approval of the structure and organization of the Free Legal Aid Directorate" with the proposal of the Minister of Justice, in accordance with the legislation in force. In February 2021, it became possible to recruit DNJF vacancies, including the management staff, thus enabling the realization of this objective to the extent of 100%. As for employees with special training at the Primary Legal Aid Service Centers, employees have been recruited at the centers, extending the capacities of primary and secondary legal aid service providers

(cooperation with SPA, NCHA and PNUD) (Falas, 2023).

Article 42/2 of the Constitution of Albania defines, *"Everyone, for the protection of his constitutional and legal rights, freedoms and interests, or in the case of accusations brought against him, has the right to a fair and public trial within a reasonable time by an independent and impartial tribunal established by law"* (QBZ, 1998)

This provision of the constitution is further reinforced by article 6/3/c of the European Convention on Human Rights, which stipulates, *"Everyone accused of a criminal offense has the right to defend himself or be assisted by a defender of his choice, or if he does not have sufficient means to reward the defender, to provide him with free legal aid when the interests of justice require it"* (Rights).

In line with the aforementioned acts and the law on legal aid guaranteed by the state, within the framework of access to justice, it has been possible to realize the protection of the legal rights/interests of the beneficiaries of this law. From the above treatment based on comparative analyzes on how this law has operated over the years, we can say that progressive steps have been taken in its recognition, application and implementation.

However, a correlation between co-responsible institutions is recommended, such as the recognition of the procedure for benefiting from secondary legal aid, the procedure for appointing lawyers in compliance with the principle of rotation, as well as the possibility of access without creating artificial bureaucratic obstacles. Not to overcome them, but to simplify them by bearing in mind that we are dealing with subjects who can barely make it to meet their ends. have a minimum standard of living.

Free Legal Aid is administered by the Department of Free Legal Aid, which, in addition to other functional powers and duties, collects and reports monthly and annual statistical data. The publication of statistical data is published annually on the institution's official website. (Directorate, every year).

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## **LEGAL BRIDGES: TURKEY-ALBANIA RELATIONS AND BROADER IMPLICATIONS IN AFRO-EURASIAN JURISPRUDENCE**

DR LORENCA BEJKO

### **ABSTRACT**

The geopolitical landscape of Afro-Eurasia is a complex web of interrelated legal systems and diplomatic relations. At the heart of this web, the interaction between Turkey and Albania stands out as a potential model for regional cooperation and legal integration. This paper delves into the multifaceted legal and diplomatic engagements between Turkey and Albania, critically analyzing their bilateral agreements, enduring historical connections, and the robust legal frameworks that have evolved over time. Employing qualitative research methodologies, the study meticulously examines treaties, memoranda of understanding, and cooperative legal instruments to assess their impact on shaping the jurisprudence within the Afro-Eurasian nexus.

The role of Turkey and Albania extends beyond their bilateral interactions, as they are positioned uniquely at the crossroads of Europe, Asia, and Africa, thereby holding the potential to influence a wider set of regional dynamics. The analysis reveals how their legal dialogues have the capacity to establish a precedent for legal convergence and harmonization across diverse legal cultures and jurisdictions. This paper does not only focus on the current state of affairs but also investigates the historical legal precedents that have paved the way for present and future legal cooperation between these two nations.

The investigation is structured to first contextualize the strategic significance of Turkey and Albania within the broader Afro-Eurasian legal fabric. It then progresses to dissect the specific legal agreements and cooperative frameworks that have been established between the two countries. Furthermore, the research contemplates the extrapolative implications of these relationships on broader regional legal practices, considering how they might inform the development of a more cohesive legal ecosystem across Afro-Eurasia.

The findings of this paper are expected to offer insightful perspectives on the power of legal diplomacy and the capacity of bilateral relationships to engender wider regional change. By highlighting the pivotal role that Turkey and Albania may play in bridging disparate legal systems, this study aims to contribute to the discourse on legal pluralism, international law, and the facilitation of transnational legal cooperation. The implications drawn from the Turkey-Albania legal nexus offer a blueprint for understanding and enhancing legal

interconnectivity in the broader Afro-Eurasian sphere, thereby underscoring the strategic importance of jurisprudential bridges in an increasingly interconnected world.

**Keywords:** Turkey-Albania Relations, Afro-Eurasian Jurisprudence, Legal Diplomacy, International Law Legal Convergence and Harmonization, Transnational Legal Cooperation, Bilateral Agreements, Legal Pluralism, Regional Legal Integration, Geopolitical Dynamics

## Introduction

Within this expansive realm, the bilateral relations between Turkey and Albania emerge as a particularly salient example of legal and diplomatic engagement with significant implications for regional jurisprudence. This paper aims to outline the scope of Turkey-Albania relations, their historical and contemporary legal interactions, and the broader impact these interactions have on the development and harmonization of legal norms in Afro-Eurasia.<sup>41</sup>

The Republic of Turkey and the Republic of Albania share a multifaceted relationship rooted in a common Ottoman heritage and strong cultural and historical ties. In the post-Ottoman period, both countries have navigated their paths through periods of nationalistic fervor, communist governance, and towards their current republican and parliamentary democratic identities. This journey has been accompanied by evolving legal frameworks, which have both shaped and been shaped by the two nations' bilateral relations<sup>42</sup>.

As Turkey positions itself as a central power linking Europe and Asia, and as Albania seeks to expand its influence and integration into European legal and political structures, the significance of their relationship takes on a continental if not intercontinental dimension. This paper will explore the objectives and significance of their legal ties, examining treaties, cooperative legal agreements, and other forms of diplomatic engagement that have characterized their interaction since the dissolution of the Ottoman Empire<sup>43</sup>.

The current state of legal affairs between Turkey and Albania is marked by a series of agreements encompassing a range of sectors including trade, defense, cultural exchange, and legal cooperation. These agreements not only signify a growing strategic partnership but also

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<sup>41</sup> Daily Sabah (2022) 'Turkey, Albania sign 7 agreements on various fields during visit', Daily Sabah, 18 January. Available at: [www.dailysabah.com](http://www.dailysabah.com)

<sup>42</sup> Daily Sabah. (2022). Turkey, Albania sign 7 agreements on various fields during visit

<sup>43</sup> Republic of Türkiye Ministry of Trade. 'Free Trade Agreement (FTA) between the Republic of Turkey and the Republic of Albania'. Available at: [www.trade.gov.tr](http://www.trade.gov.tr)

serve as an indicator of the potential for legal interoperability across regions with distinct legal histories and traditions<sup>44</sup>.

By examining the evolution of Turkey-Albania legal relations and their broader implications for Afro-Eurasian jurisprudence, this paper aims to contribute to the understanding of how bilateral legal relations can function as a bridge in international law, fostering legal unity and cooperation among nations with disparate legal systems. In doing so, it offers insights into the dynamics of regional integration, the challenges of legal pluralism, and the potential for creating cohesive legal frameworks that can serve the diverse needs of the Afro-Eurasian region.<sup>45</sup>

Through this introductory lens, we set the stage for a comprehensive analysis of the legal bridges between Turkey and Albania, paving the way for a discussion on the far-reaching implications of their burgeoning legal partnership within the complex tapestry of Afro-Eurasian jurisprudence<sup>46</sup>.

The evolving dynamics of international law and the interplay of regional legal systems are nowhere more evident than within the expansive geopolitical theater of Afro-Eurasia, a region that is as diverse in its legal traditions as it is in its cultural and political landscapes. At the intersection of these dynamics lie the Republic of Turkey and the Republic of Albania, two nations whose bilateral relations present a unique case study in legal and diplomatic convergence. This paper seeks to outline and dissect the scope, objectives, and profound significance of Turkey-Albania relations, particularly focusing on their contributions to jurisprudence within the broader Afro-Eurasian context.<sup>47</sup>

The geopolitical backdrop of Turkey and Albania is layered with historical complexities and contemporary challenges. Both countries have emerged from the shadows of empires and ideological blocs to assert themselves as significant regional players. Turkey, straddling East and West, acts as a bridge in more than just the geographical sense; it serves as a pivotal junction of legal traditions and systems. Albania, with its European aspirations and Balkan identity, plays a key role in the political and legal integration of the region. The relationship between these two countries is emblematic of a broader shift toward regional cooperation and

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<sup>44</sup> Anadolu Agency. (2022). Turkey, Albania sign 7 pacts to strengthen bilateral ties.

<sup>45</sup> Hürriyet Daily News (2022) 'Turkey, Albania upgrade ties to strategic partnership', Hürriyet Daily News. Available at: [www.hurriyetdailynews.com](http://www.hurriyetdailynews.com)

<sup>46</sup> United Nations Treaty Collection. "Agreement between the Government of the Republic of Turkey and the Council of Ministers of the Republic of Albania on cooperation in the field of education."

<sup>47</sup> Eurasia Review (2022) 'Albania And Turkey: Two Nations With Common Vision To Strengthen ...', Eurasia Review. Available at: [www.eurasiareview.com](http://www.eurasiareview.com)

legal integration in an area that has long been a mosaic of different legal philosophies and practices.<sup>48</sup>

The objectives of this paper are multi-fold. First, it aims to trace the evolution of the legal relationship between Turkey and Albania, identifying key treaties, bilateral agreements, and cooperative legal endeavors that have shaped their historical and contemporary legal frameworks. Second, it seeks to analyze the impact of these legal instruments on the domestic jurisprudence of each country and on their bilateral interactions. Third, it aspires to illuminate the broader implications of Turkey and Albania's legal harmonization efforts for Afro-Eurasian jurisprudence, considering how these efforts might influence regional legal integration and the development of a more synchronized legal landscape.

The current state of legal affairs between Turkey and Albania is not an isolated phenomenon but part of a larger pattern of increased legal cooperation in the region.<sup>49</sup> The two countries have entered into a series of strategic partnerships that encompass diverse sectors, thereby not only reinforcing their bilateral ties but also providing a template for regional cooperation. These agreements—covering domains from economic collaboration to security and from cultural exchange to judicial cooperation—signify the intertwined interests of both nations and underscore their shared commitment to regional stability and integration<sup>50</sup>.

However, the significance of these legal and diplomatic interactions extends beyond the bilateral context. As countries at the crossroads of civilizational influences, Turkey and Albania have the potential to act as conduits for legal principles and practices across different jurisdictions. Their partnership can potentially serve as a catalyst for the emergence of a more coherent set of legal norms that can bridge the diverse legal systems of the Afro-Eurasian landmass.<sup>51</sup>

In expanding upon this narrative, the paper will delve into specific case studies of legal cooperation and explore the broader trends of legal harmonization and convergence that are increasingly prevalent in international law. Through this examination, we aim to highlight the

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<sup>48</sup> Anadolu Agency (2022). "Turkey, Albania upgrade ties to strategic partnership." Accessed on November 7, 2023.

<sup>49</sup> Ministry of Trade Republic of Türkiye. "Free Trade Agreement between the Republic of Turkey and the Republic of Albania." Accessed on November 7, 2023

<sup>50</sup> Anadolu Agency (2022). "Albania approves military cooperation deal with Turkey." Accessed on November 7, 2023.

<sup>51</sup> United Nations Treaty Collection. "Agreement between the Government of the Republic of Turkey and the Council of Ministers of the Republic of Albania on cooperation in the field of education." Accessed on November 7, 2023.

strategic importance of legal diplomacy and the transformative potential of bilateral legal relationships in shaping a more interconnected and legally coherent regional order.<sup>52</sup>

Thus, this introduction sets the stage for a nuanced exploration of the legal bridges forged between Turkey and Albania, paving the way for a deeper understanding of their significance in the context of Afro-Eurasian jurisprudence. The ensuing analysis will seek to unravel the threads of legal integration between these nations and offer perspectives on the broader implications for regional and international law in an era marked by globalization and the search for common legal denominators.<sup>53</sup>

## Literature Review

The interconnections between Turkey and Albania have been the subject of scholarly interest across various disciplines, including political science, history, and legal studies. This literature review will critically examine the existing body of research that pertains to the legal and diplomatic relationships between Turkey and Albania, as well as the broader implications of these relations within Afro-Eurasian jurisprudence<sup>54</sup>.

Initially, it is essential to consider historical analyses, which provide a foundational understanding of the Ottoman legacy in both nations and its enduring impact on their legal systems and diplomatic relations (Akgün & Triantaphyllou, 2011; Aydın & Acun, 2017). The Ottoman influence, with its unique synthesis of Islamic and customary laws, continues to resonate in contemporary legal practices and is a point of commonality that may facilitate legal cooperation between the two countries<sup>55</sup>.

Scholarship on the modern legal frameworks of Turkey and Albania often emphasizes the transition from a shared Ottoman past to distinct national legal systems in the post-imperial period (Puto & Maurizio, 2015). Researchers have highlighted how both nations have sought to integrate European legal standards with their own traditions, albeit to varying degrees and with different approaches (Elbasani & Saatçioğlu, 2014).

The focus then shifts to international relations literature, which provides insights into the strategic motivations behind bilateral agreements and the political will that drives legal

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<sup>52</sup> Anadolu Agency (2022). "Albania approves military cooperation deal with Turkey." Accessed on November 7, 2023.

<sup>53</sup> Euronews Albania. "Albania and Turkey sign agreements to strengthen cooperation." Accessed on November 7, 2023.

<sup>54</sup> Eurasia Review. "Albania And Turkey: Two Nations With Common Vision To Strengthen." Accessed on November 7, 2023.

<sup>55</sup> Hürriyet Daily News. "Turkey, Albania upgrade ties to strategic partnership." Accessed on November 7, 2023.

cooperation (Börzel & Risse, 2012). The geopolitical significance of Turkey and Albania, situated at the nexus of Europe and Asia, renders their relationship particularly influential within the context of regional integration efforts (Aydin-Düzgit, 2014).

Comparative legal studies offer a rich vein of scholarship that is particularly relevant to this review. Researchers such as Glenn (2007) and Mattei (1997) have explored the complexities of legal pluralism and the challenges and opportunities it presents for legal harmonization. In the case of Turkey and Albania, comparative analyses suggest potential for synergies in areas such as commercial law, human rights, and judicial reform, which are critical to the integration of Afro-Eurasian legal systems (Örücü, 2008).

A review of legal cooperation agreements between Turkey and Albania reveals a trend towards the harmonization of trade, investment, and environmental laws, reflecting broader regional and global economic integration processes (Çalış & Yeşilyurt, 2014). Additionally, the influence of international bodies, such as the Council of Europe and the European Union, has been instrumental in guiding these nations towards legal convergence (Kmezić, 2017).

However, gaps in the literature remain, particularly in the comprehensive analysis of how these bilateral legal agreements influence regional jurisprudence and the mechanisms through which these agreements are implemented and monitored. Moreover, there is a need for more empirical research on the practical outcomes of legal cooperation between Turkey and Albania, especially in relation to conflict resolution and the administration of justice.

This paper seeks to contribute to the literature by providing a synthesis of the historical, legal, and diplomatic dimensions of Turkey-Albania relations and by offering a nuanced analysis of the broader implications for Afro-Eurasian jurisprudence. By drawing on various strands of existing research and by identifying areas where further inquiry is needed, this study aims to bridge the gaps in understanding the role of bilateral legal relationships in shaping regional legal landscapes.

#### Key Bilateral Agreements and Their Implications for Regional Legal Frameworks:

The analysis has revealed that key bilateral agreements such as the Free Trade Agreement (FTA) and the Agreement on Reciprocal Promotion and Protection of Investments have not only enhanced economic ties between Turkey and Albania but have also contributed to the stability of the regional legal framework by setting a precedent for other bilateral treaties within the Afro-Eurasian geography. These agreements often incorporate elements that are in line with EU directives and standards, thereby fostering a gradual alignment with European

legal practices even as both countries navigate their unique paths toward EU integration.

The Role of International Organizations and Regional Bodies in Fostering Legal Cooperation Between the Two Nations:

The European Council and the OSCE have been instrumental in creating platforms for Turkey and Albania to collaborate on issues of legal reform, particularly in areas such as judicial independence, anti-corruption measures, and human rights. The EU's Instrument for Pre-accession Assistance (IPA) has provided Albania with the means to overhaul its legal infrastructure, an effort that has been indirectly beneficial to Turkey by setting regional benchmarks for legal norms and practices.

Comparative Analysis of Turkish and Albanian Legal Systems and their Convergence within Broader Afro-Eurasian Jurisprudence:

key areas, most notably in commercial law and human rights. Both countries have shown a trend towards adopting international legal standards, which has been furthered by their cooperation with one another. This convergence is indicative of an emerging legal milieu in the Afro-Eurasian region characterized by a blend of civil law traditions, European legal influences, and international norms.

The research also points to a notable synergy in the approach to international arbitration, with both Turkey and Albania updating their arbitration laws to reflect the UNCITRAL Model Law on International Commercial Arbitration. This is indicative of an alignment that could facilitate trade and investment across the region.

## **Methodology**

This study employs a qualitative research methodology to explore the legal and diplomatic relations between Turkey and Albania, and the broader implications of these relations for Afro-Eurasian jurisprudence. This approach is chosen due to the interpretive nature of legal analysis, which requires a deep understanding of context, the significance of legal texts, and the implications of diplomatic engagements.

Historical Context and Evolution of Legal Ties Between Turkey and Albania:

The legal ties between Turkey and Albania are deeply rooted in their shared history under the Ottoman Empire, which has left an indelible mark on their legal systems and administrative structures. The dissolution of the Empire and the subsequent formation of nation-states led to a series of legal reforms aimed at modernizing and distinguishing their respective legal

frameworks. However, the research finds that the historical underpinnings have facilitated a certain degree of legal compatibility and mutual understanding, which has been critical in the evolution of their bilateral legal ties.

Throughout the 20th century, Turkey and Albania have alternately drawn closer and drifted apart, with their legal ties often mirroring these geopolitical shifts. The collapse of communism in Albania and the country's subsequent turn towards democratic reform and European integration provided new grounds for legal cooperation with Turkey. Notably, the research identifies a resurgence of legal and diplomatic engagement in the post-Cold War era, marked by a series of bilateral agreements aimed at strengthening economic, cultural, and legal ties.

### **Key Bilateral Agreements and Their Implications for Regional Legal Frameworks:**

The study highlights several key bilateral agreements that have significantly influenced the legal landscape between Turkey and Albania. These include agreements on trade liberalization, mutual legal assistance in criminal matters, extradition treaties, and defense cooperation. Such agreements have not only streamlined bilateral relations but also served as a model for regional cooperation, setting a precedent in the Afro-Eurasian context for how countries with different legal traditions can find common ground.

The analysis indicates that these agreements have implications beyond the bilateral context, particularly in terms of regional security and economic integration. For instance, defense cooperation agreements have contributed to the security architecture of the Balkans, while economic agreements have facilitated greater alignment with wider Afro-Eurasian economic initiatives. The Role of International Organizations and Regional Bodies in Fostering Legal Cooperation Between the Two Nations: International organizations and regional bodies have played a pivotal role in fostering legal cooperation between Turkey and Albania. The research findings point to the instrumental role of the European Union's stabilization and association process, which has served as a catalyst for Albania's legal reforms and has indirectly influenced Turkey's legal trajectory through the EU Customs Union and accession negotiations.

Moreover, the Council of Europe and the OSCE have facilitated legal dialogue and cooperation through various platforms and initiatives.

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### **Data Collection:**

Data for this study has been collected from a variety of sources to ensure a comprehensive understanding of the subject. The primary sources of data include:

**Legal Documents and Treaties:** A thorough examination of the legal documents and treaties between Turkey and Albania provides the foundation for understanding the legal framework governing their relations. This includes treaties on trade, defense, extradition, mutual legal assistance, and more. Sources for these documents include official government websites, international legal databases such as the United Nations Treaty Collection, and repositories of international agreements.

**Diplomatic Communications:** To grasp the context and intentions behind legal agreements, diplomatic communications such as press releases, official statements, and transcripts of official meetings have been analyzed. These are sourced from the official websites of the respective foreign ministries and international bodies mediating bilateral engagements.

**Scholarly Commentary and Analysis:** Academic journals and books provide critical analyses and interpretations of Turkey-Albania relations and their regional implications. These secondary sources offer insights into the broader context and the impact of specific legal agreements. Sources like JSTOR, Google Scholar, and academic publishers have been used to access scholarly work.

**Reports from International Organizations:** Reports from organizations such as the European Union, the Council of Europe, and the Organization for Security and Co-operation in Europe (OSCE) provide an external perspective on the legal and political relations between the two countries and their role in the region.

## Conclusion

The findings from this study indicate that the legal ties between Turkey and Albania are historically deep-rooted and have evolved significantly in the post-Ottoman era, with both nations taking steps to modernize and align their legal systems with European and international standards. The key bilateral agreements analyzed in this paper have been instrumental in this regard, fostering closer economic and legal cooperation that has implications for the broader regional legal framework. The role of international organizations has been pivotal in this context, providing a platform for dialogue and assisting in the alignment of legal standards. Finally, the comparative analysis suggests an ongoing convergence of Turkish and Albanian legal systems, which is reflective of broader trends within Afro-Eurasian jurisprudence and has the potential to contribute to a more cohesive regional legal order.

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## THE DIGITALIZATION OF THE MEDIA MARKET AND ITS IMPACT ON THE LABOR MARKET

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### ABSTRACT

Albanian society has moved forward in terms of technology and developments in the field of broadcasting. Despite the lack of legal framework in force, private platforms continued digital transmissions. The media showed that economics and technological developments often precede legal regulations, imposing their will on legislators to regulate this situation legally.

This article aims to present the steps and time phases that digital broadcasting has gone through. Special attention will be given to the role of the Audiovisual Media Authority in this process. The transition to digital broadcasts has a direct impact on the consumer, on the quality of services, the number of channels and program packages offered, and the reduction of various costs.

The article, beyond the qualitative method, also uses the quantitative method, providing data regarding the labor market during the transitional period of digitalization.

**Key words:** digitalization, digital transmissions, audiovisual media, platform

### Introduction

Audiovisual Media Authority (AMA) is the responsible institution for the administration of the spectrum of frequencies for audiovisual transmissions, holding the main role in the process of transition from analog transmissions to digital transmissions. June 2015 was the deadline set for the transition to digital transmissions, which was not achieved and not bringing the expected results, for this regulatory entity, both in fulfilling the obligations derived from the legislation in force for the closure of analog transmissions and for complying with the requirements foreseen in the law, such as: guaranteeing fair competition, protection of consumer interests etc. Digital broadcasts had existed for years in Albania through private platforms and their efforts to dominate the market, competition and new programs, new business models, which are the features of digital media. The strategy for the transition from

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the analog to the digital system is not only a process of technological transformation of broadcasts, but is also related to meeting the needs of the consumer for audio-visual programs, the access to free programs or paid ones. The choice that the consumer makes for a platform in terms of digital broadcasts is related to program quality, how well they meet the needs for information and entertainment. In the framework of the functions sanctioned by the law, AMA ensures that all audiovisual services fulfill the needs of the citizens of the Republic of Albania as best as possible, respecting the language and diversity of traditions, religious beliefs, culture and morals of the citizens. In the process of transitioning from analog to digital transmissions, the fundamental principles of audiovisual transmission activity are provided by the law no. 97/2013 "Për Mediat Audiovizive në Republikën e Shqipërisë" as amended, as well as in the legal framework in force, where the content respects the fundamental freedoms and rights of citizens, especially the rights, interests and moral and legal requirements for the protection of minors (Law, 2013). The transmitted content must not use expressions that contain hate speech, denigration or stigmatization against a person or group of persons, must not use language that promotes, incites or justifies violence between citizens in general, gender-based violence in particular, radicalism, extremism and terrorism or inciting hatred and strife due to nationality, ethnicity, religious belief, gender, gender identity, sexual orientation. All necessary measures shall be taken in audio and audiovisual transmissions to prohibit, counteract, oppose and reject any such expression (Authority).

## **I. The process of digitization in Albania**

The digitization process was initiated by the (International Telecommunication Union) ITU in Geneva in 2006 with the GE06 agreement between member states on the use of frequency spectrum for digital audiovisual transmissions, that was adopted by Albanian Parliament in 2007, with the law no. 9851 datë 26.12.2007 (Law, AKTET FINALE RRC-06 PER PLANIFIKIMIN E SHERBIMIT TE TRANSMETIMIT NUMERIK TOKESOR NE PJESE TE RAJONEVE 1-1-DHE-3-1, 2007). The first attempts to regulate digital transmissions have started with the approval of law no. 9742, dated 28.05.2007 "Për transmetimet numerike në Republikën e Shqipërisë". This law completed partially the electronic media legislation and opened the way for the possibility of licensing digital broadcasts. Based on this law, the National Council of Radio and Television (today AMA) started the procedure of public competition of candidacies for entities interested in being licensed as private operators of the national digital terrestrial network, which was not realized. Some of the reasons for the failure

of the licensing procedure, identified by the KKRT (today AMA) even after consultations with the candidates, were:

- A clear strategy approved by competent bodies was missing.
- The law of 2007 did not clearly define the difference and the relationship between network operators and software services;
- Claims on the application of high payments for license and assets required by law;
- Operators' reluctance to apply TVB-T2 MPEG-4 encoding etc (AMA).

The introduction of digital platforms into the market and the substantial change in broadcasting technology brought the need to change the legislation, in order to adapt to the transformations in the Albanian media market. The legislative changes were also an attempt to align the legislation in the framework of European Union Integration, in the field of audio-visual broadcasts and human rights. With the assistance of European institutions, it became possible to approve Law no. 97/2013 "Për mediat audiovizive në Republikën e Shqipërisë", as amended, which set European standards in the field of audio and audiovisual media.

The Prime Minister adopted the Order no. 77, dated 02.06.2009 "Për krijimin e një Komiteti "Ad Hoc" për kalimin nga transmetimi analog në digjital" with the aim of drafting a strategy for the digitization of television broadcasts (AMA). The Ad Hoc Committee was responsible for coordinating, monitoring and implementing this complicated process (AMA). Based on this Order, in 2010 was established the Technical Secretariat, in order to support the Committee. The Technical Secretariat had the task of proposing the best strategies, to carry out the studies and to handle all the cases that have arisen during the work of this Committee. This secretariat prepared and proposed to the Committee the work plan and deadlines for implementing the strategy. In 2012 was adopted the Decision of Council of Ministers no. 292, dated 2.5.2012 "Për miratimin e Strategjisë së Kalimit nga Transmetimet Analoge në Transmetime Numerike" that would determine the steps for the administration of the process. Law no. 97/2013 "Për mediat Audiovizive në Republikën e Shqipërisë", as amended, completed the legal framework for the digitization process (AMA). The deadline set by international acts and national legislation for the transition from analog to digital transmissions was June 17, 2015 (Law, AKTET FINALE RRC-06 PER PLANIFIKIMIN E SHERBIMIT TE TRANSMETIMIT NUMERIK TOKESOR NE PJESE TE RAJONEVE 1-1-DHE-3-1, 2007). The process had significant delays and some of the reasons are (AMA): the non-filling of the vacant positions of the AMA Governing Council, the failure to realize in time the construction of the Radio Televizioni Shqiptar national networks, as well as the judicial process related to the licensing procedure of national private operators according to

Beauty Contest (AMA), which has delayed the process of digitalization of national private networks.

## **II. The stages through which the digitization process has passed**

The process of migrating the broadcast system from analog to digital has been long and complex, a process that directly involves many stakeholders. These stakeholders include the government, regulators, broadcasting entities and consumers. The structure set up to follow the implementation of this process was the Inter-institutional Committee, set up by order of the Prime Minister No. 70, date. 12.06.2012 for the coordination of all activities related to the implementation of the digitization process. The committee consisted of senior representatives of: MIAP (now the Ministry of Infrastructure and Energy), Ministry of Finance (now Ministry of Finance and Economy), Ministry of Justice, Audiovisual Media Authority (AMA), Electronic and Postal Communications Authority (AKEP), Albanian Public Radio and Television (RTSH), Competition Authority; Technical Secretariat set up in support of the Inter-institutional Committee, Local/regional/national operators, Associations of audiovisual operators and consumer protection (AMA).

The development of this process has gone through several stages, where the most important were: the preparation of the regulatory framework in support of Law no. 97/2013, cooperation with the parties involved regarding the construction of the networks of the Albanian public operator and the licensing of national private networks. Coordination with local/regional and national operators in the framework of the implementation of this process (building digital networks, determining the logical number of programs, supporting local/regional operators in national networks, etc.), building and organizing a complete information campaign, as well as the creation of a special structure such as that of a Call Center, near the AMA, created the right infrastructure for a safe progress regarding this very complex process.

The implementation has also passed the required stages starting from the digitalization of the terrestrial analog networks of the public broadcaster, the digitalization of the analog terrestrial networks of the national private operators, the digitalization of the analog terrestrial networks of the existing local operators, the support in the RTSH network, until co-financing for network construction and competition for network construction.

The Audiovisual Media Authority (AMA) has played a crucial role in following the implementation of this process, guaranteeing the continuity of television broadcasts in this difficult period of transition, as well as ensuring digital terrestrial signal coverage and broadcast quality within international standards. The activities of this regulatory entity

include: approval of the AMA-RTSH Service Contract, following the process of migration of frequencies, coordination of the work for the release of the 790-862 MHz spectrum known as the DD1 band, Organization of high-level and technical level meetings with audiovisual operators in the market and other interested parties, Repeated correspondence with operators, monitoring of frequencies in the field on a continuous basis, organization of the information campaign (with spots, television messages, informative shows, etc). From June 1, 2019, it also undertook the "outdoor" campaign, such as the use of outdoor advertising/visibility spaces through the "City lights" platforms in the districts of Tirana, Durres, Vlora, Elbasan, Shkodër and Lezhë, and through BillBoards in the district Tirana, counties where the digitization process had not yet been completed. This campaign was carried out with the aim of informing residents about the deadline for switching to analog transmissions in the respective county where these transmissions are expected to be closed, as well as presenting contacts for all residents of these 6 counties on the digitalization process, where they can be directed to get more detailed and practical information on the process, the establishment of the Call Center and the AMA page on the online Facebook platform to help the public, determination of logical program numbers (LCN) for each audiovisual operator and institutions for subsidizing decoders for families that received economic assistance from the state. From a historical point of view, the process has gone through the following stages:

- In April 2016, the public information campaign began.
- On August 15<sup>th</sup> 2017 analog transmissions were closed in the Berat region.
- On January 8<sup>th</sup> 2018 analog transmissions were closed in the Korçë region.
- On March 31<sup>st</sup> 2018 analog transmissions were closed in the Fier region.
- The final deadline for the closure of analog transmissions in Tirana and Durrës regions was July 31<sup>st</sup> 2018. This deadline was postponed until September 10<sup>th</sup> 2018. The closing deadline in Tirana, Durres regions has been postponed again until January 15<sup>th</sup> 2019.
- On October 1<sup>st</sup> 2019 analog transmissions were closed in the Tirana-Durrës region<sup>58</sup>.
- On March 31<sup>st</sup> 2020 was set as the deadline for the closure of analog transmissions in Elbasan, Shkodër, Lezhë and Vlorë regions.
- The decision no. 23, dated 26.03.2020, AMA postponed the deadline for closing analog transmissions in the regions of Elbasan, Shkodër, Lezhë and Vlorë, until June 30, 2020. But this deadline was extended by three months.

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<sup>58</sup> The process of closing analog transmissions in Tirana and Durrës regions has been a challenge, considering the fact that the majority of the country's population was concentrated in these regions.

- In the regions of Shkodër, Lezhë, Elbasan and Vlorë, the process was completed on September 30<sup>th</sup> 2020.
- Completion of the digitalization process was achieved with the closure of analog transmissions in the districts of Kukës, Dibër and Gjirokastrë on December 30<sup>th</sup> 2020 (AMA). The year 2020 marks the end of the digitization of audiovisual broadcasts in our country, as a difficult process, prolonged in time and associated with many problems, thus fulfilling a national and international obligation as well as the growing demands of citizens. Digitization of audiovisual transmissions is considered one of the main achievements in the field of media, given that the benefits from this important process are numerous and tangible for the Albanian public. The increase in the number of free TV channels, the increase in service quality, the increase in interaction, the wide range of new services are some of these benefits (AMA, Raporti Vjetor 2020).

With the transition to digital transmissions, the number of national channels accessible to the Albanian public has increased significantly. Compared to the three television channels at the national level, where one channel was offered by the Albanian public operator (RTSH) and the other two channels by private operators, today only RTSH broadcasts free of charge throughout Albania 15 television channels of which 3 are generalist and 10 other thematic ones, for different social groups, such as RTSH Children, RTSH Sport, RTSH Music, RTSH Film, RTSH Assembly, etc. Considering the other channels offered by private national operators and local operators, in every region of the country, Albanian citizens can watch over 30 television channels for free. The two digital networks of the Albanian public operator and the five private digital networks already offer different content at the national level (in SD and HD standards), a wide range of new services, very rich and competitive choices compared to other platforms. Currently, 38 channels are offered free of charge in Tirana, Durrës regions, 37 channels are offered in Korçë region, 35 channels in Berat region, 33 channels in Fier region, 36 channels in Vlorë region, 40 channels in Shkodër region, 34 channels in Lezhë region, in 38 channels in Elbasan region, 26 channels in Kukës region, 28 channels in Dibër region and 36 channels in Gjirokastrë region, free of charge for everyone (VKM, 2020).

### **III. The benefits and advantages for consumers from the digitalization process**

At the beginning of this process, people were skeptical and prejudicial about what would happen, since it was a technical process that was difficult to understand, like any innovation that comes due to technological developments. Over time and after the implementation of

digital broadcasts, the demand of citizens to complete the process has been continuous. This is explained by the simple reason that the quality of the broadcast is incomparable with analog broadcasts and the large number of free TV channels offers a great variety of TV programs. The transition to digital broadcasting has been completed in most European countries and Albania is one of the countries behind in this process, but meanwhile, unlike most European countries, where the transition from DVB-T to DVB-T2 technology is currently underway, our country made the right choice by implementing the latest DVB-T2/MPEG-4 technology from the beginning, with the aim of providing high-quality broadcasting services (AMA). The main benefit from this process is the frequency spectrum, which is a limited natural resource. The acquired spectrum (Digital Dividend) is used for high-speed Internet services (Broadband). The number of free programming channels broadcast on a single frequency has been increased. The programming is of better quality, where general and thematic programs are offered. The public operator broadcasts 2 generalist channels and 12 other thematic channels (such as shows for children, music, sports, politics, minorities, etc.) free of charge.

Consumers are offered higher quality picture and sound transmission (SD, HD programs etc.). All digital platforms are in one decoder (universal DVB-T2). This brings user interaction with the TV (using the program guide and other services), better coverage of the territory with audiovisual signal, and the number of different applications has increased. In relation to children, new functions have been established for "Parental Care", which enables parents or adults to control what children see on TV through the classification of programs.

At the end of this process a consumer can migrate from one operator to another depending on the software packages they offer, depending on the choices offered to them on the basis of competition between the operators offering this service. Society is made up of different groups and each group has to find itself in software packages. The digitization process creates the possibility to increase the number of television channels/programs that an operator offers. If we consider that there are 5 private national operators in the market plus the public operator RTSH, where each will offer 12 program channels, the competition in the market increases and normally this leads to a decrease in the prices of the program packages. For network operators there is a major reduction in costs for purchasing transmission equipment that is part of a network, energy costs and maintenance costs.

#### **IV. The labor market during the transition period of digitalization and its statistical analysis**

When we talk about the labor market in the field of audiovisual transmissions, we first refer to human resources, in quantitative and qualitative terms. These two elements have been one of the basic conditions in facing the challenges related to broadcasts in the years and even more so in the digitalization phase. The media market is an important asset in the national economy. Digitization, as a complex and extremely difficult process, had its impact on the labor market. Media workers did not have detailed information on the digitalization process and the impact it would have on every media worker professionally. From 2016 onwards, the Audiovisual Media Authority publishes the periodical bulletin which contains data from the dynamics of the labor market in audiovisual media in the Republic of Albania.

According to the statistics of this bulletin, it is noted that for the period 2018-2020, the data on the number of employees show that we are dealing with an unstable market in terms of the dynamics of the number of employees in this market. The personnel engaged in the audio and audiovisual media service providers has a progressive growing trend in relation to television, radio and cable. The data reported in the Periodic Bulletin regarding employees for 2018 are (AMA, Buletin Periodik):

- televisions have about 3167 employees;
- radios have about 254 employees;
- cables 293 employees;
- other services 1231 employees.

For 2019 (AMA, Buletini Periodik):

- televisions have about 3105 employees;
- radios have about 289 employees;
- cables 399 employees;
- other services 1384 employees.

For 2020 (AMA, Buletini Periodik):

- televisions have about 2905 employees,
- radios have about 303 employees,
- cables 362 employees
- other services 1520 employees.

Regarding the structuring of the staff of these categories of broadcasts (television, radio and cable), referring to the data of the published in the periodics of AMA according to the years of the process of transition to digital broadcasts, it is noted that the highest percentage of the staff of engaged in television and radio have completed higher education, while in cable broadcasters the highest percentage of employees belongs to secondary education. The highest

percentage of employees belongs to the 18-35 year old age group. Another element included in the statistics of this periodical bulletin is the work experience of the employees, in television and cable entities. The statistics show up that the percentage of employees with 0-3 years of work experience is the largest part of the number of employed staff. This data clearly explains the constant concerns of experts about labor relations without labor contracts, unstable and inexperienced teams. The situation is different in audio transmitters where the highest percentage in number is staff with 3-10 years of experience.

At the end of the digitization process, the processed statistics show an increase in the number of employees on cable platforms:

Year 2020 (AMA, Buletini Periodik):

- televisions have about 2905 employees,
- the radio stations have about 303 employees,
- cable companies have 362 employees
- other services have 1520 employees.

Year 2021 (AMA, Buletini Periodik):

- televisions have about 2688 employees,
- the radio stations have about 288 employees,
- cables have 509 employees
- other services have 1461 employees.

Year 2022 (AMA, Buletini Periodik):

- televisions have about 3079 employees,
- the radio stations have about 367 employees,
- cables have 648 employees
- other services have 1509 employees.

The data shows up that there are lots of movement in labor market in this field. The number of employees have been decreased and increased from year to year, making this as unstable market.

### **Last remarks**

The media, found in the new conditions of this market, increased its responsibility towards the audience even though it faced the difficulties of a new reality both in the field of programming it would offer and in adapting the physical and technical infrastructure, the number of employees, television production, etc., overcoming the challenges of this process.

The digital transformation has also dictated the transformation of media content, creating new professionals in this field and new opportunities for engagement in the media, as a step forward for our country in terms of technology, now a tangible reality.

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## SOUND ALTERNATION IN KLARJULI SPEECH

DR. VARDIO CHOKHARADZE<sup>59</sup>

### ABSTRACT

The work deals with an interesting problem of linguistic Kartvelology - Turkisms in the speech of Samkhruli. It should be noted that by “Samkhruli speech” we mean the Georgian language spoken by the inhabitants of the Chorokhi valley, that is the Adjarian (including the dialect of the descendants of the Muhajirs), Shavshuri, Klarjuli and Tao dialects. We also call the mentioned dialects “Southern patois”, “Southern dialects”.

Klarjeti, like other regions of historical Georgia, in a narrow sense, represents the lower valley of the Imerkhevi River, on the right bank of which the famous Klarjeti monasteries are located, while on the left bank, there is the Artanuji valley, where the settlement of Klarjeti is located. As for sound alternation in Klarjuli, it is clear that in general it follows the patterns and order characteristic of the Georgian language, although it has some features peculiar only to this dialect.

The alternation of sounds ა: ე (a : e)

There are also frequent cases of alternation of vowels in words borrowed from the Turkish language. This phenomenon is based on the patterns of changes in the vowel system of the Georgian language. For example: მეჰელე (mehele) – (Arab. Mahalle) district (of a city, a village): „უჩამფას ერთი პაწაა მეჰელე ყოფილა“; „ისინი იმ მეჰელეში ცხოვრობენ“ (Uchamphas erti patsai mehele kopila; isini im meheleshi tskhovroben)...

The alternation of sounds უ: ი (u : i)

ბალდიზი//ბალდუზი - (Baldizi//balduzi) – (transl. “wife’s sister”): „ბალდუზი გავათხვე და დუღუნი იყო“; „ესა ჩემი ბალდუზის ბააალა არი“ (balduzi gavatkhove da dughuni iko; esa chemi balduzis bahala ari)

The alternation of sounds ქ: ხ (k : kh)

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ახრაბა (Akhraba – transl. from Turkish “relative”): ჩხუტუნეთ ქუეყანს ახრაბები - ჯაფერ მენსხურ დელიასანოღლები” (chkhutunet hkuavs akhrabebi – japer menskhur deliasanoghlebi). Analysis of sound alternation in borrowed words has shown that vocabulary coming from a foreign language obeys the phonetic patterns of the Georgian and Kartvelian languages, which indicates the fact that, despite the strong influence of the Turkish language on the dialects of Samkhruli, the phonetic structure of the Georgian language retains its individuality.

