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CONTRACTUAL FREEDOM, RESTRICTED DUE TO LAW, GLOBAL ECONOMY AND COMMON RULES OF EUROPE- AN UNION

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ABSTRACT

The contract is an agreement that obliges the parties because of their will, and this is the feature that distinguishes it from other types of obligations. The need for economic and social stability requires the creation of a state of security and stability in contractual relations, which is inevitably related to the will of the parties during all stages of the existence of a contract. However, even though the will to reach an agreement is the essential element of any contract, it should be brought to attention that the agreement is not always such as it is widely accepted. First, we find contractual freedom restrictions in law. The law imposes conditions on one or both parties. In most cases, the parties have the right to exclude these conditions without affecting thereby the contractual freedom. However, there are certain conditions that can never be excluded by the parties.

Secondly, when one of the parties has a monopoly position, the other party does not really have the right to choose, and it can hardly be said that it has agreed. The same can be said in cases when one party belongs to a grouping, which has decided together to have the same conditions. Many companies that are interconnected and interact with each other, enter into contracts that have a standard form and the other party is merely obliged to accept it.

Third, in an agreement, the courts look more at the objective side than the subjective side of an agreement. Thus, for example, if a person has led himself to a situation that makes him/her appear to agree, he is considered to have agreed, even though in his individual opinion he has disagreed. Viewed in this way, there is a need to analyze the

importance of manifesting one's will in the sense of the parties' interest and intent to reach an agreement.

The purpose of this paper is to give a clear picture of the extent of constraints on the contractual freedom in a modern economy and the general trend of the European Union policies.

INTRODUCTION

The right to contract is one of those rights that should be highly supported in our society and should be in a primary position to create a free and functional market economy. The limitations of this right seem to have remained only in history, in the nineteenth and twentieth centuries when women were not allowed to enter into contractual relations or in the twelfth century when slaves were considered as objects of contractual relations rather than people with rights. In fact, restrictions have always been part of the civil law. Even under Roman law, the contractual relations could only be created when their content was included into one of the forms of contracts stipulated, in particular in the form of a stipulation (Mandro A. (2006) *E drejta romake*). The principle of freedom of the will is not absolute. This has been argued with the notion that a lawmaker cannot allow the production of legal effects on the fantasy of private parties, but he should always link the person's freedom to the general interests of society (Civil Law Commentary of 1932, *Obligimet dhe kontratat përgjithësisht* (1998)).

The supremacy of the contract has also evolved in our society, from a hardened format, to a freedom of forms. In Mexhelen, in the code of sacramental forms of par excellence, detailed rules were defined for all contracts, both on the form of concluding contracts, the manner of expressing the will and on the content of the legal relationship to be established (Civil Law Commentary of 1932, *Obligimet dhe kontratat përgjithësisht* (1998)). Also, this evolution is seen in its nature and object, from a genuinely commercial one to a right that reinforces and supports any transaction that is directly or indirectly related to trade and relations of obligations. While direct transactions are related to all contractual relations created under the Civil Code of the Republic of Albania, the most obvious examples in practice of indirect transactions are to be found in agreements reached before the court on the division of property or agreements between prospective spouses for the property regime they choose. This prevalence given to contracts in modern society makes it difficult to think about how the society can function without it, or how it can be restricted.

CONDITIONS SET BY LAW, RESTRICTING THE CONTRACTUAL FREEDOM

The Civil Code of the Republic of Albania provides that “The contract is concluded when the parties have mutually expressed their will, by agreeing to all its essential conditions”. Thus, the agreement between different wills is explicitly stated in the Civil Code in the provisions on the conclusion of the contract. However, the law imposes conditions on one or both sides.¹ Also, the law provides that a condition provided for by law exists in the contract, although it may not have been decided expressly by the parties, hence is a certain presumed position of the party.

The terms that the law decides on the parties can be found at the stage before the conclusion of the contract, in its conclusion and when this contract is being executed.

Restrictions imposed by the law start with restriction related to the capacity to contract. The concept of the “*capacity to contract*” links the capacity of the person to be a party to an obligation relations with his age and mental state, recognizing at different moments various opportunities to assume obligations and gain rights. This restriction does not affect parts of the private autonomy and the interest of his prediction is namely the certainty that the will is complete and complies with the person’s interests, which requires a certain age and a capable mental state to control the will.

Another limitation that the law imposes is the one related to the appropriateness due to any specific connection that the subject of the law has. The example is found in the case of a sales contract where the Civil Code provides for specific purchasing bans and states that “They cannot buy directly, through another person, or at auction: a) persons, who administer or store foreign items according to the law or the nomination by the state, the things they administer or keep; b) officials, who are in charge of making sales with mandatory execution, the items they sell; c) judges, prosecutors, bailiffs, notaries and lawyers, items for which disputes exist before the court in which they are part or exercising their functions, except when they are their joint owners.”(Civil Code of the Republic of Albania, Art. 709).

Restrictions are also imposed on companies that engage in commercial activities in cases where they carry out dangerous activities, according to the Civil Code, either by its nature or by the nature of the objects used. These restrictions are set to protect the population or the environment (Civil Code of the Republic of Albania, Art. 622-624).

Restrictions are also imposed by law in the case of contracts of a special nature, for which *a permit, license or authorization is required* (Law no.10 081, on

¹ Civil Code of the Republic of Albania, art 660, provides that “Parties to the contract freely define its content, within the limits set by the legislation in force.”

23.2.2009 “On licenses, authorizations and permits in the Republic of Albania”, as amended). Particularly required for this subject, is the “guarantee” in the field of national security, public order and civil defense, in the field of nutrition and health, in the field of environment, mineral resources, hydrocarbons and energy, in the field of construction, cultural heritage, transport, the field of education or public finance, all of these areas of particular importance for which state intervention is needed.

The concept of public order is another limitation we encounter in almost every law whenever different freedoms are affirmed. Even in the case of contracts, when the cause is mentioned as one of the essential elements of the contract conclusion, the Civil Code states that: “... in a contract, the legal cause is unlawful when it comes into conflict with law, public order or when the contract becomes a means of avoiding the application of a norm.”

In fact, this is a concept that shows the intervention of the general public interest in the economic and social sphere. Within the public order concept, we can take the example of consumer protection, regulated in the Civil Code, when it comes to the damage and responsibility of producers to customers, but also by a special law that defines all kinds of relationships between traders and customers, dealing with consumer goods or services (Law no. 9902, on 17.04.2008, “On consumer protection”).

Morality, is another limit imposed by law, which may often seem to be difficult to measure. In fact, the Civil Code helped the judge by orienting him towards the principles of correctness, impartiality, and the reason requirements for the participants in an obligation (Civil Code of the Republic of Albania, Art. 422). Also, when it comes to the general conditions, Article 686 of the Civil Code points out another issue when it provides that: “The general conditions that result in a disproportionate loss or damage to the interests of the contracting party are void, especially when they essentially differ materially from the principles of equality and fairness expressed in the provisions of this Code, regulating the contractual relations.”

The concept of morality involves not only trust, since the latter is a legal limitation of contractual freedom, but also other aspects that are considered as such case by case by case court.

Good faith is treated as a duty of honesty and fairness that imposes such behaviors that seek to avoid harm to the interests of the other party. Among those obligations, one to be understood is the information and manifestation of a reasonable behavior that corresponds to the judgment and will of the parties, especially when by their behavior they have stimulated the expectations of the other party.

ECJ stressed that according to the principle of contractual freedom, each party has the right to freely choose with whom and for what to enter into a contrac-

tual relationship, and for how long. Consequently, in principle, each party has the right to terminate the negotiations when it wishes without taking responsibility for them. The court, however, underlines that the right to terminate the negotiations is not absolute. Article 2.15 of UNIDROIT expressly states that; "... the party, which interrupts the negotiations by being in bad faith is responsible for the losses suffered by the other party." According to an explanation attached to this article, negotiations can reach a point after which their immediate interruption, without a reasonable cause, cannot be done. This depends, first of all, on the fact that the other party, as a result of the behavior of the party that has terminated the negotiations, has hoped for a positive result. Secondly, it depends on the circle of issues for which the parties have found a solution and the loss of the prospects or opportunities of the other party. Termination of negotiations at the pre-contractual stage immediately, without justification, should result in the compensation of the party that has lost from them.

The ECJ itself acknowledged that the responsibility at the pre-contractual stage is not due to failure to fulfill a contractual obligation but from failure to fulfill an obligation deriving from compliance with a legal provision because there is no real contract (*Fonderie O. M. Tacconi SpA v. Heinrich W. S. Maschinenfabrik GmbH (HWS)*, (ECJ 2002)).

Both the behavior of the parties and the exposure of their will during the performance of the contract is subject to the principles of good will. The Court of Tirana Judicial District (2015), in the case of the failure of execution by the defendant party of the obligations deriving from the lease contract, namely the payment of the rent price, states in its decision that: "... This conduct of the defendant party contradicts with the basic principles governing contractual relations, which are those accepted in Article 422 of Civil Code, which states that: "The creditor and the debtor must behave towards each other fairly, impartially and according to the requirements of reason", and Art. 455 of the Civil Code, which stipulates that: "The debtor and the creditor must show due care and be punctual in the performance of the obligation according to its content". These principles are important not only for the normal continuation of the contractual relationship but also for the effect of consequences of the termination of the contract ..."

From the legal conditions mentioned, some are quite clear, whereas the conditions such as morality, public order or good faith are interpretable and variable in time and space, and as such they will be deemed case by case by the courts.

A REFLECTION ON THE PRINCIPLE OF EQUALITY OF PARTIES IN A CONTRACT

Contractual freedom is not only seen in the freedom to enter into a contract, but also in the freedom to decide its content. The latter would require approxi-

mately equal positions between the parties, so that they would be able to demonstrate their free will at the moment of deciding the contract terms.

We could talk about symmetry between the parties in a contract, if one party would know for sure that it is not economically dependent on the other party, unless a “power” and “submission” ratio appears. In today’s economy, the holder of the largest non-human assets exercises control over the human capital. Thus, we have a disconnection from the classic concept of equality of party positions when deciding the terms of a contract². Economic power gives more right of choice by interfering in this way with the free will of the economically weakest party.

In the case of contracts of adhesion, this is a thorough analysis of this principle. Contracts of adhesion are a by-product or “side effect” of the growth of large business in monopolistic ventures that are focused on mass distribution and sale in the most effective way possible (Lenhoff A. (1962). Contracts of Adhesion and the Freedom of Contract: A Comparative Study in the Light of American and Foreign Law). These contracts are drafted and presented more to the public than the individuals (Duncan N. K. (1974). Adhesion Contracts: A Twentieth Century Problem for a Nineteenth Century Code). Thus, these contracts are non-negotiable. The contract is drafted exclusively by one party, while the other party has no right to discuss or change its content. She only has the opportunity to accept it as a full contract, or to refuse it. Not many contracts are contracts of adhesion, yet they play a very important role as they relate to services that are indispensable to individuals, namely, contracts for electricity, water or part of banking contracts. These are “dictated” contracts and easily explained why they have this feature: one party has enormous economic power, sometimes monopoly position in providing this service, which makes it unnecessary to enter into negotiations. A good example to mention are franchise contracts, which, in practice, bind the parties and prohibit them from offering a certain service in a context other than that provided in the contract.

Insurance contracts, as consumer contracts, are also standard forms, which entitle you to accept or refuse them. The insured are not able to negotiate terms, prices, and these contracts are even difficult to read and understand.

Just as consumer’s freedom of contract is limited, the freedom of insurance, reinsurance and mediation companies is also limited by law. Law no. 52/2014 “On the Insurance and Reinsurance Activity” regulates the establishment, operation and supervision of the insurance, reinsurance and mediation companies, so that the insurance market operates in a secure, sustainable and transparent

² “For either party, there is no possibility of a direct obligation of the other party to meet the conditions set out in the contract. On the contrary, in the civil contract the parties exhibit and match their will by being in equal positions, without any imposition on one another. Rather, putting one party in unequal conditions to the other, according to civil law, may be a cause for declaring the contract as ineffective”, Çomo J. (1974) E Drejta Administrative e R.P.SH, p. 488;

environment in the protection of rights and consumer interests. The state in this case has created the “Financial Supervisory Authority” as the body responsible for controlling law enforcement by the societies. This law regulates in detail the internal organization of insurance companies, their structure and in full way of exercising its activity and relations with the parties. So, not only do the consumers have no freedom to set conditions, but this freedom is not even fully possessed by the insurance companies, as long as they have no control power.

Although the law expressly recognizes legal consequences if the principle of trust between the parties is violated, expressed in the obligation to inform of the insurance company, again this provision provides no guarantees that the will of the insured is respected or heard. The law provides that: “... if the provision of this information affects the decision-making of the insured, the latter has the right to terminate the contract and to demand payment of the indemnity for the damage caused.” The law further provides for details of what to do to be informed about the insured, which are at least fifteen points, most of which would require special knowledge to be understood and interpreted (Law no. 52/2014 “On the insurance and re-insurance activities”, art. 60-68). This information does not affect the decision-making of the insured, since even if the insured was able to understand the contract well, it does not affect his decision-making as long as he cannot negotiate the terms, nor change them, but as I mentioned above as well, we are talking about “accept or refuse” cases.

If we would extend this position beyond the classical private law contracts, we can introduce administrative contracts as an example. Since the execution of public procurement contracts is funded by public funds, the administration is not characterized by the autonomy of will and contractual freedom. The contracting freedom of the administrative body, unlike private law contracts, is limited and will adhere to the strict rules of the specific legislation regulating this type of activity, rules which have priority over the Civil Code, as far as provided otherwise by the latter. The High Court has acknowledged in its case law that apart from the general conditions that the administrative contract must fulfill, such as any other legal action, it will certainly be subject to the conditions laid down by law, otherwise it is null and void. Specifically: “... For the validity of an administrative contract, it is not sufficient only to satisfy the essential conditions of the legal action (the will of the parties, the legitimate cause of the obligation, the object forming the subject matter of the contract and the form required by the law); there is also a number of other obligations that are set out in the specific laws regulating the concrete relationship established between the private entity and the public body. Parties to such a contract, in addition to satisfying legal obligations, must also apply the provisions of the legal and normative acts regulating this activity as well as meeting the legal requirements and conditions set forth by these acts, as otherwise this contract is not valid (Supreme Court of

the Republic of Albania, 2015). Especially in public procurement contracts, the purpose of which is to carry out works or services in the public interest and the use of public funds for their realization, the special legislation on public procurement has provided for a specific procedure starting from the moment of selection of the future contractor of the administrative body, the contract conclusion, the contractual terms, its execution until the termination of the contract (Civil Panels of the Supreme Court of the Republic of Albania, 2013).

CONFLICT BETWEEN THE REAL WILL AND THE DECLARED WILL. THE INTEREST AND PURPOSE OF THE PARTIES TO REACH AN AGREEMENT

The expressed will does not correspond in all cases to the real will, even when it has been serious and clear. This willingness, expressed by the offeror and then by the recipient, is not enough unless two very important factors, such as the interest and the purpose of having a contract, come together (Monhagan N. , Monhagan C. , (2013), *Beginning Contract Law*). Having a will and his expression about these four elements leads us to a contract. In other words, the declaration of the will will serve to the judge only as one of the many elements needed to determine what the real, internal will of the declarant was. To prove that a contract is simulated and consequently invalid, the court appreciates the expression of the will, if it meets the requirements of the law relating to the contract subject to trial and if there is no evidence in writing to prove the opposite then it is difficult to overrule the presumption that it is not the true will of the parties. Thus, the Supreme Court, although in its decision admitted that we had to do with a disproportionate interest of the parties, because of the unbalanced profit-sharing ratio between the parties, for the main issue of simulation put forward for trial, rejected the request of the plaintiff on the grounds that: "Referring to the contract concluded between the parties, it appears that we are before a loan contract in full compliance with the requirements of CC for the loan contract, more specifically Articles 1050 and 1051 thereof. ... Through the lawsuit filed by him, the plaintiff SK claimed that the interest loan contract, concluded between the respondent AR as the lender and himself as a borrower, is an absolutely null and void legal transaction because it is simulated i.e. there is a discrepancy between the true will of the parties and its external appearance materialized in the form of a loan contract with interest entered into before a notary. ... In the case under consideration, what is missing is a counter declaration, that is, a special simulation agreement, in which the wish is expressed, and the mutual will of the parties to conclude a simulated contract." (Joint Panels of the Supreme Court, 2000).

The Albanian civil law defines the economic nature of the obligation by focusing, in particular, on the object, which must have an economic assessment

and respond to the interests of the creditor (Civil Code of the Republic of Albania, Article 421). Understandably, from the views of both parties, the benefit and the harm are the same. That is why, beyond this traditional concept, it is passed on to the idea of exchanging the interests of the parties that are logically economically opposed.

The concept of interest is determined by a set of rules and principles, which makes it to be a non-abstract concept, but to be measurable and appreciated. Three basic sub-principles by which you can control the interest are:

1. Interest must be executed or executable, but not outdated;
2. Interest must be expressed by the person, to whom the promise has been made, but must not necessarily address the person, who made the promise;
3. Interest must be sufficient, but not necessarily appropriate (Richards P. (2004). Law of Contract).

The enforceable interest is found in any case when the entire agreement will take place in the future, so we have an exchange of promises (Kendrick E. (2004). Contract law), whereas the interest is deemed executed in the case where one of the parties has performed all the actions required for the performance of its obligations, stemming from the agreement. Thus, these two cases are judged on the basis of actions performed or not by the parties, or promises to carry out these actions.

In both cases, each party is both promisor and acceptor, thus giving and receiving a promise. The interest of both parties, that is, the two interests together create the deal (the agreement). None of the parties in the contract is making a "gift", both seeking to benefit from the best agreement according to their interests.

This interest should not be a past interest. The general rule is that if an interest is outdated, then there is no interest. If a party makes a promise after performing some of the actions of the other party, then this promise is considered as an expression of gratitude, gift, and nothing more. In the Roscorla v. Thomas case (1842), Thomas sold a horse to Roscorla for 30 pounds. After making the sale, Thomas promised to Roscorla that the horse was healthy and there was no vice. In fact this was not the case, and Roscorla appealed to the court claiming compensation for the breach of the guaranty given. His lawsuit was rejected with the justification that the promise was made after paying the price, so it was a promise of a past interest, because the only interest, the monetary amount, had already been paid.

The interest should be expressed by the person to whom the promise has been given, though not necessarily expressed to the person, who made the promise. This means that he can benefit from the promise, thus making it compulsory, only if he succeeds in showing that he has had an interest in this promise. In fact, this argument is also related to a general rule that a person, who is not a party

to a contract cannot interfere in this relationship. In the case of Price v. Easton (1833), Price received a 13-pound loan from the plaintiff and agreed to work for the defendant so that the latter would pay this amount to the plaintiff. The defendant did not do so and the plaintiff could not compel him with the help of the court, precisely with the reasoning by the judge that the plaintiff had not shown interest and therefore he was not a proper party to this agreement.

The second part of the rule for the expression of interest is related to whether or not the interest should reach the promisor. In the case Tweddle vs. Atkinson (1861), a couple was marrying, and the groom's father together with the bride's father signed an agreement that the two would give the couple a sum of money. Both promisors died before giving the sum of money and the young groom filed a lawsuit against the testamentary executors for the benefit of this amount. The court came to the conclusion that this indictment was unfounded since he had not expressed any interest and had not been part of this agreement, although the agreement was in his favor. This rule in the Anglo-Saxon model seems to be in contradiction with the cases of contracts for the benefit of a third party as provided for by the Albanian law. Specifically, Article 694 of the Civil Code states that "a contract for the benefit of a third party is valid when the person, who concludes it has an interest in it. The person, who has accepted the promise in favor of the third party or the latter, or the persons who are deprived of their rights, have the right to request the performance of the contract, unless there is another agreement. Thus, this enables the third party, even without being a party to this agreement, to oblige the parties to fulfill it.

Thirdly, the interest in entering into a contract must be sufficient and appropriate in order to have effects on the parties. It should have value, an economic value. In terms of law, the word "sufficient" refers to such an interest recognized by law, while "appropriate" relates more to the equality of the value of the goods/liabilities exchanged by the parties. To illustrate this, we can take a simple example of a person, who decides to sell his car to another person for 30 (thirty) thousand. Here we have a sufficient interest, and if the case goes to court, the court is between two roads. First, the court will not consider if this price is fair, but she will be limited to the fact whether this agreement comes as a result of a will and this is more the Anglo-Saxon model, and secondly, the court will also consider and evaluate the price in order to see whether this kind of agreement meets the economic interests of the parties or it brings about a disproportion of interests and will find this agreement reached as null and void. This is the most commonly-held civil law standpoint and the one recognized by the legislation and case law in Albania (Joint Panels of the Supreme Court, 2000). The issue gets complicated when we control not one but two or more contract terms for which the parties have agreed or disagreed. Thus, the Supreme Court, in the case of a consultancy service contract between two companies, because the parties could not agree at the moment of setting the fee, ruled to undo every effect of

the contract, even though the negotiations had been completed and one party had started work to perform the contractual obligations (Joint Panels of the Supreme Court, 2016). In this case, it was not concluded that the contract was entered into due to acceptance by conclusive actions either even for a part of the obligations arising from it (Semini M. (2006) *E drejta e detyrimeve dhe e kontratave*).

IS THE CONTRACTUAL FREEDOM RESTRICTED BY BECOMING A MEMBER OF THE EUROPEAN UNION?

Given the particularity of private contracts, the supremacy of contractual freedom, I would prefer to say that harmonization should not necessarily lead to uniformity. Here, the level of “uniformity” can take many different dimensions. Starting from the most radical, which could be the complete replacement of the contract law of states and its transfer to the European Union institutions as a sole legislator, up to the variant of a “model” law, whose application remains at the discretion of the Member State. We need to point out that the purpose of the contract law is not to set mandatory conditions rather than to create the possibility of entering into a contractual relationship by giving a certain type of security to the parties for the behavior of the other party. So far, there are some directives that function in certain sectors considered as most important to be uniform, such as the directives for the functioning of commercial companies (Directive 2009/101/EC, Directive 2012/30/EC, Directive 89/666/EEC, Directive 2009/102/EC), or directives related to the field of public procurement (Directive 2014/24/EC). Lastly, in August 2017, the European Commission has launched a project to establish rules for achieving digitized solutions and establishing more efficient international cooperation (Justice and consumers, European Commission).

Finding ways to harmonize the diversity of the legislation of the different countries and not eliminate them would, at the same time, fulfill the principle of contractual freedom and particularities of a state, on one side, and would reduce the risks of conflicts between two or more different legislations on private contracts, on the other. To achieve this, it should be taken into account that the constraints on contractual freedom must be predictable and stay within certain limits (Storme M. E. (2006). *Freedom of Contract: Mandatory and Non-mandatory Rules in European Contract Law*). The basic principle to lead the states should be transparency. This is because, as a logical consequence of what I have dealt with in this paper, the rules that limit contractual freedom are found at different moments, even though in substance they may be the same in many states. This difficulty, resulting from a lack of knowledge, can be solved by using a common structure or by dividing the rules by categories. The European Commission, through the European Consumer Center, has managed to set up a special facility that helps customers in specific areas, such as on-line trade, passenger rights, and rental car problems (Consumers, European Commission) etc.

Unclear rules would also be a problem, as long as they are solved by interpretation. In this way they would be understood differently in different jurisdictions. This is related to the tradition of each state and how much freedom a judge has in interpreting the norm. One of these cases is the interpretation made to the rules of good faith (Storme M. E. (2003) *Good Faith and Contents of Contracts in European Private Law*), also addressed in this paper as a restriction established by law. The clearer the norms are, and the less room left to their interpretation, the simpler the entry into an agreement with foreign elements. This was also why the European Parliament and the Council set out some rules protecting consumers through the Directive 93/13/EEC and further on with Regulation no. 2006/2004 “On cooperation in consumer protection”.

A lot of work has been done by the European Commission in drafting the document that contains the principles of the European Contract Law, EPCL, a process that started in 1995, when this summary was first issued in 1999, and the second and third part in 2002. The document is conceived in the form of articles accompanied by comments explaining how they relate to each other and the principles as a whole. There are also notes that show how one article relates to the legislation of different states (*European Principles of Contract Law*). This ongoing effort aims to find the most appropriate way to realize the harmonization process. The solutions proposed by the Commission are four: the first way is to let the market solve for any problems that may arise. This would be an ideal way for an ideal market. In fact, the financial crisis of 2007-2008 showed that markets that are thought to be the safest, in fact, do not provide consistency and do not avoid the risk of distortions and imbalances.

The second way is to encourage the development of common principles for contracts, not obligatory but useful for contracting parties in drafting their contracts, for national courts and arbitrators in rendering their decisions and in favor of national legislators in drafting legislative initiatives. This way seems to preserve the autonomy of each state in defining the boundaries of the contract law without adding restrictions to the contractual freedom of member states, yet a long-running road that does not provide the necessary guarantees to the parties that will seek to face the same rules at the time of entering into contracts with foreign elements.

The third way, reviewing and improving existing EC legislation in the field of contract law to make it more coherent or adapt it to cover situations that are not envisaged at the time of adoption, is a solution that would require continuous intervention, given the dynamism with which the market operates, and considering that not every member state economy moves in parallel with other states. These differences would jeopardize this legislation in making it inapplicable.

The fourth proposed solution would be to adopt a new instrument at the EC level. Different elements may be combined: the nature of the act to be adopted (regulation, directive or recommendation), the relationship with national law

(which may be replaced or coexist), the issue of mandatory rules within the applicable provisions and whether the contracting parties will choose to apply the EC instrument or whether the European rules will automatically apply as a security network, if the contracting parties have not agreed to a specific solution (Communication of the EC to the EP and Council on the European contract law).

CONCLUSIONS

Even though the right to contract is one of the rights that should have a primary place to create an economy based on a free and functional market, this freedom of will is not absolute. The purpose of the contract law is not to impose binding conditions more than to create the possibility of entering into a contractual relationship by giving a certain type of security to the parties for the behavior of the other party. However, the link that this freedom has with the general interests of society, is the first and the foremost reason of its limitations. The prevalence given to contracts in modern society has not changed the essence of limitations, they remain in law, in the economic reality, and have gone further, becoming part of the restrictions under an inclusive authority such as the European Union.

Contractual freedom does not only appear in the freedom to enter into a contract, but also in the freedom to decide about its content. The latter would require approximately equal positions between the parties, so that they would be able to demonstrate their free will at the moment of setting the contractual terms. It seems that the economic flow itself dictates the limitations of this freedom. In today's economy, the holder of the largest non-human assets exercises control over the human capital. The economic power gives more right of choice thus interfering in the free will of the economically weakest party.

Among the various types of restrictions, the majority are interpretable. Limitations due to morality, public order or good faith are terms that are interpretable and changeable in time and space, and as such, they will be assessed case by case by the courts. Due to the different concepts the states have with regard to the judge's role in interpretation and the importance of the terms being interpreted equally in the case of agreements with foreign elements, there is a need to harmonize these restrictions, thus transforming into a new restriction.

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EVELOPING ECONOMY OVERCOMING SMARTPHONE ADDICTION

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ABSTRACT

From the birth of 3rd generation of mobile communication and on, smartphone became popular. 3rd generation smartphone have internet connection of 14.4 Mbps. With that speed, users can make phone calls, video calls, as well as communicating via e-mail. Besides the applications installed on device, there are many applications available on-line which can be downloaded to the device.

Smartphone applications can be useful, but some users may become attached to them. The youth, which is a source of power in economic development, ironically is more affected than the population with age over 35 years old. Smartphone addiction has psychological consequences. Users affected with smartphone addiction become tolerant to smartphone use and showed signs of withdrawal. Students and employee get distracted by smartphone respectively during studies and work hours with loss of productivity as a result. A negative impact on leisure activities is related with long hours of private smartphone use.

The article aims to analyze how a person can fight against smartphone addiction. Like all addictions, a therapy must be started. Treatment can start with reducing gradually the time of smartphone use, and then engaging in social meeting, reading books, watching a film, doing fitness etc. The above activities have a positive effect on persons affected with smartphone addiction, which in turn give them the possibility of being more productive.

Keywords: mobile platforms, smartphone addiction, young people

1. INTRODUCTION

Since the birth of 3rd generation of mobile communications and on, smartphone became popular. With the relative high speed of internet used by mobile devices, users can make phone calls, video calls, listen to music, watch video, play games etc. But more does not necessary means better. Having more available applications may have the effect of becoming lost and meanwhile attached to the smartphone use.

In the United States, 68 percent of adults own a smartphone, and the figure increases to 86 percent for adults younger than 30 years old (Anderson, 2015).

We can see in daily life that people use smartphone on the bus, while having meals, drinking at the bar, listening to the music through it, while walking. All the above examples show that people do not live in the moment, get distracted and are not social. They are immersed in a virtual world.

While smartphone can be useful, its overuse can be detrimental. Instead of overusing it, we can focus our attention on many beautiful things such as mountains, seas, sunrise and sunset, the rebirth of life in spring. Instead of using smartphone at bars while being with friends, we can put them away and talk, laugh with each-other. Instead of passing long hours using smartphone, we can be active doing fitness, playing sport socially, trying to find out what hobbies we like etc.

2. SMARTPHONE ADDICTION REASONS

There are many causes why smartphone addiction happens. It can be grouped into:

- Environmental reasons
- Personal reasons
- Psychological reasons
- Device and applications reasons

2.1. ENVIRONMENTAL REASONS

The rhythm of activities to be done may be unbearable to some employees in a way that they might want to escape using smartphone. Similar situation is that of a student, who may feel pressure from academic tasks.

There are hardly any programs to sensitize the problem of smartphone addiction with its harmful effects on health, time and social relationships.

2.2. PERSONAL REASONS

Smartphone users can be so attached to smartphone in a way to ignore its harmful effects. By ignoring the harmful effects they repeat the action of using the smartphone over and over again, building in this way a bad habit. They may become lost engaging in smartphone use and because of that they find it difficult in limiting time online.

2.3. PSYCHOLOGICAL REASONS

Persons affected with smartphone addiction can come from previous episodes of depression and anxiety disorder and they may find relief from their dysphoric moods staying online.

It is also noted that the more a person is shy and lonely, the more he or she engage in smartphone use.

There are persons who do not want to get hurt emotionally or psychologically being in a face-to-face contact. They find as an alternative of communicating with other people the communication through smartphone.

2.4. DEVICE AND APPLICATION REASONS

A user who is addicted to smartphone could be staying addicted by the fact that manufactures launch a new model in a short time, encouraging the user to buy the new model because of its fancy features.

The development of new applications is also a cause to stay addicted. That is because of the user's needs to want more and more applications.

Another case is when smartphone is only a medium through which people get addicted by its applications such as social network, playing games etc.

3. SYMPTOMS OF SMARTPHONE ADDICTION

Symptoms of smartphone addiction which can be mentioned are:

- *Distortion of time spent on the smartphone* – Because of the fact that people get lost while using smartphone, time spent is distorted.
- *Withdrawal* – It is a similar effect as of drug abuse. When drug is missing the person is agitated. The same is with smartphone. When the person cannot use the smartphone, he/she is agitated.
- *Tolerance to smartphone use* – It is the increase of the time needed in order to feel satisfied.

- *Long hours of smartphone use* – This symptom is explained because of the above mentioned symptom, the tolerance to smartphone use.
- *Inability to control craving* – The person addicted to smartphone find it difficult to control himself/herself while not using smartphone. This symptom is similar to withdrawal.
- *Productivity loss* – If he/she is a student or an employee, smartphone addiction can impair respectively academic achievement or work assignment.
- *Feeling anxious and lost* – This symptom is similar to distortion of time spent on the smartphone, withdrawal, and inability to control craving.

4. CONSEQUENCES OF SMARTPHONE ADDICTION

Smartphone addiction has many negative consequences. Due to the need to use the smartphone, we ignore social relationships, even when we are close to each-other. We may communicate with our friends through smartphone, but this is virtually and it is not the same as relating with each-other in reality.

Due to the distractions by using the smartphone, we are unable to maintain concentration in a task and we are unable to achieve a state of flow. Because of these interruptions an employee will be less productive.

A similar case is that of a student. During class hours, the student will find difficult to concentrate to lessons. The consequence will be the impairment of academic achievement.

For both students and persons employed, smartphone use has respectively negative effect on studying and responsibility.

Great leisure time is spent on using smartphone, and that is why it has a negative impact on leisure activities such as reading books, playing sport, culture time.

Health issues are critical consequences of smartphone addiction. Smartphone addiction is responsible for eyestrain, wrist, neck, back and shoulder pain. Poor posture, poor personal hygiene, irregular eating, sleep deprivation and lack of sleep can affect their immune functioning, hormone secretion patterns and their cardiovascular and digestive patterns.

Users affected by smartphone addiction do less physical activity resulting in increase of fat mass and decrease in muscle mass with adverse health consequences.

5. THE HEAVIEST SMARTPHONE APPLICATION USE, WHICH MAY CAUSE ADDICTION AND WHY

A popular application used through smartphone is Whatsapp. Reasons why

this application is so popular are:

- The service is free
- Users can send an unlimited number of instant messages of unlimited size
- The use of application is simple
- The program has good features, such as group chatting, sending photos, video, location, and contacts
- A user can send the same message to many users

Because of its features, users engage in using it over and over again becoming addicted to it.

6. SOLUTIONS TO SMARTPHONE ADDICTION

Here are some options to overcome smartphone addiction:

- Delete the program that caused the addiction. In this way, your brain will not reinforce the effect of using the application.
- Gradually decrease in smartphone use. You will be more at ease, feeling better than before.
- Use an analog clock and an analog alarm clock. Otherwise, even when checking time on smartphone, you will get lost using it.
- Ban you smartphone from bedroom. In this way you will forget about smartphone and find some rest.
- While working, check your e-mail at few time points. By doing this, you will be absorbed in the work flow and you will be more productive.
- When we are using public transport, having a walk, it is better to wander about what is around you, to feel the moment rather than to be immersed into your smartphone.
- Increase social networking and have quality time with your friends and family. Smartphone overuse prevents this human need. Even if you communicate with other people using smartphone is not the same as contacting them directly. When you feel down, for example, you better need support from someone close to you than having a support message via Whatsapp.
- *Find alternatives to using smartphone as an entertainment tool.* Think about the hobbies you like.
- *A helpful activity is physical exercise or playing sport,* where you can get fit, be in good health and forget about smartphone.
- Besides the above advices *you can ask for help from a friend, your family or if necessary you can ask for help from a specialist for treatment of smartphone addiction.*

7. CONCLUSIONS

Smartphone use can have positive and negative effects. Its utilities are useful in work area, communicating with friends and family, so moderate use can be beneficial.

It is important not to pass long hours using smartphone, because otherwise it will be your mainly preoccupation. Work and leisure activities will be seen as boring and the only way to entertain yourself will be using the smartphone.

Smartphone addiction has many negative consequences:

- We stop interacting with people
- We are less productive at work or we fail in academic achievement
- Addiction has negative impact on leisure activities
- Health issues such as eyestrain, wrist, neck, back and shoulder pain are other negative consequences. Poor posture, poor personal hygiene, irregular eating, sleep deprivation and lack of sleep can affect immune functioning, hormone secretion patterns, cardiovascular and digestive patterns. Users affected by smartphone addiction do less physical activity resulting in increase of fat mass and decrease in muscle mass with adverse health consequences.

It is important to know how to prevent smartphone addiction rather than not using the device. There are ways to prevent or overcome smartphone addiction:

- Use an analogue clock and an analog alarm clock. In this way, you will not be tempted in using the smartphone after you check the time.
- Be social. This is the human need and it is not as chatting with somebody through smartphone.
- Do physical activities. Besides fighting smartphone addiction it will help to get fit.
- Enjoy yourself with the hobbies you like most.
- Check your e-mail at few time points, so you are absorbed in your activity.

Overcoming smartphone addiction has these benefits:

36. Positive impact on person's well-being
37. Reducing emotional and financial costs of society
38. Increased productivity of person who has overcome smartphone addiction, which in turn means developing further the economy

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SUSTAINABLE DEVELOPMENT GOALS WHERE DOES ALBANIA STAND?

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ABSTRACT

Sustainable Development means that development meets the needs of current generation without compromising the ability of future generation to meet their own needs. Sustainable Development Goals shape the common future of the world in ending poverty, protect the planet and ensure that all people enjoy peace and prosperity. They are considered as target to be achieved in international development until 2030. Among other priorities, these 17 Goals include innovation, economic inequality, sustainable consumption, climate change, peace and justice. Sustainable Development Goals fulfillment requires partnership and pragmatism to make the right choices now to improve life, in a sustainable way, for future generations. Sustainable Development Agenda was adopted by all United Nations Member States in September 2015, and officially came into effect in January 2016. Since then countries around the world are adjusting their national development plans with the new goals.

The purpose of this paper is to analyze the current situation, and the progress made in Albania toward accomplishments of selected goals, and to make prediction for the future. Analysis of poverty level, employment, sustainability of economic growth, shows that Albania has made very little progress towards the accomplishments of sustainable development goals, and that year 2030 is farther than it seems.

Keywords: *sustainable development goals, common future, fulfillment*

1. INTRODUCTION

The term “sustainable development” began to be used since 1950-1960, but it gained considerable attention in year 1972 when the think tank Club of Rome published the “Limits to Growth”, a report that described a particular state in which the global population would achieve balance or equilibrium. Describing the desirable “state of global equilibrium”, the authors used the word “sustainable”: “We are searching for a model output that represents a world system that is: 1. sustainable without sudden and uncontrolled collapse; and 2. capable of satisfying the basic material requirements of all of its people” (Meadows, Meadows, Randers, Behrens, 1972). About fifteen years after the Club of Rome’s publication, the World Commission on Environment and Development³ came with the most cited definition of sustainable development: “Sustainable development is the development that meets the needs of the present without compromising the ability of future generations to meet their own needs. It contains within it two key concepts: 1. the concept of ‘needs’, in particular the essential needs of the world’s poor, to which overriding priority should be given, and 2. the idea of limitation imposed by the state of technology and social organization on the environment’s ability to meet present and future needs” (WECD, 1987). There are three dimensions of sustainable development: environmental, economic and social sustainability.



Figure 1. Three dimensions of sustainability. Figure reprinted from Sustainable Development. Understanding the Green Debates, by Mawhinney, M., 2002, pp. 99, Oxford: Blackwell Science.

On September 25th 2015, these dimensions of sustainable development were formulated as 17 goals with 169 targets to be achieved over the next 15 years, to end poverty, protect the planet and ensure prosperity for all. All the countries, adopted the 2030 Agenda for Sustainable Development and its 17 Sustainable Development Goals.

³ Also known as Brundtland Commission, after the name of former Prime Minister Gro Harlem Brundtland of Norway, who was the chairman of the commission.

Table 1.Sustainable Development Goals

Goal 1.	End poverty in all its forms everywhere
Goal 2.	End hunger, achieve food security and improved nutrition and promote sustainable agriculture
Goal 3.	Ensure healthy lives and promote well-being for all at all ages
Goal 4.	Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all
Goal 5.	Achieve gender equality and empower all women and girls
Goal 6.	Ensure availability and sustainable management of water and sanitation for all
Goal 7	Ensure access to affordable, reliable, sustainable and modern energy for all
Goal 8.	Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all
Goal 9.	Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation
Goal 10.	Reduce inequality within and among countries
Goal11.	Make cities and human settlements inclusive, safe, resilient and sustainable
Goal 12.	Ensure sustainable consumption and production patterns
Goal 13.	Take urgent action to combat climate change and its impacts
Goal 14.	Conserve and sustainably use the oceans, seas and marine resources for sustainable development
Goal15.	Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss
Goal16.	Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels
Goal 17.	Strengthen the means of implementation and revitalize the Global Partnership for Sustainable Development

The purpose of this paper is to analyze some of the targets of goal 1 and goal 8, and the possibility of their fulfillment by 2030.

2. ANALYSIS OF SELECTED SUSTAINABLE DEVELOPMENT GOALS AND THE POSSIBILITY OF THEIR FULFILLMENT IN ALBANIA

2.1 Goal No. 1

Since January 2016 the Sustainable Development Goals have come into effect. Among 17 sustainable development goals, goal 1 aims to end poverty in all its forms everywhere: by 2030, extreme poverty for all people everywhere, currently measured as people living on less than \$1.25 a day⁴ should be eradicated; etc.

There are very few data for the poverty level in Albania. The latest data belongs to 2012. According to World Bank, in 2012 in Albania, 1.06% of population was living in extreme poverty with \$1.90/day, 6.79% of population was living with \$3.10/day, and 47.5% of population was living at national poverty level with \$5/day.

Table 2. National level of poverty in Albania

	2012	2013	2014	2015	2016
Poverty rate at \$5/day (% of population)	47.5	47.2	46.7	46.2	45.5

Note. Reprinted from "South East Europe. Regular Economic report No.9. Rebalancing for Stronger Growth". World Bank, 2016, Washington D.C: The World Bank, 2016.

There is a lack of data in following year for the level of poverty in Albania, but a recent study of World Bank (2016), suggested that average estimated poverty rate declined by 2% between 2013 and 2015, passing from 47.5% in 2012 to 45.5% in 2016. The study reveals that almost half of Albanian population is living in poverty condition.

During the years 2012-2016, Albania has grown steadily, even though not in important level, as in previous years. Average rate of economic growth was 2.1%, with the lowest rate of 1.1% in 2013.

Table 3. Real GDP growth in Albania

	2012	2013	2014	2015	2016
Real GDP growth (percent)	1.6	1.1	2.0	2.6	3.2

Note. Reprinted from "South East Europe. Regular Economic report No.9. Rebalancing

⁴ As of October 2015, the global line for extreme poverty is updated to \$1.90/day (2011PPP), instead of \$1.25/day (2005PPP)

for Stronger Growth". World Bank, 2016, Washington D.C: The World Bank, 2016.

However, in following years, growth has been stable, with rate varying from 1.1% in 2013 to 3.2% in 2016, which is the highest value of the period. In any case, this economic growth did not provide for equal distribution of income, because inclusive growth has been at lower rates than economic growth, as a report of World Economic Forum (2017) stresses. This imply that

economic growth of the country has not been transformed into an increase of welfare for most of the population, but it has increased the level of income of a small proportion of the Albanian population. Moreover, this report in the last 5 years has been getting worse, having fallen by 5.6%. This suggests that the economic growth benefits in Albania are going to an ever-smaller number of individuals. The Gini index in Albania in 2012 was 29.0, which is almost a moderate value, but in the coming years its value has increased, indicating an increase in inequality in the distribution of incomes.