**Keywords:** Klarjuli Speech, Turkisms, Georgian Language Individuality, Phonetic Patterns

The work deals with an interesting problem of linguistic Kartvelology - Turkisms in the speech of Samkhruli. It should be noted that by “Samkhruli speech” we mean the Georgian language spoken by the inhabitants of the Chorokhi valley, that is the Adjarian (including the dialect of the descendants of the Muhajirs), Shavshuri, Klarjuli and Tao dialects. We also call the mentioned dialects “Southern patois”, “Southern dialects”.

**Klarjeti**, like other regions of historical Georgia, in a narrow sense, represents the lower valley of the Imerkhevi River, on the right bank of which the famous Klarjeti monasteries are located, while on the left bank, there is the Artanuji valley, where the settlement of Klarjeti is located. The Klarjuli dialect of the Georgian language is the speech of the inhabitants of the lower part of the Chorokhi valley. It is well preserved, compared to other Samkhruli dialects, and is used by the people of Lebanon. Today, Lebanon almost entirely belongs to the Republic of Turkey, although there are several villages (Mirveti, Kirnati, Maradidi) that are part of Georgia.

After the opening of borders, the process of forgetting the language slowed down as a result of interaction with the Georgian language.

In the present work we will pay attention to several facts concerning the mutual influence of the Turkish and Georgian languages in the speech of Georgians. Sometimes, under the influence of the Georgian language, the phonetic spelling of a Turkish word changes. Also, when observing phonetic phenomena, cases of alternation of sounds are clearly visible.

As for sound alternation in Klarjuli, it is clear that in general it follows the patterns and

order characteristic of the Georgian language, although it has some features peculiar only to this dialect.

### The alternation of sounds ა : ე (a : e)

There are also frequent cases of alternation of vowels in words borrowed from the Turkish language. This phenomenon is based on the patterns of changes in the vowel system of the Georgian language. For example:

**მეჰელე (mehele)– (Arab. *Mahalle*)** district (of a city, a village):

„უჩამფას ერთი პაწა<sup>ა</sup> მეჰელე ყოფილა“; „ისინი იმ მეჰელეში ცხოვრობენ“ (Uchamphas erti patsai mehele kopila; isini im meheleshi tskhovroben)... (Comp., Mekhela is one of the corners, districts, quarters of a rural city: Shuamekhela – the middle of Mekhela; Zademekhela - upper area of Mekhela. „ამხელა სელგაჰი მე არ მომსტრია, ჩვენი მეჰელა თლათ მოსპოლოტა და გააგდო“ (Amkhela selgahi me ar momstria, chveni mehela tlat mospolota da gaagdo) („I have never seen such a flood, it destroyed everything”) (Sh. Nizharadze).

**ქილისა (kilisa) – (Kilise) – “ეკლესია“ (eklesia), „ტაძარი“ (tadzari) “church, temple”:** „თხარეს, ძველად ყოფილა ქილისა“ “Txares, dzvelad kopila kilisa” „ნუ გეშინია, აქევრი გზა კაძარი, არ შეგეშინდეს, ბიჭო, ქომო არი ქილისე, იმ სერის ძირში’ნა გეარო”.. „nu geshinia, akevri gza kađari, ar shegeshinde, bicho komo ari kilise, im seris dzirshi’na gearo.”. Kilise – Kilise – کلیسا.

A stressed vowel „ა“ (a) in compound words, before or after a consonant, are close to Russian „а”, as in the word „**лак**” (lak) - “lacquer”. For example: „**kokmak**” – is pronounced as „какмак” (kakmak) – and means “to beat, to knock”. „**Otlak**” – is pronounced as „отлак” (otlak) - „pasture”, etc. [E.V. Sevortyan, 1955; p. 23]

A stressed vowel „ე“ (e) is close to Russian “е”. For example, „era”, „eko” or after a consonant „ი”(ts) is pronounced similarly. Turkish „**ense**” is pronounced as - „**енсэ**” (ense) and means “back of the head”, „**keke**” – is pronounced as “**кэке**” (keke) in the meaning of “stutterer”,

„**seçme**” – is pronounced as „**ᲑᲞᲠᲚ**” (echme) and means “selected”, “picked”, “chosen” [Russian-Georgian dictionary 1993, p.434].

The Turkish language is not characterized by such a pronunciation of diphthongs, which is observed in many other languages. In the Laz dialect, N. Mars gives as an example the forms of **კასტანე/ქესტანე** (kastane//qestane) “chestnut”: in these words there is both a replacement of vowels and a replacement of the sounds **ქ** (q), **კ** (k).

„**კასტანე დოვუფელამი დო ეჩამთ** (aTin.) (kastane dovupelami do echamt) “we peel the chestnuts and eat them” (I. Kipshidze 1939:88);

„**დაღის დიდო იაბანი ქესტანე რენ** (xof.) (daghis dido Tabani qestane ren) “there are a lot of wild chestnuts in the forest [L. Tandilava 2003:73].

### The alternation of sounds **უ** : **ო** (u : i)

**ბალდიზი/ბალდუზი - (Baldizi//balduzi)** – (transl. “wife’s sister”):

„**ბალდუზი გავათხვე და დულუნი იყო**“; „**ესა ჩემი ბალდუზის ბაჰალა არი**” (balduzi gavatkhave da dughuni iko; esa chemi balduzis bahala ari) (“I got her married and we celebrated it”).

**ალთუნი (altuni) – (Altın) - „gold”, „golden coin”**: „**თუ გინდა ალთუნს მისცემ** miscem”(tu ginda altuns mistsems) (“if you want he can give you a golden coin); „**დედამთილმა ალთუნიჩა ჩუუდვას, რომ გახსნის იმ ალთუნს შეინახავს**” (dedamtilma **altunina** chuudvas, rom gakhshnis im **altuns** sheinakhavs) (“mother-in-law gave her a golden coin and she saved it”).

When speaking, „**უ**” (u) and „**ო**” (i) are alternated both in the base of the word and in derivative affixes, for example:

**ელინლუკი (gelinluqi) – (Gelinlik) – „bride”, „wedding dress”**: **lik** – derivative suffix, forming the name of destination. „**გელინლუკის უკან იდო და მეიტანდნენ**”; (gelinluqis ukan ido da meitandnen) (“It was behind the bride and they would bring it”; „**ჩემი გელინლუკის კაბა მე შევკერე**” (Cemi gelinluqis kaba me Sevkere) (“I sewed my wedding

dress myself").

According to the given examples, for Samkhruli dialects, the violation of vocal harmony is considered commonplace.

The assimilation of consonants and vowels in the language of Klardjuli is predominantly regressive, which is characteristic of the Georgian language; in Old Georgian, as is known, progressive assimilation was as widespread as regressive one (G. Akhvlediani 1949: 194).

### **The alternation of sounds ე : ო (e : i).**

**შეჰერი (sheheri) - (Şehir) – a city:** „შეჰერში ცხოვრობს ჩემი ღარჭი“ (shehershi tskhovrobs chemi gharchi) (“my cousin lives in this city”); „ისტანბულ შეჰერში მაქ ბინა“ (istanbul shehershi maq bina) („I have an apartment in the city of Istanbul”) (Sh. Nizharadze);

**ჰეჩ (hech) - (Hiç) - „at all“:** „გუშინ ჰეჩ არ მიძინია, გავათენე“ (gushin hech ar midzinia) “I didn’t sleep at all yesterday”; „ქორწილი ჰეჩ არ ქონია“ (qortsili hech ar qonia) “she didn’t have a wedding at all”.

A discussion of sound alternation in borrowed words showed that the vocabulary that came from a foreign language is subject to the phonetic patterns of the Georgian and Kartvelian languages. This is proof that, despite the strong influence of the Turkish language on the Samkhruli dialect, the phonetic structure of the Georgian language retains its individuality.

### **Consonant alternation ჩ (ჭ) : ხ (ch : kh)**

**ხებერი (kheberi) – (Arab. haber) - „news”, „insight”, „message“:** „თვით რომ ზეგანშია, ბარის ხებერი აღარ იცის” (tvit rom zeganshia, baris kheberi agar itsis) (“he doesn't even know how to hold a shovel”).

**ხალა (khala) – (T. Hâla) – „mum’s sister” (aunt):** „ჩემი დედი ნენი შერიპბეგის ხალაი იყო” (chemi didi nenei sheripbegis khalai iko) (“my grand grandma was Sheripbeg’s aunt”) ; „ისა უნუთას ხალაია, აქ მევდა და ზამთარში წადის” (isa unutas khalaia, aq

mevda da zamtarshi tsadis) ("She is Unuta's aunt, here she came and she'll leave in winter").

According to Shems-ed-Din **Hâla** (**khala**) means "aunt (mother's sister)", and in the dictionary of literary Turkish, **Hala** sometimes means "aunt" - mother's sister, or - father's sister. In Eastern Turkey, the word **Hala** is still used today and means aunt (father's sister). In Shavshuri **Hala** is used to mean aunt (mother's sister).

**bisimi** (**khisimi**) – (Hısım - خصم -) – „relatives”: „გამოგწიოს, წეიღოსნა გურჯისტანში, ბათუმში, გამოგწიოს, კაია, შენი ხისიმი დიგინახავს” (gamogtsios, tseighosna gurjistanshi, batumshi, gamogtsios, kaia, sheni khisimi diginakhavs) ("he has to take you to Georgia, to Batumi, it is good – your relatives will see you") (dictionary 2001:613; Kâmüsî 1989:582).

From the above examples it is clear that the pharyngeal voiceless **h** in spirant dialects gives us a back-lingual, split, voiceless consonant **h**.

The phoneme „ჰ” (**h**) does not have a corresponding form in Russian. Acoustically, the sound "ჰ" is perceived as the sound resulting from an energetic pronunciation. In European languages, the sound "ჰ" is closest to the German "h". However, it is expressed less sharply. For example: "hugrig" (hungry); "hören" (hearing).

It is known that the unvoiced pharyngeal sound „ჰ” (**h**) is almost absent in the root words of the Turkish language, that it combines three consonants of the Arabic and Persian languages („ح”, „خ”, „ج”), the forms of which can be partially found in live speech [E. V. Sevortyan, 1955:28; Dictionary, 1998:699].

It is much weaker to pronounce „ჰ”(h) with the consonant „ჰ”. At the beginning of a word, the „ჰ” (**h**) sound is pronounced quite strongly. For example: "hani" (where?), "hediye" (gift), "her" (each, everyone); "hemen" (immediately), etc.

„ჰედოე” (**hedie**) – (ar. **hediye**) - „gift, present”: „ბაიალასაც ჰედოე ექნება” (bahalasats **hedie** eqneba) ("Baiala will also get a gift"); „ფადიშახმა ჰედოე მიცა დედასა, გუმშიშის ყილოჯი” (padishahma **hedie** mitsa dedasa, gumishis kiliji) ("the padishah gave a silver dagger as a gift") [Sh. Putkaradze 1993:691];

Before a consonant or after it, “ჰ” (h) sound becomes weaker, but still remains during pronunciation. For example, "tehlike" is pronounced (Rus. „бѣ<sup>h</sup>тан”) - "blasphemy", etc.

The „ჰ” (h) sound is also faintly heard at the end of the word. For example, "tezgâh" is pronounced (Rus. „тѣзгѣ<sup>h</sup>”) - "machine"; "allah" is pronounced (Rus. „алла<sup>h</sup>”) - "God" [E.V. Sevortyan 1955:90]

The „ჰ” (h) sound at the end of the word mainly occurs in words borrowed from Arabic, eg:

In the Klarjuli speech, in the words borrowed from Arabian and Persian a sound „ჰ” (h) is lost, both in the V position and in the end of the word. For example:

**„შეიხი” (sheihi) – (Arab. şeyh) - „მოხუცი მუსლიმანი მამაკაცი” („mokhutsi muslimani mamakatsi) – (An old Muslim man) [S. Putkaradze 1993:629].**

According to E. Sevortyan, a sound „h” (h) is the most weakly pronounced between vowels and is often lost. For example, “**daha**” is pronounced (Rus. “даа”) (daa) (“also,, “again”); “**baha**” is pronounced as (Rus. „баа”) (baa) [E.V. Sevortyan 1955:90; dictionary 2001:297.].

**huria (huria) – ჯაცისა huriisá (katsisa huriisai) Sin 39; hrabi (hrabi), mr 9, 5 C; „h” (ჰ) can be heard more or less clearly between vowels and also clearly in #-C position, for example, mag: - „gankhortsieleba "implementation"; „muharebe” is pronounced (Rus. "мѹ<sup>h</sup>аpе<sup>h</sup>е") ("battle", "clash"); „muhafaza” is pronounced (Rus. "мѹ<sup>h</sup>аfаzа"), tahkim is pronounced (Rus. „та<sup>h</sup>ким”) - "fortress", "fortification" [E.V. Sevortyan 1955:90-91]**

### **Consonant alternation q : y (q : kh)**

The "ქ" (q) consonant of literary Turkish gives „ყ” (k) during conversation mainly from Persian and Arabic borrowed words:

„ჩვენთან მოდის ლახანა, ლობიო, კიტრი, ყარტოფილი (chventan modis lakhana, lobio, kitri, **khsartopili**)” (We grow cabbages, beans, cucumbers, potatoes);

**„ყალემი” (khalemi) - (Arab. kalem) - "pen": „ყალემი არ გაქ კაი, აურუფალი**

ყალბი კაია” „kalemi ar gaq kai, aurupali kalemi kaia” "You don't have a pen" [Sh. Putkaradze 1993:612];

„ყაირათი” (kairati) - (Arab. kayrat) - "patience", "enduring": „ჩუენი რძალი ყაირათლია, ყაირათით საქმობს” "our daughter-in-law is patient, she works with patience" [Sh. Putkaradze 1993:614];

დელიყანლი (delikanli) - "delikanli" - "young man": „დელიყანლები, იარებია აქეთ-იქით” (delikanlebi iarebian aqet-iqit) "young people are walking here and there" [Sh. Putkaradze 1993:433];

The vowel „ა” (a) at the end of the word in stressed position in compound words, before or after a consonant, is close to the Russian "a", for example in the word "лак" (lak). For example, "kokmak" is pronounced (Rus. "какмак") and means "knock", "beat". "Otlak" is pronounced (Rus. "отлак") - "pasture", etc. [E.V. Severtyan 1955; gv.23]

The stressed vowel "e" is close to the Russian "e". For example, "era", "eko" or after the consonant "ц" (ts) it is pronounced similarly. For example, "ense" is pronounced (Rus. „энсэ”) and means - "back of the head", "keke" is pronounced as (Rus. „кэкэ”) and means "stutterer", "seçme" - is pronounced as (Rus. „эчмэ”) and means "chosen", "selected" [Russian-Georgian dictionary 1993, gv. 434].

Such a diphthong pronunciation is observed in many other languages, but it is not typical for Turkish. Almost all researchers of the Turkish language distinguish two types of „e”:

1. One is more closed, as for example in the word „kireç” is pronounced as (Rus. „кирэч”) - "limestone" or „değer” pronounced as (Rus. „дэép”) - "value, dignity".

2. In the second more open transcription, "ä" (ε) is usually marked, for example, as in the word "güzel" - pronounced as (Rus. „гузэл”) – “beautiful”, "gel" pronounced as (Rus. "гэль") - "go, come". Unlike other vowel differences, this variant in some cases does not depend on the influence of neighboring phonemes, and they are given a distinctive meaning in the word. Similar facts belong to "el" - it is pronounced with a much more open vowel and denotes "hand", while "el" with a closed vowel means "world", "people" [E.V. Sevortyan, 1955:23]

Such a pronunciation is characteristic only of the colloquial language and some dialects, and not of the literary Turkish language. Thus, in the latter language, these differences have not been developed in separate phonemes, as in Azerbaijani, Kazakh, Tatar and other Turkic languages [E.V. Sevortyan, 1955:24].

At a glance, it becomes clear that, over the centuries, not only the Turkish language, but also the Georgian language has had a great influence on phonetic changes, in particular on sound and other grammatical changes.

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## ASPECTS OF EULOGISTIC POETRY DEDICATED TO LEADERS IN THE SOVIET LITERATURE

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### ABSTRACT

The aim of the scientific article is to analyze the depressing influence of the Soviet dictatorial policy on Georgian literature and current literary processes. In the first half of the 20th century, the process of turning the artistic word into a servant of the conquering ruling political force became especially active, the purpose of which was to kill creative freedom and strengthen the Soviet hegemony of writing by the slavish spirit. Anyone who dared to bring free speech to the readers, to reject the demands of Soviet writing, was declared an enemy of the country and the people, which was traditionally followed by repression. The executioner government executed true, free writers. This is how they chased the writer's own, free concept and moral responsibility with fire and sword. An organic part of Soviet literature was poetry dedicated to leaders. The article analyzes the ersatz poems to praise of leaders, which have no artistic value, and which were presented as an abundant stream of creativity of writers working in Georgia, in particular Adjara and which present an enormous part, characterize and appear to be an essential part of the writing of the period. Stalin was the central figure of eulogistic poetry. Poets vied with each other in glorifying him, searching for original artistic faces and human or supernatural qualities to ascribe to the idol of the new age. They also glorified other political figures, leaders of union or local importance - Beria, Orjonikidze, Vorosholov.

**Keywords:** Georgian Literature, Eulogistic Poetry, Leaders, Black Sea Coast, Soviet Dictatorship

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In the first half of the twentieth century, the dictatorial government of the Soviet Union in Georgia intensified the process of becoming a servant of the political force that conquered the artistic word. The goal of the barbarous decision was to bring creative freedom to writers and to strengthen the hegemony of Soviet writing throughout the country. The enemy of the government, the country, and the people, all those who dared to bring free speech to the reader, the denial of the demands of Soviet writing, which has traditionally been followed by repressions of extreme cruelty, have been declared enemies of the government, the country and the people. The executorial government arrested true, innocent, and the free writers, deported them and sent them destroyed countries, and sentenced them to death. This is how they pursued the free concept and moral responsibility of the writer with fire and sword.

The Soviet authorities were well aware of the criminal side of the planned tyrannical campaign, but it did not matter. The main thing was to run the empire, and the bloodier, frightening, and depressing the way to achieve the goal, the easier it would be to subdue the people. Violators on this path were hampered by the intelligence and patriotic people. Still, everyone was called upon to praise the chiefs, and the literary space was filled with the flow of martyrdom by Marxism-Leninism, Stalinism, and others so called artistic works.

It should be noted that in 1934 the Writers' Union Congress seemed to have given a negative assessment of the poems dedicated to the leaders, but it was clear that this was only imaginary and not for everyone. In his speech that was held at this congress, Maxim Gorky seemed to condemn the tendency of the glorifying the chiefs. He said that "blasphemy" – this is the individualistic aspiration of the host to stand above the whole head compared to his comrade, which is easily accomplished during the existence of mechanical disappearance, empty head and empty heart" (Gorky 1934: #194).

So, Maxim Gorky's speech did not prevent the development of Soviet praised poetry. The glorification of the leaders continued in the usual rhythm. In the name of socializing realism, writers and poets would have to praise the worthy Soviets and revolutionaries in time. In 1938, the newspaper „Soviet Adjara” reported: „Tsulukidze, Shaumiani, Jafaridze and many other revolutionary workers, peasants, intellectuals brought up by the great Stalin. Their faces have long been waiting for the masters of artistic speech.

We consider the development of this topic to be one of the main tasks of Georgian Soviet literature. But this theme is so extensive and rich, so relevant and important to the entire

Soviet people that we cannot from this tribune call on the masters of the artistic word of the whole Soviet Union to take part in this great work. Here the place and themes are enough for everyone” (“Soviet Adjara” 1938: #7).

As we read, the call neglects the literary value of works of art, creative freedom, and the moral side. Akaki Bakradze, “In the Blackness of Writing notes: Creative freedom primarily involves two essential components - first, the writer (the artist in general) must have his own concept and second - moral responsibility. The principle of party affiliation of literature rejects both components and, so much so, creative freedom “(Bakradze 1990: 32).

To illustrate this provision, Akaki Bakradze cites specimens from artistic creations dedicated to the chiefs, Written an unaccounted for and invincible poem, a story, a play, a novel. Extraordinary reports were also read on the congresses - "Comrade Stalin's face in Soviet fiction" “, - he writes.

So that the main part of Soviet writing was the praised poetry dedicated to the leaders, the article analyzes the glorious leaders presented in the abundance of works of writers working in Adjara, which has no artistic value but is so numerous, a characteristic and essential part of the current writing is that it is difficult to imagine the whole epoch without even a schematic representation of them.

Praise for the chiefs for part of the writers the performance of the political task was considered an honorable mission, not for part –. The latter sang to save the chiefs, but the test was not passed, the main thing was to pay tribute to the higher authorities. The works of art written in order to perform their duties would be carried out not in the literary but in the wind of political criticism, and the author would be punished accordingly.

Not surprisingly, Stalin is the central figure in complimentary poetry. Stalin was then a person who destroyed everything. The poets competed with each other in his glorification, looking for original artistic faces and human or supernatural qualities that should be attributed to the idol of the new era. Other political figures, leaders of federal or local significance - Beria, Orjonikidze, Vorosholov and others - were also praised. The poets competed with each other in his glorification, looking for original artistic faces and human or supernatural qualities that should be attributed to the idol of the new era:

„ You're dawn from Kremli

You are spring, the springs

You go into the hearts of all the workers,

That joy is a waterfall.

It will be surrounded by you in the shepherd's tent

Like Rustaveli's poem

Even the land does not move without you

Nor does the Yalbuz refer to wind ” (Jury 1946:#86).

- wrote the poet Varlam Juruli.

Even in memory of Stalin, the creator of the New World, a flying lodge in the air, a windbreak in the desert, and green alleys are formed. Even his smoke is precious not only to Soviet citizens but to the whole world. Somewhere a savior for an Indian in the jungle, the Bairakhtar of Truth is Stalin, and what a surprise if an infant from the cradle also stares at his picture:

„ A child with a smile knows you

Newly removed from the cradle,

stares picture and, in his mother's lap

Sweetly tithes: „ Uncle Stalin!” (Jury 1946:#250).

All poets were adoring the Stalin. Among them is writer Parmen Ruru. The work of the Council is imbued with the orders and calls of the Committee from beginning to end, and naturally this topic is no exception. Among his many poems, we recall a poem devoid of artistic value, however, here we add that Soviet flattering writing never stood out in this respect. Parmen Rurua's poem „ to continue chiefs “reminds citizens of the power of leader, Stalin, and to glorify him, he raises the flag.

„ To continue, the flag to make it shine;

Men, heroes to sacrifice themselves for...

... The brilliance of the leaders' flag will always come,

That's why our country is being turned into a turf! (Ruru, 1954:259)

The poets were not equal to the folk speakers. Naturally, it was necessary for them to carry out a political order and to follow the leaders. It was the all-encompassing and depressing torment of fear that they wrote the glorious verses of evil power. One of them was the speaker G. Gogoladze, who sang Stalin in the name of shepherds and ordinary people. In his own words, no one is left in this country „ Didn't write a poem about chiefs “and publish a poem on the pages of the newspaper „ Soviet Adjara “Life, live a long time! „ (Newspaper, Soviet Adjara”, 1937, #110, Batumi). Is the author's mood elevated and festive, or can he be different? He ruined his life and created paradise on earth. That is why centuries remember his name and kindness.

„ Stalin, Beauty,

Of this century,

Live, live long,

Your Steel Heart “(Newspaper, Soviet Adjara”, 1937, #110, Batumi).

Or even how you could forget the merit of a dictator.

Not surprisingly, along with Stalin, not so large-scale, but still glorified other political figures, leaders of federal or local significance - Beria, Orjonikidze, Vorosholov, and others. Here is just one example of many:

„ Dismissed by the Caucasus enemy

Who mortally attacked

Who named us after his right

And became our sword and shield.

Who was covered by the ordeal

Our family and our hearth,

It belongs to my heart,

My poem and my song.

He's the favorite, we choose him

To be long-suffering is our hero

Let our Beria be long overdue

Incredible and direct" (Ruru, 1946:28).

The propaganda strategy was still cleverly selected, but the goal was clearly defined, and such works were quite acceptable to Soviet criticism.

Thus, in the paper presented, we analyzed the depressing impact of Soviet policy on Georgian literature and current literary processes. Chiefs poetry is one of the most abundant streams of creativity of writers working in Adjara, it should come as no surprise. This literature has no artistic value, but is so numerous and characteristic, so essential is the present literature, without their even schematic representation it is difficult to imagine the image of the epoch.

Stalin is the main figure in the poetry of praise. Along with him, not so large-scale, but still glorifying other important or insignificant political figures, chiefs of Union or local significance - Beria, Orjonikidze, Vorosholov and others.

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## RECONSIDERING GEOPOLITICS: EXPLORING AWKWARD DYNAMICS IN EMERGING MIDDLE POWERS A COMPARATIVE ANALYSIS OF BRAZIL AND TÜRKİYE

ZOLTÁN KARA-SZABÓ<sup>61</sup>

### ABSTRACT

This study aims to compare the XXI. century geopolitical positions of Brazil and Türkiye, two countries with distinctive international surroundings. Both Brazil and Türkiye displayed notable similarities in the last 20 years: the common trajectory is enhanced through military capacity, accelerated economic emergence, assertive geopolitical posture, active participation in multilateral platforms and a sense of dissatisfaction with the global distribution of power. Despite their geopolitical and geographical differences, both nations express discontent with their global political status and are motivated to challenge the prevailing international institutional framework. Positioned between traditional middle powers and major powers, they face difficulties in finding their place within the world's geopolitical hierarchy. The contemporary geopolitical discourse remains significantly influenced by the narrative of the Cold War, its language, and the material conditions of power analysis. However, the global landscape has undergone substantial transformations since the Cold War and post-Cold War eras, resulting in changes in the criteria and tools of power subtleties. In the recent discourse, a new classification emerged, highlighting the concept of "Awkward Powers", introduced by Thomas Wilkins and Gabriele Abbondanza. The framework has gained significant popularity in the conceptualization of modern geopolitics. Awkward powers exhibit an uneven distribution of material capabilities, primarily influenced by economic and military assets, leading to an imbalance in their power profile. Hence, assessing the global role of these awkward powers proves challenging, often rendering them as points of "frustration" within the world order. While Brazil was characterized as an "Awkward Great Power" due to its unique, rather imbalanced attributes, the framework hasn't been tested on Türkiye yet. The study aims to assess the presence of "awkward" power characteristics in Türkiye, exploring whether its geopolitical position falls within the ambiguous realm of emerging powers or adheres to more classical geopolitical concepts. Through an examination of the international behavioural patterns of the two countries, this research seeks to provide a nuanced

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categorization, shedding light on the intricate dynamics of these emerging middle powers within the contemporary global order. Understanding the distinct geopolitical activities and national characteristics of these countries can offer valuable insights into their strategies, challenges, and opportunities on the international stage.

**Keywords:** Brazil, Türkiye, Geopolitics, Awkward Powers, Developing Countries

## 1. Introduction

In the 21st century, specifically in the post-COVID era, we are living in an era of geopolitical transition. The tectonic plates of world politics are changing perceptibly. Many international relations and geopolitical experts have drawn attention to this, to cite just a few examples: 'World in Flux', (MCKINSEY & COMPANY, 2023.) 'Great Power Competition Scenarios' (BRANNEN, 2021.) and 'Global Transitions'. (PEACEREP, 2023.) In the post-COVID period, the 'unipolar' (WOHLFORTH, 1999.) worldview and the "Pax Americana", (COHRS, 2018:4.) the semblance of a world peace secured by the Americans even with weapons, seems to be finally disappearing (LAYNE, 2012:212.) Whether the US hegemony is really over or whether it is only temporary and merely a perceptual and narrative political idea is not the aim of this paper. But it is important to recognize that over the last decades, developing countries (as their name implies) have undergone tremendous changes and developments that are changing the regional and global landscape of these countries. The aim of this paper is to compare the position of two strong developing countries, Brazil and Türkiye, in the global power space. The paper aims to make a modest contribution to the unpacking of the theory of "awkward powers", as conceived in 2021 by Gabriele Abbondanza, and Thomas Stow Wilkins, and their co-authors in the excellent book "Awkward Powers: Escaping Traditional Great and Middle Power Theory". (ABBONDANZA, WILKINS, 2021.) One of the main arguments of the book is that many moderately powerful countries can have both the characteristics and attributes of traditional great and middle powers, and their power and international position can become conflictual and 'awkward'. The paper aims to compare the two countries from 3 perspectives. from a traditional, geopolitical perspective, from a liberalist approach, and from a constructivist perspective, following the logical thread already published in the study of Lucas Rezende and Thomas Wilkins, in which Brazil was defined as an "Awkward Great Power" (REZENDE, WILKINS, 2021), hoping to get closer to

understanding not only Türkiye's better power position, but also the power conditions of the stronger developing countries. Brazil and Türkiye, although very distant countries, and with no real intense economic or geopolitical link between them, the author considers it a good comparison, as both countries play a prominent role in their respective regions, and have a number of similarities in their capacities, behavioral methods and perceptions of themselves, which the paper would like to present.

## **2. Awkward Powers: Brazil and Türkiye**

The concept of "awkward powers" in international relations addresses states that don't fit into traditional great or middle power categories (ABBONDANZA, WILKINS, 2021). These states, distinguished by unique capabilities and behaviors, are significant yet unconventional in global politics. The theory underscores the complexities and diversities of these atypical powers, challenging established frameworks and highlighting their distinct roles in the international system. This concept brings attention to the nuanced and varied nature of state power in the global arena. The methodology of an awkward power theory approach effectively incorporates traditional realist/orthodox power perspectives, the liberalist patterns of a given country, and a constructivist perspective, as the idea that power and legitimacy, derived from nations' perception and recognition, is a crucial factor in compliance with international rules. (FRANCK, 1990.) The measurement of national power is, moreover, a highly problematic concept. "National power is relative, not absolute. Simply put, a nation does not have abstract power in and of itself, but only power in relation to another actor or actors in the international arena." (JABLONSKY, 2006:102) If we accept Jablonsky's argument, we must certainly shift our focus away from the vacuum of considering national resources as human resources, raw materials, energy resources to the international relations, behavioral, and perceptual observations of a country's occupation of its own place in the "international arena".

In the case of Brazil, as mentioned earlier in the text, it has already been recognized as a "Liminal and Transitional Power" (REZENDE, WILKINS 2021:121), or as an "awkward great power", after having been examined from the realist, liberalist and constructivist power perspectives. In the case of Türkiye, the concept needs further exploration, but this is not the first essay that attempts to apply the awkward power contestation to Türkiye. Hacı Ahmet Ünlü, in his study "Counter Hegemony or an Awkward Melody" (2022), has already dubbed Türkiye as an "Awkward middle power", in his analysis of Türkiye's relationship to the EU's

hegemony in the Western Balkans (ÜNLÜ, 2022.) The aim of my thesis is to modestly contribute to the recognition of the awkward power dynamics and to help explore a concept that, in my opinion, seeks to provide one of the most comprehensive answers to understanding contemporary international relations and geopolitical power situations.

### **3. Realist Perspective**

The first perspective looks at the traditional national resources that orthodox national political and geopolitical perspectives consider most important. These include geography, raw material resources, energy, and material national goods in general.

#### **3.1. Economy, Demography, Geography**

This perspective puts Brazil in a very good light, as it appears to be the strongest in these metrics. Nonetheless, defining Brazil's power position has been very problematic for experts in recent periods, and Brazil abounds in difficult-to-define power labels in the recent literature. (REZENDE, WILKINS, 2021:98-99.) This implies that it is difficult to place the country accurately in today's geopolitical transition, but this cannot always be expected, since national power is not a constant but a constantly changing dynamic state (JABLONSKY, 2006:102.) In most 'aggregate' accounts, Brazil has generally ranked 5-10 in the last few years. Brazil is the 5th largest country in the world by area and the 7th largest in the world by population. Brazil ranks 9th in the world GDP ranking, up two places from 11th last year, ahead of both Russia and Canada (IMF, 2023.) This puts Brazil's economy virtually on a par with Italy's. Brazil's GNP was ranked 12th in 2022, an improvement on its world ranking. (MACROTRENDS, 2023.) In the case of Brazil, the Amazon rainforest is a major predicament, as it is a huge resource, but also a highly complex and sensitive socio-economic-cultural matrix. The integrity of the largest contiguous rainforest in the world is such a key environmental issue in the 21st century that the management of the Amazon is becoming a global geopolitical dilemma. Thus, even though Brazil is within its own borders, the international environment and institutions are definitely limiting Brazilian decision-making. Thus, the prevailing idea that Brazil will exercise its power through sheer economic weight also assumes that it has full access to its own resources, which in fact is neither technologically nor in terms of international relations. (KATZMAN, 1981:183-187.) Brazil cannot possess everything it has,

Türkiye is well below the Brazilian figures in terms of population and land area, but this tells

more about the gigantic size of Brazil rather than the small size of Türkiye. Türkiye's population is about 82 million according to the 2016 census of residence (EUROPEAN COMMISSION, 2023), and its area is about 780,000 km<sup>2</sup>, ranking it 38th. Türkiye is definitely an important geostrategic station between the West and the East. The possession of the Bosphorus and the straits of the Dardanelles is so crucial to the maritime routes of the Mediterranean that it is almost deterministic to establish a very important cultural, economic and commercial center in this place.

Türkiye is ranked 19th in the 2022 GNP ranking and 17th in the nominal GDP ranking, in 2023 it is ranked among the "1 trillion economies", after Saudi Arabia. (MACROTRENDS, 2023.) The Turkish economy has also managed to increase GDP (IMF, 2023.) Türkiye's relative weakness is due to the scarcity of energy resources, gas and oil, which means that the geopolitically intertwined energy sector is a dependency. The import dependence of the Turkish energy sector is 74%, a staggering figure. (REPUBLIC OF TÜRKİYE MINISTRY OF FOREIGN AFFAIRS, 2023). Nevertheless, the Turkish energy market is very strong, as it is becoming increasingly involved in the global energy trade through the surrounding areas. The Turkish energy market plans to build more pipelines, interconnectors and Türkiye is already the inevitable intermediary in the European energy mix: the "Baku-Tbilisi-Ceyhan Crude Oil Pipeline (BTC), South Caucasus Natural Gas Pipeline (SCP), Baku-Tbilisi-Erzurum Natural Gas Pipeline (BTE), Türkiye-Greece Natural Gas Interconnector (ITG), Trans Anatolian Natural Gas Pipeline (TANAP), and TurkStream are all among the projects within the scope.(REPUBLIC OF TÜRKİYE MINISTRY OF FOREIGN AFFAIRS, 2023)

### **3.2. Army**

In their study, Rezende and Wilkins conclude that the Brazilian military is not strong enough for the size of the country, and if we want to categorize it, the military is more comparable to the strength of the middle power states. (REZENDE, WILKINS, 2021:108) Although the Global Firepower Index 2023 ranking puts Brazil's military strength at 12th place, the Brazilian military is not strong enough to be a major power. With the 2nd most airports, 9th in railways, 5th in major ports, and 4th in roadways, these numbers indeed make the Brazilian military more appealing, but its control over its border areas is very weak, ranking only 132nd out of 145 countries surveyed. (GLOBAL FIREPOWER INDEX, 2023) One of the strongest criticisms of the Brazilian military is its relative underfunding. Military spending, while the highest in nominal terms in Latin America, has not exceeded 1.5% of

GDP per year as a share of GDP since 2007, putting it behind countries such as Chile and Colombia in South America. (BURGES, 2017:137) Moreover, this ratio has been steadily decreasing since 2017, and in 2022, military spending accounted only for 1.1% of Brazil's GDP, (STATISTA, 2023.) which seems to confirm the assumption that Brazil is not primarily seeking an even stronger global engagement through military development and its military. Problems may arise that if Brazil wants to become a truly great power, it will need to put more money into military spending, even if its peaceful, immediate geopolitical environment does not necessarily justify the large spending at present.

If in the case of Brazil, we were talking about the fact that the country's military is underpowered compared to its economic and demographic weight, in the case of Türkiye we can apply the opposite sign. According to the 2023 Global Firepower Index, the Turkish military is the 11th best in the world, especially in mechanization. 4th in frigates, 5th in vehicles, 7th in tankers and helicopters are just some of the very impressive statistics of the mechanized Turkish armed forces. (GLOBAL FIREPOWER INDEX, 2023.) One of the biggest Turkish military innovations that has made world news, especially because of its wide use in the Russian-Ukrainian war, are Turkish drones. The biggest strength of the Turks' flagship drone is its excellent value for money: the total cost of a Bayraktar TB2 drone costs about USD 5 million, one of the best and most cost-effective combat drones on the market so far. (MILITARYTODAY, 2023.), (WITT, 2022.) If we look at Turkish military spending in GDP terms, we see that by 2021 it will be higher than Brazil's, percentagewise. (WORLD BANK, 2023.) For Türkiye a permanently strong military is more important than for Brazil because Brazil is a geopolitically "satisfied" country, while in the case of Türkiye we can speak of "geopolitically dissatisfied" state. The conflict in Cyprus, the Syrian civil war, Israel-Palestine, or the Azerbaijani-Armenian conflict are all examples of the instability in the region. In particular, the Arab Spring, which started in 2011, has had a major impact on Turkish strategy, leading the Turkish state to pay more attention to its hard power capacities than to its soft power capacities over the last decade (EKSI, EROL 2018.)

### **3.3.Realist conclusion**

In the case of giant Brazil, one important lesson may be that Brazil should not necessarily be expected to tick all the great power boxes: the Latin American region is in a relatively secure geopolitical position, which means that it does not need the kind of great power presence that would be justified in, for example, Asia. It is this sense of security that makes Brazil's great

power prospects not urgent. (REZENDE, WILKINS, 2021:108) Although we see that Türkiye is much smaller in size than Brazil, its geographical location, its control of the Black Sea straits and its role in the global energy supply chain - and the proximity of oil and gas rich countries in its immediate vicinity - counterbalance Türkiye's middle power traditional capacities. The mechanization of the Turkish army and the global success of Turkish combat drones show that in some classical sources of power they have outright great power capacities, which may indeed show that in the case of Türkiye we are also dealing with an 'awkward' power that in many aspects has already gone beyond the classical middle power theoretical framework.

#### **4. Liberalist Perspective**

##### **4.1. Soft power**

Soft power resources are the assets that produce attraction, and the three basic soft power resources are: culture, politics and foreign policy. (ÇEVİK, 2019:52-55) (NYE, 2008:94-96). One of the most important annual measures of soft power is published by Brand Finance, and in its 2023 measure Türkiye is ranked 23rd, while Brazil is only 31st. (GLOBAL SOFT POWER INDEX 2023)

What is problematic about Brazil's situation is that Brazilian policy making is mainly using soft power to assert itself in global politics, using the power of the Brazilian "brand" to exert international influence. (REZENDE, WILKINS 2021:127) In the 2010's, Brazil took a significant step forward by hosting two of the world's biggest sporting events in succession, the 2014 FIFA World Cup and the 2016 Olympics in Rio de Janeiro. However, political instability in recent years, but also more generally, has stalled the current expansion of Brazilian soft-power. The impeachment of the president of Brazil, Dilma Rousseff, the controversial policy-making decisions of Jair Bolsonaro, and the very tense elections in 2022 blocked the country to have a consistent strategy in the international affairs and to develop soft power further. In 2023, Brazil's soft power position presented a mix of challenges and strengths. (GLOBAL SOFT POWER INDEX, 2023.) Governance was a major concern, with Brazil dropping 28 positions to 86th place, reflecting issues such as poor pandemic management and human rights violations. The country's international relations also suffered, due to a more isolated and rigid political stance. In contrast, culture and heritage remained strong, maintaining 9th position, thanks to Brazil's diverse cultural fabric. However, the people and values dimension saw a decline, slipping from 19th to 25th position. Media and

communication experienced a significant fall, affected by government-media conflicts and the spread of fake news, although the independence of the media was noted. Education and science saw a drastic drop from 35th to 73rd position, highlighting the need for more investment in education, despite having top universities. Sustainability was another area for improvement, with Brazil ranking 55th, indicating a need for better environmental, social, and governance practices. Overall, Brazil was ranked 31st among 120 nations, slight increase from the previous year. This mixed scenario underscores Brazil's cultural strengths and the urgent need to address challenges in governance, international relations, media, education, and sustainability.