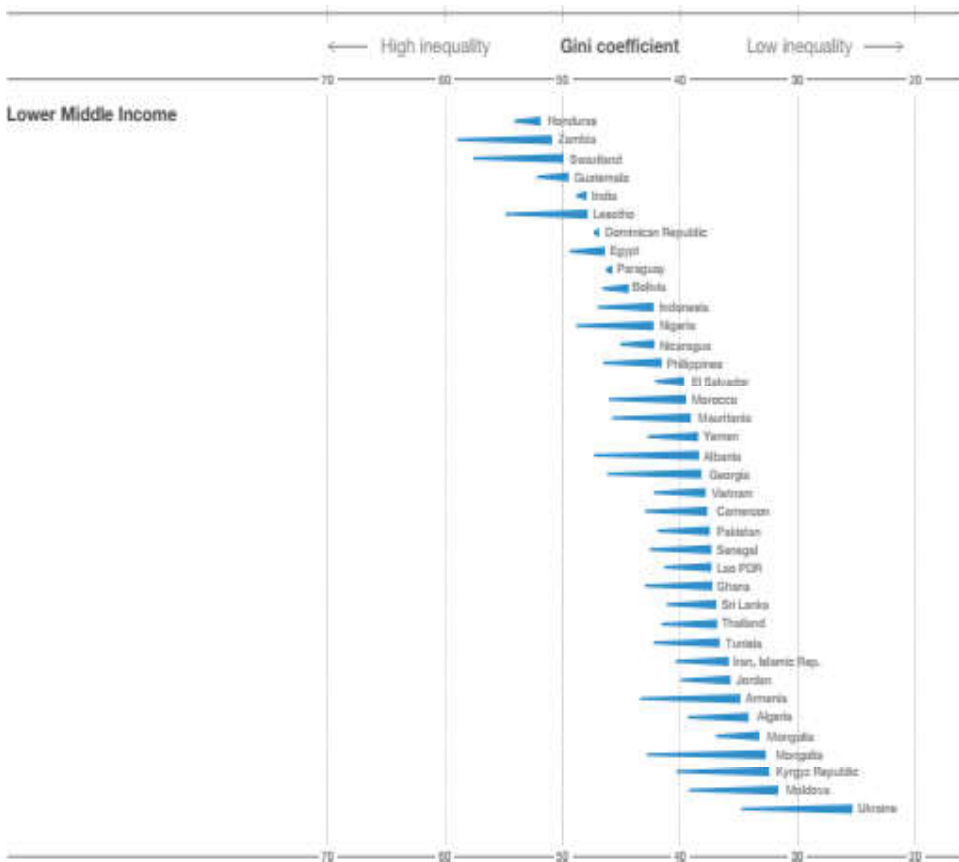


Figure 2. Gini Indeks for Lower Middle Income Countries. Figure reprinted from “The Inclusive Growth and Development Report” by World Economic Forum, 2017. Geneva.

The economic growth in Albania is accompanied by an increase in the level of employment with 1.9 percentage points, leading to a modest decline in employment to an average of 17.1% for 2015 and 16.8% for 2016 (World Bank, 2016). This high unemployment rate, especially among young people, where unemployment is around 32%, is a challenge to meet the objective of eradicating extreme poverty by 2030.

2.2 Goal No.8

Goal 8 of Sustainable Development claims the promotion of sustained, inclusive, and sustainable economic growth, full and productive employment

and decent work for all; sustain per capita economic growth at least 7 per cent gross domestic product growth per annum in the least developed countries; by 2020, substantially reduce the proportion of

youth not in employment, education or training; by 2025 end child labour in all its forms, etc.

In the above section was analyzed the fact that Albania has had an average economic growth of 2.1% during the period 2012-2016. In the coming years Albania is expected to have a positive growth trend. For 2017, economic growth is expected to be 3.5%. However, as noted above, economic growth has not been inclusive. Growth was led by an increase in investment, both domestic and foreign, and by the increase in export, especially in mineral and tourism. Projects in energy contributed in robust capital formation, especially the TAP project.

Table 4. Composition of real GDP growth in Albania

	2012	2013	2014	2015
Consumption	0.3	1.2	3.0	-2.3
Investment	-2.3	-0.8	0.9	2.2
Net Exports	3.7	0.7	-1.8	2.7
Exports	-0.3	3.5	-6.0	1.1
Imports(-)	4.0	-2.8	4.4	1.7

Source: WDI

Growth was not accompanied by an increase in employment. Energy projects and minerals are not labor-intensive sectors.

Table 6. Growth of GDP per capita in Albania

	2013	2014	2015	2016
Gdp per capita growth (annual %)	1.29	2.01	2.88	3.62

Source: WDI

In recent years, per capita income has grown steadily. Albania is an upper middle income country. According to CIA Factbook, GDP per capita (PPP) in Albania in 2016 is \$11.800, which represents a rise of 2% compared to 2015.

Youth unemployment is a big problem in Albania. Over the year 2016, youth aged 15-29 years old neither in employment nor in education or training account for 30.0 % of all youth population. In this group, 39.2 % are unemployed. The other part is outside the labor force because they are discouraged workers (13.1 %) or fulfilling domestic and family responsibilities (20.0 %) or for other reasons (27.7 %) (INSTAT, 2016).

Another important target is ending all forms of child labor by 2025. Children in Albania engage in worst forms of child labor, including forced begging, mining, etc.

Table 5. Child Labor in Albania, 2016

Children	Age	Percent
Working (% of population)	5 to 14	4.6
Working children by sector		
Agriculture		87.5
Industry		2.9
Services		9.6
Attending School (by%)	5 to 14	92.5
Combining work and school (%)	7 to 14	5.2

Source: United States Department of Labor

Albania has ratified all key international convention concerning child labor and rights,

including standards for minimum age for work, and for hazardous work, prohibition of forced labor and exploitation of children, etc. Also, Albania has a system of free public education. In recent years, Albania has established institutional mechanism for the enforcement of laws and for coordination of efforts in combating child labor.

3. CONCLUSION

Sustainable development means meeting the needs of today without compromising the ability for meeting the needs of tomorrow. Three dimensions of sustainable development, environmental, economic and social sustainability, are organized into 17 goals to be fulfilled by all countries by 2030.

Goal 1 aims to end poverty in all its forms everywhere. In Albania, national poverty level has been reduced at a very low rate, with only 2% between 2013

and 2015. Nearly half of the population continues to live in poor conditions. Although there has been economic growth, this has not been accompanied by a fair distribution of income, as the inequality in the country has increased. Albania has experienced a slight decline in the level of unemployment, which unfortunately continues to remain at very high levels, especially among young people. To ending poverty, social protection programs are essential. Social insurance, social assistance, labor market policies are necessary to secure adequate protective redistribution of income. The existing model of economic growth in Albania is unlikely to fulfill the goal of ending poverty. Target interventions and adequate policies are required to help people left behind.

Goal 8 claims the promotion of sustained, inclusive, and sustainable economic growth. This objective seems difficult to be realized in Albania. Although in recent years there has been economic growth in Albania, this has not been inclusive. Despite the continuous rise in per capita income, the target of 7% is still far away. Child labor is a very big problem in Albania. To end the problem, it is necessary to strengthen the legal framework related to the employment of children and monitor its implementation. All the society must be aware that the employment of children is criminally prohibited. It is also required to coordinate all different institutions or organizations to prevent the employment of children. Labor Inspectorate and police should increase their efforts to eliminate all forms of child labor. In the same time, very important issue is the improvement of social protection programs for children.

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SMART CITIES TRAFFIC SOLUTIONS FOR DEVELOPING COUNTRIES

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ABSTRACT

A smart city in urban and architectural planning is a set of urban planning strategies aimed at optimizing and innovating public services in order to connect the material infrastructure of the cities with the human, intellectual and social capital of those living in them thanks to the widespread use of new technologies for communication, mobility, environment and energy efficiency, in order to improve the quality of life and meet the needs of the citizens, businesses and institutions. A city can be defined as a smart city when investments in traditional communication, transport and modern (ICT) communication infrastructure, related to human and social capital, ensure sustainable economic development and high quality of life, a wise management way of natural resources, through engagement and participating actions. Advanced mobility management solutions, both in terms of transport infrastructure, as well as in information and monitoring systems, have been added as the second aspect of technology in an intelligent city. This article aims to focus more on the importance of these intelligent cities especially for developing countries and the solutions they offer. The purpose of this paper is to provide a solution to one of today's most common problems: road traffic which is still a problem for developing countries.

Keywords: *smart city, traffic solutions, innovation, developing countries.*

INTRODUCTION

“Urban issues are increasingly prominent on national policy agendas. Cities and metropolitan areas are major contributors to national economies and play a key role as nodes in global markets. Moreover, at a time of deepening globalization and increasing international competition for investment, metropolitan regions have become the targets of a wide range of public interventions. As a result, throughout the OECD, urban development policies seek to address a range of issues – from managing urban expansion and congestion to fostering competitiveness, innovation, social inclusion and environmental sustainability.” (OECD, 2014)

The concept of the “Smart City”, offering a solution to make cities more efficient and more sustainable, has been very popular in the area of politics in recent years. Although since the years 80’s and 90’s, scientific literature paid a lot of attention to the topic of the smart city, with particular attention to the role of ICT and their impact on urban planning and the structure of urban systems. For many visionaries in this area, new technologies and the general information society have contributed to the emergence of a new economic era in the history of mankind and the concept of information society has been successfully developed over the last 30 years by a number of prominent supporters. (D.Bell, 1974) It is not easy to give a unique definition of the “smart city”, a term that is experiencing great success and dedication into major conferences, public bidding, and ads of a great style. It is not easy because within this expression meet technological innovations, the latest generation services, the desire to overcome the social and environmental problems of urbanization, the utopia to create the ideal city, to overcome the “physical place” as an indispensable dimension of our activities, the efforts of the big ICT companies to put out there their products and much more.

The smart city is an international phenomenon that is booming in recent years. The origin of the word “smart city” began in 1998, but the first financing for the smart city came in the year 2000. Six dimensions of a smart city are Smart Economy, Smart Mobility, Smart Environment, Smart People, Smart Living and Smart Governance. Each city can become smarter by focusing on any of the above dimensions. A smart city is a community that is efficient, sustainable and viable. The term smart city has become increasingly popular in the field of urban planning. Smart Cities can function as a means of controlling rapid urbanization and the various problems caused by the ever-growing urban population. Implementing smart technologies can increase the worth of a smart city. The concept of a city presents new practices and services that greatly influence policy design and urban planning.

SMART CITY INFRASTRUCTURE

The infrastructure of a city includes, among other things, housing, sewerage, water supply and power supply and distribution, transport, waste management and communications. Smart city infrastructure differs from traditional urban infrastructure through its ability to respond intelligently to changes in its environment, including user requirements and other infrastructure, to achieve a better performance. Smart City Infrastructure provides the foundation for all six key topics associated with a smart city, namely, smart mobility, smart economy, wise living, wise government, smart people, and smart surroundings. But smart infrastructure components are very specific to the context and their nature is determined by the level of city development as well as by specific development challenges.

For a city in a developing country, the immediate need is to provide adequate urban infrastructure to meet the growing urbanization rates. Therefore, in the process of meeting these infrastructure requirements, smart infrastructure applications provide a way for these cities to overcome these development barriers, as evidenced by a recent study on Africa and smart cities. (Lee, 2014)

Moreover, these smart infrastructure applications have the potential to provide foundations for new innovations that will promote efficiency and better resource management. For example, data generated by the new smart mobility infrastructure can provide useful information for redesigning transport networks and build new smart mobilization apps.

In developing countries, the challenge is to preserve inheritance infrastructure systems, which cannot be abandoned due to cost, space and other considerations. Here, smart infrastructure applications will focus more on facilitating the optimal use of these resources of existing heritage infrastructure and monitoring the operations of these resources. However, both in the context of developing and developed countries, the main motive for smart infrastructure applications is that they respond to the needs of sustainable development of society.

SMART MOBILITY & TRANSPORT

Smart Mobility and Transportation is best described as approaches that reduce noise and promote faster, greener and cheaper transport opportunities. (Peter Viechnicki, 2015) A smart city transport infrastructure aims to optimize those trips that occur within a city, in addition to energy saving as well as carbon emissions reduction. (Giffinger, 2007) Most smart transportation management systems use data collected from a variety of sources around mobility models to help optimize traffic holistically. According to recent estimates, the smart urbanization of the mobility market and mobility services is expected to increase from \$ 5.1 billion in 2015 to \$ 25.1 billion in 2024. (Research, 2015) Smart mobility

and transportation systems can be divided into the following areas:

(1) massive transit (2) individual mobility and (3) intelligent transport systems. These are discussed below.

(1) MASSIVE TRANSIT SYSTEMS

Mobility within cities needs to be adapted and get smarter in order to cope with the rapid growth of the population. The primary mass transit systems for the public are either by train, subway or by the bus system. Developed countries have long sought metro and train transports within a city. MRT (Mass Rapid Transit) is an example of an efficient transit in a developed country. MRT is an efficient system that includes over 100 stations and has train services that run once every 5 minutes and has a ridership of 2.5 million people from a population of about 3.5 million. (Department of Statistics) MRT is one of the transportation pivots in Delhi and new systems are being planned in many other global cities.

(2) INDIVIDUAL MOBILITY

Traditionally, 'individual' mobility in cities has been through some form of mechanized or motorized transport, mostly cars. There seems to be a movement away from cars towards transportation system design around individual mobility which feature bicycles, ridesharing (or carpooling), carsharing and more recently on-demand transport.

(3) INTELLIGENT TRANSPORT SYSTEMS

Intelligent Transport Systems (ITS) integrate the entire multimodal transport network for options that a city has, including individual mobility and mass transit options, in an efficient way. Although ITS dates back to the 1950s, its components have evolved and contemporary versions of ITS form an integral part of smart mobility infrastructure. Modern ITS usually includes, among other things, network of sensors, connected vehicles, GPS for tracing public transport, dynamic traffic lights, passenger information panels, automatic number plate readers, CCTV systems, cruise equipment, signaling systems and more importantly, the ability to integrate direct data from most of these resources. This can lead to major improvements in security, network management, traffic jam, environmental performance, accessibility, comfort, and public perception.

ITS FOR TRAFFIC MANAGEMENT

ITS for traffic management are systems designed to optimize the use of the urban and extra-urban transport network with the aim of reducing unnecessary shifts and the overall environmental impact of mobility.

Priority 1: Coordinated traffic management in large urban areas

In developing countries more than 50% of the population is concentrated in large urban areas. There are therefore severe congestion problems with negative consequences for quality of life, in terms of comfort, security, environmental degradation and time lag, which can be effectively reduced through the adoption of coordinated traffic management strategies. The most significant measures concern:

- regulation, coordination and centralized control of traffic lights systems;
- the monitoring and regulation of traffic flows;
- access control to historic/policy road pricing centers;
- priority for public transport.

In particular, it is essential to extend monitored areas to entire urban areas, including mainly access points to urban areas that are among the routes on which major congestions are concentrated, including through the establishment of collaborative relationships with managers of large proximity infrastructure and vehicle fleet producers/carriers. With the latter, in particular, it is possible to realize board systems that are able to detect the main characteristics of the floating car data and significantly increase the coverage of the monitored road network. This would provide more complete data on the traffic situation on the network to be distributed to users in the various ways (variable message panels, radio, Internet, mobile telephony). Mobility management systems should also be adopted on a large scale not only in large urban centers but also in cities of small to medium size, especially with regard to priorities for public and rescue services and the control of the traffic lights and planned systems in the GCTP (General City Traffic Plan). New ways of regulating access to sensitive areas should be investigated in addition to the ecological category of the vehicle. Through the possibility of dialogue with the vehicle, it is possible to experiment and subsequently introduce large-scale new criteria based on vehicle usage, fuel consumption and driving style and on the availability of passengers to agree on travel times and routes. In addition to the scarcity of resource-related realization difficulties, there are also some management-related problems within the Local Government, which in fact slow down the development of these systems. This is in particular a lack of clarity on the roles and tasks of the various structures of the administrations. In this regard, it is important to establish precise rules on centralization of responsibilities by clearly identifying the actors supervising these activities, which should be conducted in coordination with the implementation of the PGTU provided for in

the Road Code. This would lead to streamlining management and administrative procedures, thus reducing the timing and cost of deliveries. A further barrier to the rapid development of ITS lies in the lack of standard specifications for tendering procedures for the provision of such systems.

Expected benefits:

Greater transport efficiency, reduced travel times and therefore transport costs, and reduced environmental impacts.

Priority 2: Management of the main extra urban traffic corridors

Traffic fluctuation on the major outer extra urban corridors connecting the major metropolitan areas of the country is often criticized by the congestion phenomena. Frequently, there have been criticalities due to the lack of real-time co-ordination between both highway and neighboring road systems, as well as user information systems. These criticalities are sometimes due to events related to atmospheric conditions of particular gravity (snow, ice, fog), or even accidents that lead to abnormal saturation of the network and/or more dangerous situations for circulation. Establishment of traffic control centers at the provincial level to facilitate greater coordination between the ITS management systems of the different road networks under concession and not, in order to achieve integrated management of traffic flows at the corridor level, meaning with this term both the main axis, as well as all alternative routes that can be utilized in critical situations. Such coordination must also cover the adduction routes, in order to realize a complete and integrated access control to the main itineraries. This presupposes the availability of ITS monitoring systems, which are already present on the highway network, including on the alternate secondary network and parallel to the major motorway axes, so as to ensure effective redistribution of flows on the various routes possible on the network and better accessibility to any rescue. It is desirable to favor the process of “exchanging” data among the various actors operating the extra-urban traffic corridors. Even in the extra-urban area, as well as for large urban areas, it is desirable to involve fleet producers/operators to build floating car data collection systems. One important feature of the communication of information gathered on board the vehicle is the use of radio frequency, which allows realizing remote identification systems, including RFID technologies. Such technologies are an increasingly reliable means of identifying and tracking any moving object. A possible pilot application for the management of major outbound traffic corridors could envisage the use of the RFID(Radio-frequency identification uses electromagnetic fields to automatically identify and track tags attached to objects.) on static reference points and on some fleet vehicles supplied by the infrastructure manager to build a network of sensors (static and dynamic) on the road.

Expected benefits:

Increased efficiency of the transport network, security, optimized crisis management and minimization of emergency services.

Priority 3: Coordinated management of network critical points

The national road network is characterized by the existence of a series of points that have intrinsic criticality, which cannot be overcome only with infrastructural interventions but which, more than any other element of the network, require monitoring, management systems and optimized control.

Among these critical points you can include:

- cross-border alpine highways, characterized by very high traffic flows concentrated in environmentally sensitive areas;
- large tunnels in general as they often have a reduction in capacity compared to their admission routes and also show objective safety issues that can lead to particular circulation regimes (speed reduction, access quota in particular cases, etc.);
- access to ferry systems, which in any case constitute a discontinuity in the transport chain and are frequently subject to very high congestion phenomena, especially at seasonal traffic points.

ITS systems play a key role in the monitoring and control of these particular situations and are already partially used, especially with regard to tunnel control. In order to improve the effectiveness of existing systems, greater integration of the information systems of the private and public bodies that manage them with those of the adduction infrastructure managers should be promoted. In the particular case of ports, it should also be noted that in many cases they are located within urban areas, where there are no preferential access routes. It follows that it is in the interest of both Public Administrations and Port Authorities to undertake joint initiatives for greater coordination between port control systems and urban traffic management systems.

Expected benefits:

Increased circulation fluidity, greater efficiency and comfort, improved safety.

Priority 4: Parking Managing and Ride Parking Systems

Parking searches generate slowdowns and congestions. ITS can make a contribution to optimizing the existing parking offer through computerized space

management and the dissemination of information about the occupancy status of monitored parking areas. This information can be made available in advance of travel - and this is generally associated with the possibility of booking the place, as well as during the journey through appropriate routing and spreading information on seating availability. This allows you to reduce the number of voyages. These information services are particularly important for park and ride systems, as they enable it to be optimized for use with the intermodal option. Parking routing systems are already relatively widespread, especially in urban areas of medium to small size. However, there is a need for a more incentive policy for such systems, especially in large urban areas, coupled with the possibility of booking. This would reduce congestion along the roadside adjacent to the parking lots. A critical issue, however, lies in the lack of rules for the protection of booking data, which would require institutional treatment (changes to the Road Code). It would also be necessary to develop the testing of parking guidance systems for saturated caravans along the road axes and thus extend the benefits to a very large number of vehicles.

Expected benefits:

Increasing the efficiency of the parking system, reducing travel times, reducing congestion, modal rebalancing.

INTELLIGENT TRAFFIC SOLUTIONS IN DEVELOPING COUNTRIES

Travel planning nowadays is very difficult because to monitor the traffic situation in the developing countries is complicated. Information about the traffic situation in real-time is rare, including information on any delay and overload and this makes travel planning difficult. In addition, traffic officers in these countries have no available systems that would enable them to view and manage traffic according to different modes of transport as well as related to the environmental considerations. A solution to the problem of traffic in developing countries is the construction of more transport infrastructure, although this option is at a great cost and impossible in these countries. So developing countries around the world are looking for alternative ways to deal with this problem. Such an alternative is a set of practices called Intelligent Transport Systems (ITS). ITS is commonly understood as a system that combines the latest advances in information and communication technologies to better manage the transport system. ITS includes a wide range of tools for managing transport networks as well as for providing services to travelers. One of the basic features of ITS is collecting data and converting data into information that can be used to meet the user's need. Through ITS, transport authorities, individual operators and passengers are able to make

more coordinated and intelligent decisions based on real-time information. ITS has been widely implemented worldwide, especially in high-income, developed countries. It is used to reduce noise by improving traffic flow into transport networks, managing demand and diverting demand for traveling with your personal vehicle into other modes of transport. It is used to improve security through faster response to emergencies, better detection and management of incidents, application of speed limitations/stop light violations, and anti-collision and vision expansion systems. ITS has also been used to help protect and improve the environment through pollution monitoring, delivery of air quality information, providing real-time information that helps in managing demand and providing access control to high pollution areas. Operational costs have been reduced and productivity improvements have been driven by automated vehicle location, computerized delivery, weighing systems on the move and tax collection. Passenger travel experience has improved and passenger stress is reduced due to real-time traffic information, dynamic road guidance, and real-time transit information and smart card payment systems for public transport. Small and localized projects such as synchronizing traffic signals along a corridor, installing some video cameras for traffic monitoring in selected locations, and installing some changeable signs, so the answer to the question posed in the title is that the development of ITS in developing countries should continue gradually until a national or regional architecture exists and much of the resources so far need to be devoted to infrastructure improvements and not ITS. (Singh, 2014)

CONCLUSION

Traffic is the main concern in developed and developing countries. Each country has its own rules and regulations to control traffic. Over the past decade, vehicle density has increased in the roads leading to heavy road traffic, overload and accidents. Many traditional methods are used for traffic control, such as placement of traffic lights, traffic signs, and traffic cops. But these methods are getting outdated day by day. In the era of technology, intelligent and adaptive devices must be used to control traffic.

This article aims to provide project ideas for solving the problem of traffic in developing countries at a time when the population is constantly growing at high rates. Nowadays, for every solution, we naturally address to technology. The world population growth in these last decades is concentrated more in urban areas. This automatically increases population mobility and hence traffic growth. “Smart City” offers a solution to making cities more efficient and more sustainable. As demonstrated by experience in other countries, the full development of ITS at national level cannot ignore the definition of a strategic reference document that outlines the objectives and priorities of ITS in the short to medium term, the actions needed to achieve them and the expected benefits. This makes

it possible to define investment programs in the period of time, and thus to create the technological, regulatory and organizational conditions to accelerate the process of integrating ITS across the territory, and to stimulate the development of a competitive market for services. There is, therefore, still missing a general strategy for ITS in developing countries, which sets the ITS objectives and priorities in the short to medium term and the measures needed to achieve them. This gap is likely to prevent citizens and businesses from fully grasping the benefits these systems can bring to the improvement of the national transport system, and hence the quality of life, security and competitiveness. There is therefore a strong need to promote in developing countries also a national strategy for ITS aimed at identifying short- and medium-term priorities and more effective interventions in order to optimize overall resources and achieve consistent results with the objectives of national and transport policy. This paper has presented a first contribution to a national strategy for ITS. The objective is to provide the Institutions with a forum for discussion and confrontation to initiate a decision-making process aimed at providing developing countries with a national ITS policy that will enable us to respond to the challenges posed by continued demand growth and the interoperability requirements of the national and worlds systems and the growth of the markets, so that transport is not a hindrance or a critical one but a powerful engine for the growth of the country.

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AGRICULTURE AS ALTERNATIVE FOR SUSTAINABLE DEVELOPMENT OF MALLAKASTRA MUNICIPALITY

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ABSTRACT

Administrative division according to Law 114/2015 “On Administrative Territorial Division in the Republic of Albania”, which came into force in 2015, brought about the creation of new local government units. The new units of local self-government were created as a result of the unification of many other units, and some of them over the boundaries of the administrative boundaries of the 1992 districts. This territorial administrative organization is accompanied by a series of legal changes, including on the issue of local government competencies, but the essence and efficiency of legal changes must necessarily reflect in development and progress. The article deals with the case of the Mallakaster Municipality, which is one of the 61 local self-government units created after the local elections of 2015. The scientific methods of achieving the article are interplay between research, synthesis, statistics. An alternative to determining the development priorities of each should be oriented on the basis of assets within the territory of the local self-government unit. The exploitation of assets and resources owned by the local self-government unit should be such as to guarantee sustainable development. The article aims to illustrate analytically how the development of agriculture can be a priority for the sustainable development of the Mallakaster Municipality.

1. ADMINISTRATIVE ORGANIZATION

The administrative-territorial organization of Albanian lands has left its mark in Mallakastra. One of the consequences of changing the political system in 1992 was the new administrative division. The territorial administrative organization of the Republic of Albania was made with the change of the system on 22.09.1992 from which was created Mallakastra District. In the composition of the district, were created 6 communes and 40 villages. Thereafter Mallakastra has 1 municipality, 8 communes and 40 villages. From 1992 until June 2015, Mallakastra consisted of these local government units: Ballsh Municipality, Aranitas Commune, Centar Commune, Hekal Commune, Ngraçan Commune, Fratar Commune, Kute Commune, Selitë Commune, Greshicë Commune.

The new administrative division, which started operating after the June 2015 local elections, summed up all the former local units of the Mallakastra district, in a single local government unit, that is the Mallakastra Municipality. In the municipality of Mallakastra, there are 8 administrative units, which coincide with the former municipalities, while the former Municipality of Ballsh, constitutes the center unit of the Mallakastra Municipality. In more detail Mallakastra Municipality has as center the city of Ballsh, and consists of:

- Administrative Unit of Qender Dukas, which includes villages: Visokë, Belishovë, Belistan, Drenovë, Drenovë Fushë, Kash, Usojë, Ngraçie, Lavdan, Lapulec, Lofkënd, Dukas;
- Administrative Unit of Greshicë, which includes villages: Greshicë, Greshicë e Re;
- Administrative Unit of Aranitas, which includes villages: Aranitas, Panahor, Kalenjë, Cfir, Metoh, Çyçen;
- Administrative Unit of Hekal, which includes villages: Hekal, Klos, Molaj, Rromës;
- Administrative Unit of Ngraçan, which includes villages: Ngraçan, Riban;
- Administrative Unit of Kutë, which includes villages: Kutë, Drizar, Anëbreg, Çorrush, Poçem;
- Administrative Unit of Fratar, which includes villages: Behaj, Damës, Gadurovë, Malas, Kremenar, Ninësh;
- Administrative Unit of Selitë, which includes villages: Selitë, Gjerbës, Kapaj, Çërrilë.

Data on the distance between settlements and administrative centers, as well as the distance from the city center, indicate that, in general, rural settlements have a remote distance from the center of the administrative unit. The administrative units, whose settlements have a smaller distance from the center of the unit, but also from the urban center is the Administrative Unit of Qender Dukas.

The administrative Units of Kute and Fratar are distinct for larg distances from Mallakastra Municipality center. Also short distance from the city center, and from the center of the administrative unit are also the rural settlements of the Administrative Unit Aranitas and Hekal. The rural settlements of the Ngraçan Administrative Unit do not have much distance from the city center, but the poor road network infrastructure adds to the difficulty of transport. Mallakastra Municipality has a total of 130.2 km of roads, of which about 88.7km are regional-rural roads.

2. LOCAL GOVERNMENT, SUSTAINABLE DEVELOPMENT CHALLENGES AND DEVELOPMENT ALTERNATIVES

2.1. The role of local government in sustainable development

Sustainable development is a concept whose definition may be subordinated to the perspective. However, all of the perspectives that come from different fields are united in what concerns the balance, progress and development. Over the last few years, the concept of sustainable development has a great influence not only in the world and academic studies, but also in plans, projects of development and their implementation. Drafting development strategies on the concept of sustainability has become a legal necessity.

The local government is responsible for the social and economic development of the governing area. Government through plans, strategies, projects, orients, assists, residents to make the right choices for economic activities. Design based on the principle of sustainability avoids chaos and collapses for the future.

Talking about economics and the environment is difficult. No economic activity can be no zero cost on the environment, but there is the possibility of controlling the degree of impact, to the point where, environmental regeneration can be accomplished in a short time and accessible from the nearest generations.

While the central government deals with major problems and policies, the local government is closer to the community knows the area closely and in detail about the capacities and types of natural and human resources that it can use for economic and social development. In this way, the local government is the first promoter for the sustainable development of the area.

The role and importance of local government in sustainable development is multidimensional and central. Multidimensionality refers to the competences of the local government for administration, management, projection for asset for development that has the territory, while the central role relates to how it will be projected, managed and administered by the government. Recognizing the assets, assessing their real status, and determining the way they are used is an essential element that guarantees the development path.

2.2. Challenges of development of Mallakastër Municipality

The new administrative division according to law 114/2015 “On territorial administrative division in the Republic of Albania” which has brought as product Mallakastra Municipality with a population of 27062 inhabitants according to INSTAT, while according to Register of Civil Status 43033 inhabitants and an area of 329.19 km² (INSTAT, 2013). Based on the financial performance analysis of all local units before the reform, with the creation of the Mallakastra Municipality, it was expected to have a reduction of administrative costs, which consist of expenditures on wages and other operating expenses.

As a result of the creation of a single local unit, administrative expenses decreased by 16% of total expenditures incurred by all local units before the reform. In the financial perspective of operating expenses, the creation of a large unit, which practically included what was called the Mallakastra district, creates realistic opportunities for investment growth as a result of spending cuts for wages or other operational expenses.

But at the same time, apart from the advantages that can bring territorial administrative reorganization, there are many disadvantages and challenges for the new unit of local self-government. Given the physical-geographic and geopopulation data, Mallakastra Municipality is a local government unit that presents management difficulties. Some of the challenges of Mallakastra Municipality are:

- First, fragmented relief and large geographic distribution of settlements creates difficulties for efficient administration and management.
- Secondly, the distances from the center of Ballsh creates difficulties in providing services to residents, while for the municipality itself creates difficulties in allocating investments to improve public utilities infrastructure.
- Third, the lack of large businesses, which in addition to the impact of employment have an impact and with local taxes and fees, which go to the municipality’s income. Lack of its own income, Mallakastra Municipality causes a knock on investments that have a direct impact on increasing services and their quality for citizens.
- Fourth, the dualism of the center is another challenge. Ballshi remains the central and central point for one part of territory of Mallakastra, while Fratari is the center for the other part of Mallakastra. The passage of the Fier-Levan-Tepelena highway to Fratar has increased the importance of the geographical position of the Frater Administrative Unit, turning it into an important center for diverse services for residents.
- Fifth, many of the rural settlements have a great distance from the municipality center and Ballsh town center.

- Sixth, most of the local roads are rural. They connect villages with each other and not all are with asphalt.
- Seventh, many of the administrative unit centers have no paved roads to the urban center.
- Eighth, most rural settlements do not have education institutions at preliminary or elementary level..
- Ninth, Mallakastra Municipality has a great challenge for the environmental issue, where environmental pollution caused by the oil industry is at a high level, and poses a risk to the health of residents, their economic activities and the overall environment.
- Tenth, Mallakastra Municipality is facing the growing number of unemployed.

2.3. SOME OF THE DEVELOPMENT ALTERNATIVES

2.3.1. General considerations

The property constitutes the base, the foundation of any economic-social formation. For this reason, the successful realization of the shifting process from the economy to the market economy undoubtedly required striking the state property and replacing it with private property in all its forms. With this fundamental change, not only the change of the form of ownership is realized, but also the systematic transformation of the society in general. This is the reason that in all former communist countries the privatization process began. But it can not be denied that it did not always have a clear view of the forms of private property that would be use (Hana, 2003).

Mallakastra does not lack assets, but proper valuation and utilization, and at real market prices. The economic value of Mallakastra's underground assets is very high for the current market, but the wrong management has led to depreciation of these resources, bringing negative impacts not only to the local but also to the national economy. The oil industry is one of the most profitable industries in the world, with a high factor of impact on national and local GDP, but in the case of our country as well as in the case of the local unit of Mallakastra did not create this effect during the transition period. Former local units, or even the local government unit created after the territorial administrative reform in 2015, did not sufficiently benefit from the presence of the oil industry. The lack of payment of local taxes and tariffs on local government by oil companies, as well as the non-transfer of mineral rent from the Ministry of Finance, the budget of the local government unit, creates a gap in the implementation of projects by the local government unit, which have a direct impact on services to residents.

Along with environmental problems, the oil industry has brought a number of social and economic problems over the last few years. The shrinking labor force,

or the lack of payments, are among the reasons that significantly affect not only the city's economy but also the wider. The impact of unemployment is not only within the range of the city as its impact factor extends across the area. Increasing unemployment in cities causes income reductions for urban households, and consequently reduces consumption costs. A significant part of the requirements for food consumption is supplemented by agricultural and livestock farming activities. This implies the fact that part of the consumption costs of urban households are a source of income for rural households.

The unemployment benefit effect ranges from the city's consumer residents to producers of agricultural and livestock products in rural areas. Hence the increase in the employment level in the urban center or surrounding area around Ballsh has a positive impact on the rural area as it increases the demand for products that are produced in rural areas and are a source of income for the residents.

On the other hand, the increase in demand for consumer products from the urban center serves as an incentive for rural residents to increase the amount of product cultivation as well as further investments to improve the mechanisms for the production and processing of agricultural and livestock products. In this way, the pace of depopulation of rural settlements will also decrease.

From the above it turns out that the Mallakastra municipality's economy can gain consistency in the case of a combination of agriculture development in rural areas and further industrialization in the urban center.

2.3.2. Why the development of agriculture in rural areas?

From the assessment of the climate and land conditions of Mallakastra, it results that they allow the cultivation of all Mediterranean and continental plants as well as the easy breeding of livestock. This gives the Mallakastriot farmer the opportunity to choose to cultivate the most suitable plants according to the climatic conditions of the earth his physical possibilities and economic interest.

In this way, a Mallakastriot farmer, with 1.5 hectares of land, can cultivate 150 olive trees, 5dynam vineyards, vegetables for own consumption, beef, chicken, bee etc. Referring to production output data and reference prices at the Regional Directorate of Agriculture, Food and Consumer Protection Fier, it can manage to provide about 1 million ALL a year from the sale of agricultural and livestock products. This was also the reason why the Mallakastriotics historically did not migrate to the extent of the depopulation of rural settlements and at the time of agricultural cooperatives during the communist system, compared with others they had higher incomes.

Mallakastra's agricultural development will lead not only to the economic growth of the community of the area, but will also have the following social impacts:

- Will prevent the further depopulation of the area;

- It will improve the quality of life, and will enable the full and quality education of the young generation;
- Agriculture cultures such as olive, almonds, walnuts, hazelnuts also allow people in the cities to grow, cultivate land and visit their habitats more often with their children, enlivening the community. At the same time, children are given access to the area, learning and preserving traditions, learning about the culture of living in the village, and passing on urban culture there, by reducing the imbalances in the level of social and economic development;
- The opportunity to invest in the countryside is turning and returning many emigrants to cultivate their lands or to open businesses that will affect the introduction of new technologies and other cultures.
- The development of agriculture in Mallakastra according to the tradition of the area and especially of the culinary, and the specific processed products of the area will generate tourism, moreover Mallakastra has many archaeological sites, holy places and climate zones, for holidays (mainly along Vjosa) combining several types of tourism.

The global challenges faced by agriculture have stimulated the different opinions of researchers by assessing each farmland that can produce quality products. The principle of “think globally, act locally” can be efficient in the Mallakastra Municipality’s agricultural economy to generate sustainable development.

The best way to protect the food-production system is clear: decentralize and re-localize. Re-localization means the production of more basic foods in the country (Carbon”, Spring 2009,pg.17).

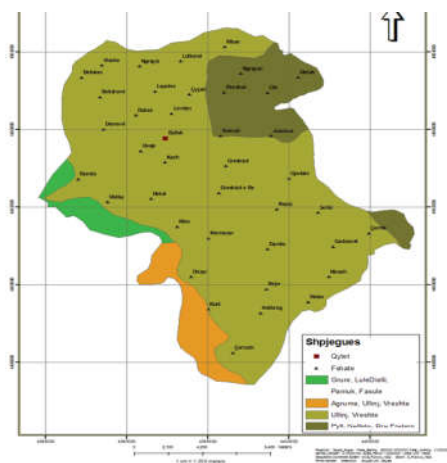


Figure Nr.1.1, Map of potentials for land use for the agricultural economy in the Mallakastra Municipality

Source: Compiled according to data by project SIS Albania

Removing the population from rural settlements to urban centers or even outside Albania creates the opportunity for those farmers or those entrepreneurs who want to invest in agriculture to raise the land of agricultural land in use by buying or renting it.

Data show that during the second decade in Mallakastra Municipality, the number of leased land contracts has increased by 56% compared to the first decade of transition, which were linked to former local units. Land leases are mainly used for planting fruit trees and especially for planting olives.

The increase of the agricultural area in the use of a farmer should be considered as a positive aspect in the developmental progress, as this increases the quantity of production. The creation of large plots cultivated with different agricultural crops, in addition to increasing the quantity of production, will increase the need for manpower, which even if not met by residents of rural settlements, will be supplemented by residents of the urban center unemployed jobseekers who have the lowest level of education. Seasonal farming jobs will mitigate the effect of unemployment, both in urban centers and in rural areas.

The second decade of transition, among others, has begun to highlight the unity and growth of the agricultural land area for the use of a farmer, who is not necessarily a resident of the rural dwelling or is related to it. This is evidenced by the fact that part of leased land contracts are tied between local government units and individuals who do not reside in rural local units.

Growth of agricultural production, among other things, especially if the products can be certified for production standards and product quality will be an added value for economic development in general.

The fact that most of the Mallakastra Municipality's territory is mostly rural, and agricultural products are of a quality, will increase the possibility of developing rural tourism and agrotourism. Specifically, along the River Vjosa, or in local units where there are archaeological sites like Hekali, the combination of archeology, nature, and quality food products further increases the chances of increasing tourist turnover, which generates income for locals.

3. CONCLUSIONS

Territorial administrative reform brought significant changes to the organizational view of the Mallakastra district. The eight municipalities that were created at the beginning of the transition joined the administrative unit of Mallakastra Municipality, the center of which remained the former Municipality of Ballsh. With a population of about 43,000, according to the Civil status Registry, the new unit of local self-government faced numerous economic and social challenges.

Apart from the difficulties of the terrain, where it dominates the hilly, the large distribution of settlements, the tendency of emigration of the population,

there are also infrastructures, environmental and economic problems.

Mallakastra Municipality has many assets and resources that, if used as needed, on a strategic sustainable development plan can generate economic sustainability for residents and bring further development.

The fact that most of Mallakastra's settlements are located in rural areas, agriculture remains a strong alternative to economic development. The natural and physical conditions greatly favor the development of agriculture.

At the same time, the exploitation of underground resources such as oil and gas and their processing are the pillar of the urban center economy. Further industrialization of the urban center helps the employment of residents.

Employment of city dwellers is a good option for the sustainability of agricultural and livestock products production in rural areas, as it guarantees the market for the sale of products, generating income for the inhabitants of rural settlements.

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THE ROLE OF THE STABILITY PACT IN REGIONAL CO-OPERATION

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ABSTRACT

In the first decade, after the fall of communist regimes the international community for the Western Balkan Countries did not have a coordinated and long-term strategy, particularly the EU. In this part of the region had been taken individual actions, mostly humanitarian, but there was a common attitude that came to help to these countries. The Kosovo crisis served as a catalyst for such a finding.

Political, economic and social instability in Southeast Europe urged the European Union not to stand aside as it really did in previous crises. It was exactly in this difficult and turbulent moment for the region, that the Stability Pact for South Eastern Europe was founded. The Stability Pact for South Eastern Europe has also highlighted the fact that regional cooperation is inevitable to integrate the Western Balkan countries in the European Union.

The subject of this paper is to underline the role that has had the stability pact in the economic development and in the cooperation of the Western Balkan countries.

Relying on historical analysis, this paper tries to deal with scientific objectivity the role of the SP in this important process. The methodology of the study is based on the analysis of historical events.

Keywords: *Stability Pact, economic development, Integration, cooperation.*

1. INTRODUCTION

The consecutive crises that were produced in the Balkans in the first years after the collapse of the communist regimes had often found solutions to the

international community's intervention, although the EU has often held unclear stances, leaving other international actors to take the lead of the situation.

Kosovo's war and NATO military interventions would make the EU aware of concrete steps to resolve the crisis, as well as the future of the countries in the region. At this moment, the Stability Pact for South Eastern Europe is conceived.

2. THE STABILITY PACT, A NECESSARY APPROACH TO THE FUTURE OF THE BALKANS

The Stability Pact was a US and EU initiative, which took responsibility months ago. If we refer to the Council meeting of 17 April 1999, it is specified that the purpose of the Stability Pact is to contribute to ensure cooperation between countries in the region in order to achieve a global measure to stabilize in the long-term, security, democracy, economic development, the development of the region and the establishment of sustainable good-neighborly relations, as well as with the international community (2177a sessione del Consiglio, Affari Generali, 1999).

While on May 17, 1999 EU foreign ministers approved a common position regarding the Stability Pact for South Eastern Europe, in which the EU declared ready to take the lead. Under the leadership of the German presidency of the EU Council the Stability Pact for South Eastern Europe it was established.

In the framework of a conference on 10 June 1999 in Cologne, German Foreign Minister Joseph FISCHER, during the adoption of the Stability Pact for South East Europe, emphasized in his speech the importance of a policy of peace:

"Today is a very good day for Europe. The Kosovo conflict has come to an end, which we have waited for so long ... the expelled Kosovars, can have hope again today ... but a political solution in Kosovo will prove to be sustainable only when it is based on a comprehensive peace strategy for the whole region, which we want to start with today's conference. [...] The current policy towards the former Yugoslavia contained two very serious deficits: it dealt with the consequences instead of the causes of the conflicts ..."

A few months after the signing of the Pact, a meeting was held in Warsaw on March 25, 2000, with the member countries' parliamentarians for the stability of South East Europe. The meeting highlighted the necessity and importance of the Stability Pact, under which the signatories pledged not only to take concrete action in the serious situation of the area, but also to prevent further damages, without such interference would be the cause of a potential crisis in the region (Riunione dei Presidenti dei Parlamenti degli Stati membri dell'Iniziativa Centro-Europea, 2000).

3. A POLITICAL SUPPORT FOR THE CONSOLIDATION OF PEACE AND DEMOCRACY

The Stability Pact is a political statement, a framework agreement for international co-operation of 40 members, who are committed to developing a common strategy for stability and growth in South East Europe.

The Pact specifies that the Special Coordinator chairs the most important political instrument of the Stability Pact, the Regional Table. Three Working Tables operate under the Regional Table:

- Democratization and human rights;
- Economic Reconstruction, Co-operation and Development;
- Security Issues (Security and Defense and Justice Matters).

The Stability Pact was based on international crisis management experiences, based on three main sectors: the creation of a safe environment, the promotion of sustainable democratic systems and the promotion of economic and social welfare (Regional Cooperation in Southeast Europe: The post stability pact period, 2009).

The Stability Pact was essentially a political support to strengthen the countries of Southeast Europe in their efforts to develop peace, democracy, respect for human rights and economic well-being, but at the same time to achieve stability throughout the region. This initiative in some ways meant the possibility of a European perspective for these countries, and it could also serve as a catalyst for building a safer Europe and far greater than the European project founders could have imagined. It was hoped that this initiative would lead to the improvement of the Balkan region, because interventions would take place in a multi-dimensional plan, considering the fact that previous initiatives in this area had failed, had been inefficient.