Türkiye's Soft Power has not been a smooth ride in the 21st century, as it has had to change its strategy several times due to changes in the foreign policy situation. From 2003 to 2013, Türkiye successfully executed a soft power and public diplomacy strategy under the Justice and Development Party (JDP). (EKSI, EROL. 2018:17-18) Shifting from traditional politics, they focused on developing socio-cultural and trade ties. Türkiye was repositioned as a central nation with diverse connections, aiming to be a regional and global influencer through strategies like proactive diplomacy. This approach was marked by unique rhetoric and metaphors, promoting a global image of soft power. However, events like the Arab Spring and the Syrian crisis have since impacted these efforts negatively. (EKSI, EROL 2018)

One of the fascinating aspects of Türkiye's soft power strategies is that soft power policies are organized both top-down and bottom-up (ISLAM ET AL. 2018). The top-down approach is mainly manifested in government institutions such as the Turkish Cooperation and Coordination Agency (TİKA), the Disaster and Emergency Management Presidency (AFAD) and the Yunus Emre Institute (YEE) (ISLAM ET AL. 2018) The bottom-up soft power instrument of Türkiye is organized through nongovernmental organizations. Türkiye has the strongest influence on the Middle East and the surrounding regions. (ISLAM ET AL. 2018) Türkiye has succeeded in creating a positive image of itself in the Middle East nations, one of the main roles of which has been the functional export of Turkish culture. Türkiye is the world's second largest exporter of TV series after the United States, with around 150 Turkish TV series spinning in more than 100 countries, which also reflect Turkish values, cultural elements and norms (OKMEN, 2023:48-64.) Türkiye has a significant influence and cultural presence in Southeast Europe and Africa as well, (AKINNI, Тарнавська, 2022) although they are not the strongest players there. "Türkiye still deserves to be called an ambivalent soft power in this region. It also still provides financial and economic aid to these

economies. Yet, in terms of economic power, Türkiye cannot be compared with the EU, Russia and China yet." (ÖZTÜRK, 2020:126).

#### **4.2. Diplomacy**

Brazil's foreign policy is very strongly inclined towards multilateralism. Brazil is the BRICS country that has the strongest and most secure ties with the US. Brazil's foreign policy is basically set on a soft-balancing where, although clearly critical of the current institutional monetary system, and often even striking a US and Western critical tone. Their long-held desire to become a permanent member of the UN Security Council has not yet come to pass, they basically want to remain part of the system. (REZENDE, WILKINS 2021:108-111) Such an intense search for multilateralism is usually a feature of middle powers, so that by grouping together in bloc-like institutions, these powers can achieve greater influence in international politics. (REZENDE, WILKINS 2021:111) Brazil's geopolitical position seems "satisfied", as it has no border disputes or disputed territories that would constitute a significant and permanent hard power. Brazil has to grasp very strongly the influence that comes from its economic weight. (REZENDE, WILKINS 2021:111) Although it employs soft-balance, its diplomatic behavior is most typical of middle powers. The next few years will show how much Brazil will behave as a great power outside Latin America, especially as it will have the opportunity to define the main objectives of one of the most important economic forums at the G20 in Rio in 2023, which was already a feature of President Lula da Silva's previous strategy. (ALMEIDA 2010).

Turkish diplomacy has undergone a major transformation under Recep Tayyip Erdogan's Justice and Development Party (AKP). "In Türkiye, the 'logic of interdependence' and the 'mediator-integrator' role were gradually replaced by an assertive quest for 'autonomy', accompanied by military interventionism and coercive diplomacy." (KUTLAY, ÖNIS, 2021: 1087) In the early 2000's, Türkiye's approach to foreign affairs was characterized by a proactive and engaged stance, focusing on several strategic objectives. These included a commitment to effective participation in global organizations, a dedication to mediating conflicts at both regional and international levels, the pursuit of a principled approach in foreign relations, and a specific focus on humanitarian and developmental diplomacy. (DAL, KURSUN, 2016:617-618) During this era, Türkiye's role as a mediator was highlighted in several key situations, notably in disputes between Israel and Syria (2006-2007) and between Serbia and Kosovo (2009-2010). (DAL, KURSUN, 2016:619) Türkiye's tenure in the United

Nations Security Council (2009-2010) was also marked by significant engagement in pivotal nuclear negotiations involving the P5+1 countries and Iran. (ÜSTÜN, 2010:21)

A notable shift in Türkiye's foreign policy ethics became apparent towards the end of the 2010's, particularly in response to the coup in Egypt and the Syrian civil war. Despite efforts to influence the Syrian regime, Türkiye found itself advocating at the UN Security Council and to the wider international community for action against the unfolding humanitarian crisis in Syria.

The country is now focusing on “strategic autonomy” and keeping stronger ties with Russia and China, while simultaneously distancing itself from Western alliances, linked to domestic trends in authoritarianism and nationalism. (KUTLAY, ÖNIS, 2021) The attraction of the BRICS countries and the idea of strategic autonomy has been raised and has become a success story in many developing countries. (KUTLAY, ÖNIS, 2021:1094) One of Türkiye's new geopolitical narrative identities is the Global South, which seeks to articulate a set of developing countries, and Türkiye is increasingly distancing itself from institutional integration within the European Union. While the 2000s were marked by a strong optimistic expectation that Türkiye would become part of the European Union, this is not the case today.

The situation between Türkiye and the US has become increasingly tense in recent years, but it hasn't reached an irreversible stage. The relationship, influenced by various conflicts and disagreements, still holds potential for reconciliation due to the countries' deep-rooted ties. Both nations are aware of their strategic importance to each other. The future relationship will depend on strategic dialogues and an understanding of the changing political landscape. The US still views Türkiye as crucial for national security, given Türkiye's strategic position and its unique democratic system (U.S. NAVAL INSTITUTE STAFF, 2023). The future of this relationship hinges on strategic dialogue and mutual understanding of changing political dynamics and regional ambitions (BEYOGHLOW, 2020:69). Although three very important and turbulent years have passed since Beyoghlow's cautiously optimistic conclusion, Türkiye is still holding on to their soft-balancing position as of today. US relations have been further strained over the Gaza conflict, with Turkish international public opinion strongly in favor of supporting the Palestinians, against Israel.

We see that Türkiye, despite no longer being able to agree with its Western partners on many issues, maintains its global institutional relations, its membership of NATO and its need for a

cooperative Western relationship. Nevertheless, it is clear that Turkish diplomacy has embarked on a path of strategic autonomy, following the trend seen among developing countries, and is increasingly positioning itself as a challenger to US hegemony, alongside countries and organizations such as China, Russia, BRICS and the Global South. Multilateral relations are important for Türkiye, and like Brazil, Türkiye is seeking to represent its geopolitical region while still maintaining the old institutional multilateral framework and discovering new ones. It's a member of NATO since 1952, but Türkiye is also sympathetic to the BRICS countries, furthermore is a member of MIKTA, a middle power grouping, and the Organization of Turkic States. That said, Turkish diplomacy is now very autonomous, relying less and less on international consensus and is looking for bigger autonomy.

#### **4.3. Liberalist conclusion**

In the case of both Brazil and Türkiye, we can therefore observe that they are trying to counterbalance the dominant international institutions and the leading countries, but without blocking or cutting off their relations with them. Brazil, although a member of BRICS and one of the main advocates of the Global South, seems to retain its historically very strong US ties, and the main so-called 'US-led' institutions are still considered the main forum for decision-making and achieving results. Türkiye, typical of the middle powers, is also looking to further build and develop multilateral relations, but seems to be placing more emphasis on those where it can act more forcefully and further its independent geostrategic ambitions. The deterioration of relations with the West shows Türkiye's growing reluctance to cooperate. Being less cooperative for certain states does not necessarily mean that you are necessarily more powerful or stronger, but it may indicate a trend whereby Türkiye is increasingly mastering the ways of great power diplomacy and becoming more proactive and autonomous decision-makers in its own geopolitical context. If Brazil, through its diplomatic relations and soft power, can be characterised more as a middle power (REZENDE, WILKINS 2021:120), we can already find in Turkish diplomatic behavior a strong tendency towards great power autonomous decision-making structures. Although Türkiye is not yet a bona fide great power, as it is still only using the instruments of soft balancing, it is no longer a typical middle power either. Türkiye's foreign policy and its use of soft power is now more in the realm of "awkward power", similar to the observations of the realist perspective.

#### **5. Constructivist perspective**

If we start from Morgenthau's theory that national character also contributes to national power, then we have to map to some extent the perceptions and narratives of the countries under study in which they represent themselves on the international stage (MORGENTHAU, 1948:145) This is a highly abstract aspect, so we can only use a qualitative approach instead of a quantitative one: perception is perceptible but not measurable. In the case of Brazil, great power is born after the proclamation of the Republic in 1899. Brazil, by virtue of its territorial monstrosity and its resource economy, has been seen by Brazilian policy makers since the beginning of the 20th century as a regional decision maker and as a great power in the South American hemisphere, second only to the US and in alliance with the them. (FAUSTO, 2008:248-249.) This required a conscious foreign policy and an international behavior adapted to the circumstances, which meant a close Brazilian engagement with the United States, initiated by one of the most talented Brazilian politicians, the Golden Chancellor, Baron Rio Branco, (SEGOVIA, 2013:7.) Achieving great power was the basis of Brazil's 20th century political self-perception. (REZENDE, WILKINS 2021:118) "Brazilian elites are adamant that Brazil will be a great power is an achieved status" (REZENDE, WILKINS 2021:121). The current Brazilian president, Lula da Silva, himself also seeks to build on the traditionally Brazilian perception that the country has a lot of potential; he himself has called the 21st century the 'Brazilian century', in the same way that Jeff Bezos has called India the 'Indian century' (BRUNO, DANIELLE, 2010.) The basis of the great power perception is essentially the size and weight of the Brazilian economy. A further insight of Rezende and Wilkins' study is that Brazil has historically behaved like a smaller, hesitant country, and the country's mental maps align with middle power ideation. Despite its rhetoric of greatness, Brazil is seen as an 'awkward great power' and not taken seriously by other great powers. (REZENDE, WILKINS, 2021.) This perception limits Brazil's global impact and reflects a still evolving national identity.

Turkish diplomacy, the use of soft power capabilities in the Middle East, the Western Balkans, or Africa, all present the image of a Türkiye that wants to expand. Erdogan promotes Türkiye as a 'global leader', capable of acting both independently and in coalition with other major states to promote its global vision. He is unequivocal on the point: 'Although Türkiye is no military or economic superpower, it has emerged as a global leader by becoming part of the solution in Iraq, Syria, and elsewhere. He also keeps the perception of the ever-evolving and ever-growing Türkiye, similarly to Lula da Silva, he also called the XXI. century as a "Turkish Century" (Presidency Of The Republic Of Türkiye, 2023.) Of course, you do not

become as a global leader just because say you are one of them, but it indicates a different behaviour in international relations. Türkiye also has different perceptions of those territories that it is being part of as a significant power. This imaginary magnifies policy makers' perceptions of Türkiye's influence in the region and they believe most Muslims in the region see Türkiye as a guardian. First, as he sees it, Türkiye is an important country regionally and globally. A major actor in global politics, it is a game-changer in the region through proactive initiatives (KUTLAY, ÖNIS, 2021:1091). Türkiye, which until the 2000's was in the West's eyes "was to be viewed as a model country when it came to Muslim Middle Eastern countries by highlighting its traits: being a conservative Muslim democracy, a neoliberal and capitalist developing economy, and at the same time being both a NATO member and a member-candidate country for the EU." (EKSI, EROL 2018:17) the perception of Türkiye has deteriorated a lot since, and Erdogan's political leadership has gradually alienated Western European public opinion, which makes the perception about Türkiye very difficult, and this kind of distancing may or may not help their great power case. It can help in giving the appearance of a strong opponent working on its own global presence, but it cannot help to enter the great power 'club' where everyone would, without a doubt, regard it as a great power, because of the distrust of other great powers. The perception of Türkiye as a global actor is thus emerging, in line with the country's geopolitical intentions, but the increasingly strong opposition to the West in recent years also adds a level of awkwardness to the constructivist reception of Turkish power. The typical middle-power attitude that the most important thing is always to appear as a 'good international citizen' in the international arena is no longer valid in Türkiye's case. (ABBONDANZA, WILKINS, 2021: 17.)

## Conclusion

The study was written with the aim of analyzing primarily Türkiye's international position and national strength, based on an existing methodology and through the example of Brazil. If Brazil is an awkward great power, Türkiye can be labeled as an "awkward middle power" as it transcends the classical middle power framework from both realist, liberalist, and constructivist perspectives. From a realist point of view, the country's unique geographical position, the geopolitical and energy policy importance of the surrounding regions, the strength of its military all point towards the possibility of great power status, but e.g. the need to import energy resources always creates an awkward dependence on the surrounding countries. In diplomacy, Türkiye's increasingly open foreign policy and the stronger presence of soft power are also trying to pursue an increasingly vocal and global policy, but despite

this, the characteristic of Turkish foreign policy as a middle power remains, but they are trying to play a leading role (e.g. MIKTA, Turkic Council) or a countervailing role (e.g. NATO) in the most important international cooperations. In the constructivist approach, we can see the presence of a Turkish perception of great power and global player, but the increasingly cold relations with the West do not help Türkiye's recognition as a great power. Türkiye thus falls between the framework of a great power and a middle power, or one could say an "awkward power".

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## SINGLE WORD / TWO WORD CORRESPONDENCES ON THE INTERLINGUAL PLANES

EDA SHEHU<sup>62</sup>

### ABSTRACT

This paper explores observations regarding words in one language that, when considered as equivalents in another language, exhibit distinct meanings. The analysis investigates these comparable words across different languages, including Albanian, English, Italian, and Greek. The focus is on the implications when approaching a sentence in one language (as the source), where two words in the other language serve as equivalents (the target), and vice versa. Thus, if we compare the Albanian word *nip* with the equivalents in English, it is observed that *nip* has two equivalents: 1. *nephew* (“brother's son”) and 2. *grandson* (“parent's son”), as in Russian: 1. *племянник* and 2. *внук*. It differs in Italian and Greek (if we take the Albanian comparison as a basis). It is different in Italian and Greek, if we take the comparison with Albanian as a basis *nip* (in Albanian) = (in Italian) *il nipote* = (in Greek) *ο εγγονός*. Evidence of these inconsistencies and their study is of particular importance in overcoming the difficulties in finding equivalents relevant to the practical use of a foreign language, especially in the formation of sentences by pupils and students, for correcting errors, in translation, etc.

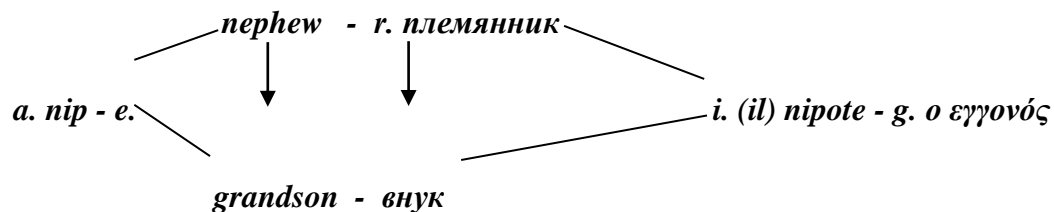
**Key words:** Lexicon, Equivalent Words, Compatibility, Incompatibility, Corresponding Words

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In the process of comparing the lexicon of one language with another, and extending this comparison to include additional languages, it becomes evident that a specific set of words in one language often lacks equivalent meanings for two distinct words in the other language<sup>63</sup>. This phenomenon persists when examining word strings from the second language to the first, and vice versa. Conversely, when comparing these two languages to others, it is apparent that words from these languages may also have dual meanings or correspond to a single word in another language. Thus, if we compare the word *nip* in Albanian (short sh.) with English equivalents (short e.), we will see that *nip* has two equivalents in e.: 1. *nephew* ("brother's son") and 2. *grandson* ("parent's son's son"), as also observed in Russian (short r.): 1. *племянник* and 2. *внук*. It happens *differently* in Italian (short i.) and Greek (short g.) (if we take the sh. comparison as a. basis). Thus, *nip* (a.) = i. (*il*) *nipote* = g. *ο εγγονός*.

Graphically, we present these relationships as follows:



Contrary to the above cases, if for the basis of approach<sup>64</sup> we will take in **e.**, for example the word *cat*, then we will have as the equivalent in **a.1.** *maçok* and 2. *mace*, as can be seen in other languages: **r.** *кот* and *кошка*; **i.** *gatto* and *gatta*; **g.** *ο γάτος* and *η γάτα*.

<sup>63</sup>Basha Y., *Interferencat në të mësuarit e gjuhës së huaj (Interferences in foreign language learning)*, Tiranë, 1982.

<sup>64</sup> See some bilingual Dictionaries from which can be derived a string of such answers (one word in one language and two in the other language) as:

Qesku P., *Fjalor anglisht – shqip (English-Albanian Dictionary)*, Shtëpia Botuese, EDFA, Tiranë, 2012.

Mançe M., *Fjalor shqip – rusisht (Albanian - Russian Dictionary)*, Shtëpia Botuese EDFA, Tiranë, 2007.

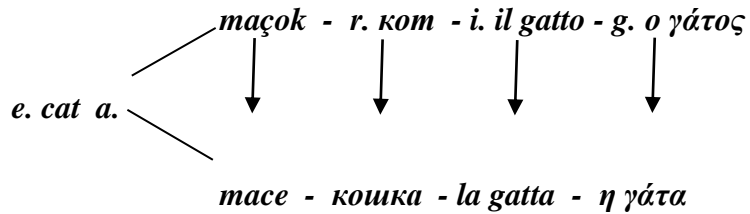
*Fjalor italisht – shqip (Italian-Albanian dictionary)*, Shtëpia botuese, “8 Nëntori”, Tiranë, 1986.

*Fjalor i gjuhës së sotme shqipe (Dictionary of today's Albanian language)*, Tiranë, 1980.

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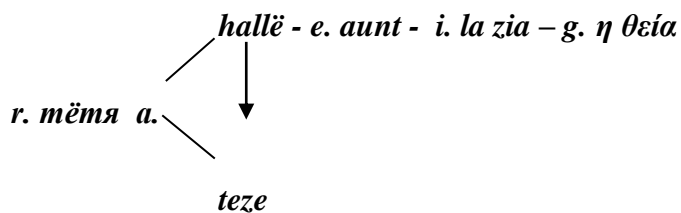
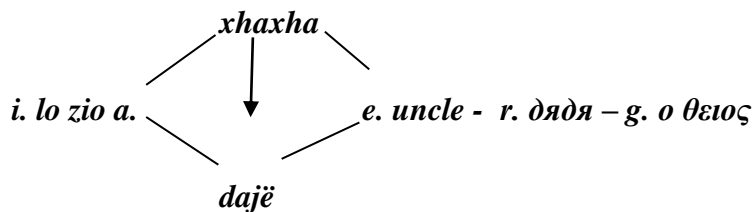
*Λεξικό της νέας Ελληνικής γλώσσας – Μπαμπινιώτης*, 2005.

We present them schematically as follows:



If we take as a basis of approach a series of other words, that is, **r.**, **i.**, **g.**, the same phenomenon will be observed; for example: *lo zio*, where we will have respectively: **a.1** *xhaxha* and 2. *dajë*; **e.** *uncle*; **r.** *дядя*; **g.** *ο θειος*. Whereas, if we take as a basis of approach **r.** *тётя* we will see: **a.1** *hallë* and 2. *teze*; **e.** *aunt*; **i.** *la zia*; **g.** *ο θειος*.

Schematically they can be given as follows:



The study of this phenomenon is related to cases when a unit of a language corresponds to two corresponding units with different meanings, as we brought above, *nephew* in a. 1 *nephew* and 2 *grandson* and vice versa *cat* in e.: *maçok* and *mace* in a., has special value in the practice of learning a language as a foreign language<sup>65</sup>. Evidence of these inconsistencies and taking them into account is of particular importance in overcoming difficulties in finding relevant equivalents in the practical use of a foreign language, especially in the formation of sentences by students, and correcting mistakes.

In the same way, the incomplete acquisition of the differentiated meaning of units, when one unit corresponds to two different units, viewed in two-way ways between two languages, leads to difficulties during the practical use of a language learned as a foreign language. This is related to the need felt by the one who learns and practically acquires the foreign language to find precisely a word with its certain meanings, which can correspond to a word or two words in the other language<sup>66</sup>: for example, *nip* in a. = 1 *nephew* and 2 *grandson* in e. But, on the other hand, since these two words are found in two different places, given in the dictionary, *nephew* and *grandson* correspond to exactly one word in the other language. This can also pose a difficulty in itself. In certain cases, the solution to this difficulty can only be decided by the situation such as in the first case, where we must know which "1 *nephew* or 2 *grandson*" we are talking about, that is, the one related to the "*uncle*" or the which is related to "*grandfather*" in order to choose the correct English word between *nephew* and *grandson*. Likewise, the latter's presence in speech makes it necessary to know well which of them, depending on the situation, should be connected with the word "1 *nephew* or 2 *grandson*". This is also observed in the opposite case when the English word (*cat*) corresponds to two Albanian words: *maçok* and *mace*.

Of particular importance is the case of the reflection of these units in the bilingual dictionary, whose counterparts do not have the same correspondences:

1 with 1 → *nip* (a.) = *nipote* (i.)

1 with 2 → *cat* (e.) = *maçok* and *mace* (a.)

2 with 1 → *nephew* and *grandson* (e.) = *nip* (a.)

<sup>65</sup> Hornby A., 1959, 1961, 1962, *The Teaching of Structural Works and Sentences Patterns*, stage I, II, III, L.

<sup>66</sup> Eco U., *Të thuash gati të njëjtën gjë (To say almost the same thing)*, "Dituria", Tiranë, 2006.

Seen from the point of view of the structural composition, it can be concluded that the two equivalent participles of one language, which have correspondences with a word in the other language, can be different from the form of the expression without a word-forming connection with each other, which makes this group dominant life.

A separate group, which can be divided into two subgroups, consists of word-formatively connected units. Sometimes, this connection also extends to the one-word meaning of the language, which is taken as a basis for comparison.

Regarding the first group, in which the two relevant are equivalent to the one-word unit, several cases can be cited as examples, some of which are given above. Thus, it can be risillen as well as examples from several instances of the other, e. *the boy* and *the son* to a. *djalë*; e. *pupil* and *the learner* for a. *nxënës*; e. *place* and *country* to a. *vend*; e. *clock* and *watch* for a. *orë*; *morning* and *breakfast* for a. *mëngjes*. It can also be found in a series of a. in relation with a. as *rrotë* and *timon* for e. *wheel*; a. *automobil* and *lokomotivë* for e. *car*.

A subgroup of the second group consists of the nouns whose word formation is connected with each other like it. *l'ora* and *l'orologio* for a. *ora*; r. *племянник* and *племянница*, r. *внук* and *внучка* for a. *mbesë*; a. *maçok* and *mace*, as well as r. others *кот* and *кошка* a. *cat*, in a. *xhaxha* and *dajë*, in e. *uncle*, in i. *lo zio*.

Another subgroup of the second group consists of adjectives, which are semantically differentiated (as two different units) through a prefix with ending similarity, which distinguishes the units rather at the gender level, which is observed in languages with a strong ending system, such as mainly Albanian, Russian and Greek.

This phenomenon considers cases when English is taken as the basis for comparison for one word. In these cases, the English word does not make a difference in the grammatical plane through the indicators that mark the genders (masculine and feminine) when the difference in sex serves as the basis of opposition. Here are mainly nouns that in English do not have a grammatical indicator for the natural gender differentiation of words. In contrast, in other languages (other languages) gender differentiation is done through the ending, which, separating the two units as different words, serves as a *suffix*, since it divides both words into different

genders as two semantically different words, that is, denoting a female object (subject).

Here, we can bring a series of cases when a word in English without a gender indicator corresponds to two units with grammatical gender indicator (masculine and feminine) / Thus, *single* (e.), we have *beqar* / *beqare* (a.), *холостяк* – *холостячка* (r.), *ο μονοσ* (g.).

A separate subgroup consists of English words without grammatical gender indicator that mainly denote active persons, persons characterized by profession, function, a., such as e.g. pupil (*learner*) (e.) → *ученик* and *ученица* (r.), *teacher* (e.) → *учитель* and *учительница* (r.), *il maestro* and *la maestra* (i.), *mësues* and *mësuese* (a.).

A subgroup related to this subgroup consists of a string of English words without grammatical gender indicators, which are interpreted in a double way, having as their counterpart one word, as in English, or two words with grammatical gender indicators. This case in Albanian is also a direct influence of the presentation of the English word, which indicates titles, posts, netc., which are presented without grammatical gender indicators mainly in official documents such as minister (natural male and female gender (for example, male or female *minister*), *director*, *rector*, *dean*, *professor* (In foreign languages: e. *minister* / i. *il ministro* / r. *министр* etc.)).

Likewise, mainly in speech, especially in languages with a strong ending system, it is noticed that both forms are used. This makes a grammatical gender distinction through the ending that serves as a suffix since it distinguishes two objects (subjects) with different genders. It goes without saying that in English, they remain without a grammatical gender indicator and, as such, can serve as a basis for comparison, for example: *director* (e.) → *drejtor* and *drejtore* (or *drejtoreshë*) (a.) → *директор* and *директорша* (r.) → *ο διευθυντής* (g.).

The above phenomenon that appears in nouns in cases where a one-word unit in one language finds two semantically different counterparts in the other language extends to other parts of the speech, i.e. not only to nouns, as discussed above, but also to other parts of speech, such as meaningful ones such as verbs, adjectives, pronouns and adverbs, but also to auxiliary words, such as prepositions, conjunctions. The observation of the appearance of this phenomenon for all parts of the speech, highlighting the expressive typological-semantic features of each

language that is related to another language, especially when it is treated as a foreign language, makes their study necessary, giving treated as a separate corpus, perhaps even reflecting them in a separate dictionary. This would in turn help teachers and students in the process of learning a foreign language, in the use language practice by each person. This is particularly important, especially in the compilation of bilingual dictionaries, in overcoming the difficulties faced by the translator from the inconsistencies of lexical-semantic, lexical-grammatical and word-forming equivalents between the two languages, when he looks at them on the same level as each other.

In order to complete the ideas that we have elaborated in this treatise, we are touching on some cases of the appearance of this phenomenon in other parts of the lecture, which would pave the way for further study in order to create a picture as accurately as possible. This problem should be considered for overcoming the phenomenon of interferences<sup>67</sup> observed in learning a foreign language from the influence of the native language, in deepening the presentation and solution of methodological problems at the theoretical and practical level in this field<sup>68</sup>.

Without exploring into the specifics of how this phenomenon is presented in other parts of the paper, we will illustrate it with concrete examples. These examples will serve as a foundation for comparison with other languages, including Albanian, Russian, English, Italian, and Greek.

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<sup>67</sup> Konçi R., *Metodika e mësimet të gjuhëve të huaja (Methodology of learning foreign languages)*, Tiranë, 1987

<sup>68</sup> Palmer H., *The oral Methods of Teaching Language*, Cambrige, 1921.

**To the verbs:****- shikoj, dëgjoj, mësoj:**

a. **shikoj**: e. 1 *see* and 2 *look (at)* (a.);

r. 1 *видеть* and 2 *смотреть*;

i. 1 *vedere* and 2 *guardare*;

g. 1 *βλέπω*;

a. **dëgjoj**: e. 1 *hear* and 2 *listen (to)* (a.);

r. 1 *слышать* and 2 *слушать*;

i. 1 *ascoltare*;

g. 1 *ακούω*;

a. **mësoj**: e. 1 *learn* dhe 2 *teach* (a.);

r. 1 *учить* and 2 *смотреть*;

i. 1 *imparare*;

g. 1 *μαθαίνω*;

**To the adjectives:****- I madh, i vogël, i gjatë, i trashë:**

a. **i madh**: e. 1 *big*, 2 *great* and 3 *large*;

r. 1 *большой* and 2 *огромный*;

i. 1 *grande* and 2 *grosso*;

g. 1 *μεγάλος* and 2 *μεγαλόσωμος*;

a. *i vogël*: e. 1 *small*, 2 *little*, 3 *baby* and

4 *petty*;

r. 1 *маленький* and 2 *небольшой*;

i. 1 *piccolo*;

g. 1 *μικρός* and 2 *μικρούτσικος*;

a. *i gjatë*: e. 1 *tall* and 2 *long*;

r. 1 *высокий* dhe 2 *длинный*;

i. 1 *alto*;

g. 1 *ψηλός*;

a. *i trashë*: e. 1 *fat* and 2 *thick*;

r. 1 *толстый* and 2 *густой*;

i. 1 *grasso*;

g. 1 *χονδρός* and 2 *παχυλός*;

### **To the pronouns:**

- *Ti, ata, ndonjë, asnjë*:

a. *tî*: e. *you*;

r. *ты*;

i. *tu*;

g. *εσύ*;

a. *ata*: e. 1 *they* and 2 *those*;

г. *они*;

i. *loro*;

g. 1 *αυτοί* and 2 *εκείνοι*;

a. *ndonjë*: e. *any*;

г. *любой*;

i. 1 *qualunque* and 2 *qualsiasi*;

g. *όποιος*;

a. *asnjë*: e. *none*;

г. 1 *ни один* and 2 *ничего*;

i. *nessuno*;

g. *κανένας*;

#### **To the adverbs:**

- *Lart, poshtë, sipër*:

a. *lart*: e. 1 *over*, 2 *high*, 3 *above*, 3 *up*,

4 *upwards*, 5 *upstairs* and 6 *aloft*;

г. 1 *вверх* and 2 *высоко*;

i. 1 *in alto*;

g. 1 *παραπάνω* and 2 *ψηλά*;

a. ***poshtë***: e. 1 *down*, 2 *below*, 3 *under*,

4 *beneath*, 5 *low*, 6 *downstairs*, 7 *infra*;

r. 1 *вниз*;

i. 1 *giù*;

g. 1 *κατω* and 2 *χαμω*;

a ***sipër***: e. 1 *above*, 2 *over*, 3 *up*, 4 *supra*, 5 *upstairs*, 6 *topside*, 7 *overhead* and 8 *aloft*;

r. 1 *вѣше*, 2 *над* and 3 *сверху*;

i. 1 *sopra*;

g. 1 *άνω* and 2 *άνωθεν*;

### **To the prepositions<sup>69</sup>:**

- ***Në, mbi, nga***:

*In the table /*

*Në tavolinë / On the table*

a. ***në***: e. 1 *in*, 2 *on* 3 *to*, 4 *at*, 5 *into*, 6 *under*,

7 *upon* and 8 *per*;

r. 1 *в* and 2 *на*;

i. *in*;

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<sup>69</sup> See in more detail: Shehu E., *Studime në fushën e gjuhësisë përfaqësë* (Vështrim leksiko-semantik) (*Studies in the field of approach linguistics (Lexico-semantic overview)*), Shtëpia Botuese “Jupiter GROUP”, Tiranë, 2020.

g. *σε*;

a. ***mbi***: e. 1 *on*, 2 *over*, 3 *obove*, 4 *onto*, 5 *up*, 6 *beyond*, 7 *across* and 8 *aboard*;

r. *o*;

i. *sull'*; g. *σχετικά με*;

a. ***nga***: e. 1 *from*, 2 *by*, 3 *of*, 4 *out*, 5 *out of*, 6 *to*, 7 *at*, 8 *off*, 9 *with*, 10 *towards* and 11 *syne*;

r. 1 *om* and 2 *no*;

i. *di*;

g. *απο τον*;

### To the conjunctions::

- ***Pasi, që, meqë***;

(I arrived *after* (when) you came)

(I came *because* I couldn't be alone)

a. ***pasi***: e. 1 *after* and 2 *because*;

r. *после того*;

i. *dopo*;

g. *αφού*;

a. ***që***: e. *that*;

r. 1 *что* and 2 *чтобы*;

i. *che*;

g. *οτι*;

a. *meqë*: e. 1 *since* and 2 *because*;

г. *поскольку*;

i. 1 *dato che* and 2 *visto che*;

g. 1 *αφού* and 2 *μιας και*;

In conclusion, it can be asserted that exploring the phenomena discussed above contributes significantly to overcoming challenges associated with their study. This deeper exploration enables the derivation of conclusions with both theoretical and practical implications, ultimately aiding the practical application of foreign language learning and teaching methods.

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## MEDICAL MALPRACTICE IN PROSPECTIVE OF CIVIL RESPONSIBILITY THE EXPERIENCE IN ALBANIA

ERILDA PAPAGJONI<sup>70</sup>

### ABSTRACT

In Albania, civil liability stemming from medical malpractice is governed by a comprehensive legislative framework, continually supplemented, especially since the 1990s. However, both judicial and extrajudicial practices related to civil liability arising from medical malpractice have predominantly evolved within the last decade. It can be so asserted that this area of law is still relatively nascent. This article aims to address specific issues encountered in Albanian legal practice concerning civil liability arising from medical malpractice, notably focusing on civil means of complaint. Three legal remedies for the restoration of rights infringed upon by medical malpractice are delineated. Among these, two are extrajudicial in nature: complaint addressed to the healthcare institution and complaint addressed to the relevant professional order. The third remedy is a civil action (lawsuit/indictment), serving as a procedural avenue for the judicial resolution of such conflicts. These remedies represent alternative courses of action, which can be pursued simultaneously and independently of each other. Each of these avenues will also delve into jurisdictional or competency matters they encompass, critical elements for the procedural validity of the legal proceedings they initiate. Additionally, this article will explore the contractual or non-contractual nature of civil liability arising from medical malpractice, as well as the selection of the appropriate civil lawsuit to commence the judicial process, a topic of particular interest within this context.

**Keywords:** Medical malpractice, civil liability, civil means of complaint, complaint lodged within the healthcare institution, complaint lodged within the relevant professional order, civil action (lawsuit/indictment) filed in court, jurisdiction and competence, nature of medical civil liability, doctor/healthcare institution-patient relationship as a contract, doctor/healthcare institution-patient relationship as non-contractual

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## I. Procedural Means of Complaint

The procedural means recognized by the Albanian legislation for safeguarding the rights of patients and/or other individuals damaged by medical malpractice are as follows: (i) a complaint lodged within the healthcare institution where the service was rendered; (ii) a complaint lodged within the respective professional order; and (iii) a civil action (lawsuit or indictment) lodged within the court. This conclusion arises from a harmonized interpretation of legal norms as provided by the Albanian Charter of Patient Rights, relevant professional codes<sup>71</sup> and respective laws of professional orders<sup>72</sup>, as well as the provisions of the Albanian Civil Code concerning contractual damage (Articles 419-495, 659-704) or non-contractual damage (damage in tort) (Articles 608-647), depending upon how the doctor/healthcare institution-patient relationship is going to be legally addressed<sup>73</sup>.

- (i) *Complaint lodged within the healthcare institution where the service was rendered:*  
This is a procedural remedy provided for under Article 13 “*Right to complain*” and Article 14 “*Right to compensation*” of the Albanian Charter of Patient Rights. This right however, is also respectively stipulated in the ethical codes of each healthcare profession. For example, Article 37 “*Patients’ complaints*” of the Code of Medical Ethics and Deontology (2011) is illustrative. This is an alternative extra-judicial remedy, to grant a fast-track solution for the patient. However, with regard to whether this type of complaint falls within the scope of administrative jurisdiction or not, this is a questionable issue and it is related to the fact whether the healthcare institution where the complaint is addressed to is public or private. Should the healthcare institution is of private sector, it is self-evident that public law does not apply, and in this case, private law is applicable. However, when public healthcare institutions are in concern, the jurisdiction issue can be matter of discussion. This is because the commission, committee, or any internal structure within the organization

<sup>71</sup> “*The Code of Medical Ethics and Deontology*” 2001 and 2002; “*The Code of Ethics and Deontology in Dentistry*” 2015; “*The Pharmaceutical Deontological Code*” 2006; “*The Code of Ethics and Deontology for Psychologists*” 2017; “*The Ethical-Deontological Code*” of the Albanian Order of Nurses 2008.

<sup>72</sup> Law No. 123/2014, dated 25/09/2014 “*On the Order of Physicians in the Republic of Albania*”; Law No. 127/2014, dated 02/10/2014 “*On the Order of Dentists in the Republic of Albania*”; Law No. 9150, dated 30/10/2003 “*On the Order of Pharmacists in the Republic of Albania*”; Law No. 40/2016, dated 14/04/2016 “*On the Order of Psychologists in the Republic of Albania*”; Law No. 9718, dated 19/04/2007 “*On the Order of Nurses in the Republic of Albania*”, as amended.

<sup>73</sup> For further reference, please consult: PAPAGJONI, E. (2021), *Procedural means for initiating liability in healthcare*, 'Avokatia', No. 38 (April 2021), pg. 152-160.

of the public healthcare institution, whether collegial or not<sup>74</sup>, which will take under review the patient's complaints, is subject to a degree of public law, just like other administrative bodies or authorities of the public healthcare institution. The structures reviewing the patients' complaints do not solely judge on ethical and professional healthcare grounds. In the end, they are decision-making bodies that will accept or dismiss the patient's complaint, not only regarding claims of professional medical malpractice but also for operational or organizational deficiency of the institution, such as the misuse of patient's time, the failure to provide adequate service due to a lack of sufficient personnel, equipment or medication shortages, inadequate supervision, etc., including, the patient's request for compensation as well. Therefore, there is for these structures to decide whether or not the public healthcare budget institution should pay compensation in a specified amount. Hence, from this perspective, it can be said that the complaint review structures operating within public healthcare institutions carry out administrative activities. In such circumstances, appealing the decision of the public healthcare institution to court by the interested party falls under the subject matter competence of the administrative court, not the civil court<sup>75</sup>. In such a case, appealing the decision of the public healthcare institution as an administrative act to court through a lawsuit has a statutory limitation period of 45 days from the notification of the decision, in contrast to the statutory limitation period of 3 years from becoming aware of the damage in cases where the lawsuit is directly filed in court against the public healthcare institution when the legal relationship created is treated as non-contractual<sup>76</sup>.

Nevertheless, since the direct complaint to the healthcare institution is an alternative means, the use of this remedy does not preclude the patient from concurrently utilizing other procedural remedies recognized by the law to enforce its rights, such as a direct lawsuit in court. Therefore, the Albanian Charter of Patient Rights and the professional ethical codes operating in Albania do not require the exhaustion of this procedural means by the patient

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<sup>74</sup> Collegial in the context of Law No. 8480, dated 27/05/1999 "*On the Functioning of Collegial Bodies of State Administration and Public Entities*".

<sup>75</sup> But further below, also consider the subject matter competence of the court for the lawsuit filed directly by the interested party, not as a result of challenging the decision of the healthcare institution.

<sup>76</sup> For further reference, please consult: Law No. 49/2012 "*On Administrative Courts and the Adjudication of Administrative Disputes*", as amended, Article 18; Law No. 8510, dated 15/07/1999 "*On Non-Contractual Liability of State Administrative Bodies*", as amended, Article 17; Law No. 7850, dated 29/07/1994 "*On the Civil Code of the Republic of Albania*", as amended, Article 115/dh.

before resorting to other remedies.

- (ii) *Complaint lodged within the professional orders*: This constitutes a procedural remedy provided by legislation governing professional orders. It involves the examination of complaints raised by individuals concerning professional conduct, including imposing disciplinary measures for violations of ethical codes and technical errors committed by practitioners<sup>77</sup>. This avenue serves as an alternative procedural mechanism as well, subject to both administrative and judicial scrutiny. The initial jurisdiction for reviewing such complaints falls under the administrative domain, conducted hierarchically firstly by addressing before the disciplinary commissions operating at the Regional Councils or special ethical commissions. Decisions made by these commissions can be challenged through appeals before the disciplinary or *ad hoc* commissions established within the National Councils of each professional order. Only after exhausting the administrative jurisdiction are the concerned parties permitted, under the law, to submit the decision of the disciplinary or *ad hoc* commission of the National Council for judicial review before the administrative court. However, since the complaint addressed to professional orders represents an alternative means, a supplementary opportunity for rights holders to assert their infringed rights, it can be exercised independently of other procedural means safeguarding patient rights as provided by legislation, such as complaint addressed to the healthcare institution or direct lawsuit addressed to court. Furthermore, this complain can be pursued concurrently with these two other procedural means, as long as it does not contradict with Article 36§3 of the Albanian Civil Procedure Code, which stipulates that: “*No other institution has the right to accept for review a civil dispute currently under consideration by the court*”. This legal provision is of special importance when both the professional order and the court are simultaneously assessing the occurrence or not of the medical malpractice. The laws governing professional orders in Albania do not mandate the exhaustion of this specific procedural means by patients seeking to utilize alternative remedies.