4. THE SP IMPACT ON THE ECONOMIC DEVELOPMENT OF SOUTHEAST EUROPE

The countries of Southeast Europe because of their past, transition and consecutive conflicts had inherited a weak economy without standards and low living standards. For this reason, was needed an intervention in the economic sphere. Priority was the promotion on economic and social welfare.

For this reason, among other problems that this part of Europe have had, an intervention in the economic plan was required. For this, the priority motive was the promotion of economic and social welfare. If we try to look at it in retrospect, the SPSE had as a main goal attracting regional countries closer to the European perspective. A key element in this strategy is the Stabilization and Association Process (SAP) for the Western Balkan countries. The Pact played a key role in helping coordinate regional reconstruction efforts. "The main need was for a steady economic growth" (Jacobsen, 2000).

At the beginning, the Pact was a little more coordinating of the auxiliary ac-

tivities that would serve to rebuild this area. They have often considered it as the “Marshall Plan for Europe”. Over the years, a forum was attended by regional and international actors to develop common strategies for the Balkans future. The Stability Pact had great international support, so the countries of the region were persuaded to participate in the cooperation programs for the region (Regional Cooperation in Southeast Europe: The post stability pact period , 2009).

The year 2000 was an important year for the Southeast Europe, which was accompanied by political changes, which taken all together marked changes to a considerable extent on the future of the region.

5. THE REASONS AND THE CIRCUMSTANCES WHICH HAVE FAILED TO ESTABLISH THE STABILITY PACT

Political, economic and social instability in Southeast Europe urged the European Union not to stand aside as it really did in the previous crises. The Stability Pact was unveiled in June 1999, precisely in the city of Cologne, when Germany was head of the European Union.

The Pact was created to prevent long-term conflicts and to promote peace consolidation by using different instruments in three types of sectors:

1. Security;
2. Politics;
3. Economy: economic reconstruction and promotion of well-fare.

If we try to identify the reasons that led states and organizations to become part of the Stability Pact, the factors were different. European countries wanted in this way to prevent the consequences of the various crises that could be produced within this region, which has often been the focus of criticism.

According to EU leaders, it was a finding to calm the public opinion concerned by NATO’s intervention in Kosovo. More specifically, the European Commission aimed at expanding the consensus of international actors for the European integration of the Balkan countries, although this process would continue depending on the fulfillment of the required conditions, which means that the integration would be individual for each of these countries.

While for the Western Balkan countries, this initiative was seen as a way of salvation, because, thanks to it, it would be able to enjoy the benefits provided by the Pact, such as economic and financial aid.

6. THE ATTITUDE OF ALBANIA DURING THE SIGNING OF THE PACT

During the conference held in Cologne, the Foreign Minister of Albania in the submissions requested a special treatment for Albania after facing the Kosovo crisis. Albania had never faced such an emergency, despite the fact that other

crises had been present. This is what he says in his memories... “*Kosovars paid not only for their freedom and rights but also for the prosperity of other people of the region*” (Milo, 2009).

On 30 July 1999, a meeting was held in Sarajevo for the Stability Pact for South Eastern Europe. The Albanian side was represented by Minister of Foreign Affairs Paskal Milo. According to the memoirs of the Albanian minister, Kosovo’s case would preside over debates during the summit. It was a really delicate matter and could not pass without a compromise solution on the part of all participating countries. To achieve this goal, the Albanian side made it impossible, even “threatening” that they would not sign the Stability Pact. Here’s what Paskal Milo remembers: “*In the Summit, we had to fight not least for Kosovo’s case to take place in the final statement*” (Milo, 2009). But despite the efforts of the Albanian side, the international actors were for a for a medium choice, close to the word “Kosovo”, FRY termed must be put, using as an argument the resolution 1244.

The signing of the Stability Pact would be followed by the Sarajevo conference, which not only remembered for the fact that determined for these countries set perspectives for European integration, but also marks an important moment because they sit at the same table all the countries representatives of the Western Balkans, although their names were defined, but what country they represented, this was a finding to prevent a phenomenon similar to the one that had happened in Brdo (Zola, 2010).

7. REGIONAL COOPERATION COUNCIL

The Regional Co-operation Council is one of the initiatives undertaken under the Stability Pact for South Eastern Europe. The RCC had six priorities defined by the region such as economic and social development, energy and infrastructure, justice and home affairs, building human capital and parliamentary cooperation.

RCC supports the development of economies based on the market economy, appropriate social systems and policies, which are the foundation of peace and stability in Southeast Europe.

The SP signers pledged to work together to accelerate the region’s transition to sustainable democracies, market economies and pluralist societies, where fundamental human rights and freedoms are respected, including minority rights. To make the purpose of the Pact workable, a Regional Table for Southeastern Europe was established, headed by an EU Special Coordinator, agreed on with the OSCE (Bodo Hombach) (Meeting of the Presidents of the Parliaments of the Member States of the “Central-European Initiative, 2000).

At first, the Stability Pact represented a very important element, served as interlocutor between the countries of the region and international actors. In some

ways RCC replaced the Stability Pact for South Eastern Europe. Over the years its role has diminished, especially after the establishment of the Regional Cooperation Council, an innovation for this group of these countries, because any act, agreement etc., was derivative of this pact. So, the priority was cooperation between the countries of the region. According to researcher Frosina Doninovska, “*Regional cooperation between the Western Balkan countries can be considered as the most significant indicator of stability in the region. This finding is true, as the initiative presupposes exactly the cooperation between those Western Balkan social groups that had been more active during the recent wars*” (DONINOVSKA, 2015).

The Regional Table acts as the governing body of the co-operation process. At its first meeting in Brussels on September 16, the Work Plan was adopted, which provides the general framework of initiatives.

Conclusion

The Stability Pact was based on the previous experiences of managing international crisis, based on three main sectors: the creation of a secure environment, the promotion of sustainable democratic systems and promote economic and social welfare. Despite the different attitudes, all the countries confirmed the fact that this was the only way to achieve peace and sustainable development in this area.

The Pact played a key role in helping coordinate regional reconstruction efforts. “The main need was for a sustainable economic growth.” This was thought to be the key to success in preventing war and violent conflicts, strengthening peace, security, and involving these countries in the international arena.

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E-COMMERCE: SECURITY ISSUES

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ABSTRACT

Developments in information and communications technology has changed the way we live and also provided new opportunities for businesses and consumers. An increasing number of consumers have access to the Internet and engage in e-commerce, which provides faster and easier access to products and services. It also presents some challenges for consumers, because any transaction becomes potentially subject to interception or attack and thus requires the use of cryptography for security and privacy. There is a risk to consumers from unauthorized transactions made by third parties. It is crucial the use of digital certificates to establish the authenticity of on-line users and a Public Key Authentication Framework for security. These security measures must be implemented so that they do not interact to the on-line transactions. This paper will present the power of e-commerce which making all consumers and business on earth to be potential suppliers and consumers, and all requirements of security for a reliable e-commerce operation. We will analyze the security infrastructure as an essential part of any transaction that takes places over the Internet. Privacy and social welfare are also discussed.

Keywords – *E-commerce, Encryption, Authentication, Integrity, Confidentiality.*

1. INTRODUCTION

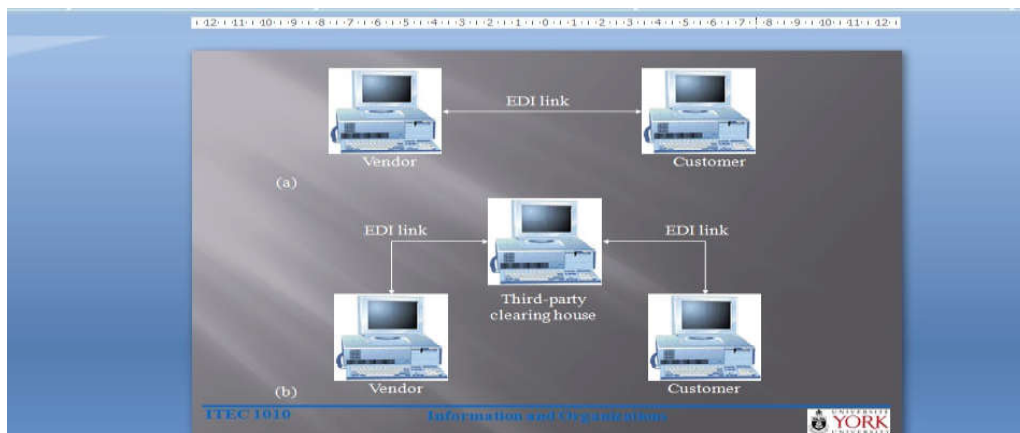


Figure 1-Information & Organization (ITEC 1010, YORK University)

The revolution of internet, which connects millions of people, has played significant role in business and commerce in the world. These types of communications are increasing day after day, and it is used in many sectors, especially in conducting business on the internet. Electronic commerce, known as e-commerce is the use of on-line networks to promote or sell products and services. It is also the process of using methods and procedures with information technology as a tool to conduct all forms of business activity. E-commerce uses different technologies and forms such as banking and trading, Electronic Data Interchange (EDI) which uses network systems and follows standards and procedures that allow output from one system to be processed directly as input to other systems, without human intervention, (Fig. 1). E-commerce is recognized for its ability to allow business to communicate and to form transaction anytime and anyplace. The power of e-commerce allows geographical barriers to disappear making all consumers and business on earth potential consumers and suppliers. eBay is a good example of e-commerce business individuals and businesses are able to post their items and sell them around the globe. In e-commerce activities, supply chain and logistics are two most crucial factors need to be considered. It provides following features:

- *Non-Cash Payment*: E-Commerce enables use of credit cards, debit cards, smart cards, electronic fund transfer via bank's website and other modes of electronics payment.
- *24x7 Service availability*: E-commerce automates business of enterprises and services provided by them to customers are available anytime, anywhere. Here 24x7 refers to 24 hours of each seven days of a week.
- *Advertising/Marketing*: E-commerce increases the reach of advertising

of products and services of businesses. It helps in better marketing management of products/services.

- *Improved Sales:* Using E-Commerce, orders for the products can be generated any time, any where without any human intervention. By this way, dependencies to buy a product reduce at large and sales increases.
- *Support:* E-Commerce provides various ways to provide pre sales and post sales assistance to provide better services to customers.
- *Communication improvement:* E-Commerce provides ways for faster, efficient, reliable communication with customers and partners.

Security is the critical issue for the e-commerce operation, so has received little attention. We proposed an infrastructure that have to considerate the security requirements such, authentication, integrity, confidentiality, non-repudiation, availability and encryption. The methodology used is theoretical and statistical. The rest of the paper is organized as follows. In section II, a short description of related work. Privacy issues is described in section III. The security requirements for e-commerce operation is described in section IV. In section V, we described the social impact for on-line transaction. Results and discussion are described in section VI. Finally, in section VII we conclude the paper with a prediction for the future.

2. RELATED WORK

In this article, we will represent related works over security issues on e-commerce. Based on the challenges of e-commerce industry in terms of security risk many relevant solution have been considered. According to United Nations at e-commerce can be defined as “the sale or purchase of goods or services, conducted over computer networks by methods specifically designed for the purpose of receiving or placing of orders (UN, 2017). It represents consumer protection in electronic commerce, including confidentiality, data protection and privacy.

According Izzat Alsmadi, Ikdam Alhami and Hisham Alsmadi at [3] a successful e-commerce or e-business infrastructure will help several public or private sectors benefit from it. For customers, it will be more convenient as they can track their account status and pay on their convenient time without the need to go to local, usually busy agencies.

Sh. Shahriari, M. Shahriari, S. Gheiji at [5] represent e-commerce impact on global trend and market. E-commerce has become an important tool for small and large businesses worldwide, not only to sell to customers, but also to engage them. E-commerce can have good effects on society which are enables more individuals to work at home, and to do less traveling for shopping, resulting in less traffic on the roads and lower pollution.

S. Krishnan, I. Sentosa, S. Nurain, N. Amalia, S. Syamim, W.N.Hafizah at [6] represent e-commerce issues on customer’s awareness on market.

3. PRIVACY ISSUES

Given that e-commerce is largely technology driven by competing corporate interests, we face with many standards, content controls and security levels. The chaotic nature of the Internet itself reflects the mishmash of communications standards protocols and network operations. There is no guarantee that existing networks can cope with the anticipated demands stemming from e-commerce. Computer systems have largely evolved in an ad hoc manner without any centralized planning or control. Therefore, any possible regulation must be carefully focused on the essential aspects, such as encryption. Successful e-commerce depends upon proving the identity of persons on-line and linking them to a transaction without repudiation. It must prevent system access by unauthorized persons and computer applications preserving security and privacy. Privacy has become a major concern for consumers with the rise of identity theft and impersonation, and any concern for consumers must be treated as a major concern for e-commerce providers. Privacy forms an integral part of any e-commerce strategy and investment in privacy protection has been shown to increase consumers' spend, trustworthiness and loyalty. We can see that privacy is of major concern to users and in the event of their privacy being compromised users become very agitated and there is an overall negative effect on trust in e-commerce. The findings suggested that consumers' trust in a company is closely linked with the perception of the company's respect for customer privacy. Trust in turn is linked to increased consumer loyalty that can be manifested through increased openness to trying new products, and willingness to participate in programs that use additional personal information. Matters of cryptography, authentication, public key technology, e-commerce taxation, on-line privacy, consumer interest, intellectual property, content and legal framework all await resolution. While individual privacy and security may be a matter for personal choice, business systems may need trusted systems with agreed appropriate standards that link to directories of services and network users.

4. SECURITY REQUIREMENTS

Security is an essential part of any transaction that takes place over the internet. Customer will lose his/her faith in e-business if its security is compromised. Following are the essential requirements for safe transactions:

- *Authenticity* - There should be a mechanism to authenticate user before giving him/her access to required information.
- *Integrity* - Information should not be altered during its transmission over the network.
- *Encryption* - Information should be encrypted and decrypted only by authorized user. It is a very effective and practical way to safeguard the data

being transmitted over the network. Sender of the information encrypt the data using a secret code and specified receiver only can decrypt the data using the same or different secret code.

- *Availability* - Information should be available wherever and whenever requirement within time limit specified.
- *Confidential* - Information should not be accessible to unauthorized person. It should not be intercepted during transmission.
- *Non-Repudiability* - It is protection against denial of order or denial of payment. Once a sender sends a message, the sender should not be able to deny sending the message. Similarly the recipient of message should not be able to deny receipt.
- *Auditability* - Data should be recorded in such a way that it can be audited for integrity requirements.
- *Digital Signature* - Digital signature ensures the authenticity of the information. A digital signature is a e-signature authentic authenticated through encryption and password.
- *Security Certificates* - Security certificate is unique digital id used to verify identity of an individual website or user.

It is crucial to establish a good Internet infrastructure for e-commerce to provide e-commerce transaction with a level of protection. To ensure the reliability and security of on-line payments regardless of the payment method and protect consumer privacy and data. For example, Clone Systems Inc, a United States based managed security services provider. The company provides intrusion detection and malicious threat protection for business in the U.S, Europe and Asia. The company was founded in 1998 and continues to provide global network security services. Clone Systems' core managed security service, also provided outsources network operation centers and general consulting on security and database architecture. Cloud-based virtual data centers, managed by certified engineers, were introduced by the company in 2010. Network security monitoring takes place at the company's Security Operations Center in Philadelphia, Pennsylvania. Clone Systems helps companies fulfill compliance requirements for various industry security standards including: (a) Payment Card, (b) Fisma and (SOX). Clone Systems competes with SecureWorks and a handful of MSSPs Managed Security Services Providers (MSSP) that currently dominate the information security space.

5. SOCIAL IMPACT

Technically speaking, e-commerce is creating a new economic model. It brings convenience for customers as they do not have to leave home and only need to browse website online. It could help customers buy wider range of products and save customers' time. Moreover, e-commerce provides products' de-

tailed information, even the in-store staff cannot offer such detailed explanation. Customers can also review and track the order history online. Also, e-commerce helps create new job opportunities due to information relate services software applications and digital products. At the same time, it also auses job losses as it replaces traditional shopping and do not need amount of in-store staff. The employees should be capable at dealing with large number of customers' demands and order process. Therefore, it increases the demand of employees with high skills and specialized expertises as well as increases the wages for this group. In contrast, people who are with poor technical skills cannont enjoy the wages welfare. To understand how the e-commerce has effected economy and the society, following are mention four issues: (I) Online merchants gather purchase activity and interests of their customers. This information is being used by the online marketers to promote relevant products and services. This create an extra convenience for online shoppers. (II) The transparent and real-time information protects the rights of customers because they can use the internet to pick out the portfolio to their own benefit. The competitiveness of enterprises will be much more obvious than before, consequently social welfare would be improved by the development of e-commerce. (III) E-commerce has changed the relative importance of time, but as the pillars of indicator of the country's economic state that the importance of time should be ignored. (IV) E-commerce offers the consumer or enterprise various information they need, making information into total transparency and enterprises are no longer is able to use the mode of space or advertisement to raise their competitive edge. The impact of ecommerce is one that has bought in a drastic change in the traditional market. It has also affected countries that are not so economically sound ad it has acted to take them to the forefront on international trade and commerce. The target market is easily reached with the aid of effective internet marketing techniques. The impact of ecommerce on the global economy has influenced everything right from the production to the service levels that many companies are able to do business with. This change is very significant one and it is here to stay. With ecommerce these business are faced with the main challenge of having to stay ahead of their market competitors with the shifts in technology. Ecommerce carries with it a number of benefits and it has worked wonders for both small and big business alike. With ecommerce techniques companies have enhanced sales and increased profits.

6. RESULTS AND DISCUSSION

Information sharing is made easy via electronic communication channels making little dependency on person to person information exchange. Transactions are done in synchronous way and a manula intervention is required for each communication or transaction. Using e-commerce organizations can expand their market to national and international markets with minimum capital

investment. An organization can easily locate more customers, best suppliers and suitable partners across the globe. E-commerce helps organization to reduce the cost to create process, distribute and manage the paper based information by digitizing the information. It improves the brand image of the company, helps organization to provide better customer services. Also, it helps to simplify the business processes and make them faster and efficient, increasing the productivity of the organizations. E-commerce application provides user more options to compare and select the cheaper and better option. It increases competition among the organizations and as result organizations provides substantial discounts to customers. Customers need not to travel to shop a product thus less traffic on road and low air pollution. It helps reducing cost of products so less affluent people can also afford the products. E-commerce has enabled access to services and products to rural areas as well which are otherwise not available to them. Also, it helps government to deliver public services like health care, education, social services at reduced cost and in improved way. E-commerce will continue to rise in impact, will truly take human beings into the information society. As the table below shows, the online retail sales have grown in the period 2016 and 2017.

Countries	2012	2013	2014	2015	2016 (f)
China				\$766.5bn	
USA				\$595.1bn	
UK				\$174.2bn	\$192.5bn
Japan		\$92.8bn		\$114.4bn	
France				\$71.9bn	
Germany	\$41.0bn			\$66.2bn	
South Korea				\$64.8bn	
Canada			\$31.7bn	\$35.7bn	
India				\$25.5bn	
Russia				\$22.8bn	

Figure 2 – Online sales for goods and services, 2012 – 2016 [8]

7. CONCLUSION

Underlying all of this online economic activity is the dependent need for secure access and systems to identify both customers and business providers. Without the means to securely transmit funds, data and documents over networks it is difficult to see how any electronic age could survive. Some key fac-

tors for success in e-commerce are: (a) providing service and performance, (b) providing value to customers and (c) providing reliability, security and a sense of community. Compromised privacy is one of the most complicated problem faced by e-commerce business today. E-commerce security spans a number of areas including authentication, integrity, privacy and non-repudiation. A breach in any of these areas can result in a major problem for online customers, purchaser's or both. Any risk taken in the form of an e-commerce transaction lies in the hands of the provider, for example PayPal or the credit card companies. Most online customers are intensely aware that various websites are collecting and storing their private information. Sometimes rightly, because if this personal information were to fall into the wrong hands they could be impersonated. It is imperative that the customer's private data like credit card number and passwords are securely protected 100% of the time. A lack of trust on the customer's behalf can only have a negative long term effect for the vendor. The easy way of doing business will be a fundamental requirement in this new world. Now, the industry needs to embrace new business models and play its role with efficiency through ecommerce in the future. Technology will propagate through all commercial activity, prices will rise to cover the real cost of doing business. E-commerce margins and profits will rise to levels more typical of all retailers. New startup ventures will emerge with new products and services, also it will provide a growth of regulatory activity worldwide. In order to continue growing their e-commerce volume, merchants and payment providers will need to work together to find solution.

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AGREEMENT ON THE SOLUTION OF FAMILY CRISIS

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ABSTRACT

The family is one of the most perfect, affinitive, safe, and inclusive units for its members, but has undergone many functional and structural changes over time. These transformations are also related to social change, they are coupled indefinitely with family life crises, which occur for various reasons and can follow certain stages of it.

Earlier, the family crisis was seen as an exception to the rule of marriage, as an inseparable and “eternal” union, and this was only the case of special cases, today the disputes between spouses, is a situation, part of marital life, which comes as a poor affiliate management. Lack of mutual consent may be related to personal and property aspects of spouses, appears at different stages of its development, is present not only in marriage-based formations.

Marriage and family life, apart from the public character, is also the private feature that, as a bilateral and personal relationship, allows the marriage between the spouses to develop. With the possibility of private intervention by using the autonomy of will to resolve the family crises, the exclusivity of public norms in regulating such reports is avoided.

Autonomy to negotiate is applicable at all stages of family life, and not just in marriage. If the concept has been known and applicable on time, the novelty of the Family Code is that, for the first time, it allows spouses to marry at a more cooperative level with their marriage contract. Taking into account the advantages, negotiating autonomy is presented as a privileged means of regulating family relations against other judicial and extra-judicial instruments.