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<sup>77</sup> For further reference, please consult: Law No. 123/2014, dated 25/09/2014 “*On the Order of Physicians in the Republic of Albania*”, Articles 16-19; Law No. 127/2014, dated 02/10/2014 “*On the Order of Dentists in the Republic of Albania*”, Articles 14-17; Law No. 9150, dated 30/10/2003 “*On the Order of Pharmacists in the Republic of Albania*”, Articles 16-19; Law No. 40/2016, dated 14/04/2016 “*On the Order of Psychologists in the Republic of Albania*”, Articles 19-22; Law No. 9718, dated 19/04/2007 “*On the Order of Nurses in the Republic of Albania*”, as amended, Articles 13, 16-18.”

- (iii) *Civil action (lawsuit or indictment) lodged within the court:* This constitutes a procedural means guaranteed by the provisions of the Albanian Civil Procedure Code, especially Articles 31 and 32, as well as the regulations outlined in the Civil Code concerning contractual damages (Articles 419-495, 659-704) or damages in tort (Articles 608-647), depending upon how the doctor/healthcare institution-patient relationship will be treated, which will be discussed below. Any individual harmed due to medical malpractice has the right to file a civil lawsuit directly to the court to reinstate its violated rights, regardless to the fact if it has been previously addressed through a complaint to the healthcare institution or the relevant professional order. Therefore, the adjudication of medical malpractice matters falls within the judicial jurisdiction without the prerequisite of exhausting administrative remedies. However, in civil suits related to medical malpractice, beyond jurisdiction, the pivotal issues under debate encompass the court's subject matter competence and territorial competence.

Concerning subject matter competence, the issue arises as to whether the competent court for adjudicating the matter is the administrative or civil court. In Albania, the prevailing practice has been that civil lawsuits concerning medical malpractice occurring in public healthcare institutions are heard by administrative courts, referring to Article 17.1/f (compensation for non-contractual damage or damage in tort) of Law 49/2012 “*On Administrative Courts and the Adjudication of Administrative Disputes*”, as amended, and Law No. 8510, dated 15/07/1999 “*On Non-Contractual Liability of State Administrative Bodies*”, as amended<sup>78</sup>. From this existing practice, it is understood that, in the absence of unified practice by the Supreme Court, the medical malpractice in public healthcare institutions has been treated by the courts as a non-contractual relationship. However, if it were to be acknowledged that the relationship between a public healthcare institution and a patient is contractual, then it

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<sup>78</sup> For further reference: Supreme Court, Administrative College, Decision No. 00-2014-3960, dated 22/10/2014; Supreme Court, Administrative College, Decision No. 00-2014-4029, dated 13/11/2014; Supreme Court, Civil College, Decision No. 00-2014-3702, dated 12/12/2014; Supreme Court, Civil College, Decision No. 00-2015-473, dated 26/02/2015; Supreme Court, Administrative College, Decision No. 00-2016-2352 (357), dated 16/06/2016; Supreme Court, Civil College, Decision No. 00-2017-394, dated 07/04/2017; Supreme Court, Civil College, Decision No. 00-2017-820, dated 25/05/2017; PAPAGJONI, E. (2020), *Civil Liability in Healthcare – Lawsuit: A legal equation in legal arenas*, 'Avokatia', No. 33 (January 2020), pg. 209-214. But, refer to Supreme Court, Civil College, Decision No. 00-2015-1328, dated 22/04/2015, according to which the nature of dispute regarding the claim for non-contractual damage due to negligent treatment in a public hospital is civil, and therefore, the competent court in the matter is the civil court and not the administrative court.

becomes questionable whether the competent court in the matter is the administrative or civil court. To answer such a question, it is first necessary to clarify whether the contract between the public healthcare institution and the patient is considered, within the scope of Article 2 and 3 of the Albanian Administrative Procedures Code, a public contract or not. The Albanian Supreme Court, through two recent precedent-setting decisions<sup>79</sup>, has attempted to identify the two cumulative criteria distinguishing between a civil contract and an administrative one: firstly, the organic criterion implying the presence of a public entity in the relationship, and secondly, the material criterion signifying the existence of legal relations in the field of public law through the exercise by the public entity of administrative/public powers and functions under the contract, enabling the public entity to act as a sovereign power serving public interest. Nevertheless, the Albanian Supreme Court has acknowledged that differentiating between an administrative and civil contract, and consequently, the subject matter competence of the court, is a challenging task burdening the lower courts, which will determine it by considering how the parties have raised their claims in the lawsuit, the lawsuit's object, the nature of the legal relationship, the type of dispute, and the legal basis of the lawsuit. This means assessing the specific normative framework of public or civil law governing the particular relationship. In this regard, because the current cases from administrative courts related to damages resulting from medical malpractice in public hospitals have been filed as non-contractual damage claims, it remains to be seen if, in the eventuality of treating this relationship as a contract, the Albanian courts will treat it as an administrative or civil contract. Consequently, the issue of subject matter competence of the court also remains open. The precise determination of subject matter competence stands as an important component of the fair trial based on Article 42 of the Constitution of Albania, Article 6 of the European Convention of Human Rights (ECHR), and Article 14 of the Albanian Civil Procedure Code, as its absence jeopardizes the validity of the entire judicial process<sup>80</sup>.

Regarding territorial jurisdiction, the regulations are outlined in Article 48 of the Civil Procedure Code, which states:

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<sup>79</sup> Supreme Court, Administrative College, Unifying Decision No. 00-2023-3628 (302), dated 22/09/2023, and Decision No. 00-2023-3406 (258), dated 07/07/2023. Also, refer to Supreme Court, Joint Colleges, Decision No. 3, dated 06/12/2013; Decision No. 3, dated 04 and 28/04/2014; Supreme Court, Administrative College, Decision No. 00-2019-296, dated 09/05/2019.

<sup>80</sup> Law No. 8116, dated 29/03/1996 "*Code of Civil Procedure of the Republic of Albania*", amended, Article 467/a; Law No. 49/2012 "*On Administrative Courts and the Adjudication of Administrative Disputes*", amended, Article 54; Supreme Court, Administrative College, Decision No. 00-2019-265, dated 09/05/2019; Supreme Court, Administrative College, Decision No. 00-2021-8, dated 11/01/2021.

*“Lawsuits stemming from caused damage can be filed in either the court where the respondent **resides**, or in the court where the **damage occurred**.*

*When seeking compensation for damage resulting from death or injury to health, the lawsuit can also be filed in the court where the plaintiff **resides**”<sup>81</sup>.*

According to the provisions of the first paragraph of this article, it can be understood that in cases of medical malpractice lawsuits, the lawsuit is primarily filed in the court where the healthcare institution is located, as the “reside” of the respondent precisely refers to the headquarters of the healthcare institution in the sense of Article 43 of the Civil Procedure Code. Meanwhile, the “place where the damage occurred” is primarily the healthcare institution where the service was rendered. However, what has created more issues in judicial practice are the provisions of the second paragraph of Article 48, which allow the lawsuit to be filed in the plaintiff’s place of residence. Although the provisions of the second paragraph are quite normal, in practice, there have been cases where plaintiffs have abused their right as provided by this paragraph. Instances have been observed where plaintiffs initially filed a lawsuit in their actual residence and, after the case had started and developed in a direction more favorable to the respondent, the plaintiff abandoned the ongoing trial, changed fictively the residence to another region of Albania, and refiled the lawsuit in a different territorial court, hoping for a more favorable judgment<sup>82</sup>. This situation has led the respondent to follow the plaintiff for years in any court in the country where the plaintiff decides to file the lawsuit. Undoubtedly, this abuse of the right and the availability of filing a lawsuit impairs the respondent right to a fair legal process, either in terms of access to the court, as the respondent faces unnecessary practical obstacles, having to follow the plaintiff in every court in the country where it decides to refile the lawsuit; or in terms of a fair trial, as the respondent is obliged to undergo numerous court processes for the same legal fact, causing the respondent to become “exhausted” from a prolonged and relentless legal battle, no longer able to exercise with the same proficiency the right to adversarial proceedings and equality of arms due to loss of vigilance; and in terms of a trial within a reasonable time as well, as the plaintiff continuously reopens legal issues for the same legal facts, making it unclear when these legal

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<sup>81</sup> Bolds are made by the author.

<sup>82</sup> For further reference: (1) Court of Appeal Vlorë, Decision No. 60-2016-3362, dated 12/21/2016; District Court of Fier, Decision No. 2643 (685), dated 06/06/2016; and District Court of Kavaja, Decision No. 12-2015-408 (161), dated 04/01/2015; (2) Court of Appeal Gjirokastrë, Decision No. 20-2017-926/491, dated 12/05/2017; District Court of Gjirokastrë, Decision No. 21-2016-420/161, dated 03/15/2016; District Court of Kavaja, Decisions No. 12-2015-7 (2), dated 01/06/2015, No. 12-2015-175 (76), dated 02/06/2015, and No. 12-2015-2056/615, dated 12/29/2015.

processes will come to an end.

In conclusion, it can be stated that solving matters of court's competence holds a fundamental importance because not only does it jeopardize the validity of the judicial process due to the absence of a court established by law, but it also impacts the effectiveness of the lawsuit as a means of relief within the meaning of Articles 42 and 43 of the Albanian Constitution, as well as Article 13 of the European Convention of Human Rights (ECHR).

## II. Nature of medical civil liability

One of the key concerns among legal professionals regarding civil litigation arising from medical malpractice revolves around whether the lawsuit should be classified as contractual or non-contractual liability<sup>83</sup>. There is a doctrinal approach to consider the doctor-patient relationship as a specific type of off-plan undertaking contract of obligation of means<sup>84</sup>. However non-contractual approaches are well established as well. This issue, far from being merely theoretical, holds profound practical significance. While doctrinally, the legal perspective on both contractual and non-contractual damages might be quite similar, procedurally, these two scenarios entail distinct legal actions based on different sections of the Civil Code, each subject to its unique statute of limitations. For instance, if a lawsuit for contractual damages relies on Articles 476-495 of the Civil Code, entailing a ten-year statute of limitations, a lawsuit for non-contractual damages (or damages in tort) operates under Articles 608-639 of the Civil Code, with a three-year limitation period, or one year in cases involving non-pecuniary damages related to violations of honor, personality, and reputation<sup>85</sup>. Beyond these procedural nuances, these distinct legal actions may lead to varying claims, alterations in the burden of proof, and even dissimilar obligations for the parties, despite their apparent similarities. For example, contracts establish obligations and commitments that must be honored by the involved parties, representing **legitimate expectations** for one another. Conversely, in the absence of a contract, obligations mandated by law must be fulfilled<sup>86</sup>.

<sup>83</sup> For more in this issue refer to PAPAGJONI, E. (2020), *Civil Liability in Healthcare – Lawsuit: A legal equation in legal arenas*, 'Avokatia', No. 33 (January 2020), pg. 188-213.

<sup>84</sup> VERMELLE, G., 2006. *Civil Law Contracts Particular Section*. Tirana: Papirus, pg. 164, 168, 169; SEMINI, M., 2002. *Law of Obligations and Contracts (General Part)*. 3rd Edition. Tirana: pg. 145-170; TRAINA, F., 2008. Medical Malpractice: The Experience in Italy. *Clinical Orthopaedics and Related Research* [online], 467, (2). Disponibël në: [https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2628502/pdf/11999\\_2008\\_Article\\_582.pdf](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2628502/pdf/11999_2008_Article_582.pdf) [Aksesuar më 5 Nëntor 2019].

<sup>85</sup> Law No. 7850, dated 29/07/1994, "On the Civil Code of the Republic of Albania", as amended, Articles 114, 115/dh/e, 476-495, 608-647.

<sup>86</sup> GIESEN, D., 1988. *International Medical Malpractice Law: A Comparative Study of Civil Responsibility Arising from Medical Care*. Tubingen: J.C.B Mohr (Paul Siebeck) Martinus Nijhoff Publishers, pg. 8§8.

Although numerous contractual obligations are implicitly dictated by the law and are akin to obligations arising in non-contractual scenarios, such as the obligation to preserve the physical and mental integrity of a person, a contract, as a source of obligation supplementary to legal provisions, might introduce additional conditions not envisaged by the law. In this context, considering the doctor-patient relationship as a contract, if a dentist “promises” (thus assumes an obligation) to a patient that a dental procedure will be painless, the dentist unequivocally must fulfill this commitment to the patient. In such a case, the patient possesses a legitimate expectation that this undertaking will be fulfilled. Failure to meet this expectation, even in the slightest manner, renders the dentist civilly liable for not fulfilling its obligation to ensure the patient’s painless experience—thus failing to meet the patient’s legitimate expectation safeguarded by the contract. However, if a similar scenario were to unfold in the realm of non-contractual liability, the dentist would not be held accountable to the patient, even if the dentist had assured the patient of a painless procedure. This divergence arises because medical legislation does not impose on dentists the obligation to eliminate any form of pain but only the responsibility to avoid “*unnecessary suffering and pain*”<sup>87</sup>. This distinction underscores that contract law primarily aims to safeguard in a narrow sense the expected interests of the parties involved in the contract, establishing a relationship solely between these contracting parties. Conversely, the law governing obligations strives to protect individual interests in a broader sense against any harm inflicted by others<sup>88</sup>. Another highly contested issue pertaining to distinct claims in contractual and non-contractual damages lawsuits concerns claims for non-pecuniary damages. Albanian civil law recognizes claims for non-pecuniary damages, as outlined in Article 625 of the Civil Code, solely for non-contractual relationships and not for contractual ones, where claims are restricted to pecuniary damages suffered (actual or loss of profits)<sup>89</sup>. Albanian jurisprudence, especially considering the unification achieved by the Supreme Court concerning non-contractual damages<sup>90</sup>, has adhered to this principle thus far. Nevertheless, I posit that the dynamic and multifaceted developments in contractual legal relationships over recent decades in Albania have indicated that breaches of contract terms can occasionally lead to violations of a non-pecuniary nature. For instance, the

<sup>87</sup> Order of the Ministry of Health No. 657, dated 15/02/2010, “*Albanian Charter of Patient Rights*”, point 11.

<sup>88</sup> GIESEN, D., 1988. *International Medical Malpractice Law: A Comparative Study of Civil Responsibility Arising from Medical Care*. Tübingen: J.C.B Mohr (Paul Siebeck) Martinus Nijhoff Publishers, pg. 9, 10§8.

<sup>89</sup> Article 625 of the Civil Code is precisely located in Chapter I of Title IV of the Code, which pertains to non-contractual damages. Article 486 of the Civil Code, which concerns contractual damages, stipulates, “*The damage for which the debtor must compensate due to failure to fulfill its obligation consists of all losses suffered from the reduction of wealth, as well as the profit that could have been obtained under ordinary market conditions (loss of profit)...*”.

<sup>90</sup> Supreme Court, Joint Colleges, Decision No. 12, dated 14/09/2007.

breach of contractual obligations by one party (e.g., an exterminator) in failing to destroy expired drugs from circulation can result in severe reputational damages for the other party (e.g., pharmaceutical storehouse). A parallel situation arises in medical contracts, where a doctor's breach of contract terms can detrimentally affect a patient's health, resulting in non-pecuniary damages as well (of a biological, moral, or existential nature). However, the definitive interpretation of whether Article 625 of the Civil Code constitutes an autonomous provision, applicable to both contractual and non-contractual damages claims, or solely to non-contractual relationships, remains within the purview of Albanian courts, especially the Supreme Court.

The discussion above highlights the crucial necessity of determining whether civil liability in the provision of medical services is contractual or non-contractual. This determination is vital for lawyers in accurately specifying the type of lawsuit to be initiated. Filing a procedurally incorrect lawsuit, one that does not align with the specific obligations established between the parties, can result in its dismissal, even if the merits of the plaintiff's subjective right are supported by the law<sup>91</sup>.

However, it is essential to recognize that there are instances where the same set of facts can serve as grounds for both a contractual damages lawsuit and a non-contractual damages lawsuit. For example, a doctor causing damage to a patient due to negligent treatment is liable not only based on the presumed contract between the parties but also due to obligations derived from the law, constituting a non-contractual basis, to safeguard the physical and mental well-being of the patient.

In Albanian judicial practice, the final stance concerning the categorization of the doctor/institution-patient relationship as either a contractual or non-contractual duty relationship remains ambiguous. Albanian law case presents instances where this relationship is viewed as contractual<sup>92</sup>, alongside cases where it is deemed a non-contractual duty relationship<sup>93</sup>. Moreover, a unified practice from the Supreme Court that could provide clearer elucidation of the nature of this relationship is still lacking. The treatment of this relationship

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<sup>91</sup> By analogy, refer to the Supreme Court, Joint Colleges, Decision No. 9, dated 09/03/2006, and Decision No. 3, dated 29/03/2012.

<sup>92</sup> District Court of Tirana, Decision No. 7758, datë 05/07/2013; District Court of Tirana, Decision No. 7159, datë 19/09/2016; Court of Appeal Tiranë, Decision No. 1421, datë 26/05/2017.

<sup>93</sup> District Court of Tirana, Decision No. 1795, dated 09/03/2009; District Court of Tirana, Decision No. 5532, dated 20/05/2013; District Court of Tirana, Decision No. 6301, dated 05/06/2013; District Court of Tirana, Decision No. 3258, dated 19/04/2017; District Court of Tirana, Decision No. 6898, dated 30/07/2018.

remains a challenge in civil litigation processes within Albanian courts.

### **III. Conclusions**

The Albanian legislation provides three procedural means of relief for civil protection of patient rights and those harmed by medical malpractice: (i) complaint addressed to healthcare institutions; (ii) complaint addressed to relevant professional orders; (iii) civil lawsuits in court. These means differ in terms of the jurisdiction of the competent reviewing body and can be exercised separately from each other. In case of civil lawsuit, the issue of the court being competent on the subject matter in case of contractual damages remains still open in Albania and some distorting issue have been observed with regard to territorial competence of the court as well. Solving matters of court's competence holds a fundamental importance because not only does it jeopardize the validity of the judicial process due to the absence of a court established by law, but it also impacts the effectiveness of the lawsuit as a means of relief.

In instances of medical malpractice, the same factual scenario can warrant both a contractual damages lawsuit and a non-contractual damages lawsuit. Contractual liability stems from the explicit and implicit terms of the contract, while non-contractual liability arises from legal provisions. It is evident that in certain cases, contractual and non-contractual liabilities can overlap and coexist. Thus far, the Albanian jurisprudence lacks a unified stance on whether to incline towards contractual or non-contractual civil liability. Albanian courts have treated the doctor-patient relationship both as a contractual agreement and as a non-contractual obligation, leaving the debate in Albania unresolved. The need for unification in judicial practice is apparent, given the procedural and substantive disparities between contractual and non-contractual damages lawsuits, despite their similarities.

Despite the ambiguity in Albania concerning the nature of civil liability in medical malpractice cases and the potential coexistence of contractual and non-contractual liabilities, I argue that, in the interest of upholding the patient's paramount interests and to ensure that the right is not overly rigid, hindering the patient or the injured party from exercising it, where the obligations of the doctor or hospital arise from both the contract and the law, particularly concerning implied contract terms, both contractual and non-contractual damages lawsuits can be applicable. It is at the discretion of the plaintiff to determine which lawsuit provides them with greater advantages. When the obligation of the doctor or hospital stems from an

extralegal clause or promise expressed in the contract (e.g., guaranteeing a painless procedure), the contractual damages lawsuit is applicable since the doctor or hospital has assumed a specific obligation not stipulated by the law.

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## **ANALYSIS OF SALARIES (MOTIVATING FACTOR FOR INCREASING PERFORMANCE) IN PUBLIC AND PRIVATE SECTOR ACTIVITIES (CASE ALBANIA)**

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### **ABSTRACT**

The evaluation of individual performance has always been an element for the motivation of the employees of the public administration and the increase of its performance. In this study there are efforts done to point out some problems of the evaluation of individual performance as a part of the organization's culture, which affects the increase of efficiency and consists of the key for a successful management of the public administration.

The concept of evaluation must be considered as a psycho-social and administrative process which has its own impacts on the motivation and performance of the public administration. The right relations between them, increase of the evaluation criteria, the combination of the evaluation of individual performance with the respective structure as a strong bond of evaluation and career, use of the method of self-evaluation, evaluation for your superior and your colleague, financial rewards etc, are not only the success of the administration but also guarantee a qualitative management. In many countries of Europe the public sector is going through a deep reformation. The most important element of this reform in the public sector is the incentive related to the reformation of the public administration. This process is necessary to face the challenges and to have better services with few sources possible.

The public services are oriented by the input. The structures and the organizational procedures are created in order to involve the employees and need efforts and contribution from them. In the public the results of service department are considered as a product of the efforts and staff's capacities. The requirement of these results is lead by an inspirational vision, which is a clear mission and has some strategic aims, and these aims are transformed in objectives which aim to improve the performance.

Improving performance, better services, time spent on the assignments realization, the responsibility and the effectiveness of the programs and public services, are very important to everybody, for the persons who offer these services and for the ones who receive it. But there are a lot of political, bureaucratic and technical hindrances that affect the performance of the Public Administration.

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**Keywords:** performance of the Public Administration. organizational procedures, inspirational, public services, strategic aims

## 1. Introduction

There is no precise legal definition of the notion of the public sector. Everything can be done by companies such as the sector that groups all the economic and social activities that are in charge of the administration, public enterprises and public social security organizations. So, the public sector participates: - administrations, which take charge of activities of general interest; have traditionally been considered as an element of their economic and social policy. Today, a good part of them privatized and those that are still public, have other functions such as being private. they can support the organization of private law.

A public service is an activity that should be available to everyone. This notion is based on that of the general interest, but since it often remains a subjective one, it can be said that there is no universal definition accepted by all. In practice, it is public what the public power politically as such. This is a different notion from that of the public sector.

Even the expression Public Service has a double meaning. On the one hand, it publicly a public activity or a mission of general interest (for example, the service of the school) and on the other hand, other, the bodies charged with these activities of general interest, which can all be public. and private. For a long time, public service was the only criterion that conditioned the application of administrative law and the competence of the administrative court. With the changes of recent years, this condition is no longer sufficient with the expansion of public service activities in the economic field and the most important place taken from private law. Thus, according to the nature of the activity and the structure in charge, we can distinguish two cases: Public administrative services: very different, which group services that do not have an industrial or commercial purpose (defense, public schools , etc.). They are mainly managed by public bodies and in these cases administrative law prevails. Public industrial and commercial services (enterprises that perform energy, water supply services, etc.): they can be performed by public or private organizations. When it comes to private organizations, private law is mainly applied, but there is also administrative law.

They remain under the tutelage of the public authority (state, local government), which verifies whether they carry out their mission, or whether they respect the principle of equal

access of users to the public service and do not benefit from a monopoly situation in the entire territory of the country or a part of it (exception of the principle of competition).

Public sector and public services should not be confused. In fact, public service activities can be outsourced to private organizations. These are called public service delegations. These bodies do not belong to the public sector. The scope of the public service is wider than that of the public sector. Today, public service still looks like a function of public administration, that is, of the totality of public or private structures tasked with performing activities of general interest.

In front of every government and state administration are several questions of policy choice, such as: (a) should the state increase its presence in the economy to provide more income to support the public services sector?; (b) should it raise taxes and levies even further to fill the budget?; (c) should it cut some other types of funding to support the public sector?; (d) should it massively privatize to allocate private capital towards these services? (e) should improve the administration of problematic sectors by applying private sector methods to them? Many governments unable to finance the continuous expansion of public services decided: (1) to reduce the dimensions of their public sector, or (2) to change its structure, but always privileging its privatization; (3) the transition from the practice of "public sectors" to that of "public services", which are also provided by actors outside the public sector. It is important that society receives these services in the right quality and quantity

Motivation is a complex and multi-dimensional phenomenon. The purpose of this research was to identify and discuss the factors that influence motivation and great emphasis on the differences between public sector employees and private sector employees builds motivation in the banking industry. A research method was designed to collect data from 100 public and private sector employees. The results showed that employee motivation is influenced by several work-related factors. Public sector workers are more motivated by job content and experience more balance between work and family life, while private sector workers are more motivated by financial rewards, career development opportunities, and a supportive environment, as shown in the cited literature and confirmed by our results.

## **1.2 Purpose**

The purpose of this study is to analyze the changes between public and private sector salaries in Albania, as well as their potential impact on employment in the public sector. This study provides an overview of the structure of wages and other remuneration in specific areas of the

private sector, which were considered to have potentially the same employment demand, as the public sector, for the same employment skills.

### **1.3 What This Study Presents**

This study presents an attempt to assess whether there are substantial differences between the structure and amount of wages, as well as other rewards in the public and private sector labor market; to also assess what are the main skills and labor factors that determine wages in each sector; this in order to determine if the general level of salaries in the public sector is appropriate and sufficiently competitive in the current labor market.

### **1.4 Construction of the Study**

The study is built on the basis of information on the salary scale of the Civil Service and the main positions in both sectors, as well as on the basis of a survey in the private sector. The study includes the following elements:

- Survey of statistical methods of assessing the extent of the public-private sector wage disparity;
- Overview of the structure of the labor market in Albania and the ongoing administrative reform;
- Descriptive statistics comparing average salaries in the public and private sectors, including observation of current employment and salary practices in the public sector;
- Econometric analysis of the public-private sector wage gap
- Assessment of the characteristics and main directions of the wage dislevel in the public-private sector.

The observation of statistical methodologies for assessing the public-private sector wage gap provides an overview of existing practice and lays the groundwork for further repetition of this exercise by policymakers themselves, in the conditions of a rapidly changing labor market. The main source of data used for the purposes of this study are the Labor Force Survey (2020), undertaken by the Institute of Statistics, as well as employer surveys, conducted according to a limited sample in the business sector, including the financial sector,

the construction sector, services and trade, civil society, and the self-employed. The private health and education sectors were also included in the survey.

## 2. Literature Review

There is no general consensus on this issue that differences between public and private sector employees exist. Studies on the differences and similarities between the public and private sectors have received much attention from both practitioners and researchers in the field in the past, but they have shown mixed results. Perry (2000) emphasized the need for more empirical studies in this area and to include the broader institutional context to understand organizational motivation and behavior in public-private sector organizations. The literature review reveals that work motivation among public sector employees and its management is very different from that of their private sector counterparts. The main purpose of work motivation has been a pragma of learning how to activate employees to perform their tasks and responsibilities within an organization. The literature review (Conway & Biner, 2002; Coyle-Shapiro, 2002) shows that the five dimensions are prevalent in many operations of work content. First, financial rewards refer to the provision of only and appropriate rewards. Second, Job Content refers to the appropriate provision ie work for which one has the best skills and attitude, challenging, varied and interesting work. Third, career development opportunities refer to opportunities for promotion and development within the organization or field of work. The fourth, supportive and social refers to the pleasant and cooperative work environment and, the fifth, respect for private life has to do with respect for the employer and understanding for the employee's personal situation. Some authors have used these content areas to examine the differences between public and private sector workers "since they are closely related to the dimensions of work motives for which differences have been found between private and public sector workers.

There is evidence that public servants are less motivated by financial rewards than private sector workers (Khojasteh, 1993). The importance of the Employer Survey and its impact

The employer survey aimed to collect as much information as possible and a qualitative perspective on the salary trend in different sectors and for different occupations. The data were used to analyze the relationship between income, sector, gender, educational level and age and reached essentially similar conclusions. We should mention that both methods used have their limitations. The data obtained from the 2020 Labor Force Survey is nationally representative, comprehensive and constitutes a detailed analysis of both public and private

sectors. Moreover, data from the Labor Force Survey (LFS) are drawn directly from employees, providing information on employee and wage characteristics, but not on employer characteristics and/or working conditions.

**Table 2: Structure of employment by sector (age 15-64) (in percentage)**

	2018			2019			2020		
	FEMER	MASHKULL	TOTAL	FEMER	MASHKULL	TOTAL	FEMER	MASHKULL	TOTALI
<b>TOTALI</b>	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
<b>SEKTORI PUBLIK</b>	51.1	15.4	15.2	18.0	18.7	18.3	16.0	17.6	16.7
<b>PUBLIC BEAUTY SECTOR</b>	36.7	60.4	46.2	33.3	55.8	43.4	33.2	56.5	43.2
<b>NON-Agricultural PRIVATE SECTOR</b>	48.1	24.1	37.6	48.7	25.5	38.3	50.8	25.9	40.1

The structure of employment in the main sectors of the economy and the gender of employees reflect the fact that the employment of women in the private sector of agriculture continues to be high. According to this structure, the percentage of women employed in the private sector other than agriculture has decreased, compared to the data of 2019 and 2022

### 3. Study methodology

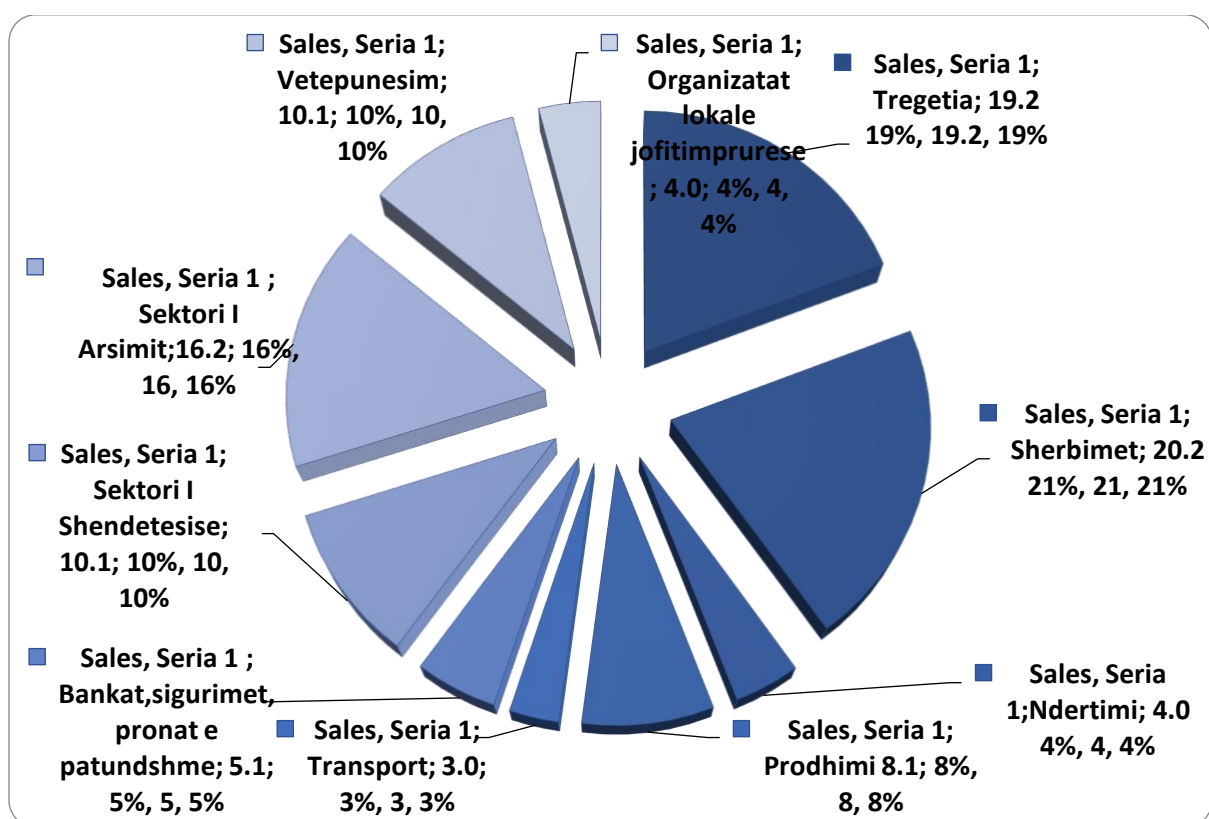
The study was designed with the aim of gathering information on employment and payment patterns, supplementing the information gathered with national employment surveys. Both sources of information have been used to analyze the wage disparity in both sectors, to come up with some key findings and conclusions. The companies and consulting firms were selected within a limited sample of 60 subjects, a sample that followed the distribution according to the sectors of the economy and the similarity of the job positions to the public sector. Most of the subjects interviewed belong to the service sector (20.2%), followed by a high representation of companies operating in the health sector (10.1%); educational sector

institutions (16.2%), as well as the financial services sector (banks, insurance and real estate companies 5.1%). While trade, construction and production sectors make up 30% of surveyed businesses.

***Question 1: Is employment and the rate of employment carried out by gender?***

Referring to the questionnaire, we have: Most of the subjects interviewed belong to the service sector (20.2%), followed by a high representation of companies operating in the health sector (10.1%); educational sector institutions (16.2%), as well as the financial services sector (banks, insurance and real estate companies 5.1%). While trade, construction and production sectors make up 30% of surveyed businesses.

Figure 1: Distribution of interviewed businesses by sector (in %)

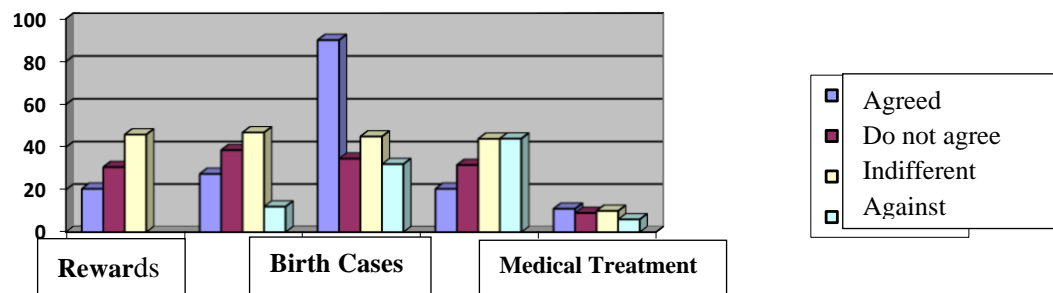


***Question 2: Is the distribution carried out in Salaries and bonuses in the private sector?***

Referring to the questionnaire, we have: Cross-Sector Strategy of Public Administration Reform (SNRAP) 2015-2020 and Action Plan. "Cross-Sectoral Strategy for Reform in Public Administration (SNRAP) 2015-2020" is a strategic document which has been prepared through the engagement and contribution of various public institutions as well as international institutions. The reform in the public administration is among the priorities of the Albanian government. Comparative study on the methodologies for the preparation of the public administration reform strategy in the Western Balkans ReSPA, Principles of Public Administration A functional public administration is a prerequisite for transparent and effective democratic governance. As the foundation of the state's functioning, it determines the government's ability to provide public services and to cultivate the country's competitiveness and development. This document produced by Sigma, a joint initiative of the OECD and the EU. The survey highlights interesting results on wages and other benefits in the private sector, which show that the differences in benefits between the public and private sectors do not lie only in wages. The salary does not remain only at the monthly salary, but there are also some other monetary and non-monetary elements that are connected to it. The survey looked at what monetary elements, other than basic pay, were used in the private sector, such as incentive schemes, bonuses or rewards and other non-monetary elements, including private insurance schemes, reimbursement of expenses or other benefits

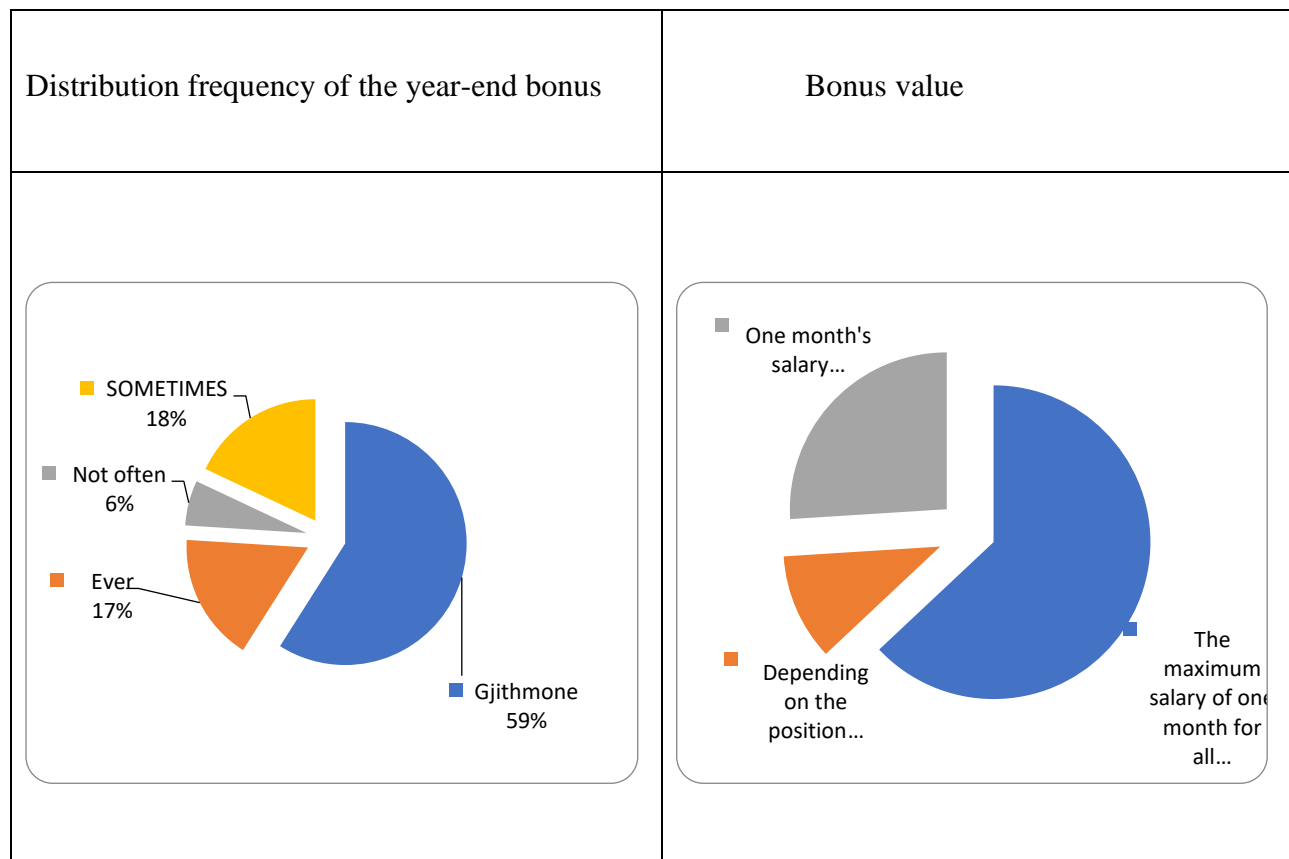
***Question 3: Is the Incentive Scheme carried out at the individual level or at the group level to benefit from the rewards at the end of the year, the holidays or the 13th salary?***

Referring to the questionnaire we have: The survey investigated the practices of companies in the private sector regarding the thirteenth salary, popularly known as the year-end bonus. About 17% of the interviewed companies did not follow the practice of distribution to the staff, of the year-end bonus, while over  $\frac{3}{4}$  of the interviewed companies distribute the year-end bonus to their employees always (59%) or sometimes (17%).

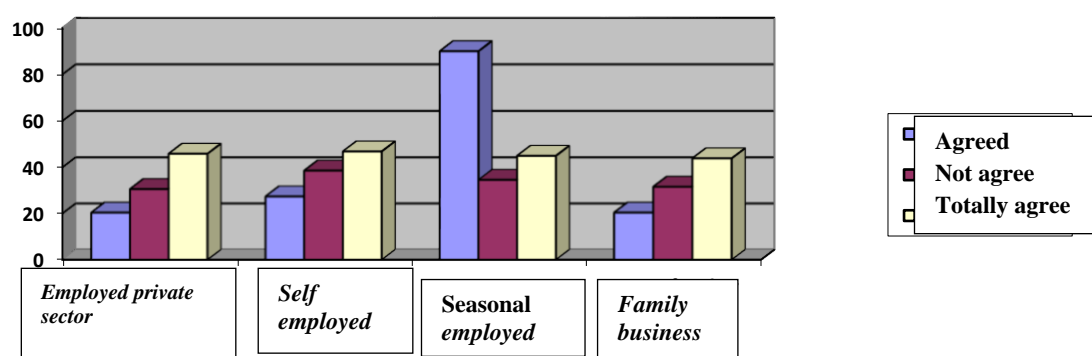


Referring to the questionnaire, we have: The value of the reward fluctuates around the amount of the monthly salary for each employee. Only 11% of companies stated that the value of the bonus depends on the position of the employee within the company, while the rest of those who distribute the bonus (or approximately three quarters of the total examples) state that the value of the bonus is up to one month's salary.

**Figure 2: Frequency of companies implementing different staff reward schemes for different positions (in %)**



Referring to the questionnaire, we have: The survey on the company/employee also investigated the salary level in the private sector, according to the different categories of management positions (hierarchy), as well as the specialization (profession) of the employees. The questionnaire did not verify according to the educational/sectoral activity profile of high-level managers. On the other hand, the level of middle managers and associate professionals have been divided according to narrow areas of specialization, in order to create the possibility of controls for the role of the educational/professional profile in determining the salary level.



Referring to the questionnaire, we have: Companies were not asked to identify the employee or job positions individually, but were asked to answer en bloc (in a group) according to position and profession, in order to reduce the reluctance to answer these delicate questions. Additionally, this could lead to a situation where interviewees reported average or most typical salaries and/or other data for job positions and may not have included all other values in their responses. . The methodology used to collect information on wages does not allow for analyzes based on gender or further research on the weight of work experience or other characteristics. Comparing income for each characteristic in particular would not be relevant and would fail to verify the effects of the excluded characteristics. However, grouping the characteristics into broad categories and verifying the two main characteristics that can be used in determining wage levels within the public sector – hierarchy and educational/sectoral profile – provides interesting results.

#### 4. Conclusions

Open Data Albania is researching the weight that the public and private sectors have in employment as well as in the income from work that the respective sectors generate, the

period 2009 - 2020. The annual average of total employees for both sectors is 932,815 people. According to sectors, 165,210 is the annual average of employees in the public sector and 768,490 employees in the private sector.

The biggest weight to the total is occupied by employees in the private sector. A sector that has increased the number of employees year after year. The number of employees in the private sector is 83% of the total number of employees. The share of employment in the public sector is decreasing, and in the last year it represented 17% of employment.

The aim of this study was to point out the main characteristics of remuneration of the private sector and compare them with those of the public sector. The approach is not about highlighting wage differentials, as this is a common feature of the labor market. The idea was rather a finding of what practices of the private sector could be useful for the public sector. The analysis particularly took into consideration the developments of the Public Administration reform, and the subsequent improvements of the salary system of this sector. For the purposes of this study, a limited survey of the private sector was undertaken and data available from INSTAT, based on the Labor Force Survey 2020, was jointly analyzed in order to provide a comparative analysis that can feed into discussions in the process of improving work and achieving satisfactory standards in Public Administration. A number of conclusions can be drawn if survey data is used, like the other data analyzed:

But in order to evaluate the role that employment has in each sector in the income declared from this employment, the weight of Personal Income Tax for public sector salaries in 2020, compared to the private sector, has been analyzed. The private sector holds 83% of the total number of employees compared to 17% held by the public sector in the last 3 years. The ratio is skewed according to the weight of Personal Income Tax in each sector.

Concretely, the public sector generates 51.9% of the total personal income tax from salaries against 48.1% of the private sector. In simple words, the number of people working in the public budget sector is about four times that of the private sector, but the salaries declared by each sector are in approximate value. This indicates underpayment or tax evasion and non-declaration of wages in the private sector.

*1. For low values, the public sector pays more than the private sector, however this positive reward of employment in the public sector is not equally distributed across different wage categories and job positions.*

*2. Compared to the private sector, the public sector pays more on average for individuals with*

*secondary or lower education*. However, the VET sample that reflects the structure of the national labor market contains only 20% of individuals with university degrees or higher, which in turn may explain why the average salary is higher in the public sector, which tends to receive a greater number of qualified individuals. 3. In fact, net wages increase with the increase in the level of education in both sectors, but the difference in wages elaborates in the opposite direction, it decreases with the increase in education. The private sector pays higher rates to workers with higher education, while the public sector pays better rates to those who have completed primary and secondary education.

4. The differentiation of net salary by field of education shows that those who have studied computer science, engineering, foreign languages, mathematics and science are paid more in the private sector than in the public sector.

The wage premium in the public sector is negative for both genders at the top wage percentiles, meaning that the private sector pays more on average for jobs rated as important. Women and men with university degrees are paid more on average in the private sector.

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## ARTIFICIAL INTELLIGENCE: IMPLICATIONS FOR EDUCATION AND THE ROLE OF TEACHERS

DR. YMER LEKSI<sup>96</sup>

### ABSTRACT

Artificial Intelligence (AI) has rapidly transformed various aspects of our lives, including education. This conference abstract explores the multifaceted impact of AI on education and contemplates the question: "Is AI going to replace teachers?" As AI continues to evolve and integrate into educational systems, it raises significant questions about the role of educators and the future of pedagogy. AI technologies have already made remarkable inroads into education. Adaptive learning platforms, personalized tutoring systems, and smart content recommendations are just a few examples of how AI is enhancing the learning experience. These technologies have the potential to make education more accessible, engaging, and effective. However, as AI becomes more sophisticated, concerns about its impact on traditional teaching roles have emerged. One of the most common apprehensions is the fear of job displacement among educators. AI-driven tools can automate routine administrative tasks, grading, and even provide personalized instruction, which has led some to speculate that teachers may become redundant. This abstract delves into the nuanced perspective that, while AI can automate certain tasks, it cannot fully replace the holistic role of a teacher. Teachers are more than just conveyors of information; they are mentors, motivators, and role models. Human interaction, empathy, and emotional support are fundamental aspects of education that AI cannot replicate. Therefore, the coexistence of AI and teachers is likely to be more synergistic than adversarial. Educators can harness AI's capabilities to personalize learning, identify struggling students, and adapt their teaching strategies accordingly. Moreover, AI can assist teachers in professional development. AI-driven analytics can help educators track student progress more comprehensively, allowing for data-informed instructional improvements. Additionally, AI can facilitate lifelong learning for teachers by providing them with curated resources and insights tailored to their specific needs. Furthermore, this abstract explores the ethical considerations associated with AI in education. Issues of data privacy, bias in algorithms, and the potential for over-reliance on technology in classrooms need to be addressed. It is essential to strike a balance between utilizing AI as a valuable tool and preserving the

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human-centric aspects of education. The presentation will also delve into the benefits and challenges of AI in education on a global scale. While AI can help bridge educational disparities by providing personalized learning experiences to students in remote or underserved areas, it also highlights the digital divide. Ensuring equitable access to AI-enhanced education is a pressing concern for policymakers and educators alike. To conclude, this abstract underscores that AI's impact on education is multifaceted. While it has the potential to augment and transform the learning experience, it is unlikely to replace teachers entirely. Instead, educators should embrace AI as a complementary tool that can enhance their teaching practices, provided that ethical and equitable considerations are prioritized. In essence, this presentation aims to foster a nuanced discussion on the evolving role of teachers in the era of AI and explore the symbiotic relationship between human educators and artificial intelligence in shaping the future of education.

**Keywords:** Artificial Intelligence (AI) in Education, Teacher Role in AI Era, Ethical Considerations in AI Education, Equitable Access to AI-Enhanced Education

## **Understanding Artificial Intelligence: An Introduction**

### **What is Artificial Intelligence?**

Artificial Intelligence (AI) refers to the development of computer systems that can perform tasks that typically require human intelligence. These tasks include learning, reasoning, problem-solving, perception, natural language understanding, and even speech recognition. The goal of AI is to create machines that can simulate human intelligence and execute tasks autonomously.

### **Types of AI:**

1. **Narrow or Weak AI:** This type of AI is designed to perform a specific task or a set of closely related tasks. Examples include virtual personal assistants like Siri or Alexa, as well as image recognition software.

2. General or Strong AI: General AI refers to machines with the ability to apply intelligence to any problem, rather than just one specific problem. Achieving general AI remains a significant challenge and is a topic of ongoing research.

### **Implications of Artificial Intelligence on Education**

Artificial Intelligence (AI) has the potential to transform the landscape of education in various ways, offering new opportunities and challenges. Here are some key implications of AI on education:

1. Personalized Learning:
  - AI enables the development of adaptive learning systems that can tailor educational content to the individual needs and learning styles of each student.
  - Intelligent tutoring systems use AI to provide real-time feedback and customized learning paths, optimizing the learning experience for each student.
2. Efficient Administrative Tasks:
  - AI can streamline administrative tasks, such as grading assignments and managing schedules, allowing educators to focus more on teaching and interacting with students.
3. Automated Content Creation:
  - AI tools can assist in creating educational content, generating automated quizzes, and even developing customized learning materials based on individual student progress.
4. Enhanced Teacher Support:
  - AI-powered virtual assistants can support teachers by providing insights into student performance, suggesting personalized interventions, and offering resources to address specific learning challenges.
5. Language Translation and Inclusion:
  - AI-driven language translation can break down language barriers, making educational resources more accessible to a global audience.

- AI tools can also assist students with special needs, providing personalized support to ensure an inclusive learning environment.
6. Predictive Analytics for Student Success:
    - AI algorithms can analyze student data to identify patterns and predict potential academic challenges. This allows for early intervention strategies to support students who may be at risk of falling behind.
  7. Virtual Reality (VR) and Augmented Reality (AR):
    - AI combined with VR and AR technologies can create immersive learning experiences, allowing students to explore complex concepts in a more interactive and engaging way.
  8. Skills Development for the Future:
    - AI can help in designing curricula that focus on developing skills that are essential for the future job market, including critical thinking, problem-solving, and digital literacy.

### **The Changing Landscape of Education due to AI**

Artificial Intelligence (AI) is reshaping the landscape of education, bringing about significant changes in teaching methodologies, learning experiences, and administrative processes. Here's an exploration of how AI is transforming the educational landscape:

1. Personalized Learning Paths:
  - AI algorithms analyze student performance data to create personalized learning paths. This tailoring of content and pace addresses individual strengths and weaknesses, promoting more effective learning.
2. Adaptive Learning Platforms:
  - AI-driven adaptive learning platforms continuously assess students' progress and dynamically adjust the difficulty and content of exercises, ensuring an optimal level of challenge for each learner.

### 3. Intelligent Tutoring Systems:

- AI-powered tutoring systems provide immediate feedback and assistance to students, offering personalized support in areas where they may be struggling. This promotes a more interactive and engaging learning experience.

### 4. Automation of Administrative Tasks:

- AI automates routine administrative tasks, such as grading, scheduling, and data management. This efficiency allows educators to focus on more impactful aspects of teaching.

### 5. Global Accessibility:

- AI facilitates language translation, making educational resources more accessible to a diverse global audience. This inclusivity breaks down language barriers and promotes cross-cultural learning experiences.

### 6. Predictive Analytics for Student Success:

- AI algorithms analyze data to predict student performance trends, enabling early intervention strategies to support struggling students and prevent dropouts.

### 7. Virtual and Augmented Reality Experiences:

- AI, combined with virtual and augmented reality technologies, creates immersive learning experiences. Students can explore historical events, scientific concepts, and complex subjects in a more interactive and memorable way.

### 8. Automated Content Creation:

- AI tools assist educators in creating and customizing educational content. This includes generating quizzes, designing lesson plans, and adapting materials based on individual student needs.

### 9. Skills Development for the Future:

- AI plays a role in identifying and emphasizing the development of skills deemed essential for the future job market, such as critical thinking, creativity, and adaptability.

### **Role of Teachers in an AI-Dominated Education System**

As Artificial Intelligence (AI) continues to play a significant role in the education system, the role of teachers evolves to become more dynamic and essential. Here are key aspects of the role teachers play in an AI-dominated education system:

#### **1. Facilitators of Learning:**

- Teachers become facilitators of learning, guiding students in navigating AI-powered educational tools and resources. They help students interpret AI-generated insights and integrate them into their learning journey.

#### **2. Customizing Learning Experiences:**

- Teachers leverage AI-generated data to understand the unique needs and learning styles of individual students. They use this information to tailor instruction, adapting content and methods to optimize the learning experience for each student.

#### **3. Fostering Critical Thinking:**

- While AI can provide information and support, teachers play a crucial role in developing students' critical thinking skills. They encourage students to question, analyze, and evaluate information independently.

#### **4. Social and Emotional Support:**

- AI lacks the ability to provide the emotional support and encouragement that human teachers offer. Teachers remain essential in creating a supportive learning environment, addressing students' emotional needs, and fostering social skills.

#### **5. Guiding Ethical Use of Technology:**

- Teachers guide students in the ethical use of AI and technology. This includes discussions about responsible data usage, privacy considerations, and understanding the implications of AI in various aspects of society.
6. Teaching Collaboration and Communication Skills:
    - Human interaction skills are vital for the workforce. Teachers focus on developing students' collaboration and communication skills, ensuring they can work effectively in diverse and team-oriented environments.
  7. Adapting Curriculum:
    - Teachers continuously adapt the curriculum to incorporate new technologies and AI advancements. They stay informed about the latest educational technologies and integrate them thoughtfully into their teaching strategies.
  8. Providing Real-World Context:
    - Teachers offer real-world context to the information presented by AI systems. They connect theoretical knowledge to practical applications, helping students understand how concepts apply in different contexts.
  9. Promoting Lifelong Learning:
    - Teachers instill a love for learning and curiosity, encouraging students to view education as a lifelong journey. This mindset is crucial in a world where technology and knowledge are constantly evolving.

### **Challenges and Considerations:**

1. Professional Development:
  - Teachers need ongoing professional development to stay updated on AI technologies and their applications in education. This ensures they can effectively integrate these tools into their teaching practices.
2. Balancing Technology and Human Interaction:

- Striking a balance between leveraging AI tools and maintaining human interaction is essential. Teachers play a role in ensuring that technology enhances education without replacing the human connection in the learning process.
3. Addressing Equity and Access:
    - Teachers must actively work to address disparities in access to AI-powered educational tools. Ensuring that all students, regardless of socioeconomic status, have equal opportunities is a critical aspect of their role.
  4. Promoting Inclusivity:
    - Teachers need to be mindful of the potential biases in AI algorithms and ensure that educational practices are inclusive and equitable for all students.

In conclusion, the role of teachers in an AI-dominated education system is multi-faceted. While AI enhances the learning experience, teachers remain essential in providing guidance, fostering critical thinking, and ensuring the holistic development of students. The collaboration between teachers and AI technology can create a powerful educational environment that prepares students for the challenges of the future.

### **Future of AI in Education: Predictions and Possibilities**

The future of Artificial Intelligence (AI) in education holds exciting possibilities for transforming the way we teach and learn. Here are some predictions and potential developments:

1. Hyper-Personalized Learning:
  - AI will enable even more personalized learning experiences, tailoring education to individual preferences, learning styles, and pace. Advanced algorithms will analyze vast amounts of data to create highly customized curricula for each student.
2. AI-Powered Virtual Classrooms:
  - Virtual classrooms enhanced by AI will provide immersive, interactive, and engaging learning environments. AI-driven avatars may serve as virtual tutors, facilitating discussions and guiding students through lessons.

### 3. Enhanced Assessments and Feedback:

- AI will revolutionize assessments by providing real-time, detailed feedback on students' work. Adaptive testing systems will dynamically adjust the difficulty of questions based on the student's performance, offering a more accurate measure of their knowledge and skills.

### 4. Global Collaborative Learning:

- AI-driven language translation and collaboration tools will break down language barriers, fostering global collaboration among students. Virtual platforms will enable students from different parts of the world to work together on projects and share diverse perspectives.

### 5. AI-Generated Learning Resources:

- AI will play a significant role in creating educational content, generating interactive simulations, and producing adaptive learning materials. This will facilitate the development of high-quality, diverse resources that cater to various learning styles.

### 6. Emotional Intelligence and Well-being Support:

- AI will be used to assess and support students' emotional well-being. Sentiment analysis algorithms may gauge students' emotions, offering timely interventions and personalized support to address social and emotional needs.

### 7. Skill-Based Learning and Credentialing:

- AI will assist in identifying and prioritizing the development of skills crucial for the future job market. Advanced credentialing systems, backed by AI, may provide more accurate assessments of individuals' competencies and capabilities.

### 8. Augmented Reality (AR) and Virtual Reality (VR) Integration:

- AI, combined with AR and VR technologies, will create immersive learning experiences. Students will have the opportunity to explore historical events, scientific concepts, and complex subjects in a three-dimensional, interactive environment.

### 9. Continuous Learning Platforms:

- AI-driven platforms will support lifelong learning by recommending personalized learning paths based on individuals' evolving career goals, industry trends, and skill requirements. This will promote continuous education beyond traditional schooling.

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## MORE UXORIO COHABITATION – PROPERTY ASPECTS

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### ABSTRACT

The focus of this paper is more uxorio cohabitation, especially the property (financial) relationships that are created, as well as the way in which the sharing of created wealth and property is handled when this cohabitation ends. The purpose of addressing this topic is to highlight the nature of more uxorio cohabitation, the specifics it presents in relation to marriage, and also to show where it stands in the Albanian legal system and beyond. Such a topic has academic importance considering how vague and scarce the information is compared to other institutions, which are now well-established. Among other things, this paper aims to link the scholarly importance of more uxorio cohabitation to its practical significance. Isn't it strange that we have so much doctrinal-legal vacuum when more uxorio cohabitation attracts more and more couples towards it every day? Logic dictates that social phenomena of this kind deserve more attention from the legislature, considering the disagreements or disputes that such cohabitation generates when it comes to the division of property created during the cohabitation between a man and a woman. The law cannot stand still for what more uxorio cohabitation entails, and this cohabitation should not be addressed with an indifferent approach compared to the institution of marriage. Taking into consideration that the real difference between more uxorio and marriage lies in their formal aspect rather than their essence, their consequences are in fact handled as being derived from two diametrically opposite institutions. Do not both forms constitute a way of creating family life?

**Keywords:** More Uxorio Cohabitation, Property Relationships, Property Division, Cohabitation Agreement, Institute of Marriage

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## **Introduction**

The institute of cohabitation more uxorio is now a very current reality in Albania, but not only, and it has significantly increased in the last two decades.

The reasons why a heterosexual couple prefers or chooses cohabitation more uxorio over marriage are very diverse; however, in this paper, we have focused on the wealth relations between cohabitants and the rules applied for the division of the assets acquired during cohabitation when it ends. Initially, we attempted to analyze Articles 163 and 164 of the Family Code (Albanian) as the only two provisions that regulate cohabitation, even though, as we will see, the legislator seems to be satisfied with providing a definition and orienting the parties to conclude an agreement before a notary about the consequences.

We then continued our work with the regulation of cohabitation more uxorio in other countries such as Catalonia, Austria, the Dominican Republic, and Greece.

We focused more on the case of Catalonia, a country that, from our study and research, we would consider as an exemplary legislation in this field due to how it regulates cohabitation and its consequences. Nevertheless, two other countries, Greece and the Dominican Republic, make interesting and valuable predictions. As for Austria, as we will see, it has a stricter approach in this aspect.

Furthermore, we continued with a case from judicial practice regarding cohabitation more uxorio and concluded with some findings and conclusions, at the core of which are some advice and recommendations addressed to cohabitants (in Albania and in other countries where the legal framework provides little or no regulation for this institute).

## **1. More uxorio Cohabitation (Albania)**

### **1.1 The Meaning of Cohabitation (Article 163)**

Cohabitation, as defined by "Black's Law Dictionary," is the fact or state of living together as life partners engaged in a sentimental and sexual relationship. The etymology of the term "more uxorio" comes from Latin, where "mos-moris" means custom or way of living, while "uxor-uxoris" means spouse. This implies living together as a married man and woman but with the difference that this relationship is not formalized by marriage. Our legal system recognizes as a legitimate family the one formed based on marriage, but it does not prevent a

man and a woman from cohabiting without marrying under the conditions provided by the Family Code. Such cohabitation, as it closely resembles the family created by marriage, is termed "cohabitation more uxorio" in legal literature.

Cohabitation was first regulated in the Family Code of 2003. Article 163 of this code provides the meaning of cohabitation: "Cohabitation is a factual union between a man and a woman living as a couple, characterized by a common life that presents stability and continuity." From this definition in Article 163, we can derive the characteristics of cohabitation, which consist of living together as a couple where the partners act as spouses. (In such a relationship, the code excludes same-sex individuals). This relationship has a stable and continuous character, implying a shared life and common interests, moral and material support between the cohabitants, and the children born from the cohabitation.

Persons cohabiting do not have, nor do they exercise, the legal status of spouses concerning mutual rights and obligations or toward third parties. Perhaps the legislator made this provision because, given that cohabitation is an alternative choice, marriage attributes a wider range of rights and responsibilities to distinguish it from the former, not only in form and substance but perhaps also to maintain the institution of marriage more robustly (our opinion).

## **1.2 Regulation of Asset Relations in the Absence of an Agreement**

In the Albanian legislation context, cohabitants in the case where they have drawn up a contract are aware *a priori* of the "worst-case scenario" regarding how asset relations will be handled if cohabitation doesn't work out or ends for various reasons. The question that arises is how asset relations between cohabiting individuals will be regulated in the absence of an agreement.

In the absence of an agreement, asset relations between cohabiting individuals will be regulated according to the general provisions of civil law, and not within the framework of the provisions of the Family Code, as is the case for property relations between spouses. So, if property has been acquired during cohabitation over which both cohabitants claim joint ownership, they will need to turn to the court. The court will resolve the conflict by applying the rules of joint ownership. The property will be considered jointly owned if the cohabitants can prove that they both effectively contributed to its acquisition, regardless of in whose name the contract was made.

Given that the legal presumption in favor of joint ownership of property applies only in the case of marriage, in cohabitation more uxorio, the burden of proof of the material contribution to the acquisition of property falls on the cohabitant claiming ownership according to the probatio incumbit actor rule. It should also be emphasized that proof of contribution is done for each specific item of property and not for the entirety of the property acquired during cohabitation. The sharing of jointly owned property is done according to Article 207 of the civil code. From what we've said above, it is understood that concerning the anticipation of consequences in cohabitation more uxorio, the law remains indifferent to the affective relationship between cohabitants, not guaranteeing them even half of the rights compared to those obtained through marriage. Why should affectio matrimonium be treated favorably with the fact of marriage and "discriminate" against cohabitation more uxorio? There have been many cases of simulated marriages for economic purposes where affectio matrimonium did not exist. With that said, we believe it's time for the legislator to take a more critical look at his provisions and make the necessary improvements and enhancements where needed.

## **2. More Uxorio Cohabitation Regulations in Other Countries**

In this paper, we aim to address questions such as: What developments have occurred regarding cohabitation more uxorio in other countries? How recognized and regulated is this form of family formation? How is the legal regime of "more uxorio" defined? Does the legislation of any state allow the registration of cohabitation, or does it simply provide the opportunity for parties to regulate its consequences by contract (similar to Albania)? We have tried to answer all of these questions through an examination of the legislation in different states, thus enabling a comparison of the development of this institution in various countries.

### **2.1 More Uxorio Cohabitation in Catalonia (Spain)**

Spain is one of those decentralized states that has transferred power asymmetrically to its communities, which exercise self-governance rights within the boundaries defined in their constitutions and autonomous statutes. Spain has 17 autonomous communities and two autonomous cities with high autonomy. Therefore, their legal approach to cohabitation more uxorio varies. In Spain, there is no state-level law that regulates the status of de facto couples. Nevertheless, some of its autonomous communities have made provisions for this matter within the framework of their autonomy, but always without conflicting with the constitution. Some of the autonomous communities in Spain that have regulated the consequences of more

uxorio cohabitation through their autonomous laws are (National Report): Catalonia, Aragon, the Balearic Islands, Galicia, Navarre, the Community of Madrid, the Valencian Community, Andalusia, Cantabria, Asturias, Murcia, and the Canary Islands. Among these, we would highlight the Autonomous Community of Catalonia, which, in this regard, differs significantly from other regions.

**Catalonia (Cataluña)** - The first autonomous law for cohabiting couples was enacted in 1998 and is called the “Law on Stable Couples” (Law 10/1998 of 15 July on stable couples of the Autonomous Community of Cataluña, 1998). Currently, the regulating law is Law 25/2010 of July 29, Part Two of the Catalan Civil Code (Law 25/2010 of 29 July of the second book of civil code, relating to person and family, 2010). Specifically, Chapter 4 of Title 3 of the code stipulates “Stable cohabitation of couples.” On October 6, 2015, Decree-Law 3/2015 (Decree-Law 3/2015, of October 6, on the modification of Law 25/2010, of July 29, of the second book of the Civil Code of Catalonia, 2015) modified the law, finally allowing the registration of stable cohabiting couples. Order JUS/44/2017 (Order JUS/44/2017, of March 28, which approves the Regulation of the Register of Stable Couples of Catalonia, 2017), issued on March 28, established the rules for the registration of stable couples. Unmarried couples in Catalonia, are to be considered “fortunate” given that the Catalan Civil Code and a series of other regulations equate their rights and obligations with those arising from marriage, such as inheritance, common children, family reunion, and financial compensation in cases of physical separation of the de facto family. The difference between cohabiting couples and married couples in Catalonia lies in relation to state-level legislation concerning taxes, pensions for surviving individuals, and work permits. However, it should be emphasized that in other regions, there are not as many rights as in Catalonia, and disadvantages in other countries are much stronger. The Catalan Civil Code, Article 234/121 (Article 234/1 of Law 25/2010) establishes conditions for when two cohabiting partners are qualified as a stable couple, which are:

- When cohabitation lasts for more than two consecutive years (or);
- When during cohabitation, the couple has a common child (or);
- When they formalize their relationship with a public act.

Couples who qualify as a stable couple are regulated by special provisions that differ from those regulating other “informal” couples (unofficial couples) (Prof. Cristina González Beilfuss Dr. Monica Navarro-Michel NATIONAL REPORT: SPAIN May 2015 pg. 2, 2015). Stable cohabiting partners in Catalonia enjoy **almost** equal rights under the law. We say “almost”, because for some specific rights, like, regarding the survivor’s pension (Domestic Partnership Catalonia, 2018), in the event of a partner’s death, it is not enough to have a child; there must also be uninterrupted cohabitation for at least 5 years and meet the requirements of the country’s social security law. For this, cohabitation must be registered in the local Partnership Register or accredited before a notary with an agreement.

The effects of the “stable couple” status in Catalonia concerning property relationships are as follows:

- Property Regime: Partners have complete freedom to determine the regime that suits them, which can be the legal cohabitation regime or the regime of separate property.
- Taxation: Concerning taxation by Catalan authorities, they have the same status as married couples, except for the fact that they cannot be taxed based on a joint declaration of personal income, as this is a tax regulated at the state level by central institutions.
- Survivor’s Pension: Regarding survivor’s pension, the partner of the deceased must qualify as a stable couple, meet the additional requirements, and comply with the social security law of that country. For this, cohabitation must be registered in the local Partnership Register or accredited before a notary with an agreement
- Compensation for Death: The Penal Code recognizes the right of a cohabiting person to claim compensation for the death of their partner, which may be for material or moral damages.
- Healthcare Custody Right: Similar to married couples, cohabiting couples are recognized in this respect.
- Compensation Allowance: This right is also recognized for cohabiting couples, where one has contributed more than the other. Upon the end of cohabitation, the partner who contributed less or nothing may claim this right, leading to an economic increase.

- Right to Alimony: It is similar to the provisions for alimony in the case of divorce. When separated from their cohabiting partner, the claimant can seek this right when cohabitation has reduced their ability to earn income, or when they have common children and the claimant lacks the means to earn income.
- Inheritance: In the case of the death of one of the cohabiting partners without leaving a will, the Catalan Civil Code has equated the surviving partner's rights to those of a married person. This provision also exists in other Spanish regions like Aragon, Galicia, the Basque Country, Navarre, and the Balearic Islands.
- Residence Permit for Foreigners (Registered partners): Establishing such a relationship as a "stable couple" can help foreigners gain the right to reside in Spain, provided that one of them is an EU citizen. It's essential to note that the law regarding this relationship varies depending on the autonomous community in Spain, and Catalonia offers some of the most advanced rights for more uxorio cohabiting partners.

## 2.2 More Uxorio Cohabitation in Austria

Despite the fact that data indicates a significant increase in couples living more uxorio in the last two decades, their rights and obligations are not regulated in Austrian legislation, except for a few secondary provisions that equate non-marital cohabitation with marriage. The legal provisions regulating marriage termination do not apply to more uxorio cohabitation (Family Law: Jurisdictional comparisons). Each cohabiting partner continues to be the owner of their property during cohabitation. In the case of separation, general property rules, enrichment, and compensation rules apply, and they are not obliged to pay contributions to each other. In Austria, there is no legal choice between heterosexual cohabiting couples and marriage. Registered partnerships are only attributed to same-sex partners.

## 2.3 More Uxorio Cohabitation in the Dominican Republic

In the Dominican Republic, when it comes to the distribution of marital property and that of more uxorio cohabitation, both sets of rules for community property apply. Each spouse or cohabiting partner has the right to an equal share of the property acquired during marriage or more uxorio cohabitation (Civil Code of the Dominican Republic (Articles 815, 1393, 1399, 1400, 1401, 1402, 1404)). In the case of cohabiting partners, this property regime (otherwise known as

“Community property”) applies from the moment the partners’ cohabitation becomes public as more uxorio cohabitation. However, there is no legal definition of when such cohabitation is considered to have ended. Nevertheless, if it is the case that cohabitation more uxorio ends, the principles and rules for the division and distribution of property created during marriage, apply (J).

## **2.4 More Uxorio Cohabitation in Greece**

Cohabitation in Greece is regulated by Law 4356/2015, which deals with the cohabitation agreement, the exercise of rights, and the corresponding sanctions for violations of that agreement (GREEK LAW NO. 4356/2015). Heterosexual cohabiting partners (emphasizing this because the law also applies to same-sex couples) can choose to make their relationship official and binding (in terms of consequences) by personally signing a simple notarial act. For this agreement to be valid and binding, a copy must be registered with the civil servant of that place, where the cohabiting contracting parties reside (GREEK LAW NO. 4356/2015). Of course, such an agreement can only be carried out by persons with full legal capacity (GREEK LAW NO. 4356/2015). A cohabitation agreement can regulate the property acquired during cohabitation, provided that it is based on the principle of equality and mutual assistance. An interesting provision worth to be mentioned, also specifies that cohabiting parties cannot agree in the cohabitation agreement that one of them waives the right to claim their share of the property acquired by the other partner during cohabitation, before the claim arises (prior to the end of cohabitation (GREEK LAW NO. 4356/2015)). If cohabiting partners have not included regulations in the cohabitation agreement, the rules for participating in profits between spouses apply. Such claims can be made up to 2 years after the end of cohabitation (Family law in Greece).

## **3. Judicial Practice Regarding More Uxorio Cohabitation**

Below, we have presented two decisions from the Italian Constitutional Court, related to the rights of partners in more uxorio cohabitation. The articles of the Constitution considered by the court in its reasoning, are Article 2 and Article 3.

Article 2 (Human Rights):

*“The Republic recognizes and guarantees the inviolable rights of man, as an individual or in the groups and social formations that are the expression of his personality, and it ensures the performance of the political, economic, and social duties.”*

Article 3 (Equality):

(1) *“All citizens have equal social status and are equal before the law, without distinction of sex, race, language, religion, political beliefs, and personal or social conditions.”*

(2) *“It is the duty of the Republic to remove all social and economic barriers that, limiting the freedom and equality of citizens, prevent the full development of the individual and the participation of all members in the political, economic, and social organization of the State.”*

### **3.1 Decision No. 310/1989**

This case arose from a question about the constitutionality of Articles 565, 582, and 540 of the Civil Code concerning the right of one partner to inherit from the other (Unione civili e convivenze. Guida commentata). The judge who had doubts about the constitutionality of these articles believed that they were unconstitutional because they did not refer to either the spouse or the cohabiting partner, thus, in his opinion, they violated Articles 2 and 3 of the Constitution. The Constitutional Court ruled that there was no violation of Article 3. In fact, the Court reiterated the principle expressed in Decision No. 404/88 that “the situation of cohabiting partners is entirely different from that of legal spouses.” Indeed, Article 29 does not prohibit other forms of cohabitation different from marriage, but the legal family recognizes a more superior status. Furthermore, the Court argued that protecting the right to inherit from a partner contradicts the inheritance law because this law only applies to persons who have had a secure and uncontested relationship with the deceased (which is not the case for a cohabiting partner). It is also contradictory to the nature of more uxorio cohabitation where the parties clearly demonstrate that they do not want to give their relationship a legal qualification. The Court stated that there is no violation of Article 2; the rules on inheritance are not unconstitutional because the right to inherit is not a fundamental right.

### **3.2 Decision No. 169/2000**

This decision stemmed from a question regarding the constitutionality of some provisions that regulate different types of insurance. In this case, the court had to assess whether the provisions that reserved certain economic benefits only for the legal partner of the deceased

spouse were unconstitutional concerning Articles 2 and 3 of the Constitution (M, p. 1). Concerning the violation of Article 3, the court decided that the provisions were not unconstitutional. The court emphasized that more uxorio cohabitation is different from legal marriage because the former is based on affectio quotidiana (daily affection), is optional, and can be terminated at any moment and does not impose common obligations on partners like marriage. Regarding the violation of Article 2, as in the decision discussed above (Decision No. 310/1989), the court affirmed that the right to benefit from insurance does not have a priority nature, and therefore, these provisions were not unconstitutional in relation to Article 2 of the Constitution.

## Conclusion

In the above analysis, several conclusions are drawn that reflect more than just an opinion from a legal perspective. They indicate a need to supplement the institution of cohabitation in our Family Code. Legislation needs to keep pace with social developments within the country and internationally. Articles 163 and 164 of the Albanian Family Code do not represent a comprehensive regulation, considering the conflicts that arise in practice, regarding the property relationships of more uxorio cohabitants. It is the legislator's duty to be coherent and to respond to the needs of reality. In this situation, we should take the legal regulations for cohabitation from those countries that have proven to be successful and adapt these regulations to our legal framework in Albania. Until concrete steps are taken to improve the institution of cohabitation, it is advisable for cohabiting partners to draft a valid agreement before a notary regarding the regulation of property relationships created during cohabitation. In this context, it is the duty of notaries to make partners aware of issues that can be regulated through an agreement, the regulation of which should be pursuant to principles of justice, law, and should not be discriminatory

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## NEW PERSPECTIVES ON TEACHING GREEK AS FOREIGN LANGUAGE AT ALBANIA HIGH EDUCATION SYSTEM

MA. EMONA ZYKAJ

### ABSTRACT

Today's foreign language teaching perspectives have evolved along with the development of technology. Not only the methods for learning foreign languages designed according to the European Framework of Languages (Common Framework of Recommendations), but also access to technology, the free movement of students through Erasmus Plus programs, models for the development of students' communicative competences in foreign languages, platforms, applications and programs that are used today for foreign language teaching and learning, simulation models, makes it easier to acquire a foreign language, to know the culture of the society that speaks this foreign language. As it is known, communicative ability depends on grammatical, socio-grammatical and pragmatic components. Each of these components includes grammatical knowledge of the language system, socio-cultural conditions of language use, functional use of language resources using interactive scenarios and models.

In this new perspective, even learning the Greek language in higher education in Albania represents an increase in student's interest for many reasons. The opportunities offered to students to participate in Erasmus Plus Programs, collaborations with universities in Greece, a country of the European Union, increase their interest in learning foreign languages, and obviously also in learning the Greek language. New cooperation programs between domestic universities and foreign universities offer the exchange of teaching experiences and new approaches to foreign language teaching among teaching colleagues, as well as opportunities for students, who can develop their communicative competences in the country where foreign language is spoken.

In this paper we will try to give a general view of the perspectives of teaching the Greek language based on the teaching experience so far and fruitful collaborations with universities in Greece.

**Keywords:** perspective, foreign language, communicative competence, technology, exchange programs

## Introduction

Today's foreign language teaching perspectives have evolved along with the development of technology. Not only the methods for learning foreign languages designed according to the European Framework of Languages (Common Framework of Recommendations), but also access to technology, the free movement of students through Erasmus Plus programs, models for the development of students' communicative competences in languages foreign languages, platforms, applications and programs that are used today for foreign language learning, simulation models, make it easier to acquire a foreign language, to know the culture of the society that speaks this foreign language.

As is known, communicative ability depends on *grammatical, socio-grammatical and pragmatic components*. Each of these components includes grammatical knowledge of the language system, socio-cultural conditions of language use, functional use of language resources using interactive scenarios and models. ***The grammatical component*** is related to the knowledge of the lexicon, phonetics, syntax and other subsystems of the system of a language, regardless of the socio-linguistic value and the pragmatic functions it performs. This component is concerned not only with the extent and quality of knowledge (e.g. phonetic distinction or the extent and accuracy of vocabulary), but also with the cognitive organization and way of remembering this knowledge, as well as with the activation, memory and availability.<sup>99</sup>

***The socio-linguistic (grammatical) component*** is concerned with the socio-cultural parameters of language use, which is sensitive to social norms (such as rules of how to address someone, rules of etiquette, regulation of relationships between generations, social groups, coded by language and a number of rituals fundamental to the functioning of a community). ***The socio-linguistic component*** visibly affects any linguistic communication between representatives of different cultures, although it is often done without the knowledge of the participants themselves. Sociolinguistic competence leads to the knowledge and skills required to make language work in the social dimension. The pragmatic component is about the functional use of language resources (realization of linguistic functions, linguistic acts) relying on models of interactive exchanges. It is also related to mastering the lecture, its

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<sup>99</sup> The European Framework of Languages, 2018, pg. 21

cohesion and coherence, to finding types and genres of texts, of different nuances such as of irony, parody.<sup>100</sup>

As is well known, the choice of a taxonomic representation for the Framework is undeniably an attempt to deal with the great complexity of human language by breaking down language ability into different components. Communication is about the whole human being. Abilities combine in complex ways to make each individual a unique being. As a social actor, each individual establishes relationships with an ever-increasing number of interacting social groups that all together define an identity. In an intercultural perspective, a fundamental objective of foreign language learning, in our case the Greek language, is to favor the harmonious development of the student's personality and identity by responding to the enriching experience of the other in the field of language and culture.<sup>101</sup>

Nowadays, learning foreign languages is part of education from the first years of education and continues throughout life. This is because they live in a time when communication, technology, information exchange have developed and are transmitted through the knowledge of the language around the world.

As we mentioned above, learning foreign languages is an integral part of education. Knowledge of foreign languages enables the free movement of students during the period of studies, but also beyond, to benefit as much as possible from Erasmus programs and experiences in the relevant fields.

In the Faculty of Foreign Languages, the number of students interested in learning the Greek language is satisfactory. This interest has also increased with the opening of new bilingual Greek-English programs and presents a new perspective for students but also for the pedagogical staff.

In this new perspective, even learning the Greek language in higher education in Albania represents an increase in student interest for many reasons. The opportunities offered to students to participate in Erasmus Plus programs, collaborations with universities in Greece, a country of the European Union, increase their interest in learning foreign languages, and obviously also in learning the Greek language. New cooperation programs between domestic universities and foreign universities offer the exchange of teaching experiences and

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<sup>100</sup> The European Framework of Languages, 2018, pg. 21-22

<sup>101</sup> The European Framework of Languages, 2018, pg. 9.

new approaches to foreign language teaching among teaching colleagues, as well as opportunities for students, who can develop their communicative competences in the country where foreign language is spoken.

As is known, the methods used today in teaching the Greek language are methods designed according to the European Framework of Languages divided into language levels A1, A2, B1, B2, C1, C2.

**We can mention the following methods:**

Epikinoniste Hellenic - Communicate Greek is a simultaneous method for teaching the Greek language in the classroom. This method is structured as follows. Book, exercise book, exercise solution book, CD for listening.

Linguistic structures and functions come to the student in the form of dialogues and diverse texts; spoken language through everyday situations. It also contains grammar tables, exercises for language structure and their solution, as well as Greek and English vocabulary. All lecture situations are also given on the CD.

We mention also the method “Clich in Greek” (2014) written by Maria Karakirgiu and Viktoria Papajotidu; the method “We learn Greek even better” written by Stavrula Dimitraku, Anastasia Magana, Maria Galazula and Maria Andoniu.

By means of new foreign language learning methods, the four well-known competences, *reading, writing, speaking and listening*, are given equal importance.

Even technology helps in foreign language acquisition. The platforms, applications and programs used today for foreign language learning, TV programs, movies, TV formats that can be watched from the mobile phone at any time, soften the artificial environment of foreign language teaching.

One of the contemporary techniques in foreign language teaching is **simulation**.

By means of this technique, students try to express themselves in group work consisting of 3-4 people; Although it is similar to the “role play” technique, students are

expected to play themselves, rather than being someone else in the simulation.<sup>102</sup>

Jones (1982) in the preface of his book “Simulations in Language Teaching” speaks of the simulation technique as an innovation in foreign language teaching. Many studies have been done that describe and define the use of simulation in foreign language learning to support intercultural communication.<sup>103</sup>

The idea that the simulation technique and language cannot be considered separate from each other has a great contribution to the realization and spread of foreign language learning through simulation.<sup>104</sup>

Like language, simulation has words, syntax, meaning systems, and analytical tools. The use of a foreign language is inevitable when applying the simulation technique.