Keywords – *family, marriage, autonomy to negotiate, private autonomy, crisis*

1. INTRODUCTION

The aim of this paper will be the consideration of the importance of freedom of negotiation in resolving conflictual situations in family relations. Through this treatment, we want to highlight the agreement as an essential element of private law in relation to family law. It is clear that the current legislation on family law has the tendency to leave more and more space, the possibility of autonomy of the private will to solve family issues, in parallel with the arrangement that deals with the same or similar problems, with ordering norms, an expression of their public regulation.

In practice, resolving family affairs through the common will of persons is an advantage, compared with other judicial or extra-judicial ways. Such issues will be considered, resolving the issue in a very short time by making the deal very effective, minimizing the costs that parties should face in conflict, maintaining harmony between subjects during and after conflict.

2. METHODOLOGY

The methods used in this article are alternated between induction, deduction and analogy as the basis of reasoning. These methods are also chosen because of the nature of this analytical work.

3. FAMILY RELATIONSHIPS AND THEIR CRISIS

An individual and collective life depends on many factors. Family is part of those factors that are the most important (A.Mandro, 2009)

If we try to make a family determination, the Universal Declaration of Human Rights would help us, which defines the family as “the basic and natural unit of society” (U.D.Human Rights, 1948, art 16.3) by linking this entity to existence of the society, and not the existence of the state. According to the Declaration, “The husband and wife at a certain age, regardless of race, nationality and faith have the right to marry and to create a family” (U.D.human Rights, Article 16.1) Albanian legislation does not have a definition for the family, but he implies it as a group of people who are part of the family because of natural and legal ties (A.Mandro, 2009)⁵.

⁵ According to the nature of the relationship created between the persons, the family is distinguished in the narrow sense derived from the marriage in which the members have legal and blood relation (parents and children), the family in the broad sense includes, besides subjects in the family in narrow sense also the persons which are naturally and juridically linked to each of the spouses as well as the natural family (of fact) in which blood ties exist between proponents and children but is not the result of marriage. Arta Mandro, E Drejta Familjare, 2009, Tirana

Pointing to its social feature, the family is the place where the sharing of the values, goals, objectives, where the unity of the family is invested, where resources are found to face the challenges of life positively.

The family is seen as a group of people who live together, take care of the economy and its upbringing.

The family is the primary environment of social organization, in which the transformations of society and interpersonal relationships are reflected. The family as a social institution experiences functional structural changes along important social changes. In the influence of the industrialization process, the family has undergone important changes. There has been a so-called sexual revolution, attention is no longer focused on children, the number of children for family has decreased, the well-being and happiness of the couple have been taken into account, the role and the social position of women in society and family has changed. These structural family elements being intersected with important societal transformations at the level of social stratification, economic development and consumption patterns produce profound changes in how the family works.

The processes that take place in the society find their coverage in the family as well, making a very complicated relationship between the family and the society, causing this relationship even in cases of family conflicts. While in family and marital relations there is a special dedication, it is not uncommon for these to degrade in conflicting situations. Conflict may be defined as a situation in which elements that seem incompatible exercise force in opposite directions. Conflict means that the parties are in opposition to each other, and marital relationships cannot be spared from them. Understanding marital arise conflicts.

4. THE AGREEMENT ON FAMILY LAW

The agreement is part of all legal systems starting from the Roman one. The marriage can be defined as the opportunity to be recognized by private persons who are freely available in the juridical, personal and property sphere (F.Gerli, 2014)

Autonomy of will is governed by civil law⁶ (A.Nuni, 2009), and the liability law (Civil Law, 2004, art 419, 660, 663) but does not lack the constitutional essence⁷. The agreement as an important element of private law is also applied in family law by listing family law in the private law disciplinary group. This is

⁶ A.Nuni, 2009, *The desire to carry out legal action represents the inner will of the person, a psychological phenomenon, an internal mental state drawn through the external behavior of the person, what is a declaration of will. The will, a dynamic element of the juridical world, is the essential element that gives life to legal action.*

Article 79 of the KCivil stipulates that legal action is the lawful appearance of the will of a natural or legal person, intended to create, change or dispose of rights and obligations

⁷ In the Constitution of the Republic of Albania there is no provision to express this principle, but it results from its Article 41 on the right to property.

because subjects can be removed from the exclusivity of regulation with public norms of reports familiar, by solving them in the context of contractual theory (negotiation).

It can be argued that civil law and family law do not have meeting points with each other and that the family excludes the contract. In theory, it is recognized that the features of the contract governed by private law will have the relations that govern the property relations. are considered as such, legal-family relations, mutual and having personal object relations.

The Civil Code of the year 2003 of the Republic of Albania, recognizes for the first time, since the Civil Code of the Kingdom of Albania of 1929, a large degree of contractual autonomy of spouses. This Code recognizes them the right to self-regulate personal and property interests of the family, through the legal instruments with which they can exercise their autonomy of will. As such we mention from the marriage settlement on the spouse's request (The Family Code, 2003, art.125), to marital contracts as the highest expression of the private autonomy of spouses, the specifics of which do not they are in the Civil Code but in the family.

We found forms of manifestation of the relationships in family relations, in the material and in personal ones, in marital and non-personal relations.

Although it is acceptable to regulate non-property relationships (The Family Code, 2003, art.55), private autonomy of spouses in personal relationships that arise from marriage is limited, as under the Family Code spouses cannot avoid or negotiate with respect to their mutual obligation to loyalty, moral help and material, for cooperation in the interest of family and cohabitation (The Family Code, 2003, art.50), regardless of the marital property regime chosen by the spouses.

But, wider application of self-negotiable autonomy, we find regulation of marital affairs. Mostly, private autonomy is displayed in the ability of future spouses to choose the marital property regime through marital contractility to regulate the property relations of spouses. The agreement is also accepted in cases of administration of property during marriage in the legal community or in the case of the agreement on the contributions for the children or the needy spouse (The Family Code, 2003, art.127). But the agreement is also applicable to those family members who are familiar and applicable even though they are not based on marriage, which develop human personality and have the purpose of protecting issues that are related to the marriage of fact. From this stance flow consequences in the relationship between co-perpetrators.

5. AUTONOMY TO NEGOTIATE AND THE FAMILY CODE OF THE REPUBLIC OF ALBANIA.

The right to marriage and the right to have a family in the sense of Article 12 of the ECHR and Article 6 of the Universal Declaration of Human Rights, are inalienable rights. This also means that in all situations of marriage it is established family (A.Mandro, 2009).

Marriage connects spouses with the same rights and obligations, to freely decide on mutual understanding, any problems that concern the moral and material help in the interest of the family and coexistence, as well as the maintenance of children education.

Although there is no special norm in the Family Code to explicitly foresee the principle of private spouses autonomy, the legislator has regulated the cases when this autonomy is expressed. Analyzing the cases of the consensus crisis we noticed that disputes could relate to certain situations. In the premarital phase, the relationship between the next spouses is characterized by the existence, mutual understanding, the common will to accept the rights and the matrimonial obligations. The Family Code, for the first time, allows spouses to reach a level with collaborators of their future relationship, to reach an agreement on the bridal regime they will choose. The pre-marital affair is intended, by choosing the regime as above, to overcome the possible crises that have the property ratios. The crisis of the willpower, the lack of common decision-making does not always mean that there is a crisis of marital affairs, but only touching the possibility of their free negotiation. This dictates the law the need to regulate cases of crisis of autonomy the will of the spouses in the period of the marriage process, and the manner in which they are resolved. Is the situation that, in the event of a joint decision-making failure, the juridical norm resolves the conflict by order, through its intervention⁸, as there are cases where the absence of the joint agreement raises the problem of settlement in court⁹.

Marriage agreements may be related to both personal and property aspects of spouses. Above, we referred to the situations regulated by Article 52,55 of the Family Code that deal with cases of solving personal problems, while there are many cases where norms enable resolution of the situation, if the lack of agreement or consent has to deal with the spouses' wealth aspects.

During marital life, spouses can raise the will of the volunteer at the level of the marriage contract. The Family Code allows spouses to have the opportunity to change their marital property regime during their marriage. This action was

⁸ According to Article 52 of the Family Code "The child receives the common surname of the parents. When parents have different surnames, all children have an adjective, what parents will decide by agreement. When the agreement is not reached, the children bear the father's surname."

⁹ Article 55 of the Family Code stipulates that: "Spouses have the obligation of a common life. The home of the family is the place that the spouses choose by mutual agreement. In case of disagreement, each of the spouses may address the court, who, after listening to the opinions of both spouses and, if appropriate, the opinion of the child who has reached the age of fourteen, tries to reach a solution with understanding. When this is not possible, the court decides the solution it considers most appropriate to family requirements."

also impossible in the legislation previous ones, which allowed the choice of the marital property regime from spouses with a marriage contract before the marriage bond was signed.

Other cases of expression of common will appear during the postmortem period, other than marriage. For the first time, provides for the possibility of marriage termination with the mutual consent of spouses who can draft a project agreement regulating the consequences of marriage¹⁰ and giving the court the right to its adoption. It is often more often noted that spousal property relations tend to be resolved outside of the marriage settlement process, because they decide to determine autonomously, without interference with the court, by agreement between them.

Freedom of choice among co-workers is different from that of a family formed by marriage. It is based largely on the individual desire of cohabitants, showing the features of a civil-legal agreement based on Civil Code, and having no limitations law on spousal relations. While this definition applies only to the couple's relationship, to the relationship with the children. legal provisions by Article 162 FC will be respected, limiting the autonomy of the will of the co-workers within legal limits.

Important in solving conflicts in family relationships is the alternative solution of disputes, and of course the solution through mediation. Given the advantages of ZAM, it is not surprising that many countries, including our country, have been working intensively for the reform of their property, marital and family law, commercial law, criminal law, labor law, leaving legally free access to these opportunities for new legal but extra-judicial solutions.

Referred to Law No. 10385, dated 24.02.2011 "On Mediation in Settlement of Agreements", mediation is an extrajudicial activity in which the parties seek the settlement of a dispute by a third neutral person to reach a settlement acceptable to the dispute and does not contradict the law. Mediation applies to resolving all disputes in the field of civil, commercial, labor and family law. This mechanism can be used to resolve disputes between spouses and co-habitants and other family members, disputes related to property elements or even non-property elements.

Mediation is voluntary and the parties to the dispute are free. If the agreement respects the conditions set forth in the law, it is an executive title and may be executed through executive services.

¹⁰ According to Article 127 of the Code of Civil Procedure. *the agreement contains the leave for the upbringing and education of their minor children, the income necessary for their growth and education, the contribution of each spouse in favor of the needy spouse, if applicable and, if possible, the rule of their property relations.*

6. CONCLUSIONS

By analyzing the paper, we summarize some of the conclusions we have reached:

Autonomy of will can be seen as a privileged instrument for discipline of family reports.

It is noted that the personal non-property rights and obligations of marriage appear more as a moral element, allowing the autonomy of the will of the spouses, and their disrespect may lead to the request for marriage settlement.

With regard to the wealth aspects in family relations, the tendency goes to their privatization. The volunteer autonomy in the context of family relations is well known for relations, which traditionally have been excluded in the past from the scope of its action. Specificity of the will of autonomy in this sphere is that it is subject either to the regulation of the family law and to the general regulation provided for in the Civil Code.

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THE ROLE OF THE GOVERNMENT IN THE SUSTAINABLE DEVELOPMENT OF TOURISM IN ALBANIA

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ABSTRACT

Relations between tourism and environment have taken an important place in tourism studies in recent years. Tourism is a major component in economic growth, particularly in the coastal area where it is stimulating for sustainable development. Coastal tourism and tourism in general, is dependent on the environment that is attractive to the visitor. Although there are many negative impacts on tourism which leads to various economic, social and environmental problems, tourism still has a significant positive impact on the community and contributes to its sustainable development. The main purpose of this article is to show how tourism contributes to sustainable development in Albania as well as to explore potential threats to long-term economic sustainability. The article aims to determine the government's role in tourism and to focus on determining negative and positive government influence on tourism. *What tourism is expected to develop in the future in Albania?* It is difficult to define a sustainable line, as tourism is a new and changing phenomenon, but it is certain that the future development lines of tourism are linked to a new, deep, capable culture for them, leading people to the recovery of his roots and identity and to make his relations with the natural, human and social environment as less unforeseen and more conscious and organized. **A tourism alternative is CBT - Community Based Tourism.** CBT is the model of a sustainable tourism development because it groups various tourism actors around a general notion that is "Responsible tourism".

Keywords: *tourism, sustainable development, government sustainable tourism*

PREFACE

The purpose of this article is the study of tourism in Albania and its policies.

How is tourism today?

The Criteria of Global Sustainable Tourism are an attempt to explain the nature of tourism in an understandable way, and are the minimum that the tourism industry has to aspire to meet. Albania can develop its image as a new tourist destination. Potential analysis showed that Albania could use its resources in the interest of tourism much more than currently. The sector strategy describes the strategic concept of tourism development by providing strategic directions and the development of tourism products so that Albania will be a future tourist destination in the international tourist market in the conduct of foreign tourists. Sustainable tourism is on the increase: consumer behaviour is growing, travel companies are developing “green” programs, and governments are creating new policies to encourage responsible tourism practices.

But what really mean “responsible tourism”? The Global Sustainable Tourism Criteria (TGB) are organized into four main themes: Efficient Sustainability Planning; increasing social and economic benefits for the local community; improvement of cultural heritage; and reducing negative environmental impacts. Although the criteria are originally conceived to be implemented by the hotel and travel industry, they can be widely used by the entire tourism industry. Criteria are part of the tourism community’s responsibility to global challenges.

The attractiveness of foreign tourists will influence Albania to utilize the tourist capacities to guarantee a maximum benefit and will affect the functioning of the tourism sector in Albania with the same principles that the world’s tourism industry operates. Criteria indicate objectives, but not in the way they are achieved or the final results. This role is fulfilled by performance indicators, additional educational materials, access to the means needed to implement the Global Sustainable Tourism Criteria. The Partnership considers meeting the criteria as the beginning of a process of restoring sustainability to a standard practice for all forms of tourism. Although there are many negative impacts on tourism which leads to various economic, social and environmental problems, tourism still has a significant positive impact on the community and contributes to its sustainable development.

TOURISM THROUGH THE YEARS

1.1 THE HISTORY OF TOURISM DEVELOPMENT IN ALBANIA

Our country has often been an arena of wars and conflicts, because of its

geographic position. For this reason, there has not been a genuine development of tourism. The importance of this branch of the economy is understood too late. Until 1945, this political, social and economical situation did not allow the development of tourism. Little efforts began to look exactly at this time, though very small. So Albania in this period was the goal of visitors and tourists who were small in number. In 1929, from the data know that were 27 hotels in Albania. By the end of this unsteady period, our country had good premises to develop tourism, but unfortunately, with the coming into power of the socialist regime and their isolation policies, it did not encourage the development of tourism but rather prevented it from giving more importance to the development of other branches of the economy such as heavy industry.

Tourists who came to this period were few in number. They came from eastern Europe with which Albania had good political relations. Tourists from other countries could not visit Albania during this period.

For tourists from Western European countries, Albania throughout the period 1960-1990 would be limited to visit. Treating as a branch of economic importance in other Mediterranean countries was impossible. The main leader who defined how the tourism would be run and developed was the state that was in the form of directive monopoly.

Tourism would not be considered as an important economic sector, but as an ideological sector, which would limit both qualitative and quantitative aspects.

So, the only form of tourism organization was the organization in travel group with no more than 20 participants. While individual trips or those organized by foreign tourists were categorically prohibited. Tourist offer were focused only on information. After the end of the summer season, the only form of travel was in the framework of organized visits to the most interesting Albanian cities where tourists mainly visited southern and southeastern cities, while the cities in the north of the country began to be visited by tourists very late.

Tourism in Albania during the period of communist rule had a very small and highly politicized development. After 1990 with political and economic changes in our country, tourism began to be rated as one of the country's economic branches, which represented a great prospect. In 1990-1991, Albania abandoned the isolated and long communist system and became involved in a transition period. During this period, the economy in our country experienced great difficulties of transition from a centralized economy to the free market economy.

The consequences of this long-awaited change were enormous across the country, which was captured by a social, economic and political era. This would leave great traces even after many years. In 1997, with the collapse of several fraudulent investment companies in our country, a social, economic and political chaos was again created which did not allow the development of tourism. As a consequence, the difficult and insecure situation that was created in Albania significantly reduced and damaged the image of our country outside and diverted

many tourists who showed interest in visiting Albania.

After these troubled years, our country is making significant efforts to master a stable political and economic situation, but still there are conflicts and very important issues to be resolved. There are already premises for a diverse tourism development not only in group but also individual and family organization. Measures such as visa liberalization, private and governmental promotion in the field of tourism are currently promoting tourism development. Furthermore, in the programs of political parties and governments, the development of strategic plans as a strategic economic source of the country, occupy the central place. In order to achieve a higher level of development, stronger cooperation between central and local government is needed, but there are no individuals involved in this field.

1.2 TOURISM AS A BRANCH OF THE ECONOMY

Increasingly tourism is turning into a major revenue source for the economy. However, spontaneous development without relying on clear strategies prevents the transformation into a viable tool with high growth rates. In the countries where tourism develops, it brings many positive economic aspects, such as economic growth, employment growth in this sector, consequently revenue growth, increased domestic and foreign investment.

The data shows that the number of tourists in our country is growing significantly year after year. But on the other hand, we notice a conditional fact as is the seasonality, which is evident as the largest number of visitors to our country are observed during July and August. This is a long term characteristic observed during all the years. The least frequented months for holidays are those of January and February. It is understood that the dominant demand of tourism in Albania is for summer season - the beach and the sun - leaving mountainous tourism with very few tourists, especially in the winter season.

Currently, Albania has 1350 villages where almost 1 million people live. This fact represents an opportunity for the development of rural tourism, especially agro tourism, ecotourism, nature and community-based tourism, and so on. In addition, this is also defined as one of the main objectives targeting government policies by promoting and supporting the creation of traditional host structures in rural areas especially in remote mountainous areas and by orienting investments towards improving infrastructure.

The main goal is to diversify the tourism product that our country offers, based on tourist resources, enriching touristic routes according to different tourist categories, and improving the economic level of the receiving communities, especially in rural areas. It is also economic development of rural communities thanks to tourism activities and services.

Albania's central product will be its "discovery". The product is a pre-

sentation and an overall cross-cutting of Albania's history, nature, archeology, lifestyle culture, cuisine and hospitality. Based on the data of the World Tourism Council, the tourism sector is an important contributor to Albania's GDP (gross domestic product), with 81.4 billion ALL, which corresponds to about 6.2% of its total. Forecasts for the future are quite positive with a growth of 5.4% per year. Revenues in the gross domestic product by 2022 will be about 145.4 billion ALL.

In addition, the World Tourism Council experts have also analyzed the employment index directly in the travel and tourism sector by making the accounts for the entire decade of 2012-2022. The number of employees in this sector will reach up to 70,000, accounting for 6.5% of total employment.

Complete with such positive figures, Albania appears to have a advantageous position among the 183 countries of the world, taken into consideration by the well-known World Tourism Council organization, on the real contribution that this sector is delivering to GDP and other important indicators of the domestic economy, such as employment, investment etc.

1.3 TOURISM IMPACTS

It is very difficult to present the real situation and the impact of tourism in the countries surveyed. The information available from sources such as governmental offices, tourist boards and institutes is entirely related to economic impacts. Data on social and environmental impacts are scarce and appear mainly positive. The dominance of economic impacts in all statistics may be from the aspiration of the governments of these countries that tourism is the future of economic sustainable development. In the National Strategies for Supporting Tourism, strategic goals are linked to the economic future of these countries. There are two main goals of the Strategy:

To double current tourism income generated in the next ten years and to increase the overall value of tourism spending,

TO INCREASE THE OVERALL ECONOMIC IMPACT OF TOURISM.

The most important impacts are the major and direct contribution of tourism to GDP and the employment growth rate. However, there are more positive tourism influences. *The most important positive impacts are⁴:*

- Rapid development in tourism industry determined by international tourist demand. The Albanian government has taken various entrepreneurial initiatives and investments in a continuously growing sector.
- Significant increase in the number of travel agencies and tour op-

erators.

- The growth and development of rural tourism is seen as a very important aspect. Diversification created by tourism mainly helps communities that are dependent on this industry.
- The development of cultural heritage tourism, directed to meet the needs of the local population and visitors and make it useful for all actors.
- Increase the standard and quality of hotels. During the last three years there has been a noticeable drop in the hotels with 1 and 2 stars and increase in the number of hotels with 3, 4 and 5 stars. The improvement of hotel quality and the increased accommodation capacity resulted in rising prices and extended season duration, which provide better financial results for investors.
- The growth of organized tourist travel is a positive trend in Albanian tourism.
- Some policies have been adopted for the reduction of informality, as well as waste related policies, air protection and fortification of the shoreline protected area.
- Improving infrastructure.
- However, there are also negative impacts of tourism in Albania:
- Massive development projects, mainly rooms and apartments without proper communal services and other necessary services.
- High cost of tourism marketing.
- Regional inequalities. Infrastructure inequality makes some regions less competitive.
- Reorientation of rural populations interest from agriculture towards tourism activities.
- Concentration of tourists, overwhelmingly in July-August, and overpopulation of coastal countries zones during this period of the year.
- Tourism is highly dependent on the use of natural resources which results in degradation of the environment.
- Negative impact on biodiversity caused by the construction of massive tourist facilities often without permits in countries with rich biodiversity as well as the heavy consumption of energy, water and food by tourists.

Tourism can be seen as an economic activity that produces positive and negative impacts, but sustainable tourism seeks to achieve the best balance between economic benefits and social and environmental costs. In order to plan and develop tourism successfully, the economic, environmental and social aspects of tourism need to be well understood.

The WTO, the Tourism Council and the Land Council define sustainable tourism as “Development that meets the needs of tourists present in the receiving regions while protecting and enhancing the prospects for the future”. This is en-

visaged as an orientation for the management of all resources in such a way that economic, social and aesthetic needs can be met by preserving cultural integrity, essential ecological processes, biological diversity and life support systems.