Almost all simulations involve a significant amount of interaction between the participants in the simulation, which may include spoken language, written language, or both. Since **interaction** is involved in simulations, the use of language is also very natural, because people use language, written or spoken, to interact with each other.

To be a successful technique in foreign language learning, simulation must be supplemented by some form of reality or a completely new reality must be created. Ideally, the situation would be relevant to the interests of the students involved in the simulation. This feature of the simulation increases students’ autonomy and motivation, and at the same time, the anxiety level of student/students is very low as they interact with group members on equal levels, instead of presenting a course assignment to the teacher and in front of the whole class.

Since the simulation technique is a little known technique, most teachers/lecturers avoid using this technique in teaching. Just as this technique cannot be used in every specific foreign language subject.

According to Hyland (1993), teachers are often more concerned about leading a simulation for the first time than about student participation in the simulation.<sup>105</sup>

However, the application of this technique in teaching is recommended because it is

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<sup>102</sup> [http://www.languages.dk/arc hive/pools-m/manuals/final/simulationtr.pdf](http://www.languages.dk/arc%20hive/pools-m/manuals/final/simulationtr.pdf)

<sup>103</sup> Moder & Damron, 2002, pg. 330.

<sup>104</sup> Jones 1982, Simulations in Language Teaching, pg. 5

<sup>105</sup> [http://eca.state.gov/forum/vols/ vol31/no4/p16.htm](http://eca.state.gov/forum/vols/vol31/no4/p16.htm)

effective in learning foreign languages. In order to implement this technique, it is important that the teachers/pedagogues who teach the practical language subject based on a certain method, designed according to the European Framework of Languages, know how the simulation will be carried out and which part they will pay more attention. According to Hyland (1993), structural simulations consist of 4 parts: *Preparation*, *Introduction* (sharing roles and tasks among students of different levels), *Activity* (discussions about the task or role), *Information* (**behavior** - repetition of the role, discussion about methods used, performance evaluation, discussion of cultural aspects, **language** - analysis of the language used, discussion of errors, supplementary work, advanced level language input).

But how does the simulation technique affect foreign language learning?

By using the simulation technique, students will have the opportunity to practice the Greek language grammatically and pragmatically, because this technique places them in the real world. There are several influencing factors in the simulation that lead to:

1. *Self-confidence*: The student's positive view of himself. Self-confidence enables the successful performance of a communicative task, the student/students has sufficient self-confidence and does not hesitate to perform a task or play a role. This is sometimes done by manipulating the interaction (eg. someone intervening to set the role or check understanding, willingness to take on challenges, or continuing to read, to listen, and to understand despite comprehension problems foreign language, etc.) Rigor may vary depending on the situation and the task.

2. *Engagement and motivation*: The simulation technique increases the chances of completing a communicative task through the engagement of the foreign language learner. High levels of instinct support students' efforts to successfully carry out a task, a role. This is a great time for students to get to know each other, to make sure they do the assignment well, play the role well. Extrinsic motivation can also have a positive effect. For example, if there is external influence to be recognized or respected, or a truly competitive competition to hold the task (role) among other group members.

3. *Mood (Spiritual Mood)*: The physical and emotional state of the student trying to speak a foreign language (Greek) affects the better learning of the communicative task (role) (learn

better, play better) is calmer and is more successful with listening.<sup>106</sup>

According to Hyland, simulation brings three important new things to young people. The first one motivates, students tend towards the natural exploration of their communication skills, secondly it encourages interaction between them by enabling communication in a foreign language and thirdly, it creates new opportunities for communication by moving away from theory.

According to Hyland, with the simulation technique we have motivation, the development of eloquence, joining one of the four language competencies (*reading, writing, listening, speaking*), active participation and carefree behavior (low level of concern). But this technique also has other benefits because it enables real communication situations and students, trying to successfully fulfill their role in the simulation, open the way for simulation in real communication. In addition, they exchange ideas and explore new meanings of words, phraseological expressions, terminology, etc. They also experiment with how they should behave in a certain culture of Greek society.

The simulation technique may have started with a simple role play and then progressed to staging a theatrical piece by a group of students. This is an extraordinary success for the teacher/pedagogue and for the pupil/student experienced with the students of the Greek language branch in Albanian higher education.

Among the new teaching perspectives are the Erasmus Programs and exchange programs between universities, which the Department of Greek Language has been developing in the university curriculum for several years. These programs greatly help excellent students to have an experience at a Greek university for a semester. Not all students can be included in these programs, but only a small number of students. Through the Erasmus Programs, students develop communication skills in foreign languages and return with an improved language level. While other students can develop this communication skill through the simulation technique.

## Conclusions

All methods, techniques, technology, Erasmus programs, exchange programs between Albanian and Greek universities, as well as everything else related to foreign language

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<sup>106</sup> The European Framework of Languages, 2018, pg. 141

teaching, prove to us that foreign language teaching is very important nowadays for students so that they are capable of today's labor market, as well as the exchange of experiences between countries. Teaching is a profession through which it becomes possible for students to learn not only a foreign language, but also to get to know the culture and civilization of another society, study in a foreign university, work or even live in a European country like Greece.

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## ABOUT THE LANGUAGE AND STYLE OF F.M. DOSTOEVSKY, IN THE NOVEL "CRIME AND PUNISHMENT"

MSC. (PHDS) ELVIRA XHAMANI<sup>107</sup>

### ABSTRACT

The study of the language of a specific person, especially a writer, is important because, on the one hand, it reflects the main features of the literary language of the era in which this person lived. On the other hand, a prominent personality influences the development of the literary language. Through his language, through the texts he creates, we can understand his personal characteristics, worldview, emotional perception of the world, get to know him ourselves. Dostoevsky's artistic world, full of contrasts and contradictions, is clearly reflected in the language of his works. Making him one of the most decisive innovators in the history of Russian prose.

**Keywords:** F. M. Dostoevsky "Crime and Punishment", language, style, dream, inner world of a work of art, stylistic means, polyphonic.

F.M. Dostoevsky is a classic of Russian literature and one of the world's best novelists. According to Lauer Reinhard, "Dostoevsky is considered one of the greatest and most influential novelists of the golden age of Russian literature". Dostoevsky's creative work and its diversity have long been recognized not only in Russia, but in all cultural countries. He was called the creator of artistic contradictions. This definition is possible, due to the nature of the development of his creative heritage. Attention to Dostoevsky grew especially at the end of the 20th century and at the beginning of the 21st century, when readers clearly felt the power of his prophetic talent, which predicted all the main things that the new era brought.

Dostoevsky is not a moralist, although he is a philosopher, the creator of a new artistic model of the spiritual life of man. He is a zealous expositor of evil in the world, asserting the true victory of human relations. To understand Dostoevsky's work means to join a good cause, that is, to free people from the savagery of immorality, to approach those ideals that have been produced by the best human minds for centuries. All this reveals the meaning of the creative world of the writer and the need for a perfect knowledge of it. There is an opinion that everything important has been written about him for a long time and nothing new can be said

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in principle. Contemporaries very clearly felt the basic ideas of the writer. As a result, for many years, Dostoevsky was declared a "writer of ideas". A distinct style is noticeable in his early works. Although this style is rather parsimonious and as a protocol, it is very deep. No wonder most novels are written in the form of a chronicle. The accuracy of presentation, interspersed with long monologues of the characters, is one of the features of ancient Russian literature. Through the smooth fabric of everyday life, the image of Dostoevsky's life appears. An unusual combination: everyday life and romance.

Besides the idea, he is also interested in aesthetics. One of the singers of poverty, poverty as a style and lifestyle. M. M. Bakhtin considered F. M. Dostoevsky "one of the greatest innovators in the field of artistic form", whose importance "goes beyond simple romantic creativity and concerns some basic principles of European aesthetics. It can even be said that Dostoevsky created , a new artistic model of the world, in which many of the main points of the old artistic form underwent a radical transformation. Of course, the language and style, of a literary work, of any great writer cannot be considered unrelated to his worldview and attitude. Everyone thinks, feels and understands in their own way, everyone has their own reaction to the reality that surrounds them. There are no patterns in human nature, these do not exist, not even in language. It is understandable that the more interesting and original the writer's personality is, the more original is the language of his works. According to M. Bakhtin, "The inner world of a work of art represents interconnected patterns, its own dimensions and its meaning as a system. The inner world of a work of art does not exist by itself and not for itself. It is not autonomous. It depends on reality. ," reflects " the world of reality. However, the transformation of the world that allows a work of art has a holistic and purposeful character. The transformation of reality is related to the idea of the work, to the tasks that the artist sets for himself<sup>108</sup>. The internal integral unity of ideas through certain linguistic codes of the author it forms the individual style of speech. Style is a connection between internal content and external form, which serves as a design, an artistic and figurative "wrapping" of the text of a work.

Dostoevsky's style is a style in which the author's desire to provoke the reader's ability to think and draw conclusions is clearly manifested. The writer does not say anything, hints, expresses himself as if in a vague way, but at the same time with an amazing sophistication, forces the reader to think and draw his own conclusions<sup>109</sup>. Among the classics of world literature, Dostoevsky deservedly holds the title of master in revealing the secrets of the

<sup>108</sup> Bakhtin M.M., (1979), Aesthetics of verbal creativity. Iskustvo, M.:

<sup>109</sup> Likhachev D., (1968), The inner world of a work of art // Questions of literature. No. 8. M., P. 74–87. P.12

human soul and creator of the art of thought.

The highest period of his creativity opens with the novel "Crime and Punishment", where he appears for the first time as the creator of a new novel in principle, in world literature, which received the name polyphonic (polyphonic). In his study "Problems of Dostoevsky's Poetics", M. Bakhtin pointed out that "the multiplicity of independent and unconnected voices and consciousnesses, the true polyphony of complete voices is really the main feature of Dostoevsky's novels"<sup>110</sup>. The language and style in the novel "Crime and Punishment" is distinguished by its naturalness. As some scholars note, Dostoevsky's language loses in color and visual means when compared to the language of Turgenev or Tolstoy. However, this is not the case.

He uses his own way of description, very specific, different from other writers of the 19th century. Invisible at first glance, with decelerations and accelerations, with rhythm, with decreases and increases in speech, it helps the reader to feel an invisible change in life. Each author uses a set of special techniques that reflect his unique style and way of building a dialogue with the reader. In the novel "Crime and Punishment", we can assume that the deep meaning of the novel is revealed through the descriptions of dreams of the main character, therefore, it is worth focusing on those linguistic units and stylistic devices that the author uses in text segments about dreams. It is typical of Dostoevsky to present a detailed, fantastically real, coherent picture of a plot-based dream to highlight the main details of life situations.

Dreams in the works of the writer can be divided into illustrative-psychological and plot. The dreams of his heroes are embedded in the reader's memory no less than the reality of the novels he wrote. Raskolnikov's dreams are parables that embody the writer's philosophy. These dreams are like "texts within a text", i.e. th. a special form of the author's presence in the work.

From Freud's point of view, sleep is a way to reveal a secret and recognize a signal from the depths of the human soul. A dream is a reflection of deep hidden processes that occur in the human soul, processes that are sometimes still unclear to the person himself. These processes are created and emerge from the subconscious in the form of images that a person tries to remember and analyze after waking up. He believed that a dream can tell a person a lot to determine the further path, to solve urgent problems, to correct their actions<sup>111</sup>. Whereas, Gustav Miller was of the opinion that "sleep is an unparalleled combination of past

<sup>110</sup> Bakhtin M.M., 2017, Problems of Dostoevsky's poetics, Eksmo, Moscow, p.26.

<sup>111</sup> Freud. Z, (1997), Interpretation of dreams, Poppuri, Minsk, P. 6

impressions, but the main thing is to determine the patterns of this combination. The idea that dream images are meaningless and chaotic is incorrect".<sup>112</sup>

The hero's dreams do not predict the events of the novel, but are events themselves. These dreams can be called conspiracy dreams; they illustrate the psychological state of the hero, revealing what is happening to them at the subconscious level. Boris Tihamirov rightly states that the author possessed a special gift, that of "dreaming".<sup>113</sup>

He mastered the great art of dream interpretation. His dreams can be called "dreams in stories", because some of them are complete legends and short stories. Dostoevsky himself is a deep psychologist: through dreams he reveals the most subtle movements of the human soul, penetrating into its most secret places, hidden even by the hero himself, highlighting the "healthy" and "sick" points of which exist in human consciousness.<sup>114</sup> Raskolnikov's dreams reflect the contradictions of the inner world of the writer of the novel "Crime and Punishment". Dostoevsky very skillfully described the branching of the main character of the novel, for this purpose he used various stylistic devices: the interruption of Raskolnikov's speech, the dissonance of his syntax, and, the main thing, is the antithesis between the spiritual and the external form in the hero's speech. The language of the novel "Crime and Punishment" describes the secrets of the human soul. Dostoevsky attaches great importance to the poetics of his novel: style, language, place and time of action, landscape composition, etc. Among these artistic features, a significant place belongs to language.

Every word of Dostoevsky enters into the artistic integrity of the work, it is a clot of meaning, as in the artistic fabric it ceases to be a simple part of the word, but becomes an important part of the image. The language in the novel conveys Dostoevsky's own creative thought and the thoughts of his characters. The flow of speech in the novel has a broken, interrupted, restless character, with many pauses, language slips and image assumptions.

With the help of expressive tools, Dostoevsky creates the portraits of the characters in the novel:

- a) The contradictions of Raskolnikov's speech (pauses, interruptions, irregularities, inconsistencies between the inner and outer appearance), which reflect the features of his spiritual makeup, a split personality;
- b) The abundance of diminutives clearly describes the appearance of the old hostage: *"She was a small, dry old woman of sixty years old, with angry and sharp eyes, a small nose and*

<sup>112</sup> Miller. G.H, (1976) Dream Interpretation, Interpretation of dreams, Timoshka, St. Petersburg, P. 4

<sup>113</sup> Tikhomirov. B, (1996), Dostoevsky at the end of the 20th century, Classic Plus, Moscow, P. 201

<sup>114</sup> Nechaeva V.S., (1979), Early Dostoevsky, Nauka, M., P.64

*simple, colorless, slightly gray hair, her hair was smeared with grease ... The old woman coughed and suffered every minute".*

Dialogues occupy an excellent place in the novel. In this regard, Bakhtin<sup>115</sup> noted that the voices of the characters hear each other all the time, mix and mutually reflect each other. The language of the novel is surprising in its spontaneity, real life. A similar observation was made by J. Mejer Gräfe: "Who has ever thought of attending one of the many emotional education talks?" We are discussing with Raskolnikov, and not only with him, but also with someone else<sup>116</sup>. It is possible that Dostoevsky's language is partially lost in its appearance and means of expression, compared to the works of other classical writers. However, it can be argued that he has his own linguistic style, the features of which make it possible to sense the hidden flow, thoughts, feelings and spiritual life of the characters. To implement the psychological image of Raskolnikov, the writer uses a number of techniques described by A. B. Esin: the form of the story, psychological analysis, presented by four main forms (introspection, inner monologue, stream of consciousness and dialectic of the soul), artistic details and the silence<sup>117</sup>. Such an art form as the story in the third person allows the author to introduce the reader to the inner world of the hero. It has the advantage of commenting on the character's introspection, pointing to a transformation of the soul that the hero himself may not notice or be able to acknowledge. An internal monologue is used to portray the thoughts of the characters. "*Oh my God! how disgusting this is! And really, really,—Am I—no, that's stupid, that's absurd!*" he added firmly. "*Could it have occurred to me such horror?*"

The hero talks about the planned crime, condemns himself and doubts. He wonders who he is: "a trembling creature" or "a person who has the right", and if he is right in committing the murder. Through long and complex reflections, the hero comes to the conclusion: "He didn't kill a man, he killed a principle."

The syntactic features of Dostoevsky's style are an abundance of verbs, embedded constructions and introductory words. Dostoevsky is sometimes excessive, he is not characterized by the light and easy humor of Gogol, his laughter is heavy, often caustic and bitter, hysterical and gloomy. Amazing accuracy of observations, wit and humor are often ruined and weakened by paraphrasing and extra construction. But this is also justified psychologically: everything is like in life - sometimes in a state of nervous tension we think

<sup>115</sup> Bakhtin M.M., (1963), Problems of Dostoevsky's poetics./ Ed. 2, revised. and additional, Council. Moscow.

<sup>116</sup> Gräfe J. M., (1926) , "Dostoevsky the Poet", Berlin, P. 189. – Quoted from the detailed work of T.L.Motyleva, (1959),"Dostoevsky and World Literature", published in the collection of the Academy of Sciences of the USSR "Creation of F.M. Dostoevsky", M., P. 29.

<sup>117</sup> Esin, A.B., (2014), Psychologism of Russian classical literature book for teachers, Education, M.: P. 174.

"restlessly", sometimes - confusedly, getting excited and not finding the right words. Dostoevsky as a psychologist could not help but reflect this with linguistic means.

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**RUSSIA-UKRAINE WAR AND TURKEY'S MEDIATION ROLE**Asst. Prof. Dr. Indira PHUTKARADZE<sup>118</sup>**ABSTRACT**

The Russia-Ukraine war is a complex international conflict. In the new global environment that emerged with the collapse of the Soviets, Russia had to re-establish relations with both its immediate surroundings and the powerful actors of the global system. In this context, Russia started redefining relations with the countries in its immediate surroundings. The countries in Russia's immediate surroundings are the former countries of the Soviet Bloc. Although Ukraine, a former Soviet country, declared its independence in 1991, it was governed by governments close to Russia in political attitudes until 2014. However, the situation changed in 2014. By overthrowing the pro-Russian government, the country began to approach the Western bloc. This caused tensions in relations with Russia.

Ukraine has a strategic position in accessing Europe through the transit of energy resources. With the increasing role of the energy sector in the Russian economy, Ukraine, a country in the energy corridor position, has become even more important for Russia. On the other hand, Ukraine, a country that is not rich in natural gas and oil resources, is a country dependent on Russia in this field. Therefore, since Russia has energy resources and Ukraine is a transit country, a relationship of mutual dependence has been formed between the two countries. However, Ukraine's steps towards membership in the European Union and NATO have caused serious tension in Russia-Ukraine relations. After Russia's annexation of Crimea in 2014, separatist groups supported by Russia emerged with demands for secession in Eastern Ukrainian regions such as Donetsk and Lugansk. These developments have led to a major international crisis. This situation, which threatens Ukraine's independence and territorial integrity, has attracted the attention of the international community. Turkey played a mediating role in this conflict.

Turkey has a number of factors in the development of relations between Russia and Ukraine throughout history. Today, Turkey maintains its relations with both countries in political, economic and strategic terms. The war broke out after Russia attacked Ukrainian territory on February 24, 2022. Turkey, which is not a party to the war between Russia and Ukraine, has not cut off its relations with both Russia and Ukraine since the beginning of the war, and has tried to end the conflict within the scope of mediation activities between the two states. For example: Turkish diplomats have established various diplomatic contacts in order

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to facilitate communication between the parties and end the conflict. Turkey made efforts to make the crisis an international issue. Turkey has stood by Ukraine in NATO and other international platforms and encouraged international cooperation to resolve the crisis.

Although Turkey's efforts are aimed at achieving consensus between the parties, the solution process depends on many factors and requires the participation of multiple international stakeholders. Diplomatic solutions and the efforts of the international community are important to end the war. However, the deep-rooted problems underlying this conflict may be difficult to resolve in the short term.

**Keywords: Ukraine, Russia, Turkey, War, Mediation Role**

After the collapse of the Soviet Union, the Russian Federation began to develop the “Near Abroad Doctrine” against the former Soviet countries, as the balance of power in the international system turned against itself (Hasan, 2007:254). The process started with the countries in the “Near Abroad Policy”. The countries in Russia's “Near Abroad Policy,” are the former countries of the Soviet Bloc. Russia's view towards the countries that have newly gained independence from the Soviets has not changed much. Because Russia viewed these countries, including Ukraine, as its natural sphere of influence or “backyard”(Tanrisever, 2005:45).

Ukraine is located at the intersection of the Asia-Europe land connection in the East-West direction and the Baltic-Black Sea waterways connection in the north-south direction (Davutoğlu, 2010:193). Ukraine's strategic importance has increased even more with the start of transferring energy resources from the former Soviet geography to the West. With the increasing role of the energy sector in the Russian economy, Ukraine, a country in the energy corridor position, has become even more important for Russia. On the other hand, Ukraine, a country that is not rich in natural gas and oil resources, is a country dependent on Russia in this field. Therefore, since Russia has energy resources and Ukraine is a transit country, a relationship of mutual dependence has been formed between the two countries (Sönmez, Bıçakçı ve Yıldırım, 2015:657).

It should be noted that the relationship between the two independent states was difficult from the beginning. Almost all issues have their roots in the past. Some of the problems in the relationship between Russia and Ukraine can be distinguished:

- The Crimea issue,
- The question of the Russian Black Sea Fleet,
- The issue of speaking more Russian than Ukrainian by about 8 million ethnic Russians and Ukrainian citizens living in Ukraine
- The issue of the supply of energy resources by Russia to Ukraine and through Ukraine to Central Europe
- The question of Ukraine's place, on the one hand, between the European Union and NATO, on the other hand, between Russia and its political and economic allies. The asymmetry between the two countries is clearly visible. Russia is a power that claims the legacy of the Russian Empire and the Soviet Union, with vast resources and a relatively powerful economy. Ukraine is a second-rate state with few resources and significant economic problems. It can be said that the independent Ukrainian national state is considered by Russia as something temporary and artificial. Russia views Ukraine as part of its strategic orbit (Academic Digest, 2022: 152-153).

The historical foundations of today's Russian occupation movement can be traced back to very old times. However, it is very critical to evaluate the issue with the events in the recent past. In 2013, Yanukovich, then the Ukrainian president, gave up signing agreements regarding the European Union at the last minute, which caused to start a major action known as the Orange Revolution in 2004 (Çelik, 2022). In response, Russia described the public demonstrations in Ukraine in 2014 as a coup, cited the “safety of life of Russians” as the reason, and annexed Crimea (Kurt, 2020). After 2014, Ukraine began to build its foreign policy on the Western bloc, and took steps in this context. Volodymyr Zelenski, who came to power on April 21, 2019, took serious initiatives for Ukraine to join NATO. On the other hand, Russia claimed that this choice of Ukraine paved the way for an attack against itself and that it was under threat in this context (Yumuşak, 168-69). Russia launched a full-scale invasion of Ukraine on February 24, 2022, which is the result of the escalation of the Russia-Ukraine war that began in 2014. More than five million people have already left the country and this number is increasing day by day. However, the majority of the population still remains in their homeland and is fighting.<sup>119</sup>

The Kremlin cites two factors as the reason for Russia's large-scale military

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<sup>119</sup> Samkharadze, N., რეტროსპექტივა: რუსეთ-უკრაინის ომი და საქართველოს სამეზობლოს რეაგირება, (Retrospective: Russian-Ukrainian war and the reaction of Georgia's neighbors, Georgian Institute of Politics) საქართველოს პოლიტიკის ინსტიტუტი, <https://gip.ge/ka/ukraine-russia-war/>

aggression against Ukraine: harassment of the Russian population in Ukraine and actions threatening Russia's national interests from the West. It is clear that in fact the aggression against Ukraine is part of Putin's Russia's long-term plans. The Kremlin's foreign-political goal was the formation of the USSR by the Pan-Slavic (Russian Federation, Belarus, Ukraine) unification, as well as by strengthening control over the countries of the South Caucasus and Central Asia, probably by 2024 (for the next presidential elections in Russia). On February 24, 2022, in his address to the nation, the President of Russia, Vladimir Putin, called the official reason for the start of the so-called "special military operation" as "the protection of the Russian-speaking population in Ukraine from genocide, the denazification and demilitarization of Ukraine, as well as the prevention of the eastward expansion of NATO, a growing threat to Russia's national interests." Within a few days of the start of military operations in Ukraine, it became clear that Moscow would not achieve its strategic goal, which most likely meant bringing Ukraine into Russia's sphere of influence. Nevertheless, the Kremlin managed to occupy additional territories of Ukraine and continues to deplete Kyiv's resources. However, at the beginning of the war, international pressure (international sanctions) and failure to achieve significant progress on the front line pushed Moscow to adjust its tactical steps.

Given international support to Ukraine, it remains unclear to what extent Russia will be able to even contain the four occupied districts of Ukraine within its administrative borders. In case of failure on the battlefield, the short-term goal of the Russian leadership may be to maintain actual control over the occupied territory of Ukraine and „freeze“ the conflict. However, even if events develop in this scenario, Moscow will continue to manipulate Ukraine's territorial problems and various internal state weaknesses and after gathering forces, might even try to resume military operations. Therefore, the help of the West is extremely important. As for Turkey, on the one hand, it supports the territorial integrity of Ukraine, but on the other hand, Ankara needs to maintain trade and economic ties with Russia, especially in light of the difficulties that the Turkish economy has faced recently. For Turkey, a member of NATO, as an active foreign political actor, several factors are important in the Russia-Ukraine confrontation, according to which it acts, namely:

- Ankara's support for Ukraine's territorial integrity and preventing further growth of Russian influence: It is in Ankara's interest not to allow further strengthening of Russia on the Black Sea, where the balance of power has changed against Turkey after the annexation of Crimea. Therefore, Ankara supports in every way the

sovereignty and territorial integrity of Ukraine, as well as the aspirations of this country to join NATO.

- Maintaining trade and economic relations with Russia and Ukraine: Close trade and economic relations has Ankara with both Ukraine and the Russian Federation, the maintenance of which is very important for the Turkish economy that facing problems (this especially applies to the export of energy, tourism and the sale of Turkish agricultural products).
- Cooperation with Ukraine in the military-industrial sphere: After the second Karabakh war, as a result of the activity of the Armenian lobby, Canada limited the supply of engines to the Turkish „Bayraktars“ (which had already become a Turkish brand known all over the world), It was necessary to find an alternative, which soon appeared in the form of Ukraine, where even in the Soviet period there were great traditions of military industry (including the production of military aircraft engines).<sup>120</sup>

Throughout history, Turkey has had a number of factors in the development of relations between Russia and Ukraine. Today, Turkey maintains political, economic and strategic relations with both countries. Since the start of the Russia-Ukraine war, Turkey has not cut off relations with either Russia or Ukraine and tries to play the role of a mediator in resolving the conflict between the two states. For example: Turkish diplomats established various diplomatic contacts between the parties in order to communicate and end the conflict. Turkey stands by Ukraine in NATO and other international platforms and has encouraged international cooperation to resolve the crisis.

It is interesting that the United States of America has stated that it positively evaluates Turkey's constructive role in ending the Russia-Ukraine war. US State Department spokesman Ned Price said, 'We appreciate very much Turkey's constructive role in trying to end this barbaric war. We appreciate Turkey's firm commitment to Ukraine's territorial integrity and its efforts to strengthen the Ukraine-Russia dialogue. Turkey has become a constructive player. It tries to develop dialogue to maintain diplomacy.'<sup>121</sup>

The relationship between Russia and Ukraine, taking into account the latest geopolitical and international trends, clearly reflects the problem discussed in the famous

<sup>120</sup> Batiashvili, Z., როგორია თურქეთის პოზიციები და ქმედებები რუსეთ-უკრაინის ომში, (What are Turkey's positions and actions in the Russia-Ukraine war), <https://gfsis.org.ge/ge/blog/view/1392>

<sup>121</sup> <https://www.trt.net.tr/georgian/msop-lio/2023/01/06/ashsh-ruset-ukrainis-omis-dasrulebashi-t-urk-et-is-rols-dadebit-ad-ap-asebs-1928812>

work of Samuel Huntington, about the clash and confrontation of civilizations, among the clash of civilizations, the space of Ukraine is considered, and the parties are Russia and the United States of America (Academic Digest, 2022: 147).

Turkey, on the other hand, has not cut off its relations with both Russia and Ukraine since the beginning of the war, which started on February 24, 2022, and has tried to end the conflict within the scope of mediation activities between the two states (Yumuşak, 2023:169). According to Article 33 of the United Nations Charter, the solutions to international disputes can be divided into diplomatic and legal solutions.<sup>122</sup> Mediation, which is within the scope of a diplomatic solution, is where the third state... provides its services by participating in the negotiations to assist the parties to the dispute in negotiating and resolving their disputes (Pazarcı, 2018:492). Turkey is an experienced state with experience in mediation to resolve disputes that threaten international peace and security through peaceful means.<sup>123</sup>

As previously stated, Turkey is not a party to the ongoing war between Russia and Ukraine. Turkey has pursued an active and neutral policy in terms of both its rhetoric and actions since the beginning of the war; called on the parties to resolve the dispute peacefully. Although ending the war is out of the question, Turkey, due to its status as a third party and neutral attitude, has resolved issues such as prisoner exchange and opening of the grain corridor between the parties through mediation initiatives (Yumuşak, 2023:178).

Although Turkey's efforts are aimed at reaching a consensus between the parties, the resolution process depends on many factors and requires the participation of many international stakeholders. Diplomatic solutions and efforts of the international community are important to end the war. However, it is almost impossible to solve the problem in a short period of time, and it is likely to be prolonged.

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<sup>122</sup> Bkz. Birleşmiş Milletler Şartı 33. madde

<sup>123</sup> Duran B., Türkiye'nin Arabuluculuğu Yeni Başladı, SETA, 11 Mart, 2022, <https://www.setav.org/turkiyenin-arabuluculuğu-yeni-basladi/>

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## YEŞİL ADA KKTC PROJESİ; SÜRDÜRÜLEBİLİR KALKINMANIN SAĞLANMASI VE KKTC'NİN ULUSLARARASI KONUMUNUN GÜÇLENDİRİLMESİ

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### Giriş

Kıbrıs adası Akdeniz’de yaklaşık 9.250 km<sup>2</sup> büyüklüğünde bir adadır. Ada Avrupa ve Orta Doğu arasındaki deniz yolu üzerinde bulunduğu ilk çağlardan beri yerleşim yeri olarak kullanılmıştır. Ada çok farklı medeniyetlerinin etkisi altına girmiştir. Tarihi boyunca Antik Yunan, Roma, Bizans, Arap, Osmanlı ve daha birçok kültüre ev sahipliği yapmıştır.

Kıbrıs'ın stratejik konumu, ticaret yollarının kavşak noktasında olması ve doğal kaynakları nedeniyle tarih boyunca çeşitli istilalara maruz kalmıştır. Ada, Haçlı seferleri döneminde, 12. Yüzyıldan itibaren Bizans İmparatorluğu'nun egemenliği altında kalmıştır.

Osmanlı İmparatorluğu, 16. yüzyılın sonlarında Kıbrıs'ı fethederek ada üzerindeki hakimiyetini sağlamıştır. 19. yüzyılda ise İngilizler, Osmanlı İmparatorluğu'nun zayıflamasını fırsat bilerek adayı ele geçirmişlerdir. Bu dönemden sonra Kıbrıs, İngiltere'nin yönetimine girmiştir. (Çevikel 2006).

Kıbrıs'ın tarihi, özellikle 20. yüzyılın ortalarında daha karmaşık bir hal almıştır. Ada halkının bağımsızlık isteği, etnik ve siyasi farklılıkların öne çıktığı bir dönemi beraberinde getirmiştir. 1960 yılında bağımsızlığını kazanan Kıbrıs Cumhuriyeti, Türk ve Yunan topluluklarının adada yaşadığı gerilimler nedeniyle zaman içinde sorunlarla karşılaşmıştır.

1974 yılında, Yunanistan'ın desteklediği bir darbe sonucu Kıbrıs'ta siyasi istikrarsızlık yaşanmış ve bu durum Türkiye'nin müdahalesine neden olmuştur. Bu müdahale sonucu ada Türk ve Yunan bölgeleri olarak ikiye ayrılmıştır (ÖZERSAY, 2022). Türklerin kontrolündeki Kuzey Kıbrıs Türk Cumhuriyeti (KKTC), uluslararası olarak sadece Türkiye tarafından tanınmaktadır ve bu durum hala uluslararası ilişkilerde bir sorun kaynağı olmaya devam etmektedir.

Bugün, Kıbrıs adası hala siyasi ve toplumsal karmaşıklıklarla çevrili bir bölgedir. Ada üzerindeki çözüm arayışları ve uluslararası diplomatik çabalara rağmen, Kıbrıs sorunu halen çözüme kavuşturulabilmiş değildir.

Yeşil Ada KKTC Projesi" ile Kıbrıs sorununun çözümünde hem ada üzerindeki sürdürülebilir

<sup>124</sup> Girne American University

<sup>125</sup> Kütahya Dumlupınar University

kalkınmayı teşvik etmek hem de Kuzey Kıbrıs Türk Cumhuriyeti'nin uluslararası konumunu güçlendirmek amaçlanmaktadır

Ege denizinde Yunanistan'a ait Tilos adası yeşil enerji ile beslenen ilk ada unvanını almıştır (ECOBNEB 2023). Tilos adası komşusu Kos adasından yeraltı kablosu ile elektrik alırken en borçlu belediye unvanını taşıyordu. AB'nin desteklediği Tilos adası artık hibrit (Rüzgar + Güneş) enerji üreterek enerji sorununu halletmiş ve kendisinden daha büyük olan Kos adasına elektrik vermeye hazırlanmaktadır.

Doğaldır ki KKTC'yi Tilos adası ile mukayese edemeyiz. KKTC Tilos'un yaklaşık 52<sup>126</sup> katı büyüklüğündedir. Nüfus olarak da hemen hemen 30 katıdır. Ancak dünyadaki son gelişmelere bakıldığında iklim değişikliğinin önümüzdeki yıllarda etkisinin daha da artacağı değerlendirilmektedir. Bununla birlikte iklim değişikliği dünya liderlerinin son zamanlarda önem verdikleri konu haline gelmiştir. Ayrıca sürdürülebilir çevre ve enerji hem insanlara hem de liderlere her zaman için daha romantik ve yakın gelmiştir. Örnek olarak BMGS Guiterres'in öncelikli konuları arasında çevre ve iklim değişikliği konuları hep dikkat çekmektedir.

Bu çalışmanın amacı, KKTC'nin sürdürülebilir bir çevreyi koruyarak enerji gereksinimini karşılamasının, uluslararası alanda tanınmasına ve olumlu etkiler yaratmasına yönelik potansiyel katkıları belirlemektir. Bu bağlamda, KKTC'nin mevcut uluslararası çevre ve iklim anlaşmaları, Birleşmiş Milletler 2030 Ajandası ve Avrupa Birliği Yeşil Mutabakatı çerçevesindeki konumu incelenecek ve bu hedeflere ulaşmak için yapılması gereken adımlar ortaya konulmaya çalışılacaktır. İnceleme sürecinde, konunun hem teorik hem de hukuki boyutları ele alınarak, çalışma kapsamlı bir şekilde tamamlanacaktır.

Bu çalışmanın temel odak noktası, sürdürülebilir çevre ve yeşil enerjinin KKTC'nin tanıtımına nasıl olumlu katkılar sağlayabileceği konusudur. Bu bağlamda, çalışma, KKTC'nin mevcut çevre ve iklim anlaşmaları, Birleşmiş Milletler 2030 Ajandası ve Avrupa Birliği Yeşil Mutabakatı çerçevesindeki konumunu ele alacaktır. Ayrıca, bu konuda şimdiye kadar hangi adımların atıldığı ve ilgili çabaların neler olduğu incelenecektir. Bu noktada, gelecekte neler yapılması gerektiği ve hangi alanlarda daha fazla çaba harcanması gerektiği de belirlenecektir. Çalışmanın ilerleyen bölümlerinde, sorunsalın alt başlıkları detaylı bir şekilde ele alınacaktır. Analiz ve değerlendirmeler yardımıyla, KKTC'nin yeşil bir ada olma konusu vurgulanacak ve bu durumun KKTC'nin uluslararası düzeyde tanınmasına potansiyel pozitif etkileri açıklanacaktır.

Türk ve uluslararası akademik çevrelerde KKTC konusu genel olarak jeopolitik, jeostratejik

<sup>126</sup> KKTC'nin yüzölçümü 3355 km<sup>2</sup>, Tilos adasının 62 km<sup>2</sup>dir.

ve güvenlik konuları kapsamında ele alınmıştır. Bu nedenle KKTC, enerji kapasitesi, enerji güvenliği ve Doğu Akdeniz'deki hidrokarbon yatakları ile bir çok akademik çalışmanın konusu olmuştur. Sürdürülebilir bir çevre ve enerji konusu ise daha çok teknik anlamda ele alınmıştır. Bu çalışma ile KKTC'nin sahip olduğu sürdürülebilir bir enerji ve çevre kapasitesinin mevcut politik durumuna katkısı ilk olarak ayrıntılı olarak incelenecektir. Daha önce (AKYAR, 2022) tarafından konu KKTC'nin tanınmasında alt bir konu olarak incelenmiş, ancak bu kadar kapsamlı ele alınmamıştır. Konuya proje bazlı ele aldığımızda ise giriş kısmında belirtilen Tilos adası dışında böyle bir uygulamaya rastlanmamıştır. Sadece CARGILL firmasının Kore'de bulunan JESU adasında (FORBES,-2015) domuz çiftliklerinden çıkan atıklar ile 700 KW'lık bir elektrik tesisine rastlanmaktadır. Bu nedenle KKTC gibi büyük bir ülkede ilk olarak bu denli büyük bir projeden bahsedilebilir.

Çalışmada esas olarak nitel araştırma metodu kullanılmıştır. Konu ile ilgili olarak literatürde bulunan dokümanlar incelenmiş, buradan elde edilen bilgilerle bir sonuca ulaşılmaya çalışılmıştır. Ayrıca çalışmada pilot uygulama olarak seçilen Girne ve Tatlısu Belediye Başkanları ile “yarı yapılandırılmış görüşme yöntemiyle” görüşme yapılmıştır. Buna ilave olarak KKTC için önemli olan turizm sektöründen iki otel gurubunun çevre ve enerji konusundaki projeleri de örnek olması bakımından ele alınmıştır.

Çalışmanın akademik literatüre katkısının yöntemsel ve ampirik olarak iki alanda olacağı öngörülmektedir. Yöntemsel olarak KKTC'nin tanınmasında sürdürülebilir bir çevre ve enerji konusu ilk defa ele alınmıştır. Ampirik olarak ise bu süreçte yapılması gerekenler spesifik olarak belirtilmektedir. Böylece KKTC özelinde ilk olarak yapılan bu çalışma ile akademik literatüre gerekli katkı yapılacağı öngörülmektedir.

Yukarıda belirtilen giriş bölümünden sonra ikinci bölümde teorik ve hukuki yapı, üçüncü bölümde mevcut durum ve bulunan bulgular, yapılması gerekenler, sonuç bölümünde ise başlangıçta belirtilen araştırma sorusunun cevabı ve ulaşılan sonuçların bir özeti yapılmaktadır.

### **Teorik ve Hukuki Yapı**

Çevre politikaları 1970'lerin ortalarından itibaren birçok ülkede iç ve dış politikada önemli değişiklikler yaratan bir konu olarak ortaya çıkmıştır. Böylelikle çevre konusu hem küresel dinamiklerin önemli bir unsuru hem de dünya politikasının önemli konuları arasında yer almaya başlamıştır. Genel olarak uluslararası ilişkilerde çevre ve iklim değişiklikleri ile ilgili konular ‘Yeşil Teori veya Politika’ kapsamında ele alınmaktadır.

Zaman içerisinde, çevre ve iklim değişiklikleri konusundaki yeşil hareket içerisindeki aktörler analitik olarak ikiye ayrılmıştır; Çevreciler ve Yeşil Politikacılar (yeşiller). Çevreciler,

genellikle mevcut durumun dünya politikasında çevreye ne gibi ekonomik ve sosyal sonuçlar doğuracağına odaklanarak, çevreye zarar veren durumları ele alırlar. Öte yandan, Yeşiller ise çevre krizlerine yol açan nedenleri belirleyip bu sorunlarla nasıl başa çıkılması gerektiğine yönelik politikalar üretme eğilimindedirler (BURCHILL, LINKLATER, DEVETAK, DONNELLY, PATERSON, EUS-SMIT, TRUE – 2005, 237-239).

Günümüzde çevre ile ilgili geline aşamada, çevrecilerin dar ve geniş anlamda çevrenin korunmasına odaklandığı, yeşillerin ise daha çok iklim değişikliği ve bu değişikliklerin nedenleri ile ilgilendiği söylenebilir. Ancak bugün, başlangıçta ayrı olan bu iki kavramın artık çevre ve iklim konularını da içine alarak 'Çevre-Çevreci' terimi altında birleştiği gözlemlenmektedir.