Sustainable tourism products are products that are operated in harmony with the community, the local environment and cultures so that they become beneficiaries rather than victims of tourism development. According to this definition, sustainable tourism has three interrelated aspects: environmental, socio-cultural and economic. Sustainable tourism should include the optimum use of resources, minimizing ecological, cultural and social impacts, and maximizing the benefits of community preservation.

Moreover, they are seeing tourism as a consumer of natural environments, historic buildings, urban spaces and local culture, which are facing the risk of abandoning it if the tourist destinations become over populated. The impacts of all types of tourism largely depend on the physical and cultural capacity of a country to attract tourists but without becoming an obstacle to everyday life. Consequently, cities can absorb tourism impacts more easily than small towns and communities.

TRENDS OF TOURIST DESTINATION IN ALBANIA

Albania is located in the Mediterranean basin, in the western part of the Balkan Peninsula, with a significant coastline into the Adriatic and Ionian seas. The entire country has a coastline of 450 km, which shows varied composition. Albania is a country with a Mediterranean climate and is second behind Spain with the largest number of sunny days, over 200 days per year. Diversity and variability of natural resources and rich cultural heritage, enable the development of different forms of tourism. The Ministry of Tourism, Culture, Youth and Sports prepares and approves the Strategy and Action Plan for the Development of Natural and Environmental Tourism. This document is prepared with the support of the United Nations Development Program, the Office of Albania. This document is based on the principles emerging from the statements of European Tourism Forum of Malta and Cyprus on:

1. sustainable tourism development
2. Growth and sustainable development of the cultural tourism market, as well as taking positive steps with long-term plans to increase the number of tourists
3. The need for recognition and investment of cultural tourism spaces.

The Strategy is also in full compliance with the Legislation on Tourism, and aims to establish principles and rules in the field of tourism, as well a system of standards control for tourist services and other related services. In 2003, when Albania's Tourism Development Strategy was adopted, Albania was introduced as a potential country by developing the image of tourists destination with the slogan "**Albania for you to discover**". The strategy was designed to enhance

and strengthen the tourism sector, with a particular focus on the principle of sustainable development and by identifying challenges to maximize contribution to the sector. Although several years have passed, there are important aspects of the strategy and action plan that are still unrealized. One of the main characteristics of the tourism sector in our country is that while tourism potentials are great, their use to generate significant income is still poor.

TOURISM CHARACTERISTICS

Sustainable tourism development

Following the concept of sustainable development, there are a number of principles⁵ which have a particular impact in tourism and in the way it needs to be aligned. These principles are:

- **A comprehensive and integrated approach**, which means taking into account all types of tourism impacts and their involvement in its planning and development. Moreover, tourism must be balanced and integrated with all kinds of activities that affect society and the environment.
- **Long term planning**. Sustainable development implies care for the needs of future generations, as well as for the needs of the present generations. Long-term planning aims to ensure long-term activities.
- **Achieving a level and a sustainable development pace**. The level, pace and form of development should reflect and respect the character, resources and requirements of communities and host destinations.
- **Inclusion of all actors**. Sustained approach requires broad involvement and dedication in decision-making and practical implementation from all actors benefiting from it.
- **Using new knowledge**. Policies and actions should be based on new knowledge. Information on tourism trends and impacts, as well as new skills and experiences in this area, should be spread throughout the country.
- **Minimization and Risk Management (Principle of Prevention)**. Where the results are unsafe, a thorough assessment and preventive action should be undertaken to avoid various environmental and social damages.
- **Reflection of cost impact**. Users and polluters have to pay. Prices should reflect the real cost of society, consumer and manufacturing activities. This principle takes into account not only pollution, but also the use of facilities with high management costs.
- **Establishing and respecting boundaries, where appropriate**. The holding capacity of large and individual areas should be assessed, tourism development and tourists' number should be limited.
- **Continuous monitoring**. Sustainability has to do with understanding the

impacts and being constantly vigilant to make timely changes and improvements needed.

Concern over the sustainability of tourism is not very visible in Albania. This is an area that has not been properly addressed by government, local authorities and businesses before. There are signs that the level of interest and response on this issue is increasing. However, adult interest does not necessarily translate into undertaking actions. This principle has been violated in most cases in our country. A clear example of this is the coast of the Gulf of Durres.

The response of businesses to sustainability of tourism has been variable. In most cases, positive actions are related to personal interests and owners' engagements. In recent years there has been considerable awareness among consumers about the quality of services. Tourists are concerned about the destinations they visit, which they want to be attractive, clean and maintained. The market segment based on cultural and nature tourism is growing rapidly.

A large number of studies in different countries in Europe have shown that most travelers, supposing all other factors were equal, would choose an enterprise that respects the environment and the local community. More and more sustainability needs to be associated with quality. Tourists are aware that where employees and the local community are concerned about the environment, there is a lot of opportunity to show care and respect for them as well. Their motto today is that *“for a quality environment and a host-developed community, it is worth spending. They should be promoted”*.

Tourism development strategy

In order to achieve the objectives and the application of the necessary strategies the following pre-conditions are needed :

- 4. The principles of sustainable tourism development are accepted at all levels.** Timely sustainability is a major factor for the development of tourism in Albania. Only a friendly environmental development process will be the basis for a successful economic development of tourism.
- 5. Basic Infrastructure.** Limited and poor infrastructure is a major problem for the rapid development of tourism in most of Albania's regions. The main international airport of Rinas near Tirana and Durres must offer international standards. For the future, it is necessary to set up an airport in the southern part of Albania for civil use. This is of strategic importance for the development of the international tourism market in the future. Developing an efficient wastewater treatment system is indispensable to keep clean and attractive areas of tourist interest and thus ensure a sustainable development of tourism. Waste management should also be improved during the construction process. Roads, water and electricity supply are also considered important issues influencing the development

- of tourism.
6. **Clarification of land ownership and construction.** Clarify as soon as possible the legal resolution on land ownership and construction facilities.
 7. **Tourism Law and Regulations at the National and Regional Levels.** Designation of a contemporary tourism law and additional regulations for the development of tourism by responsible state bodies.
 8. **Enforcement of the law.** The implementation of existing law is fundamental to sustainable tourism development, particularly regarding construction in issues such as regulations, building permits and pollution.
 9. Clear responsibilities at all levels for tourism development. Clear definition of responsibilities for tourism directorates within the ministry as well as Ministries and other Institutions related to the field of tourism.
 10. Regional and national stability
 11. **Improved information system.** Effective tourism development requires a thorough information on supply and demand development. It is necessary to organize the gathering and analysis of the necessary data according to international standards at the national, regional and local level.
 12. **Commitment to public/private sector.** The development of the tourism sector should be promoted through the public sector, especially at the initial stage. It is important to concentrate limited resources in selected areas with the greatest tourist potentials and to have the best cost/benefit ratio.

Strategies for the development of tourism products

From the survey and analysis made of the country's tourism potential and other factors influencing tourism development in Albania, the main tourism products of Albania are the following types of tourism:

1. Sun and Beach Tourism
2. Tourism of particular interest
3. Business and conference tourism

Tourism of particular interest includes: nature tourism, ecotourism, adventure tourism (hiking, outdoor excursions, horseback riding, river rafting, skydiving, mountain biking, diving, canoeing, sailing boats), community-based tourism, rural tourism, cultural tourism (historical cities, archaeological sites, etc.). Specialized tourism products can and should be developed in a general umbrella by opening the variability of products the central tourism market and the special markets. One of the important objectives of the strategy is to achieve a geographical balance in the distribution of tourist activities throughout the country. Today, areas with tourist potential are excluded from the status of areas with priority tourism development. This requires adjustment of the legal framework, and undertaking of development initiatives.

The main goal is to diversify the tourism product that our country offers, based on tourist resources, enriching touristic routes according to the requirements of different categories of tourists, and improving the economic level of the receiving communities, especially in rural areas. Albania's central product will be its "discovery". The product is a presentation and a general cross-section of Albania's history, nature, archeology, culture, lifestyle, cuisine and hospitality. Visitors, taking part in this discovery, will leave with an enthusiastic impression of the variety, complexity and beauty of Albania landscape and culture.

Albania will specialize in attracting both individual travelers and groups. The main target of the market will be households with average incomes from Europe, mainly from northern Europe, Great Britain and North America. This segment represents a demographic segment with ability to pay for the unique products of Albania and their spendings, will contribute to the progress of the development objectives. Albania's strategic objective will be to create value for tourists in a wide variety of geographic locations. This approach opens up more space to "discover", by:

- offering a large number of products, increases the range and varieties of products available to visitors.
- to create spaces for different local cultures to express themselves, in particular customs and traditions of different regions of the country.
- to allow more provincial and rural communities to participate in tourism activities and developments.
- to create the basis for geographic linkage of tourism with neighboring countries by increasing visibility and allowing tourism to develop in provincial and rural areas, bringing development opportunities to a broader section of the population.
- to allow the development of complementary tourism markets, such as, trekking, mountaineering, diving, agriculture, hunting and fishing, archeology, culinary, festivals, with existing infrastructure and central products proposed.

Albanian tourism will grow "organic" as an authentic, safe destination in its culture, history and natural environment. Best International Practices on Nature and Cultural Tourism, Hospitality and Logistics will be studied and adapted to the specific needs of Albania and the cultural context. To maintain the authenticity, accommodation, dining and other hospitality elements will be developed wherever possible, on a small to medium scale, from local private businesses.

This approach strengthens the visitor links with cities and countries and generates greater revenue for the communities. The growth of tourism will be driven and backed by a sustainable market, a creative product plan, an adequate infrastructure, high quality human resources and a fair business climate with appropriate structures to ensure its long-term sustainability. The key to sustainable tourism development will be providing repeated visits and reaching "verbal"

recommendations. This will ultimately depend on the long-term quality of the destinations of cultural and natural sites and the overall visitor experience, based on the knowledge and interpretation of their guides.

In order to create a fair cycle of sustainable development based on tourism, the Government of Albania should protect and re-evaluate, together with local governments, tour operators and NGOs, sites, parks, cities and protected areas, as the core assets of its tourism sector.

STIMULANT FACTORS

Tourism development trends in Western Balkan countries

Traditional “sun and sand” tourism is losing ground compared to CBT- community based tourism, cultural tourism and adventure tourism. While “sun and sand” tourism remains the largest segment in international tourism, it has an growth rate of 2 - 4% per year. Meanwhile, markets for cultural tourism represent more than 60 million tourists a year, with a projected annual growth rate of 15%. Adventure tourism is another small, fast-growing segment with approximately 5 million annual tourists and a 20% growth rate. Depending on the definition, the full range of outdoor-oriented tourism would represent about half of all tourism and has shown a fantastic growth rate for more than a decade.

Neighboring countries such as Greece, Turkey and Croatia have focused their efforts on sun and sand tourism, further aggravating an already heavily loaded tourism market (which also includes North Africa, the coast of Spain, the Caribbean, the Indian Ocean islands and many others). Albania has a unique opportunity to differentiate itself from its neighbors and to leave an overcrowded market and declining benefits. While Albania and Romania have a growth of 0.5% with the last in the list Serbia and Montenegro with only 0.2% growth. Albania will seek to position itself as an attractive destination for tourists trying to offer a unique experience that is characterized by high quality destinations of culture and nature presented in a truly “authentic” way. Our country has 1350 villages where nearly 1 million people live. This fact represents an opportunity for the development of rural tourism, in particular agro tourism, ecotourism and nature tourism.

This is also defined as one of the main objectives targeting our policies, promoting and supporting the creation of traditional host structures in rural areas especially in remote mountainous areas and orienting investments towards improving infrastructure in these areas. The main goal is to diversify the tourism product offered by our country, based on tourist resources, enriching touristic routes according to the requirements of different categories of tourists, and improving the economic level of the receiving communities especially in rural areas. Unfortunately, Albania individual destinations are attractive but not unique.

International tourists can find antique ruins of a better quality in Greece, Italy and Turkey. “Sun and sand” tourism competes with a large number of countries and faces challenges with declining prices and low contribution to the local economy. The trends in tourist visits around the world clearly identify natural and cultural tourism as a highly growing segment, with a large number of potential tourists. Albania seems to be in an ideal situation to meet the changing demands of a growing tourist market oriented towards natural and cultural tourism.

Preventing Physical Risks for Visitors

Albania must avoid the accidents or serious illness of tourists at all costs. When tourists realize there are some risks involved in a journey, they expect a country, especially a European country, to take reasonable measures for their safety. The death of a tourist or a group of tourists can really close the emerging sector. Four major concerns identified by international visitors, tour guides and a number of local experts, are:

Improve road safety. While poor road quality is overcome in the main axes of the country, the combination of poor road quality in rural areas with unruly and high speed drivers is a major concern.

Raising awareness on disease prevention. Diseases caused by water and insects, mosquitoes and ticks, usually pose a high risk to health. Long-term solutions are required for fresh water as well as for sewage management. In the short to medium term, tourists should be advised of health risks and basic measures to avoid them. At least the country and the tourism sector should advise visitors on precautionary sanitation measures - avoiding tap water, road food, and getting appropriate and impermeable clothing to avoid mosquitoes and ticks. These tips are found normally in many parts of the world and are considered as valuable and not intimidating information for tourists.

Attention to medical emergencies. Albania needs to create a national system for treating visitors who are seriously ill or injured. Lack of infrastructure and knowledge of languages in the country’s health sector, especially in the provincial and rural areas in which the country seeks to develop tourism. While currently it is not possible to make sensitive investments in equipment and personnel, the country needs to use systems and protocols to care for sick and injured tourists through existing mechanisms. A system of doctors and translators available in tourist areas will need to be supplemented with protocols to determine logistical mechanisms when and where tourists will be moved. Given the high risks for tourists in Albania, this system will inspire confidence and will be seen as a very attractive feature.

Demilitarization of tourist destinations. The vast presence of police on the roads, in coastal areas and in mountain destinations is a very negative factor. This presence sends foreign visitors a message of insecurity, especially to tour-

ists from Europe and North America, to a country that is significantly free from crime, violence or political problems. This phenomenon is particularly noticeable in the form of roadblocks in the streets, in coastal tourist destinations, and in some mountain destinations. This is not a recommendation that the State Police discontinues its functions to provide security, this is a recommendation that some practices and policies should be taken into consideration since they relate to the development of tourism in a number of critical areas. Other countries that have designated tourism development as an economic priority of national importance place it in the same place with other national security priorities.

Reducing fertilizer in tourist areas. Local attitudes towards fertilizer are worrying. Tourist towns, rivers, lakes are heavily polluted. Garbage levels shock most foreigners and the message that foreigners receive is that Albanians do not love or disrespect their environment. Solving this problem should include improved municipal waste collection service. Campaigns should be taken to make local residents aware of the impact of the problem and a massive clearing campaigns organized.

Wastewater management. Effective sewage management should be an integral part of infrastructure development. In the coastal zone, rivers and lakes' destinations, visitors and locals participate in their activities and those of the city they visit in a proper way. Inadequate wastewater management is a major concern for health, projecting very negative images and destroying the quality of the tourism product the country is selling in international markets. Sound management is critical to the long-term importance of the tourism sector, and can become an attractive feature by showing how responsible Albania is doing with its core tourism resources.

In solving this problem, close cooperation among local and center government, inter municipality cooperation and cooperation between local authorities and the community is required. Furthermore, it is of paramount importance attracting the interest of investors and donors to find forms of new investment in this sector. Water management is also a priority issue with regard to cross border cooperation or also in the framework of projects with the European Commission.

CONCLUSIONS

At a time that is widely discussed about a boom in our tourism, this year is telling what all genuine tourism specialists feared, the fact that things are not as good as it was anticipated or expected. This has its own explanations and reasons, from which the most important is probably the abolition of visas for Albanians, which has made our tourism comparable to that of the Mediterranean, which had previously been unreachable because of visa regime. Today many Albanians, for many reasons, curiosity, meeting with relatives, but also the good performance of neighborly tourism, are traveling abroad. Up to here everything is normal and

acceptable, even justifiable, while it is a concern that this year there will be a significant drop in the number of tourists we took always for granted, Albanians living in the Balkans.

It is clear that if these clients are not coming to Albania, they are going somewhere else, ie. are making a different choice. The decline in the number of these tourists on our coast probably indicates that this product has reached its peak last year and is already beginning to decline. This is something that was anticipated by at least those who have studied tourism or who know this sector well enough through many years of experience in this area. We are witnessing a situation that has gone out of control in many coastal cities and seriously jeopardizing the future of the most potential sector of tourism in our country, holiday tourism. Well-made holiday tourism, like neighbors, is undoubtedly the most lucrative industry in the Mediterranean and this has been proven for decades by Italy, Spain, Greece, Turkey, and Croatia. Many people, with or without proper training in tourism, have been subjected to mountain tourism advertising, while this tourism is quite limited to the number of tourists attracted and is a relatively low income tourism, because the services offered are basic. The only sector with average income in the region is skiing tourism.

Furthermore, the paradox continues: Albania, a genuine Mediterranean country, even with one of the highest averages of sunny days per year, pays more attention to a sector of tourism not natural for Mediterranean countries. There is no interest in beach tourism, an industry that keeps the majority of Mediterranean economies alive. This is the lucrative sector of Mediterranean tourism, as it has a time span of at least 5-6 months and an average accommodation price of 60-130 euro per night for a 3-4 star hotel room. In addition this is a mass tourism that is frequented by many tourists of a certain level, mainly coming from Northern Europe with charter flights to Mediterranean destinations, where they spend annual vacations. Albania is probably the only Mediterranean country which does not expect chartering tourists, simply because there are no serious investments in the coast such as resorts with over 150 rooms.

On the other hand, the time has come for those who work in the tourism industry, their associations, and civil society to no longer tolerate the non oriented developments that are rising anywhere in the most beautiful areas of our shores, if we want to save what is left. If what I said about the further development of tourism will not be considered, but the sporadic development will continue, the only conclusion will be a lame tourism sector, which over time will turn into a gangrene that should be amputated and this will require an extraordinary cost from all of us.

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“INVESTIGATION OF THE CRIMINAL OFFENSE OF TRAFFICKING OF MOTOR VEHICLES IN ALBANIA”

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ABSTRACT

Trafficking and theft of motor vehicles is one of the forms of organized crime spread all over the globe. This form of crime results in many benefits for the perpetrators and without much risk for them. In Albania, vehicle trafficking dates back to the 1990s, a period that was followed by the collapse of the dictatorial system and the opening of borders with its neighbors. State institutions, including the police organization, were inexperienced in connection with the trafficking of motor vehicles. Generally the number of vehicles in the country was very low, while private vehicles almost did not exist at all. Initially, the perpetrators favored the lack of police experience, the lack of specialized structures in this area, and the lack of legislation since the Criminal Code did not foresee this activity as a criminal offense. The criminal offense appears to be manifested in two forms, first, by trafficking the stolen vehicles in Albania and, secondly, by smuggling stolen cars outside Albania. Generally, the authors cross the state borders without difficulty, benefiting from the fact that the stolen cars are in most cases not registered in the police database as stolen cars, as the registration procedure requires the time needed. A criminal report is required from the possessor of the vehicle to be declared in search. The current experiences of the investigative structures have shown some ways of trafficking of stolen cars abroad and introduced into the territory of Albania, such as: simple street theft on the territory of a state and entry into Albanian territory; a deal between the seller and the buyer who was later prosecuted to receive reimbursement from the figurative companies; as well as the theft and trafficking of a vehicle with forged documents or documents of another vehicle.

This paper will focus on the forms of motor vehicle trafficking in Albania, the methods of investigation implemented by law enforcement structures, and the level of international co-operation in this phenomenon, reflecting official statistics of the investigative institutions. The paper will conclude with some recommendations for improving the

work to prevent and detect these criminal offenses.

Key words: *criminal punishment, motor vehicles, trafficking, criminal offense, organized crime etc.*

1. INTRODUCTION.

Trafficking and theft of motor vehicles is one of the most profitable forms of organized crime. This phenomenon was born in Albania after 1992, since until that period the ownership of vehicles was unknown, even was prohibited by domestic legislation. Traffickers act through two means of realizing this crime, first by trafficking stolen motor vehicles in Albania, and secondly, by trafficking those stolen from abroad. These vehicles after being stolen are sent out of the country where they were stolen using various ways to avoid contracting police structures at or near the territory, such as changing chassis numbers, forgery of vehicle documents, or in cases of it is noticed that co-operation between the seller and the buyer is found, which aims to denounce the motor vehicle crossing the state border. This phenomenon generally requires the owner of the vehicle to gain reprisal from the car insurance companies.

2. THE WAY OF MOTOR VEHICLES TRAFFICKING

From the current investigations into the cases of trafficking of stolen cars outside of Albania and introduced in the territory of Albania, have been noted the following main ways of trafficking:

- a. *The stealing in other countries and their introduction into Albanian territory.*

Authors steal motor vehicles by opening them with false keys, robbery by force, or even weapons. Means may be sea transport such as boats, speedboat, motorboat, etc., but also means of road transport, mainly new luxury vehicles, of different types; Ferrari, Mecedez, Rangrover, BMW, Audi, off-road, of the last years of production.

- b. *Created steals, by agreement between seller and buyer.*

This phenomenon has been widespread lately. From the investigations made it has been concluded that the agreement can be performed in two forms.:

- a. The purchase of the vehicle is carried out in Albanian territory. The pos-

essor of a vehicle, who may be a foreign citizen or an Albanian citizen resident in another state, comes to Albania through the border crossing points with his vehicle, which he sells and then leaves in his place of residence where also denounces theft of the vehicle. We point out that vehicles are registered in private insurance companies, which according to the insurance policy, the company is obliged to compensate the client in case of vehicle losses; it is sufficient for the loss or theft to have been made before the police bodies where the event occurred.