KKTC ölçeğine baktığımızda da dünyada olduğu gibi artık iklim değişikliği, çevre ve yeşil enerji kavramları birlikte kullanılmaktadır. Dolayısıyla çalışmada çevre ve iklim değişikliği konuları çevre konusu içerisinde beraber ele alınacaktır.

Çalışmanın ana konulardan birisi de sürdürülebilir bir çevre ve enerjidir. Sürdürülebilirlik terimi ilk olarak Hans Carl Von Carlowitz tarafından 1712 yılında yazdığı *Sylvicultura Oceanomica* adlı kitapta kullanılmıştır. Daha sonra Fransız ve İngiliz bilim insanları tarafından 1972 yılında Stokholm'de yapılan BM Konferansında ormanların sürdürülebilir olması için yapılması gerekenleri belirtmek için kullanılmaya başlanmıştır (NANJIRA, 2010, 296). Kavram, günümüzde hemen hemen her alanda kullanılmasına rağmen daha çok çevre ve enerji konuları ile alakalı olarak kullanılmaktadır. Çalışmada, KKTC'de sürdürülebilir bir çevre ve enerji konusu, KKTC'nin sahip olduğu kapasite kapsamında ele alınarak kendi kendine yeterli bir enerjinin çevreye zararı olmadan çıkarılması ve tüketilmesi esas olarak incelenmektedir.

KKTC, sürdürülebilir çevre ve enerji alanında uluslararası düzeyde tanınırlığını artırabilmesi için aşağıda belirtilen uluslararası anlaşma ve programlara uyum sağlaması gerekmektedir. Bu bağlamda, "gereğini yapmak" ifadesi, bu anlaşmaların öngördüğü hedeflere ulaşmayı içermektedir. Tabii ki burada ortaya çıkabilecek bir sorun, KKTC'nin taraf olmadığı bir anlaşmayı nasıl onaylayabileceği ile ilgilidir. Aslında bu durumun özü, KKTC'nin anlaşmalara taraf olmasından çok, kendi iç hukuku kapsamında bu anlaşmaların hedeflerini yerine getirebilmesidir. Böylece, KKTC, anlaşmaların ruhuna ve hedeflerine yönelik taahhütlerini göstermiş olacaktır. KKTC, BM ilkeleri çerçevesinde, tanınmamış bir devlet olarak da uluslararası sorumluluk taşımaktadır. Bu çerçevede, KKTC, çevre ve iklim anlaşmalarının taşıdığı evrensel yükümlülükleri kabul etmeyi ve bu yükümlülükleri yerine getirmeyi kendiliğinden taahhüt edebilir. KKTC, anlaşmaların belirli alanlarını veya hedeflerini kendi

sınırlı yetki alanları içinde uygulayabilir. Bu şekilde, KKTC, çevre ve enerji alanında uluslararası toplumun normlarına uyum sağlamış ve bu alandaki olumlu katkısını göstermiş olacaktır. KKTC, uluslararası arenada bu yöndeki kendi perspektifini ve nedenlerini açıkça ifade ederek, anlaşmaların hedeflerine yönelik uyum sürecindeki niyetini ortaya koyabilir. Bütün bu saydıklarımız, uluslararası toplumla karşılıklı iletişimi ve anlayışı artırabilir. Bu şekilde, KKTC, uluslararası arenada da anlaşmalarda belirtilen hedefleri başarılı bir şekilde gerçekleştirerek saygı görebilir.

BM İklim Değişikliği Çerçeve Anlaşması 1992 yılında ülkelere sunulmuş ve 1994 yılında kabul edilmiştir. KKTC Meclisi 10 Ekim 2022 tarihinde (CM, 2022) BM İklim Değişikliği Çerçeve Sözleşmesini onaylayarak yasa haline getirmiştir. Ancak doğaldır ki burada önemli olan kanuna göre KKTC’de yapılması gerekenler için diğer hukuki düzenlemelerin yapılmasıdır.

Kyoto Protokolü 1997 yılında başlayan ve 2005 yılında yürürlüğe giren bir anlaşmadır. Amacı atmosferdeki sera gazı yoğunluğunun iklim değişikliğine yol açmayacak şekilde dengede kalmasını sağlamaktır (UNFCCC, 2023). Protokolün 2020 sonrası için taahhütleri Paris İklim Anlaşması kapsamında ele alınacağı için aslında şu anda işlevini tamamlamış gibi duran bir anlaşmadır. Aslında KKTC için önemli bir konudur. KKTC yetkili organları protokolü onayladıklarını bildirdikten sonra uluslararası arenada KKTC için olumlu yansımaları olacaktır. Mevcut durumda protokolün başlangıç dönem taahhütleri bir problem yaratmayacaktır. Çünkü KKTC, bacasız sanayi olarak adlandırılan turizm sektörü ve eğitim alanı ile zaten bunları rahatlıkla sağlayacaktır. Burada önemli olan belirtilen kriterler ile ilgili iç hukukta yapılacak mevzuat değişiklikleridir.

Paris İklim anlaşması 2016 yılında imzalanan bir anlaşmadır. Aslında amacı Kyoto Protokolü’nün sona erdiği 2020 sonrası iklim değişikliği rejimini düzenlemeyi amaçlamaktadır. BM İklim Değişikliği Çevre Sözleşmesine dayanmaktadır. Uzun dönemli hedefi ise endüstrileşme öncesi döneme kıyasla küresel sıcaklık artışının 1,5-2 derece altında tutmaktır (UNFCCC, 2023).

Anlaşmanın en önemli özelliklerinden birisi ülkelere direk sorumluluk verme yerine ortak fakat farklılaştırılmış sorumluluklar ve göreceli kabiliyetler ilkesi kapsamında esas alınmasıdır. Anlaşmada KKTC için önemli bir husus da bulunmaktadır. Küçük ada devletlerine ve ihtiyacı olan ülkelere finansman, teknoloji transferi ve kapasite geliştirme imkanları sunulmaktadır. Türkiye anlaşmayı 2016 yılında imzalamış ve Ekim 2021’de onaylamıştır. Dolayısıyla KKTC’nin bu anlaşmayı taraf olmasa bile iç hukukunda gereklerini yerine getirebilir. Bu konu da Türkiye tarafından Aralık 2023’te Birleşik Arap Emirlikleri’nde

yapılacak zirve öncesi duyurularak KKTC'nin tanınması ve uluslararası arenada pozisyonunun geliştirilmesi için bir ilerleme kaydedilebilir (.....).

BM 2030 yılında 17 başlık altında 169 alt konuyu hedef göstererek 'Leaving No One Behind- Kimseyi Arkada Bırakma' mottosu ile bir ajanda yayınlamış ve 193 ülkede bu ajandaya uyacaklarını beyan etmişlerdir (SDGS UN,2023). Söz konusu 17 prensibe bakıldığında genelde iki başlık altında toplandığı görülmektedir. Sürdürülebilir bir kalkınma, iklim değişikliği ile mücadele, yenilebilir enerjinin yaygınlaşması, dünyanın korunması ile barış içerisinde tüm insanlara temel hak ve hürriyetlere ulaşabilmesini öngören bir program olarak anlaşılmaktadır. Dünyada son zamanlarda BM 2030 Ajandası'na karşı çıkan bir grup da oluşmuştur. Bu girişimi küresel ve insanlığın doğal akışına karşı bir hareket gibi gören bu grup BM 2030 prensiplerine karşı olduğunu belirtmektedir. Aslında KKTC burada da avantajlı bir konumdadır. Bu prensiplerden hangileri KKTC için uygunsa kendi iç hukukuna göre düzenlemesini bu esaslar dahilinde yapabilir.

AB 2019 yılının sonuna doğru 'Avrupa Yeşil Mutabakatı EU Green Deal' adlı bir anlaşmayı yürürlüğe koymuştur. Bu mutabakatın amacı olarak da AB içinde 2050'de sera gazı emisyonunu sıfıra düşürmeyi hedeflemiştir. AB bu konu ile ilgili yapılacakları temiz enerji, sürdürülebilir sanayi, inşaat ve renovasyon, tarladan sofraya, kirliliğin ortadan kaldırılması, sürdürülebilir hareketlilik ve biyoçeşitlilik olmak üzere toplam yedi politika alanı altında toplamıştır (EC 2021).

KKTC'nin tanıtılmasında yol almayı sağlayacak belki de en önemli konulardan birisi AB Yeşil Mutabakatı esaslarıdır. Çünkü Rum tarafı AB üyesi olmanın avantajlarını da kullanarak anlaşmanın gereklerini mecburiyetten de olsa yerine getirecektir. Bu husus, KKTC'nin dünyada kendisini ön plana çıkaracak konularından birisidir. Fakat gereklerine bir an önce başlanmalıdır çünkü Rum tarafı zorunlu olarak 2030'dan itibaren konuya daha fazla eğilmeye başlayacaktır.

### **Mevcut Durum ve Yapılacaklar**

Bu bölümde KKTC'nin sürdürülebilir bir çevre ve enerjiye sahip olarak dünya normlarının üzerine çıkarak neler yapılabileceği ile ilgili konular mevcut durum belirtilerek ele alınacaktır. Burada belirtilen ve özel olarak seçilen konular hem BM 2030 Ajandası hem de AB Yeşil Mutabakatı içerisinde yer almaktadır. Ayrıca burada yapılan saha çalışmalarında elde edilen tespitler de paylaşılacaktır.

### **Mavi Bayrak Uygulaması**

Aslında KKTC için en kolay uygulanabilecek konulardan birisidir. Çünkü ülkenin tüm kıyıları buna uygun özellikle bir turizm adası olan KKTC'nin turizm potansiyeline de katkı

yapacaktır. Mavi Bayrak Uygulaması bir yıl için alınan bir ödüdür. Kısaca ilgili plaj ve marinanın yüzmeye uygun, temiz ve güvenilir kriterlerini kapsamalıdır. Programa 1985 yılında Fransa’da başlanmıştır. Halen 144 ülke üyedir. Burada bir konuya diğer uygulamalara örnek olması maksadıyla dikkat çekilecektir. Mavi Bayrak uygulaması ilk bakıldığında ilgili plaj ve marinanın çevresi ile temiz ve güvenilir olmasını öngörmektedir. Fakat ödülün alt kriterlerine baktığımızda bunun yaklaşık 19 adet alt kriteri de ihtiva ettiği anlaşılmaktadır. Alt kriterler ilgili işletmeler tarafından yerine getirilecek, yerel ve merkezi kamu kurumları tarafından da yerine getirilmesi gerekmektedir (TURMARIN, 2023). Örnek olarak şu anda KKTC’de kamuoyunda problem sahası olarak tartışılan “Mare Monte Plajı” kullanımı mavi bayrak kapsamında ele alındığında problemin çok büyük bir kısmı kamu yararı kapsamında çözülecektir.

### **Karbon Ayak İzi (Carbon Footprint)**

Karbon ayak izi atmosfere salınan karbon miktarının yıllara sari olarak bir hedef verilerek azaltılmasını öngören bir sistemdir. Kişilerde (hane halkı), özel sektör ve kamu kurum kuruluşlarına kadar geniş bir yelpazede uygulama alanı bulunmaktadır. Karbon ayak izinde önemli olan ilgili kişinin ve kurumun yıllara göre azaltacağı karbon ayak izini hedef olarak belirtmesidir.

KKTC’de karbon ayak izi kişilerden (hane) başlayarak tüm özel ve kamu kuruluşlarında uygulanabilir. Başlangıç olarak iki ana sektörde turizm ve eğitim işletmelerinde zorunlu hale getirilebilir. Böylelikle hem bu iki sektörün dünya ölçeğinde cazibesi daha da artar hem de zaman içerisinde KKTC bu alanda Karbon Ayak İzi olan ilk ülke haline gelmiş olur.

### **Su Ayak İzi (25 Litre/Gün)**

Cape Town’da su temininde yaşanan sıkıntılardan dolayı 12 Nisan 2018 tarihinden itibaren, yerel yönetimin su tüketimini kişi başına 25 litre olacak şekilde uygulaması kararı ile ortaya çıkmıştır. Cape Town’da bu tarih “Sıfır Günü (12 Nisan)”olarak adlandırılmış ve bugünden itibaren insanlar günde 25 litre su kullanmaya başlamıştır. Bu arada Cape Town, dört milyon nüfusu ile dünyadaki diğer metropolller ile kıyaslandığında sıradan bir şehir olarak durmaktadır (The Guardian, 2023). Peki 25 litre nereden çıkmış olabilir? Cape Town yerel yönetiminin niçin bu sayıyı belirttiği yönünde bir açıklamaya rast gelinmemiştir. Bir ihtimal eldeki su kaynakları ile şehirdeki nüfus arasında bir bağlantı kurularak hesaplanmış olabilir. Akla gelen diğer bir faktör de şu şekildedir. Silahlı Kuvvetlerin savaş veya muharebe durumunda askerlerin fiziki güçlerini yerinde tutmak, sağlıklarını korumak için bazı kıstasları vardır. Bu kıstaslargenelde 1nci Dünya Savaşından itibaren elde edilen tecrübelerle sürekli gelişim ve değişim göstermektedir. Bunlardan birisi de bir askerın günlük su

tüketimidir. NATO üyesi ülkelerde müşterek olarak kullanılan dokümanlarda çeşitli iklim çeşitleri ve hareket ihtiyaçları için değişiklik gösterse de özel durumlar hariç, bu miktar günde yaklaşık 25-30 litre arasındadır (AKYAR,2020). KKTC'nin 2015 yılında ada ve bölge barışına katkı sağlamak için Türkiye'den KKTC boru hattı ile su getirilmektedir. Hattın kapasitesi 75 MT/yıldır (ANADOLU AGENCY, 2015). Ayrıca gelen su Geçitköy Barajında depolanarak hem içme hem kullanma suyu hem de tarımda kullanılmaktadır. Yeni boru hattı faal olduğu sürece KKTC'nin su problemi olmayacaktır. Ancak bu uygulama özellikle turizm işletmelerinde bir farkındalık projesi olarak isteğe bağlı olarak uygulanabilir. Bu uygulamaya göre turizm işletmeleri check-in esnasında misafirlerine bu konuyu hatırlatarak check-out esnasında bu kriterleri yerine getiren misafirlerine çalışmanın EK-inde örneği sunulan bir belge verebilirler. Büyük ihtimalle bu uygulama otel misafirleri tarafından da ilgi ile karşılanacaktır.

### **Sıfır Atık Uygulamaları**

Sürdürülebilir üretim ve tüketim alışkanlıklarını teşvik eder ve kaynakların verimli kullanılmasını destekleyen bir sistemdir. Sıfır atık aslında kullanılan ürünlerden arta kalanlardan tamir, geri ve ileri dönüşüm konularını da içeren yedi kullanım alanını içermektedir (SIFIRATIK,2023).

### **-Katı Atık Yönetimi**

KKTC'de atıklar genel olarak toplu olarak toplanmaktadır. Hatta yukarıda belirtilen sıfır atık uygulamasına göre toplanan atıklar bile ilk kullanım yerinde sınıflandırarak (kâğıt, plastik, metal vb) toplanmakta ancak daha sonra topluca götürülmektedir. KKTC'de Güngör bölgesinde 'Entegre Katı Atık Yönetimi Düzenli Depolama Alanı' ile ilgili düzenleme çalışmaları devam etmektedir. Ancak bu tesis atıkların düzenli olarak depolanması ile ilgili bir tesistir. Dolayısıyla bu tesisin yanına bir katı atık işleme tesisi kurularak hem geri dönüşüme gidecek malzemelerden hem de arta kalan atıklardan elektrik enerjisi üretecek bir tesise ihtiyaç vardır. Dolayısıyla bu şekilde kurulacak bir tesis hem KKTC'deki atık konusunu tamamen çözecek hem de bir miktar enerji üretecektir.

KKTC için önemli diğer bir atık da yeşil atıktır. Yeşil atık park, bahçe ve doğada oluşan ot kırıkları, çalı ve dal gibi organik madde türleridir. Tüm dünyada yeşil atıklar kompostlanarak tekrar kullanılmaktadır. Kompostlanan bu atıklardan elde edilen gübre ile bitkilerin toprakta bulunan besinleri daha kolay emmesi, suyu tutmasını ve toprağın havalanmasını sağlar(ABBİLGİ,2023) . KKTC'de bu proje AB tarafından birisi Güngör katı atık bölgesi olmak üzere yedi alanda yapılacak kompostlama tesisi ile projelendirilmiştir. Ancak Güngör katı atık alanındaki yangından sonra proje biraz akamete uğramıştır. Şu anda maalesef yeşil

atıklar genelde yakılmaktadır. Bu da çevreye daha fazla zarar vermektedir. AB ile yürütülen diğer bir proje ise Tıbbi Atıklar ile ilgili olanıdır. KKTC Çevre Bakanlığı AB ile işbirliği yaparak bu projeyi tamamlamıştır (CEVREKORUMA, 2023).

KKTC’de hem özel hem de kamu kuruluşlarının şikâyet ettiği konuların başında ambalaj ve kâğıt atıklarını geri dönüştürecek bir tesis olmamasıdır. Bu eksikliğin KKTC ekonomisine iki türlü zararı bulunmaktadır. Birincisi söz konusu bu atıklar değerlendirilmekte ikincisi ise bu atıklarda geri dönüşüm ürünü elde edilememesidir. Yani hem kaynak hem de orman ürünü israfı yaşanmaktadır. Acil olarak kurulması gereken tesislerden birisidir. Kamu ve özel sektör yöneticileri ile saha çalışması esnasında yapılan görüşmelerde bu konu ile ilgili projelere gerekli katkıyı vermeye hazır oldukları öğrenilmiştir.

### **Baca ve Filtre Sistemlerinin Kullanılması**

KKTC’de elektrik üretimi Girne’nin 15 km doğusunda bulunan Teknecik elektrik santralinden sağlanmaktadır. Santralin gücü yıllık yaklaşık 409 MW (MYKIBRIS,2023) civarındadır. Özellikle yaz aylarında bazı günlerde enerji kullanımının fazla olmasından dolayı elektrik kısıntısına gidilmektedir. Santral ile ilgili tartışılan en önemli konulardan birisi de santralin baca filtreleri ve çevreye verdiği zarardır. Aslında KKTC’de ağır sanayi tesisi yoktur. Bu kapsamda değerlendirilecek tek tesis Teknecik santralidir. Dolayısıyla mevcut durumda santralin çevreye ve insana zararının en aza indirgenecek bir teknolojik alt yapıya getirilmesi önemlidir.

### **Kolektör ve Su Artıma Sistemleri**

KKTC’de katı atık problemlerinden sonra diğer bir önemli konu ise atık suların yeteri kadar temizlenmeden denize bırakılması konusudur. Proje ile ilgili pilot bölge seçtiğimiz Karşıyaka’nın bağlı olduğu Girne Belediye Başkanı ile konu ile ilgili bir görüşme yapılmıştır. Girne Belediye Başkanı bu konuda ‘AB makamlarının da konu ile ilgilenmediğini aslında Akdeniz’in sadece güney tarafta bulunmadığını Kıbrıs’ın kuzey kıyılarının da Akdeniz olduğunu belirterek AB’den destek istediklerini belirtmiştir.’ Ayrıca kendileri de bu konu ile ilgili olarak daha önce 950 m’de bulunan atık borusunu 1950 m ve 95 m derinliğe götürerek hem kıyıdan uzaklaştırdıklarını hem de daha kolay dağılmasını sağladıklarını belirtmiştir (Girne Belediye Başkanı Murat Şenkul, Kişisel İletişim, 07 Aug 2023). Ancak KKTC atık sularının genel bir proje kapsamında ele alınması önemlidir. Bu proje AB’nin de desteklemesi gerek bir proje olarak algılanmaktadır.

### **Elektrikli Araçların Yıllara Göre Yaygınlaşması**

Elektrikli araçlar sera gazı salımının araçlardan kaynaklanan kısmına alternatif olarak görülmektedir. Tüm dünyada da hızla yaygınlaşmaktadır. KKTC bu konuda da avantajını

kullanarak dünyada bu konuda ilerleme sağlayabilir. E-araçların KKTC’de yaygınlaşmasının da yıllara bağlı olarak olması öngörülmektedir. Şu anda KKTC’de elektrikli 718, hibrit (yarı elektrikli) 2208 racın kayıtlı olduğu öğrenilmiştir<sup>127</sup>. Bunun için pilot bölgeler olarak nüfusun fazla olmadığı Girne batısında Karşıyaka, doğusunda ise Tatlısu bölgeleri seçilmiştir. Bu bölgelerde yaşayan insanlara gerekli teşviklerde verilerek şarj alt yapısı kurularak da bu konu sağlanabilir. Tabi burada Tilos adası örneğinde olduğu gibi %100 tekerlekli araçların kullanımı yerine yıllara göre mümkün olan en yüksek oran hedeflenmelidir.

KKTC’de özel sektör bu konuda kamunun önünde gitmektedir. Özel sektör tarafından GÜRSEL adlı bir elektrikli aracın çeşitli prototipleri yapılmış ve seri üretimi içinde çalışmaların devam ettiği öğrenilmiştir. E-misson adlı bir firma ise sadece elektrikli araçlar satmaktadır. Söz konusu firma ayrıca şu anda şarj istasyonlarının sayısının yeterli olmadığından kendi şarj ağını kurarak bu konuda da önemli bir adım attığı firma yetkilileri ile yapılan görüşmeden öğrenilmiştir. ( Firma Yetkilisi, Kişisel İletişim 12 Ağustos 2023)

KKTC’de elektrikli ve hibrit araçların kullanımını arttırmak için 27 Mart 2023 tarihinde çıkan kanun ile teşvik verilmiştir. Ancak bu teşviğin yeterli olmadığı öngörülmektedir. Ayrıca elektrikli ve hibrit araçların en büyük problemlerinden birisinin eskiyen bataryalarının atık olarak bertaraf edilmesidir. Dolayısıyla elektrikli ve hibrit araç kullanımı ile ilgili hukuki düzenlemeler yapılırken konunun bir bütün olarak ele alınması araç kullanım isteğini artıracaktır (KIBRIS,2023).

Yine bu konuda öne çıkan bir grup Merit oteller grubudur. Grubun Girne batısında bulunan oteller bölgesinde müşteriler tesisler arasında elektrikli araçlar ile taşınmaktadır (Firma Yetkilisi, Kişisel İletişim 11-13 Ağustos 2023)

### **Yenilebilir Enerji ve KKTC**

KKTC’nin belki de sürdürülebilir bir çevre ve enerji konusunda en avantajlı olduğu alandır. KKTC’de yılın büyük bir çoğunluğu güneşli ve açıktır. Ortalama rüzgar hızı 2.8m/sn.dir (KKTCMETEOR,2023). Daha önce de belirtildiği gibi KKTC’de elektrik enerjisi problemi vardır. Bu probleminin bir kısmı katı atıkların yakılması ile edilebilir. KKTC’nin enerji problemini çözecek en önemli konulardan birisi güneş enerjisinden yararlanılmasıdır. Ancak şu andaki hukuki mevzuata göre hanelerde en fazla Beş(Tek Fazlı) Sekiz (Üç Fazlı) KW’a kadar üretim yapacak bir tesis kurulabilir (CM, 2022). Ayrıca bu tesis ilgisinin tüketimi yani enterkonnekle sisteme verilmesi ile ilgili problem sahaları da devam etmektedir. Ayrıca güneş enerjisinin adada barışa ve KKTC’nin statüsünün sağlamlaştırılmasına bir örnek ara bölgede kurulacak güneş panelleri ile elektrik üretimidir. Bu konuda iki taraf arasında varılan

<sup>127</sup> 22 ğustos 2022 tarihinde KKTC Motorlu araçlar Dairesi’nden alınan rakamlara göre.

anlaşmaya göre ara bölgede 30/50 MW'lık fotovoltaik park yapılacağı Bmü AB ve kamuoyu ile paylaşılmıştır (TEMİZ ENERJİ,2023)

Güneş enerjisi sistemleri elektrikli araçlar şarj istasyonlarında kullanılarak e-arac kullanımı artırılması gibi projeler geliştirilerek KKTC enerji problemi tamamen giderilebilir.

Rüzgâr enerjisi konusunda iki görüş bulunmaktadır. Birincisi KKTC’de rüzgârın genellikle dalgalı olduğu ve enerji üretmeye uygun olmadığı diğer görüş ise uygun olduğu konusu ile ilgilidir. Ancak güneyde rüzgâr türbinlerinin çokluğu göz önünde bulundurulduğunda rüzgâr gücünün de elektrik enerjisi üretilebileceği öngörülmektedir.

Elektrik enerjisi üretilebilecek diğer bir alan ise deniz dalgalarıdır. Ancak şu anda dalga gücü ile enerji üretecek sistemler belki maliyetli olabilir. Ancak sürdürülebilir enerji konusunda iddialı olan KKTC’nin bu konuyu da ajandasına alması gerekmektedir. Bu alanda yine öncü olan özel sektör kuruluşlarından Kaya oteller grubudur. Grubun Baf turizm bölgesinde bulunan otelinin enerji ihtiyacının çok büyük bölümü 3 MW büyüklüğündeki güneş enerjisi santralinden sağlanması öngörülmüştür ( Firma Yetkilisi, Kişisel İletişim 15 Ağustos 2023)

### **Sürdürülebilir Çevre Projeleri**

KKTC’de halihazırda birçok çevre projesi bulunmaktadır. Bunların üç adeti uluslararası üne sahip ve örnek olması nedeniyle belirtilecektir.

#### **-Karpaz Özel Çevre Koruma Alanı**

Özel Çevre Koruma Bölgesi (ÖÇKB), Karpaz yarımadasının uç noktasında bulunan, 9,645 hektar toprağı ve 9,485 hektar denizi kapsayan bir alandır. Bu bölge önemli habitatları ve canlı türlerini barındırmasından dolayı seçilmiştir. Bu seçimin temel nedenlerinden biri de uluslararası önem taşıyan deniz kaplumbağalarının bölgede yumurtlamasıdır. Hem yeşil kaplumbağaların (chelonias mydas) hem de Caretta Caretta’ların çok sayıda yuvaları bölgenin çeşitli sahillerinde bulunmaktadır. Foklar denizde ev sahipliği yapmalarının yanında başıboş davranışlar da sergilerler ve üremeleri kıyısal bölgede olur. Aynı zamanda bölgedeki diğer önemli üreme kolonisi de Audouin Martılarıdır(Larus audouinii). Bölge doğal çevreyi etkileyen insan faktörünün yanında, kontrol edilemeyen yabancı eşek problemi de var. Eşeklerin doğal habitatlar ve tarım ürünleri üzerinde ölçülemeyen olumsuz etki yarattığı ve böylece çiftçiler için de problem olduğu göz önünde bulundurularak “Eşek koruma Alanı”nı da içermektedir (CEVREKORUMA,2023).

#### **-Deniz Kaplumbağaları Koruma Projesi**

Deniz Kaplumbağalarını Koruma Projesi, Kuzey Kıbrıs Kaplumbağaları Koruma Cemiyeti, Exeter Üniversitesi Deniz Kaplumbağalarını Araştırma Ekibi ve Kuzey Kıbrıs Türk Cumhuriyeti Çevre Koruma Dairesi’nin işbirliğinde yürütülmektedir. Deniz kaplumbağaları

koruma projesi KKTC'nin sürdürülebilir bir çevre enerji konusunda uluslararası arenada ne kadar ilgi göreceğinin bir göstergesi olarak algılanabilir. Çünkü projeye İngiltere'den Exela ünver ailesi dahil destek vermekte ayrıca gönüllüleri çoğunlukla İngiliz vatandaşı olmak üzere sekiz ülke vatandaşlarından oluşmaktadır. Bu sayı günden güne de artmaktadır.

Deniz Kaplumbağaları ile ilgili diğer uluslararası bir merkez Merit Oteller Grubunun yürüttüğü "Meriatta Deniz Kaplumbağaları Rehabilitasyon Merkezi'dir." (Firma Yetkilisi, Kişisel İletişim 11-13 Ağustos 2023)

Merkez yaralı ve bakıma muhtaç kaplumbağalarının tedavi ve rehabilitasyonunu yapmaktadır. Tedavi ve bakımları tamamlanan kaplumbağalar tekrar doğal alanlarına bırakılmaktadır. Merkez MEDASSET'e üye olarak uluslararası 'Sea Turtle Reseve Center Map'de' de yerini almıştır (MEDASSET, 2023).

#### **-Girne Amerikan Üniversitesi (GAÜ) Bal Ormanları (GAÜ Arıcılık Araştırma Geliştirme ve Uygulama Merkezi) Projesi**

Girne Amerikan üniversitesi'nin; KKTC Tarım Bakanlığı, T.C. Tarım Hayvancılık ve Orman Bakanlığı ile çeşitli üniversite ve kuruluşlar ile işbirliği yaparak müstakil olarak geliştirdiği bir projedir. Proje ile; Karpaz Yaşam Kampüsü'nde kurulan Arıcılık merkezinde arıcılıkla ilgili çeşitli faaliyetler yürütülmektedir, başta bölge ve ülke arıcılığının geliştirilmesi, sektörde yaşanan sorunların çözümüne katkı sağlanması amacıyla arıcılık eğitimleri vermektedir. Bal arılarını özellikle çocuklara tanıtmak, bilgilendirerek sevdirmek ve bu şekilde farkındalık yaratarak bilgi düzeylerinin artırılması hedeflenmektedir. Halkın sağlığını tehdit eden kimyasalların kullanımını engellemeye ve bilinçlendirmeye yönelik seminer ve konferanslar düzenlenmektedir. Arı yetiştiriciliği alanında yeni yöntemler geliştirerek, özellikle bal arısı konusunda modern yöntemleri uygulama yolunda çalışmalar yaparak, üreticileri aydınlatmak, onları harekete geçirerek üreticilerin işgücünü ve kısıtlı mali kaynaklarını daha verimli kullanmalarını sağlamaya yönelik eğitim çalışmaları yapılmaktadır. Ayrıca bölge veya yakın bölgelerin arı ırk ve ekotiplerini kullanarak daha verimli ana (Kraliçe) arı üreterek yabancı ırk ve ekotip yerine bölgenin ırk ve ekotiplerini kullanmayı teşvik etmek, arı hastalıkları konusunda üreticilerin sorunlarını sağlıklı bir şekilde çözmeye yönelik çalışmalar yaparak hastalıklara karşı biyolojik mücadele yöntemleri yeni ilaç-ekipman ve teknolojik gelişmelerle ilgili konularda araştırmalar yapılmaktadır. Merkez içerisinde ayrıca tıbbi aromatik bitkiler merkezi ve ulusal tohum bankası oluşturulması için de çalışmalar devam etmektedir (UZMANARI.COM, 2023). Ayrıca KKTC'nin diğer bölgelerine göre yerleşimin daha az olduğu bu bölgede insan yaşam ve kalitesini de yükseltmeyi öngören insan odaklı bir projedir.

### **Yeşil Bayrak (Sembol) Uygulaması**

Yeşil Bayrak uygulaması dünyada çeşitli alanlarda; parklar, okullar vb uygulanmaktadır. Ancak burada kast edilen yeşil bayrak tüm KKTC'yi kapsayan; ev, özel ve kamu kurum ve kuruluşlarını kapsayacak bir uygulama olarak görülmektedir. Böylelikle KKTC'nin aşamalı olarak bir bütün halinde "Yeşil Ada"ya dönüşmesini sağlayacak bir sistem olarak algılanması gerekir. Yine burada adanın lokomotif sektörü olan turizm ve eğitim alanındaki kurum ve kuruluşlar seçilebilir. Yeşil bayrak veya sembolün alınması için yapılması gerekenlerin esasları da özel sektör ve devlet kurumlarının temsilcileri ile beraber tesis edilebilir.

### **Sessiz Şehir Uygulamaları**

Bu konuda son yıllarda yaygınlaşmaktadır. KKTC'de beş şehir (Yeniboğaziçi, Lefke, Mehmetçik, Geçitkale ve Tatlısu) bu ağı dahildir. Tatlısu beldesi aynı zamanda çalıştığımız bu proje kapsamında pilot yerleşim yeri olarak seçilmiştir. Belediye Başkanı ile yapılan görüşmede 110 KW'lık bir güneş enerjisi projesini yeni tamamladıkları, yeşil atıktan gübre elde ettikleri öğrenilmiştir (Tatlısu Belediye Başkanı Hayri Orcan, Kişisel İletişim 14 Ağustos 2023)

### **Aşırı Betonlaşmanın Önlenmesi**

Pandemi ve Ukrayna-Rusya savaşı sonrasında KKTC'de inşaat alanında bir artış olduğu öngörülmektedir. Tabi bu konunun ekonomik boyutu da vardır. Ancak yine insan ve çevre odaklı bir yaklaşım çerçevesinde geçmişte aynı hataya düşen bazı ülke ve şehirlerde olduğu gibi aşırı betonlaşmadan kaçınılmalıdır. Bunun yerine çevre ve insan odaklı inşaat projelerine önem verilmelidir.

### **Sonuç**

KKTC'nin uluslararası arenada tanınması ile ilgili gayretleri devam etmektedir. Bu konu ile ilgili zaman zaman çeşitli politika ve projeleri hayata geçirmektedir.

İklim değişikliğinin olumsuz etkilerinin, sürdürülebilir bir çevre ve enerji ihtiyacının artmasına paralel olarak uluslararası alanda bazı anlaşma, program ve uygulamalar da hayata geçirilmektedir. Bunların içinde BM 2030 Ajandası ve AB Yeşil Anlaşması önem kazanmaktadır. Yine bunlara paralel olarak sürdürülebilir bir çevre ve enerji ile ilgili girişimler de uluslararası çevrelerde destek bulmaktadır.

Çalışmada yapılan inceleme ve analizlerin sonucunda KKTC'de yapılabilecek hukuki düzenlemeler, insan ve çevre odaklı mevcut ve hayata geçirilebilecek projeler incelenmiştir. Bu inceleme ve analizlerin sonucunda bu projelerin realize olması durumunda KKTC'nin uluslararası alanda tanınırlığına olumlu katkı yapacağı öngörülmektedir.

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## CROSS-CULTURAL NATIONAL MODERNISMS IN ARCHITECTURE: A READING THROUGH SEDAD HAKKI ELDEM AND BORIS ČIPAN'S ARCHITECTURAL PRODUCTIONS

Asst. Prof. Dr. Bedriye Aylin KARTAL<sup>128</sup>

### ABSTRACT

This research focuses on the works of two architects – Sedad Hakkı Eldem (1908-2012) and Boris Čipán (1918-2012) – and their interpretation of modernism with nationalistic tendencies in architecture. Eldem is known as the pioneer of nationalism in architecture in Turkey, while Čipán was a prominent actor in Macedonian modern architecture after World War II. Modernism was the dominant philosophy of architecture and design in the late 1920s and early 1930s. It was characterized by an analytical approach to the function of buildings, rational use of new materials, structural innovation, and the elimination of ornament. However, by the late 1930s in Turkey, national architecture debates started against modernist aesthetics in architecture. Eldem led these debates, advocating the use of the vernacular building traditions of the “Turkish Houses” to nationalize modern architecture. He used the renowned layout and facade aesthetics of “Turkish Houses” in his residential building projects. Similarly, Boris Čipán investigated the characteristics of old architectural heritage and traditional vernacular houses in Macedonia and found parallel characteristics with the modernist principles in architecture. In his Macedonian Academy of Sciences and Arts building, he reinterpreted modernism with traditional, regional motifs and themes. Both architects used nationalistic reinterpretations of modernist architecture in their works, which are considerable examples of an investigation of the cross-cultural interactions in architecture.

**Keywords:** Modernism, Nationalism, Critical Regionalism, Sedad Hakkı Eldem, Boris Čipán

### Introduction

The intersection of modernism and nationalism has long been a subject of scholarly inquiry. Architectural productions often serve as objects of representation, shaping the built environment to reflect and reinforce national identity. In this paper, we will embark on a journey through the architectural productions of two seminal figures—Sedad Hakkı Eldem and Boris Čipán—exploring their distinct yet interconnected approaches to the nationalization of modernism. By analyzing their works, we will uncover the interplay between modernist principles and local vernacular traditions, shedding light on the cross-cultural dynamics that have shaped architectural discourse in Turkey and Macedonia.

### Architectural Program of Turkey And Yugoslavia In The Inter-War Period

The aftermath of World War I saw the emergence of two new nation-states: Yugoslavia and Turkey. In 1918, the Kingdom of Yugoslavia was established as a monarchy, with the former King of Serbia assuming the throne of the South Slavs. Concurrently, the Turkish Republic was founded under the leadership of Mustafa Kemal Atatürk in 1923. These newly formed states initiated extensive development initiatives, particularly in urban centers, as part of their nation-building endeavors.

Yugoslavian architecture of the 19th and 20th centuries exhibited a diverse array of stylistic approaches. However, the national style emerged as the most prominent among them. Rooted in the romantic historicism of Serbian architecture in the 19th century, the national style

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persisted and evolved over time, becoming emblematic of Yugoslavian architectural identity. Architects played a pivotal role in shaping this national style, which permeated across Serbia and the broader Yugoslav landscape (Kadijevic, 2009:102).

In the early 1920s, architects in Yugoslavia began advocating for architectural modernism as a means to advance progressive national narratives. The formation of the Group of Architects of the Modern Movement in 1928 marked a concerted effort to promote modern architecture as the "national" style of Yugoslavia, transcending regional distinctions.

Similarly, the architectural landscape of the newly established Republic of Turkey was profoundly influenced by the social and political changes of the era, as well as the pursuit of national identity. The rise of nationalism towards the twilight of the Ottoman Empire significantly influenced the architectural vocabulary of the period. This culminated in the emergence of the First National Architectural Movement, characterized by the fusion of architectural elements and ornamentation from both Turkish and Classical Ottoman traditions (Bozdoğan, 2021:20).

By the 1930s, Turkey embarked on a revolutionary architectural path, embracing modernist principles with fervor. Modern forms such as cubic and prismatic shapes, reinforced concrete construction, and flat roofs became emblematic of the country's progressive stance, symbolizing a departure from traditional historical references. Through the adoption of this new architectural paradigm, Turkey underscored its commitment to modernization and a promising future (Bozdoğan, 2021:59).

### **Nationalization of the Modernism**

After World War II, the Modern Movement underwent a significant shift in direction. The architectural philosophy that viewed architecture as a tool for creating healthy societies in the early 20th century was scrutinized in the later decades. Critics pointed out its perceived coldness, neglect of everyday life values, and insufficient attention to human needs. This criticism sparked a global quest for new architectural expressions inspired by local traditions, leading to the adaptation of modern architecture to reflect national or regional characteristics.

During the late 1950s and early 1960s, there was a surge in the adoption of Brutalism among emerging architects in SFR Yugoslavia<sup>129</sup>. This trend emerged as a reaction to the dissolution of the international architectural movement and had profound implications for the reconstruction efforts in Skopje, particularly following the devastating earthquake of 1963. Kenzo Tange, a prominent Japanese architect, advocated for Brutalism in Skopje, proposing a comprehensive overhaul of the cityscape in this architectural style (Stierli, 2018:20). Concurrently, the decentralization and liberalization policies implemented in SFR Yugoslavia after the 1950s precipitated a significant transformation in architectural discourse. During this era, there was a growing emphasis on ethnically influenced architectural styles, reflecting a shift towards critical regionalism. This paradigm aimed to blend modern design principles with the distinctive cultural heritage of individual regions, such as Yugoslavia's socialist republics (Elezi et al., 2014:1). Significant contributions to this trajectory include Branislav Kojić's "Old Urban and Village Architecture in Serbia" (1949), Dušan Grabrijan's "Macedonian Kukja"<sup>130</sup> (1955), Juraj Neidhardt and Dušan Grabrijan's "Architecture of Bosnia and the Way into Modernity" (1957), and Boris Čipan's (fig. 1) "The Old City Architecture in Ohrid" (1961). These seminal works elucidated the convergence of modernism with the traditional architectural heritage, introducing innovative perspectives on

<sup>129</sup> Author's note. The Socialist Federal Republic of Yugoslavia (SFRY), commonly referred to as SFR Yugoslavia or Socialist Yugoslavia or simply as Yugoslavia. It emerged in 1945, following World War II and lasted until 1992, with the break up of Yugoslavia occurring as a consequence of the Yugoslav wars.

<sup>130</sup> Author's note. "Kukja" is a term used in Macedonian to refer to a traditional Macedonian house or a vernacular dwelling.

architectural theory and practice (Accai, 2019:121). The trajectory towards distinct ethnic architectural identities gained momentum with the decentralization of the historical preservation authority in 1972. This administrative reconfiguration empowered regional entities to undertake deeper explorations of their cultural narratives, thereby contributing to the diversification and enrichment of SFR Yugoslavia's architectural landscape.

The era of Early Republican modernism in Turkey came to an end during the 1940s. Influenced by nationalist sentiments and state policies, Turkish architects abandoned the aesthetic principles of cubic modernism. Instead, they opted for a more regionalist, monumental, and classical style. Just as they had initially embraced modernism as a reflection of the newly established republic, they now advocated for a national architecture that could symbolize the republic's efforts to reconnect with the historical roots of the Turkish nation. While the former embodied the forward-looking aspirations of the new nation, the latter arose from a desire to establish a deeply rooted historical identity for it (Bozdoğan, 2001:241).

Sedad Hakkı Eldem (fig. 2) occupied a distinguished position within Turkish architectural history as a pioneering figure in the promotion of nationalism within the built environment. Born during the waning years of the Ottoman Empire, Eldem bore witness to the profound transition from empire to republic, a period defined by fervent nationalism and an ardent pursuit of modernization (Eldem, 2008:12). Drawing upon Turkey's abundant architectural heritage, Eldem endeavored to harmonize modernist principles with traditional Turkish aesthetics, thereby laying the groundwork for a distinctly national modernism.



Fig. 1 Boris Čipani



Fig. 2 Sedad Hakkı Eldem

Eldem's influence extended beyond individual projects, encompassing broader dialogues concerning modernism and national identity in Turkey. In the late 1930s, amid growing scrutiny of modernist aesthetics, Eldem emerged as a vocal proponent for the indigenization of architecture, advocating for the integration of vernacular building traditions into modernist practice.

From 1934 onwards, he laid the groundwork for the emergence of a discourse on national architecture in the architectural production of the 1940s, particularly focusing on documenting Ottoman civilian architecture through intensive educational endeavors under the banner of the National Architectural Seminar. The primary aim and methodology of the National Architectural Seminar's program were delineated as follows: The principal task of the seminar is to establish a close engagement between the student and Turkish architecture. To achieve this, works produced by Turkish architecture up to the present or currently under production will be studied. Each student will work on various paths according to their abilities and interests. Hence, the curriculum is highly flexible. Over the course of one year, students will be required to complete four tasks: Layout plan of existing buildings, detailed surveys of architectural elements, architectural surveys and urban planning studies on how existing buildings will be considered in new constructions and to what extent (Akcan, 2009:223).

Sedad Hakkı's research and educational activities during this period, particularly focusing on traditional wooden houses and mansions of the Ottoman upper class, served as foundational

groundwork for the development of plan types and formal programs for his residential buildings. Central to Eldem's architectural philosophy was the concept of "Turkish Houses," indigenous dwellings characterized by their spatial arrangement, choice of materials, and decorative motifs. In his residential projects, Eldem adeptly incorporated elements of the Turkish House tradition, employing renowned layout and façade aesthetics to infuse his creations with a palpable sense of national identity. Through meticulous attention to detail and a profound reverence for the nation's architectural legacy, Eldem forged a novel architectural vernacular that resonated deeply with the ethos of Turkish nationalism (Bozdoğan et al., 2005:18).

### Cross-Cultural Perspectives in Boris Čipan and Sedad Hakki Eldem's Works

In the context of post-World War II Macedonia, Boris Čipan (1918-2012) emerged as a leading figure in the reimagining of modernist principles within a national framework. Against the backdrop of socialist Yugoslavia, Čipan embarked on a quest to reconcile modernist aesthetics with the country's rich architectural heritage, forging a path towards a uniquely Macedonian modernism (Accai, 2019:122).

At the heart of Čipan's architectural philosophy was a deep reverence for Macedonia's historical architectural legacy (fig. 3). Drawing inspiration from traditional vernacular houses and old architectural heritage, Čipan sought to imbue his works with a sense of regional identity, while simultaneously engaging with the modernist discourse sweeping across Europe.

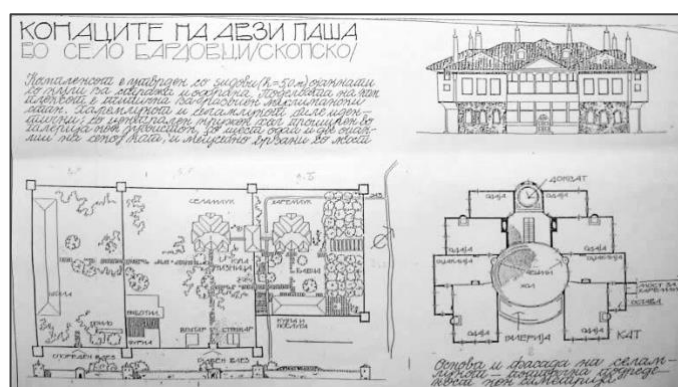


Fig. 3 Together with his class-mates and his professor Branislav Koić, Čipan worked on recording Avzi Pasha's quarters in Bardovci, as well as some country houses in the vicinity of Skopje and Ohrid in 1940's.

On February 23rd, 1967, the establishment of the Macedonian Academy of Sciences & Arts (MANU) in Skopje marked a pivotal moment in the stewardship and advancement of the republic's scientific and artistic cultural heritage. Following the establishment, the academy proceeded to organize an architectural design competition in 1973 to determine the form of their new headquarters. After receiving numerous submissions from architects across Yugoslavia, the jury selected Boris Čipan, a native of Ohrid, Macedonia, as the winner of the competition. Despite having already established himself as a proficient designer through previous projects in Ohrid, Veles, Štip, and Bitola, the construction of the MANU building was destined to be the most significant undertaking of Čipan's career (Niebyl, 2021: <https://www.spomenikdatabase.org/post/skopje-s-1963-quake-from-ruins-to-modernist-resurrection>).

Completed in 1976 after a two-year construction period, Čipan's MANU complex emerged as one of Skopje's most ambitious and innovative architectural endeavors during its post-

earthquake reconstruction era. Its unveiling garnered numerous accolades, notably the prestigious "Borba" Award in 1977, the highest professional distinction attainable in Yugoslavia at the time (Ivanovski et al., 2014:89). Situated on a square footprint of approximately 65m x 65m, the front facade of the MANU building faces south toward the river. Characterized by a series of protruding concrete verandas, the facade exhibits a striking design, crowned by a steeply sloping copper roofline. This architectural configuration draws inspiration from traditional Macedonian folk architecture, evident in the curved corbels adorning the eaves, supporting pillars, and decorative niches throughout the building. In contrast, the rear northern section features a sturdy tower adorned with horizontal columns of glass panels and a bush-hammered concrete facade, flanked by ascending bump-outs. The integration of concrete and glass with traditional elements reflects a harmonious blend of architectural innovation and cultural heritage appreciation (fig. 4).



Fig. 4 Macedonian Academy of Sciences & Arts (MANU), Boris Čipan, 1976.

Inside the complex, Čipan's design ethos extends to the entrance lobby, characterized by wood finishes echoing the traditional curved corbel motif. Playfully experimental, the lobby exudes warmth and energy, complemented by a monumental modernist mural crafted by renowned Macedonian artist Gligor Čemerski specifically for the building in 1977 (Niebyl, 2021: <https://www.spomenikdatabase.org/post/skopje-s-1963-quake-from-ruins-to-modernist-resurrection>). Additional bespoke artworks include two towering stained glass windows titled "Lights of the Past" by Macedonian artist Borko Lazeski, installed in the central presentation hall. The interior ambiance, dominated by wood finishes, defies the expectations of a large concrete structure, imbuing the space with a comforting, homely atmosphere. His crowning achievement, the Macedonian Academy of Sciences and Arts building, stands as a testament to this synthesis of tradition and modernity, featuring traditional regional motifs reinterpreted through a modernist lens (Fig. 5).

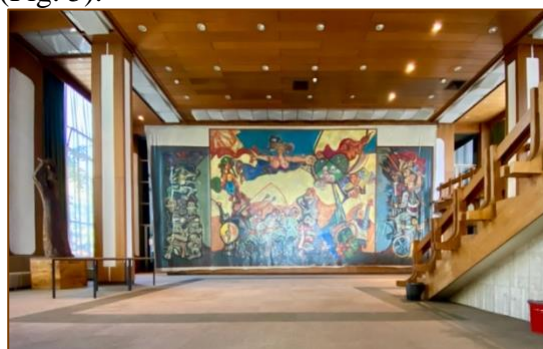


Fig. 5 The entrance lobby and the mural by Gligor Čemerski.

Čipan's architectural vision was not merely confined to individual projects but encompassed broader efforts to promote a distinctly Macedonian modernism. Through his planning, conservation, writing and, teaching activities, Čipan inspired a new generation of architects to

embrace their country's traditional architectural heritage while pushing the boundaries of modernist practice.

The most prominent example of national architecture, which is conceived and textually produced by Sedad Hakkı Eldem, is the Taşlık Coffee House (1947-48). This building largely replicates the plan of the divanhane<sup>131</sup> of the Hüseyin Paşa Yalı, from the Köprülü family, with the only difference being the addition of a fourth eyvan to the plan of the divanhane. The structure is positioned on top of a high retaining wall, with its central eyvan facing the İstanbul Bosphorus supported by wooden brackets (Eldem, 1950:202). The vertical planes, ceiling, and broad eaves of the reinforced concrete frame structure are covered with wood (Fig. 6).



Fig. 6 Taşlık Coffee House, Sedad Hakkı Eldem, 1948.

During the post-war era, Sedad Hakkı Eldem's architectural endeavors engaged directly with the grandeur of the Byzantine and Ottoman historical legacy, while remaining mindful of local settlement customs. However, Eldem's designs avoided indulging in a quaint, picturesque, or overly stylized regionalism. Notably, structures like the Palace of Justice, İstanbul University's Faculty of Letters and Science, and the National Insurance Complex were crafted to provide ample space and suitable environments for public institutions.

Located at the site of the masonry mansion, which belonged to Zeynep Hanım, the daughter of Kavalalı Mehmet Ali Pasha, and Yusuf Kâmil Pasha, the Grand Vizier of Abdülaziz, and which was allocated to İstanbul University in 1909 but was heavily damaged by a fire on February 28, 1942, the İstanbul University Faculty of Letters and Science (1942-1943-1945) is situated on a large triangular plot intersected by Büyük Reşit Paşa Avenue and Ordu Avenue in Vezneciler (Günergun et al, 2006:136), (Figs. 7, 8). Comprising twenty-one blocks constructed with a reinforced concrete system, the complex consists of two distinct faculties connected by spacious courtyards bordered by stone-clad tall colonnades and monumental halls (Fig. 9). The entire complex is designed as a cohesive entity, with historical elements prevalent in all spatial units and architectural features. Notable components of the complex's historical aesthetic include broad eaves, rectangular windows repeated on facades, stone/brick alternating wall patterns, ornate ceiling decorations inspired by the monumental entrance resembling a crown door located on Ordu Avenue for the Faculty of Arts and Sciences. Additionally, a functional rationalist approach is evident in the meticulously crafted spatial

<sup>131</sup> Author's note. "Divanhane" term refers to the large spaces (salons) in the palaces, pavilions, mansions, kiosks and shoreside houses.

organization and construction technology that pushed the limits of the era, emphasizing the architects' desire to create a prestigious structure with high standards. Of particular note is the Aula Magna, located within the group of buildings belonging to the Faculty of Science, which stands out with its design.



Figs. 7, 8, 9 Istanbul University Faculty of Letters and Science

The Social Insurance Complex (1962-1964), created as a result of a limited competition opened in 1962, marks a significant point in Sedat Hakkı Eldem's career. Located on a sloping terrain between Atatürk Boulevard and Zeyrek Hill, the project includes a dispensary, market, bank branch, café, and office units belonging to the Social Insurance Institution. After completion, the building complex was used only for office functions. The group of buildings consists of five blocks at different heights to adapt to the terrain without camouflaging the historical fabric in the background. The blocks and the courtyards between them are positioned on axes designed as two internal streets (Fig. 10). Although all interconnected on the ground floor, each block also has its independent entrance. In terms of formal characteristics, one can observe Sedat Hakkı's distinctive repertoire, such as projections of building masses, vertical rows of windows following a rhythmic pattern, prefabricated sills, and wide eaves (Fig. 11). The concept of creating public spaces with different functions along the main axis of the internal streets could not be realized due to the entire structure being used as offices. However, the building complex, which won the Aga Khan Award for Eldem in 1986, is significant in terms of implementing historical continuity interpreted through residential typologies on an urban scale with a culturally sensitive design, a theme Eldem had explored throughout his career (Tanju, 2009:188).



Figs. 11, 12 The Social Insurance Complex

## Conclusion

In conclusion, the architectural endeavors of Sedad Hakki Eldem and Boris Čipan serve as compelling case studies in the intricate relationship between modernism and nationalism in Turkey and Macedonia. Through their innovative approaches to architectural practice, Eldem and Čipan transcended geographical and cultural boundaries, forging paths towards a cross-cultural national modernism that remains relevant to this day. By reinterpreting modernist principles through the lens of their respective national identities and architectural traditions, they not only contributed to the built environment but also enriched the cultural fabric of their societies.

The exploration of Eldem's advocacy for the integration of vernacular building traditions into modernist practice, as well as Čipan's fusion of modernist aesthetics with Macedonia's rich architectural heritage, underscores the dynamic nature of architectural discourse. These architects navigated the tensions between tradition and innovation, locality and universality, to create spaces that resonate deeply with their cultural contexts while embracing the progressive ideals of modernism.

As we continue to navigate the ever-evolving landscape of architecture, the legacies of Eldem and Čipan serve as guiding lights, reminding us of the transformative power of architecture to shape and reflect national identity. Their works stand as testaments to the enduring relevance of cross-cultural dialogue in architectural practice, offering invaluable insights into the complexities of modernist expression in diverse cultural contexts. Through further exploration and analysis of their architectural productions, we can deepen our understanding of the intersection between modernism and nationalism, illuminating new pathways for architectural innovation and cultural exchange.

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Chamber of Architects Istanbul Metropolitan Branch Archive (fig. 2)

MARH.mk (figs. 1, 3)

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## ANALYZING THE RELATIONS BETWEEN TÜRKİYE - ALBANIA AND ALBANIAN COMMUNITIES IN THE WESTERN BALKANS

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### ABSTRACT

When we observe the Western Balkans, it is easy to see a significantly long and profound relationship between Türkiye and Albania, especially when we include the larger context of Albanian communities throughout the Western Balkans, the ties become even more evident. These ties continue to exist even when the Turkish position in the Western Balkans has become quite complex with Türkiye trying to play a mediating role during conflicts and is aiming to establish influential presence throughout the Western Balkans. Considering the complex situation that Türkiye finds itself in the Western Balkans, one must also take into account the existence of legitimate reasons behind Türkiye's involvement, such reasons being the springboard through which Türkiye launches its diplomatic moves. In a period when Albania and the Western Balkans are pushing further to integrating into the EU, the Turkish position is also quite important, as the EU can be a positive factor for Türkiye and its relations with Albania and the Western Balkans at large. In this paper, the aim will be to analyze the developing relations between Türkiye and Albania as well as the larger context of Albanian communities in the Western Balkans. In order to provide an in-depth analysis, we will utilize the Natural Position concept, which will incorporate the historical, economic, political and social background of the topic. In addition, we will pursue a redefinition of the Turkish role in the Western Balkans with an emphasis on its relations to Albania and the Albanian communities.

**Keywords:** Türkiye, Albania, Western Balkans, Complexity, Integration, Mediator

### Introduction

Having in mind the importance of an effective presence in the Western Balkans for Türkiye as an emerging middle power and the crucial position of Albania and Albanian communities in the Western Balkans, the relations between these sides is a very important factor for future prospectives. Albania is an emerging state in the region, with NATO membership and a serious bid for EU membership (Szucs, 2022), meanwhile, Türkiye, a NATO member in its own right, is an aspiring middle power in the region (Yalçın, 2012). Türkiye and Albania have a long history of existing relations and mutual ground from the very beginnings of the two republics, meanwhile for Albanian communities in general, Türkiye means much more than just a regional actor. The background of an Ottoman presence in the Western Balkans and the reality of a highly-integrated Albanian community within the "Devlet-i Aliyye-i Osmaniyye" (Ottoman State) (Licursi, 2011) has laid foundations for commonality and pretext for closer relations between the Turkish state and the Albanian communities in the Western Balkans. However, the historical commonality is only the beginning, expanding relations today, would open the way to profound benefits for Türkiye, for Albania and Albanian Communities, as a whole.

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The established relations between Türkiye and Albania as well as Albanian communities as a whole in the Western Balkans have already paved the way for beneficial outcomes for all parties involved, however this can be even further expanded, and the benefits and positive impacts enlarged with further enrichment of relations. The EU aspirations of Albania would also see a positive impact from increased relations with Türkiye as development of institutions, mechanisms, infrastructure, and economic perspectives are crucial for a country's preparedness to join the European Union.

Both Türkiye and Albania have a lot to learn and a lot to gain from their ties, however, both sides have not yet reached the full potential and the positive impact of bilateral ties, the same can be said of the ties between Türkiye and the Albanian communities throughout the Western Balkans.

### **A preview of relations between Türkiye and Albania**

In order to analyze the status quo of relations between Türkiye, Albania and Albanian communities in the Western Balkans, one must first look-back on the historical background and gradual development of relations in order to understand the foundations on which relations have been constructed. When looking at the historical context of relations, the very first factor which needs to be acknowledged is the commonality of an Ottoman presence. Although the Ottoman state is regarded as a Turkish empire (Sykes, 1916), the influence and contribution of the Albanian community within the Ottoman state and its bureaucracy should not be understated. The Albanian community was an integral part of the Ottoman state, envisaged in high positions within the political hierarchy (Comyn-Platt, 1906) and an integrated community within the Ottoman society (Özkul & Zullufi, 2019). The Ottoman state was present for centuries not only in regions of today's Republic of Albania but throughout the Western Balkans (Sancaktar, 2011) and virtually any territory in which Albanian communities are present currently.

Following the First Balkan War in which an alliance of newly-established Balkan states declared war to push the Ottomans out of the Balkans (Ginio, 2016), an agreement was signed, headed by major European powers in order to distribute the Ottoman lands in Balkans amongst the Balkan League parties, this agreement is known as the Treaty of London (1913) (Duggan, 1913). Although the Ottoman State was not a signatory in the treaty, their vilayets (provinces) were shared amongst the Balkan League states, effectively ending the five-century long Ottoman presence in a region which was regarded as the homeland of the Ottoman state (Ortaylı, 2014). This defeat caused devastation and a political and cultural shock for the Ottomans (Boyar, 2007). For the newly-established Albanian state, the Treaty was an injustice from a different perspective. The treaty led to a huge chunk of Albanian-majority lands being annexed by Balkan League states (Elsie, 2010), resulting in the majority of Albanians in the Western Balkans living outside their sovereign territory. For both Turkish and Albanian circles, the Treaty of London (1913) is considered an great injustice which resulted in irreversible damage and a cultural shock.

In the 1920s, two new regimes were established which replaced the previous monarchies, the Republic of Türkiye (1923) and the Republic of Albania (1925). Both newly-established regimes brought political reforms which transformed their respective states from Monarchism to Republics, although the Republic of Albania still settled for a constitutional monarchy instead of a full-fledged parliamentary republic (Ahmetaj, 2014). The new Turkish republic held a positive attitude towards the Albanian state, even aiding and openly supporting the development of Albania, prior to its constitutional monarchy, in the hopes of ensuring an allied parliamentary republic in the region (Xhaferi, 2017), this was also followed with a Treaty of Friendship signed between Türkiye and Albania in 1923 which opened the door to

official diplomatic relations between the two countries (Ibish & Ferhad, 2023).. After the Second World War (1939-1945), both the Republic of Türkiye and the Republic of Albania went into very different trajectories, Türkiye move towards western alignment and joined NATO as a parliamentary democracy, meanwhile Albania was under the communist dictatorship of Enver Hoxha (Abrahams, 2015). This sharp discrepancy in their paths also hindered ties in diplomatic relations as the new communist regime in Albania refused to recognise agreements and diplomatic missions of the previous regime, which lasted until 1959 in which diplomatic ties were once again restored (Ministry for Europe and Foreign Affairs of the Republic of Albania, 2023). The relations between the Albanian Communities at large and Türkiye had much more context, as Türkiye established agreements with the Socialist Republic of Yugoslavia which opened the doors for muslims living in Yugoslavia to migrate to Türkiye, this included Turks and Albanians among other groups which all re-settled in Türkiye (Tepealtı & Aşık, 2022).

Although relations between Albania and Türkiye experienced a hiatus for decades, relations between the Turkish state and Albanian communities turned a new page during the Kosovo War in 1999, with Türkiye providing aid and support to the Albanian groups against the suppression of human rights performed by the Yugoslavian state, despite reservations due to domestic political factors (Ali, 2016).

### **Complexity of the Turkish ‘Natural Position’ and its implications for Albania and Kosovo**

Observing the historical and recent developments and context in the relations between Türkiye and Albania as well as Albanian communities throughout the Western Balkans, one can detect that the Turkish position is quite complex and multi-layered. One of the concepts which can be utilized in order to analyze and understand the Turkish role and its complexity is through the concept of Natural Position (Ibish & Ferhad, 2023). The concept of Natural Position in international relations states that the shared heritage and/or values between a regional actor and a certain region should be acknowledge as an important source of legitimacy for said actor’s involvement, this commonality can be seen from a historical, social, political and/or economic context. The Natural Position concept helps to dissect the multi-layered context and properly understand why Türkiye has an rightful place as a regional actor and furthermore why building upon the current relations between Türkiye and Albania is particularly convenient.

Through the concept of Natural Position, we understand that Türkiye has an undeniable advantage when it comes to historical commonality with the region, the Albanian communities and the Republic of Albania (Ibish & Ferhad, 2023) , the instances of which have already been mentioned. Additionally, Türkiye and Albania as well as Albanian communities can use the social and cultural bonds to strengthen their relations, as both religious traditions and cultural heritage shows a common path which may be utilized. The existence of a significant number of ethnic Albanians in Türkiye and ethnic Turks in Kosovo and Albania (Bulut, 2008) as well as Turkish institutions and their investments in both countries and in regions with Albanian communities throughout the Western Balkans also enlarge the scope of the social context for a Turkish ‘Natural Position’ and furthermore a very huge capacity for developing further relations between Türkiye and Albania.

### **Economy, Security and Investments**

Observing these factors, one can argue that preserving and enlarging relations would be convenient, as well as only natural. However, there are also undeniable benefits for both sides

which may act as encouragement for pursuing relations in a larger capacity. First of all, Türkiye has experience and capacity in sectors in which Albania can significantly benefit, potential Turkish investments in infrastructure, tourism, social projects, historical renovations and finances would propel Albania into a new hub of business and development in the Western Balkans, these potential investments would succeed the vast amounts of investments and projects already undertaken by Türkiye and Turkish actors in the region in both a financial and cultural perspective (İbış & Ferhad, 2023). The benefit for Türkiye is further continuing its rightful path in becoming a regional power in the Western Balkans and enlarging its scope diplomatically, culturally and economically through investments and strengthened relations. Furthermore, observing the vast potential of Türkiye in becoming an energy hub in the region (Yılmaz-Bozkus, 2019; Ministry for Foreign Affairs of the Republic of Türkiye, 2022), if utilized and capitalized correctly, the benefits in energy sustainability and economic benefits for both sides would be immeasurable. Already, Türkiye heavily invested in the Albanian markets with investments and export, which has shown its fruits for all sides involved, Türkiye has found fertile market for their products while Albania and Kosovo have gained a new trading partner. Observing the last decade, one can clearly see a steady rise in the trade volume between Türkiye and the Western Balkans, and specifically with Albania and Kosovo (Jusufović & Ukaj, 2021). Türkiye stands as the second largest trade partner, after EU, for both Albania and Kosovo, with a collective value of over 1 billion dollars in exports to both countries with another billion dollars in investments by Turkish companies in the two states. (Szpala, 2022). In Kosovo, Turkish companies, namely, Çalık and Limak own the country's sole electricity distributor. In Albania, Korum Holding has privatised the Albtelecom telecommunications company, hydroelectric power plants, steelworks and mines, not to mention that Çalık also hold 28% market share in the Banking sector of Albania (Szpala, 2022). There is no doubt that Türkiye has been heavily focused on enlarging its capacity in the Western Balkans in recent years and Albania, Kosovo as well as the Albanian community at large has become one of the focal points for this focus. Türkiye has officially stated that one of its foreign policy objectives is to increase the capacity of economic cooperation with Albania and has taken actions in that regard (Presidency of the Republic of Türkiye, 2022).

In the field of defensive cooperation between Türkiye and Albania and later Kosovo, the most significant steps were taken in the 1990s, with a defensive cooperation pact being signed between Türkiye and Albania in 1992 (Vračić, 2016), which was followed by a very encouraging attitude by the Turkish side towards Albania, even though Albania had not attained NATO membership at the time. Along with this, Türkiye held a supportive position for the Albanian community with regards to the conflict between Kosovo and Serbia in the late 1990s, its positioning along USA and other NATO members and within the alignments of the humanitarian interventions in 1999 in Belgrade, speaks volumes about the Türkiye's involvement and support that was given to Albanians in Kosovo and Albanians in general, which is a significantly positive factor for stronger relations between Türkiye and Albania as well as the Albanian community at large.

Therefore, the cooperation between the two sides is not only limited to economic agreements, as both Türkiye and Albania have been eager to increase their defensive cooperation (Ministry of Defence of the Republic of Albania, 2020), in line with this, the groundbreaking development and impact of the Turkish UAV industry has not been unnoticed, with Albania being a buyer of the Bayraktar drones (Daily Sabah, 2022), with Kosovo following suit within just a few months (Beksac, 2023). These agreements have benefitted both sides tremendously and continued to advance the domestic objectives of both sides, profoundly. Türkiye can capitalize on this by strengthening its diplomatic presence and role in the Western Balkans while also increase the ever-growing interest in its defensive industry and its economic

capacity as a whole. Meanwhile, Albania has no doubt enjoyed the enlargement of its defense and security capabilities through agreements with Türkiye and Turkish industry, while also reaping the benefits from a strong ally with mutual issues and simultaneously enjoying the economic growth which would result from increased trade and cooperation with Turkish businesses and trade.

### **Rethinking the Turkish approach to Albania and Albanian communities**

Having in mind the significance and mutual benefits of relations for all sides, the importance of a proper approach, to maximize the fruits of the diplomatic labor cannot be ignored. Türkiye has the potential to further increase its diplomatic and soft power capacity by rethinking its approach and methodology not only in Albania but throughout the Western Balkans region. First of all, the almost universal aim of accession into the European Union in the Western Balkans should be viewed as an opportunity for Türkiye from several aspects. Firstly, the institution-building mechanisms of the EU and the ambition of Albania and the Western Balkans would lead them to further cooperation with Türkiye in this regard as the Turkish experience and capacity for building and sustaining capable state institutions can be an invaluable asset for Albania and Western Balkans states. In the same context, Türkiye would benefit from an EU-sponsored stable and reliable market and state capacity in Albania and Western Balkans in both its aspirations for financial and business investments and its regional power role. Additionally, prospective membership in the EU for Albania and other Western Balkans states would give Türkiye a significant influence over the EU due to its permanent role as an actor in the region via its Natural Position. Additionally, Both Türkiye and Albania have a common obstacle in their maritime affairs in their mutual neighbor, the Hellenic Republic (Greece). The Greek objection to certain Turkish claims in the Aegean sea as well as the Mediterranean (Dalay, 2021) and likewise its clash with Albania over maritime jurisdiction (Mazrek, 2022) can open the door for cooperation between Türkiye and Albania in this regard, helping to resolve the disputes using joint methodologies or in the very least gain leverage against the Greek claims.

Türkiye should also engage with Albanian minority political parties in other Western Balkans states. Through these channels, Türkiye can establish influence, have a word in the agenda setting in domestic politics and reach out to the Albanian communities in these states in order to be a player in the domestic political developments as a regional actor and in fact a regional power in the Western Balkans.

### **Conclusion**

In conclusion, Türkiye, Albania and Albanian communities can revel in the fact that they share a rich common historical background and a highly encouraging prospective future for relations which, if utilized, can benefit each side profoundly. Türkiye and Albania should engage in more intensive diplomatic agreements and capitalize on the high potential for increasing the capacity of their relations. Strengthening their relations can only aid both states in their respective diplomatic aims as well as their domestic objectives.

Both Türkiye and Albania, should acknowledge their commonalities not only with regards to history but also with regards to contemporary issues and utilize them as advantages in achieving their aims and goals.

Türkiye should take a more active role in domestic politics within Western Balkans states (exc. Albania and Kosovo), if it aims to establish itself as a regional power and this can be done through increased communication and cooperation with Albanian minority parties within these states. Particularly, one can see the potential of such cooperation in North Macedonia, in

which the impact of such parties is profound due to the power-sharing political nature in the state. An active involvement and a clear vision from Türkiye can be projected onto Western Balkans states through Albanian-minority political parties should both sides acknowledge the benefit in cementing their ties.

Already, Türkiye, Albania and Kosovo have increased their Economic, Financial and Defensive cooperation which has provided mutual benefit and has aligned with the domestic goals of the states, having this in mind, Türkiye should be encouraged to increase its investments to Albania and Kosovo along with its defensive cooperation as this will lead to an increase in Turkish presence in the Western Balkans and increase the market for the ever-growing Turkish defensive industry. On the other hand, Albania and Kosovo can vastly benefit from the flow of Turkish investments in an economic and financial point of view while also enlarging their defensive and security measures and having a formidable ally against common threats.

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## LEARNING GREEK AS A SECOND/FOREIGN LANGUAGE THROUGH TURKISH TO STUDENTS OF TURKISH LANGUAGE. DIFFICULTY AND CHALLENGE

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### **Abstract**

In this paper, we will analyze the teaching of second language vocabulary to first cycle students. First, the main theoretical approaches are presented, which are related to vocabulary development. In the following, the two basic procedures related to vocabulary teaching are referred to and practical techniques are proposed, which are combined and applied in order to teach second language vocabulary. In conclusion, this paper describes the framework for teaching second language vocabulary while reading stories in the classroom and proposes reading practices, which contribute efficiently to the explanation of unknown words and thus the development of second language vocabulary.

**Keywords:** vocabulary, direct teaching, non-direct teaching, acquisition strategy.

Mësimdhënia e greqishtes si gjuhë e dytë /e huaj përbën një fushë shkencore që zhvillohet vazhdimisht, gjë që shfaq interes të veçantë. Po si arrihet kjo tek studentët e turqishtes? Kjo është çështja kryesore ku edhe fokusohet kjo kumtesë. Diferencat dhe ngjashmëritë gjuhësore që shfaqin sistemet gjuhësore të greqishtes dhe turqishtes ndikojnë në përvetësimin e gjuhës greke nga studentët e turqishtes.

Mësimi i çdo gjuhe të huaj si gjuhë e dytë është një lëndë mësimore interesante e cila tenton të tërheqë gjithnjë e më shumë mësues në botë. Arsyeja rreth mësimdhënies së greqishtes apo një gjuhe tjetër si gjuhë e dytë / e huaj është e domosdoshme dhe e dobishme si për ata që e kanë përfshirë në kërkimet e tyre shkencore, por edhe nga mësuesit.

Gjatë mësimdhënies së greqishtes tek studentët e gjuhës turke, mësuesit përballen me probleme gjuhësore dhe shoqërore. Greqishtja dhe turqishtja nuk janë gjuhë kaq të largëta sa duken, pasi bartin elemente të kulturës të të dy popujve të cilat kryqëzohen.

Pavarësisht kësaj, turqishtja shfaq disa ndryshime në lidhje me greqishten përse i përket sistemit të tyre gjuhësor, si në gramatikë (p.sh. mungesa e gjinive gramatikore), si dhe në strukturën sintaksore (si sekuenca strikte kryefjalë-kundrinor-folje). Sipas

Giangunidis, devijimi i madh i turqishtes nga greqishtja lidhur me sistemet gjuhësore, rëndon në shkallë të madhe të mësuarit e gjuhës së dytë, fakt që fillimisht fillon me vështirësitë e gjuhës së folur, pasi dhe ndryshimet fonetike – fonologjike janë të mëdha.

Në vijim do të fokusohemi tek analiza gjuhësore e sistemit gjuhësor turk në krahasim me sistemin gjuhësor grek. Kjo analizë lidhet me gjuhën turke, nivelet e gramatikës, sintaksës, si dhe elementeve në përgjithësi. Qëllimi është që nëpërmjet krahasimit të dy sistemeve të dalin në pah zonat problematike (p.sh. vështirësia në përvetësimin e nyjës së greqishtes, pasi në turqisht mungon).

Fakti që të dyja gjuhët nuk kanë asnjë afërsi lidhur me strukturat gramatikore, i shumfishon problemet e të mësuarit të gjuhës.

Analizë e gjuhës turke në nivelin sintaksor

Fillimisht duhet përmendur se gjuha turke shfaq në dukje një sistem të përbërë dhe paralelisht strikt lidhur me strukturën sintaksore të fjalive të ndryshme. “Turqishtja mbështetet në rregulla thuajse të paprekshëm dhe kur mekanizmi i saj kuptohet, të mësuarit e saj është shumë i thjeshtë”. Më konkretisht, struktura e saj sintaksore ka sistemin: Kryefjalë – Kundrinor – Kallëzues, që ndiqet rreptësisht si në gjuhën e folur, ashtu edhe në të shkruarën.

Fjalja e mëposhtme përbën një shembull përfaqësues të strukturës sintaksore të gjuhës turke në krahasim me atë të greqishtes:

Εγώ διαβάζω πολλά βιβλία: Në këtë fjali kryesore, folja vjen pas kryefjalës. Përkundrazi në turqisht fjalja e lartpërmendur është: Ben çok kitap okuyorum, ku folja e fjalisë kryesore vendoset në fund, duke ndjekur kështu rreptësisht sistemin struktural sintaksor, në të cilin mbështetet kjo gjuhë.

Analizë e gjuhës turke në nivel gramatikor

Turqishtja është gjuhë aglutinative, dmth krijon togëfjalështa lektik duke i shtuar rrënjës së fjalëve rasa të ndryshme, prapashtesa dhe mbaresa. Kjo gjë duket qartë në fjalinë e mëposhtme: “Një fjali e tërë e një gjuhe që lakohet, në turqisht mund të shkruhet dhe shqiptohet si një fjalë e vetme”. Psh. Në gjuhën greke fjalja: “Είμαι στη δουλειά μου», vëmë re katër fjalë të ndryshme. Ndërsa në turqisht do të kishim “İsimdeyim”, ku fjala is = punë, shtohet prapashtesa e pronësisë -im (e imja), rasa

vendore -de dhe mbaresa vetore -yim = jam.

Në vazhdim, do të parashtrojmë disa tipare karakteristike të gjuhës turke që lidhen me sistemin e saj gramatikor:

Fillimisht, “Bashkëngjitja e prapashtesave por edhe e gjithë struktura e gjuhës mbështetet në fenomenin e harmonisë së zanoreve.” Gjithashtu në gjuhën turke mungon kategoria e gjinisë, si dhe tek nyjet dhe “Nuk ekzistojnë foljet ndihmëse “jam” dhe “kam”. Vendin e tyre e zënë prapashtesa të vetës dhe të pronësisë.

Krahasim i gjuhës greke me atë turke – Ngjashmëri dhe Ndryshime

Gjuhët greke dhe turke janë dy sisteme gjuhësore heterogjene që janë në ndërveprim të vazhdueshëm mes tyre.

Ngjashmëri – ndryshime në nivelin fonologjik

Lidhur me nivelin fonologjik të funksionimit të sistemit gjuhësor të greqishtes dhe turqishtes, mund të themi se alfabeti turk në shumicën e tij përbëhet nga bashkëtingëllore dhe pa zanore. Disa tinguj si, i, ö, u, s, j, janë tinguj të alfabetit turk të panjohur në gjuhën greke. Ndaj mungesa e tyre sjell probleme në shqiptimin e disa fjalëve. Si psh fjala πασάς, që në turqisht jepet si pasha.

Ngjashmëri – ndryshime në nivelin sintaksor

Siç dhe e referuam më lart të dyja gjuhët kanë strukturë sintaksore krejtësisht të ndryshme. Gjuha greke ndjek strukturën Kryefjalë – Kallëzues – Kundrinor, duke lejuar në disa raste kombinime të ndryshme sintaksore. Në të kundërt gjuha turke ka një strukturë sintaksore më strikte, duke e vendosur kryefjalën në fillim të fjalisë dhe kallëzuesin gjithmonë në fund të saj.

Ky ndryshim vihet re në fjalinë e mëposhtëme:

Η μάρια είδε την Άισε. – skema: Kryefjalë – Kallëzues – Kundrinor

E njëjta fjali në turqisht do të ishte: Maria Ayse gordu. Siç e vëmë re kallëzuesi është në fund të fjalisë. Kemi skemën Kryefjalë- Kundrinor- Kallëzues.

Ngjashmëri – ndryshime në nivelin semasiologjik

Në nivelin semasiologjik të dyja gjuhët shfaqin më shumë ngjashmëri se ndryshime. Nga një studim i bërë, është arritur në përfundimin se 4600 fjalë, 1300 shprehje, fjalë të urta dhe shprehje të ngurtësuara janë të përbashkëta në të dyja gjuhët. Disa fjalë të përbashkëta në të dyja gjuhët janë: kaiki – kayak, sarai – saray, ade – hayde.

Në kuadrin e huazimeve nga gjuha turke në atë greke dhe e kundërta vëmë re disa fjalë të urta apo shprehje të përbashkëta si:

Gorunen koy kilavuz istemez – Χωρίς που φαίνεται καλαουζο δε θελει.

Para ile saadet olmaz - Τα λεφτα δεν κανουν την ευτυχια.

Ngjashmëri – ndryshime në nivelin morfologjik

Në nivelin morfologjik të dyja gjuhët paraqesin ndryshime që vlejné për tu theksuar. Në nivelin morfologjik shqyrtohen mbaresat fjalëformuese dhe formëformuese. Në vazhdim do të shohim një shembull karakteristik që tregon rolin e ndryshëm që kanë mbaresat në gjuhën greke “në fjalën grafeia rrënja është grafo dhe duke shtuar eia shprehet dhe numri shumës, por njëkohësisht prodhohet dhe një fjalë që tregon vend. Mbaresat e turqishtes janë si lego. Duke i harmonizuar ato krijojmë diçka të re, por në tërësi mund të shohim të gjitha pjesët. Ndërsa mbaresat në greqisht janë si sheqeri në çaj. E ndjejmë ekzistencën e tij, por nuk mund ta shohim, nuk mund ta veçojmë nga çaji.

Një tjetër çështje e rëndësishme në morfologjinë e të dyja gjuhëve është të shprehurit e pronësisë. Më konkretisht, në turqisht pronësia jepet me fjalët var dhe yok (kam dhe nuk kam), të cilat nuk janë folje, por fjalë të pandryshueshme që shprehin pronësinë dhe përcaktime që lidhen me emrin e poseduesit. Në të kundërt, në greqisht pronësia shprehet me foljet kam/nuk kam. P.sh: Η Μαρία έχει αυτοκίνητο. – Maria’ nin araba var.

Gabime të mundshme gjuhësore filim – film. Fonemat th dhe dh nuk ekzistojnë në turqisht dhe ngatërrohen: felo-thelo, talasa-thalasa, teos-theos.

Dhe gabimet në shkrim janë të shumta pasi ka një tendencë për të zëvendësuar diftongjet mp dhe nt me tingujt v dhe dh psh.: domato-ntomata.

Nga ana sintaksore bëhen gabime të tipit Maria apo ti Thesaloniki, ku mungon nyja i dhe folja jam sepse në gjuhën turke nuk ka nyje dhe folja jam në gjuhën turke nuk përbën pjesë më vete.

Të tilla shembuj ka pafund gjithmonë duke pasur parasysh karakterin e ndryshëm të të dyja gjuhëve si në nivel fonetiko fonologji, morfologjik, sintaksor e semasiologjik. Vazhdimisht bëhen përpjekje që gjatë të mësuarit të greqishtes tek studentët e turqishtes të gjenden mënyra sa më të thjeshta dhe të kuptueshme nga ata. Në këtë

këndvështrim bëhet i pashmangshëm përdorimi apo ndërfutja e gjuhës shqipe, në rastin kur duam të shpjegojmë një fenomen morfologjik apo sintaksor. Si përfundim mund të themi:

Η αρμονική συνύπαρξη των λαών σημαίνει πολιτισμός...

Halkların uyumlu bir arada yaşamasi kultur demek...

Bashkëjetesa në harmoni e popujve do të thotë qytetërim...

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**"The painting symbolizes the 100th year of Turkey-Albania relations and peace was created by 6-year-old Eljon Derjaj from Kavaje - Albania."**