- b. The carriage of the vehicle is carried out in another country or in the country of origin. In these cases, the Albanian citizen bought the vehicle abroad, paying for the value of the goods, and bringing the vehicle to Albania. A few days after the vehicle entered the Albanian territory and carried out procedural actions for the transfer of citizenship, registration and receipt of new license plates, the seller denounced his country for the loss of the vehicle, benefiting from the redemption of the vehicle's value by the company insurances in the range of 50-100%. In such cases the vehicles cross the state border from the country of origin to our country with regular documentation, and until that moment the vehicles are not recorded in the Interpol system, because the denunciation takes place a few days later.

c. Use of falsificated documents.

Traffickers to realize their purpose also act with falsificated documentation. They can usually falsify a vehicle purchase contract, vehicle documents, forge the chassis number and engine, or flipping documents of another vehicle. This is the simplest and most used way of traffickers. It is the duty of the border and customs police structures to verify in detail all the documentation of the vehicles allegedly purchased outside the Albanian territory by registering in the TIMS system not only the data of the carrier but also all the documentation of the motor vehicle .

3. INVESTIGATION OF CRIMINAL OFFENSES OF MOTOR VEHICLE TRAFFICKING:

In Albanian criminal law, is provided article 141 / a for “*Trafficking in motor vehicles*”, which implies the importation, exportation, transit and marketing of motor vehicles contrary to the law. Law Enforcement Officers, who focus on their work prevention, investigation and detection of criminal offenses, should be well aware of the schemes and forms of motor vehicle transportation, for the purpose of enabling probation and facts that document the criminal activity of

traffickers. Also, for investigating crimes and documenting these offenses the level of cooperation between members of the criminal organization or criminal groups should be assessed. The most effective tools in the fight against organized crime that can be used for the full legal documentation of criminal offenses are:

- Obtaining information about criminal groups, individuals, and criminal activity and analyzing it;
- Use of eavesdropping of communications;
- Use of ambient eavesdropping;
- Use of stimulated purchase;
- Use of controlled delivery;
- Use of justice collaborators.

Also, in order to succeed in the criminal field, especially in the criminal offenses involved in the form of organized crime, special importance for documenting and striking the traffickers of this criminal activity is also the cooperation with the law-enforcement structures of the countries where this activity has been extended. Specifically, within the framework of the European Convention on Legal Aid in Criminal Matters¹¹, these elements of international co-operation should be evaluated as:

- Joint police operations;
- Mutual legal assistance between member states;
- Letter to the law enforcement agencies;
- Joint Investigations;
- Special investigative techniques that Member States may use;
- Mutual exchange of experiences and analysis of information on the nature of organized crime in general, focusing on motor vehicle trafficking;
- Joint trainings, etc..

Regarding the criminal offense of Trafficking in Motor Vehicles, special structures dealing with the fight against illegal trafficking have identified in their annual statistics the following indicators:

Traffic of motor vehicles at national level, during 2011 – 2016.(Article 141/a i The criminal Code)

year	cases ascertained / investigated	Authors of criminal offenses				
		arrested	At free trial	Wanted	Forbidden	Total/author
2011	327	5	316	9	1	331
2012	420	6	414	-	4	424

¹¹ Article 22, European Convention of Justice Help in criminal field, Strasbourg, 1978. Ratified in Albania by Law No.8498, date 10.06.1999.

2013	252	8	245	4	2	259
2014	218	8	208	2	2	220
2015	159	5	141	16	2	164
2016	163	3	141	23	18	185
total	1539	35	1465	54	29	1783

Source: according to statistical data at Albanian State Policy

From the statistical data gathered from the Albanian State Policy, during period 2011-2016 the trend of this criminal offense has been reduced. During this period are arrested in total 35 persons, meanwhile in free trail are 1465 persons; are declare wanted 54 persons; and are forbidden 29 persons.

4. RECOMMENDATIONS :

To increase the rate of impact of motor vehicle trafficking and prevention of this phenomenon, is recommend that:

- Establish an on-line 24/7 communication system between the police, the General Directorate of Customs and the General Directorate of Road Transport, so that data can be accessed and information exchanged by accessing the Interpol ASF system for vehicle verification at the moment of entry, customs clearance and landing.
- Cooperation with all actors and actors involved in the fight against trafficking, in general, and the fight against the trafficking of motor vehicles in particular, such as judicial police, prosecution, customs, border police etc .;
- Deepening cooperation with European police organizations such as Europol and SELEC Center, expanding the range of information exchange, recognizing the latest forms and methods identified in different countries in this regard, as well as data on individuals and criminal groups who have criminal activity in different countries, including Albania;
- Rigorous implementation of all obligations and priorities and objectives set for the fight against illegal trafficking in the State Police Strategy, while maintaining the performance parameters set out in this strategy in terms of preventing and combating illicit trafficking;
- Rigorous implementation of the obligations of the Cross-cutting Strategy against Organized Crime, Trafficking and Terrorism, and the objectives set out in this Strategy, with a view to preventing and combating illicit trafficking, mainly those in the field of motor vehicle trafficking;
- Analyzing the data from the MEMEX system, with the aim of launching proactive investigations on a continuous basis by closely cooperating with the Serious Crimes Prosecution Office..

5. CONCLUSIONS

Cooperation between members of the criminal organization or the criminal group is an essential element to be assessed by the crime investigation structures for documenting these criminal offenses. Judicial police employees should be well acquainted with the schemes and forms of recruitment and transportation of motor vehicles, in order to enable the search and finding of evidence and facts that document the criminal activity of traffickers. For this goal is needed continuous training in order to increase the professional level and the ability of investigators to engage in preventing and combating illegal trafficking.

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TRANSNATIONAL CRIME THREATENING NATIONAL SECURITY

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ABSTRACT

Transnational crime has aggressively expanded during the last quarter of the last century, since the end of the Cold War opened new opportunities for criminal enterprise. Globalization has facilitated not only the development of new criminal markets but also new forms of organization. Available data show us that organized crime is becoming increasingly difficult to cope because adapt quickly and resists strategies available to law enforcement.

The ability of organized crime nowadays to form tactical or strategic alliances more easily should give governments reason to worry. While promoting greater political, economic and individual freedom, at the same time these expectations facilitate the ability of criminals to drift away from national jurisdictions. The threat posed by transnational crime to entire regions, be it African or Balkan countries, means that even those governments that have relatively robust law enforcement capabilities are facing the widespread effects of transnational crime from the misguided regions of the globe. However, this threat to national security does not justify the use of military and intelligence weapons. Countries like Albania where voters believe that the rule of law and individual security are disappearing will increase the pressure on politicians to aim for tougher solutions, especially in cases where the link between transnational crime and terrorism is made. This can lead to support for forms of authoritarian governance and restrictions on free markets as it is happening in Russia.

The question is what governments, the private sector and civil society can do to reduce the damage caused by transnational crime before addressing extreme measures outside militarization. Referring to the US, Western Europe, etc., which assess democracy and free markets, they should assist in the capacity building process in order to strengthen the rule of law in those countries such as Albania experiencing double transition. This suggests a range of preventive measures for transnational crime.

Key words: *transnational crime, “Krimi transnacional kercenim per sigurise kombetare”*

1. INTRODUCTION

Transnational crime traditionally refers to criminal activities, going beyond the violation of laws of two or more countries. Recently the United Nations Convention on Transnational Organized Crime has defined transnational crime more widely, including within it any criminal activity that is carried out in more than one country, planned in a state, but executed in another, or executed in a state but with effects that affect the jurisdictions of neighboring states (United Nations Convention against Transnational Organized Crime 2000).

The categorization of the nature of the activities called transnational crime transcends the borders of a state. Such may be called money-laundering, drug trafficking, corruption of state officials, illegal business penetration, pseudo bankruptcy, insolvency fraud, electronic crime, theft of intellectual property, illegal arms trafficking, terrorism, piracy of aircraft, piracy in the seas, land retaliation, human trafficking, human body parts trading, theft of art and culture objects, etj.¹²

Just as businesses operate in a legitimate economy, transnational criminals try to harmonize and balance the supply with demand, and benefit from differences in benefits, adjustments, and levels of risk between the markets. Such are the differences that arise from the supply of supply sources in some regions that fit the demand of others, such as the flow of narcotics from Albania to Europe, or money laundering cases, which exploit the fluctuations in the banking secrecy of traditional banks. The risk of transnational crime in carrying out its activities affects its geographic extent, in the sense that they can transfer criminal enterprise to low-risk countries, as it may be our country, where strong drugs come from most development countries.

These criminal activities can take place in host countries, where high risk is compensated by the attraction for greater profits. Other things are less important as markets for transnational crime groups, but contribute to the illegal economy, as intermediaries' countries, when they allow the passage of foreign goods or as service states, in the case of money laundering. Is the same thing transnational crime with organized crime? No, they are not the same thing. Not all transnational crimes are committed by organized crime groups and not all organized crime groups are involved in transnational crime. Despite distinction, most of the transnational crime analysis focuses on crimes committed by organizations explicitly established to provide benefits from outside activities. Here, legitimate individuals or businesses that are able to commit transnational crimes should be

12 Gerhard.O.W. Mueller(2001:14) *United Nations Fourth Survey on Crime Tricks and Criminal Justice System Operations,1994*).

excluded. For this reason, the recent United Nations Convention, addressing the threat of transnational crime, focuses on transnational organized crime.

2. ORGANIZED CRIME

While there is disagreement over the treatment of transnational crime, how the meaning of organized crime has produced a debate for decades. These disagreements returned to the debate are mainly focused on structuring organized crime and the features that distinguish it from other forms of crime (such as “ordinary street crime” or “crime in the administration”) (*Grhard.o.m Mueller(2001:14) Studimi I katert I Kombeve te Bashkuara per tedencat e krimit dhe Operacionet e Sistemeve te Drejtes penale(1994).Alan Collins Studime Bashkëkohore të sigurisë*).

Despite these existing disputes, most scholars agree that criminal groups differ widely between them by the structure, power, size, range, and variety of activities they involve.

This universal and comprehensive approach to the “organized” term in the phrase “organized crime” is reflected in the most recent international definition of the term, which reject the broader network to include a variety of groups within it.

According to Article 2 of the United Nations Convention Against Transnational Organized Crime, signed in December 2000, as an organized crime, each “structured group composed of three or more individuals, which exists for a certain period of time, and acts in accordance with the purpose of committing one or more crimes or offenses, in order to guarantee, directly or indirectly, a financial or other material benefit “. A structured group is called the one that is not “randomly formed for the immediate commission of a violation, that it is not necessary to have roles formally defined for its members, continuity of membership, or a developed structure.”

The focus of the United Nations Convention on Crime Guided by the Principle of Benefit, which distinguishes organized crime from “ordinary” crimes such as rape or murder, also reflects the predominant definitions of organized crime.

Crimes under the principle of benefit can be grouped into three categories:

Crime for robbery for benefits, which includes involuntary transfers (as fraud); trade-offs in which goods or services (drug trade) are sold for unlawful benefits; trade exchanges involving illicit production or illegal distribution of goods or legitimate services (cigarette dealers) (shih Naylor 2003).

Finally, drafters of the United Nations Convention seem to take into account the views of analysts, who have often highlighted three other characteristic features of organized crime:

- a- the tendency of systematic use of corruption and violence;
- b- get irregular income levels higher than other criminal organizations;

c- the destruction of the formal economy and the penetration through reinvestment of the extraneous benefits.

These three characteristics are used to justify the distinction and identification of organized crime as a subject of particular concern. The modes of operation of organized crime groups, as well as their wealth and power, are seen especially as a damaging thing for society, the economy and the government (through corruption, violence, and formal economy).

Some examples of well-known transnational criminal groups are:

- Italian Mafia, a general term that includes the Sicilian Mafia, the Napolitan Camorra, the Calabrian Crossroads, the Sacra Korona Unita of the Puliez area, known for their collaboration with Colombian drug cartels.

- Russian organized crime. They are based on the inheritance of organized crime groups that exploited the inefficiency of the Soviet-era central planning economy and today are able to operate freely in the uncontrolled post-communist state, their groups consist of Russian, Ukrainian, Chechen, Georgian Azerebangers, who have strong links to organized crime in the United States and Europe.

- The Chinese Triad operates in the international diaspora of China as well as in Honkong and Taiwan is quite fluid with an ethnic-based membership involved in drug trafficking, prostitution, gambling.

- Japanese Jokes are gangs involved in drug and human trafficking, operating in Southeast Asia and the USA

- Colombian and American-Latin drug cartels.

Transnational crime is not a new phenomenon, but a centuries-old operation through organized crime groups across transnational borders. For example, looking in the relationship between the Italian and USA's mafias in the 50s of the last century, the Chinese trumpeting operations and cocaine traffic from Colombian drug cartels Cali and Medellin. The growing and widespread transnational crime in the 1990s, scholars argue that the bulk of problematization came from the military, intelligence services and the entire national security community, which needed to justify the importance of their budgets and budgets after the Cold War.¹³

Throughout the 1980s and 1990s, there was a marked increase and spread of transnational crime in a global manner and no more exclusivity of certain geographical areas or certain ethnic groups. There has been a considerable increase in the number and size of the out-of-court markets, and the groups involved in them, of the affected countries and of the total quantity of unlawful trade.

While in the past, illegal markets were small and isolated, today the illegal markets tend to connect, support each other, and get better off than ever in

¹³ Bare Margaret E (ed.2003) "Critical Reflectations onf Transnacional Organized Crime Money Laudring end Corruption". A critical overview of the key concepts of transnational organized crime and the unexpected costs and consequences of law enforcement strategies to cope with the problem.

the formal economy. The growth, expansion and strengthening of transnational crime can be explained in general for two reasons;

First, increasing the transnational flow of people, goods and money into the second half of the first century (a process often referred to as “globalization”) has contributed to the development of both formal and informal economies that operate through national borders.

Second, the twist of “double transitions” (beyond the closed economies and authoritarian political regimes) and the rise of civil conflict with the end of the Cold War, in a number of countries around the globe, have weakened state authority. These developments for crime groups have guaranteed a central basis by facilitating the functioning of transnational criminal networks.

3. THE IMPACT OF GLOBALIZATION ON INCREASING TRANSNATIONAL CRIME

The ever-increasing globalization of markets, finance and travel has produced a favorable transnational crime environment, making it harder for criminals to create extraordinary benefits and illegal goods, provide services and smuggle people through state borders. This move is greatly facilitated by progress in communication and transport technologies, such as air transport, personal computer, internet and mobile communications. Contrary to what many authors argue, the magnitude of these technological changes on mobility may be excessive;

However, the well-understood process of globalization is not a matter of technological innovation, but is more and more linked to economic and political reforms, which reduced the restrictions on the international movement of goods, people and money in the 1980s - 90. In the 1970s, the distortion of trade reforms in the developing and industrialized world reduced barriers to trade and promoted the development of export-based economies. Moreover, a number of transitions started in 1974 in southern Europe and displaced in Latin America as well as in the former Soviet Union after the fall of the Berlin Wall, increased international flows. The boundaries, hermetically sealed by authoritarian regimes, were opened. This process, largely positive of economic and political liberalization, also had a negative side. In an increasingly global market, illegal actresses, as well as their legitimate partners, gained commercial chances at any given time.

Increasing the volume of trade and global financial networks provided the infrastructure and shelter that could be exploited by illegal activities. For example, as a result of the establishment of the North American Free Trade Zone, trade between the United States and Mexico increased from S \$ 81 billion in 1993 to S \$ 243 billion in 2000.¹⁴ This land border is also one of the main routes of illegal

14 • www.unodc.org-Zyra e Drogës dhe Krimin pranë Kombeve të Bashkuara (UNODC): UNODC is one of the leading international agencies focused on helping states to develop international efforts to combat drug trafficking, terrorism and organized crime. This website provides a good source of information on international conventions about transnational crime

goods traffic and entry of foreigners. Flowering of cross-border traffic increases the chances of criminals hiding their activities through the flow of legitimate trade, while enforcing the law to monitor these traffic presents greater hardship.

The globalization of financial markets has been accelerating dramatically since the 1990s, making it easier for criminals to move quickly and securely to harvest their profits.

4. IMPACT OF TRANSNATIONAL CRIME ON THE WEAKENING OF STATE AUTHORITY.

The double transitions towards free market economies and democracy in the 1980s and 1990s contributed to increasing the circulation of people, goods and money, which provided great opportunities for transnational crime. In many places, these double transitions have contributed to the spread of transnational crime by creating distorted transitions, leaving behind a state that is often unable to protect the rule of law, even to exercise control over its territory, thus creating “unencumbered spaces”, which have been transformed into housing for a wide range of groups engaged in transnational criminal activities. A good example of the emergence of organized crime after double transitions can be found in post-Soviet Russia. Here, the economic “mediators” that had slammed the wheels of the command economy before 1991 and the small organized crime groups surviving the Soviet era, joined some of the discharged Soviet intelligence elements, the security apparatus, and some of the entrepreneurs young people, to benefit from the mismanagement of the transitional economy.

Combining internal knowledge of state and government resources, access to intelligence and oversight records, experience and contacts in the West as well as expertise in violence and threats, these elements of new organized crime were well positioned for exploited the weakness of the new Russian state with great individual benefits(“Éilliams, Phil 2001”). The efforts of these new organized crime groups were decisive, to lessen the confidence of investors in the Russian economy, increasing the cost of doing business and worsening inadequate legal capital to legitimize business development. They also delegated the Russian democratic regime, questioning its ability to maintain the rule of law and guarantee public safety.¹⁵

Similarly, the Balkan wars created networks involving within them organized crime, paramilitary forces, intelligence officers, military forces, and former Yugoslav law enforcement agencies. The embargo against the intergovernmen-

15 • Williams, Phil (2001), “Transnacional Criminal Networks”, ne J. Arguilla dhe D. Ronfeldt (eds.), “Networks alld Netwars: The Future of Terror Crime and Militancy”, Santa Monica, CA: RAND Corporation 61-97. This RAND Institute’s study uses network theory to explain the organization of transnational crime, and argues that criminal organization networks are more resilient and powerful than the governments that fight them.

tal states created new asymmetries that could be exploited by organized crime through the smuggling of goods, weapons and oil, simultaneously trafficked to western West Europe, and in some cases to the peacekeeping forces that sought to reduce the level of conflict. Criminal groups involved the highest levels of the former Yugoslavia and Serbia's leadership who used these networks to enrich and provide the necessary supplies for their forces to continue the war. After the war in the former Yugoslavia elements of organized crime were too difficult to control until criminal groups killed Serbian Prime Minister Zoran Djindjic in 2003. So the involvement of law enforcement agencies, intelligence agencies and military officials in transnational criminal networks explains their resilient ability after the end of the Balkan wars and the weakening and helplessness of the state to fight.

5. GOVERNMENT RESPONSES TO PROTECTION FROM TRANSNATIONAL AND ORGANIZED CRIME.

Before the Cold War ended, organized crime was seen mainly as an internal problem and transnational dimensions were frequently administered bilaterally. The only internationally institutionalized information gathering meetings were the United Nations Crime Prevention Division, Criminal Justice Unit and Interpol.

In particular, Interpol was seen primarily as a tool for dealing with criminals who crossed the state borders to escape the capture. However, since then, state responses to transnational crime have evolved in parallel with the growing perception that this phenomenon constitutes a threat to national security.

The United States, in particular, used financial cards and scourges in bilateral relations to encourage friendly states to increase legal arrangements and enforce the law against transnational crime. In the case of cocaine tragedy from the Andean region, the United States used an increase in assistance and training card for countries where drug cartels operated, and in parallel the threat of decertification (foreseeing the suspension of their assistance) to increase non-cooperation costs with the United States.

In the 1970s and 1980s, US anti-drug agencies fused with European lawmakers to have more aggressive, investigative and intelligent approaches to dealing with narcotic drug traffic.

Governments should consider how new technologies emerging from military programs can be used to improve the ability of governments to gather information on transnational crime and how the army can use it to combat this threat.

The arguments that emerged after the September 11 attacks in the United States, about a supposed network of terrorism and organized crime, seem to conquer governments rightfully the militarization path of law enforcement. Since the threat of organized crime comes from both inside and outside, they must work

together with other nations to ensure the security of our citizens.¹⁶ Non-governmental organizations also play an important role in dealing with organized crime along with a wide range of other important issues on the international agenda, such as reaction to conflict situations, peace keeping, promotion of the rule of law and protection of the human rights (Godson & William 1998). This faces the problem of a whole new set of structures and agencies, controls the penetration of transnational crime in government and the private sector, and opens new paths by which citizenship may consider the states responsible for this problem.¹⁷

Governments increasingly perceive transnational crime as a threat to national security by investing in using intelligence and military assets as complementary to law enforcement.

In parallel, the concern of international financial institutions and non-governmental organizations on corruption and the failure of the state, as two issues closely linked to transnational crime, support the argument of more comprehensive national counter-responses to law enforcement.

6. CONCLUSIONS

Transnational crime has expanded aggressively during the last quarter of the century and after the end of the Cold War opened new opportunities for criminal offenses. Globalization has greatly facilitated not only the development of new criminal markets, but also new forms of organization. Available data tell us that organized crime is becoming more and more difficult to cope, because it fits faster and resists the available law enforcement strategies. The ability of organized crime today to formulate tactical or strategic alliances more easily should give the governments reasons to worry.

The global trends of the developed nations - globalization, democratization and economic liberalization - also have a weak side: the capacity to create new spaces for the spread of transnational crime. While promoting greater political, economic and individual freedom, at the same time, they facilitate the ability of criminals to steal national jurisdictions. Even if the idea is that the costs of globalization outweigh its benefits, these expectations are largely beyond the control of any specific government. It is the content of this phenomenon and the reduction of the damage it causes.

This is true, if we reason that organized crime is not targeted only by individuals, but that it weakens societies, especially those in the transition to democracy and free markets. The threat to transnational crime for the whole of the regions be they the Cape of Africa or the Balkans, means that even those governments

16 A.National Security strategy of Enlargement and Engagement "The White House" February 1996.

17 Williams, Phil dhe Vlassos, Dimitri (eds.) (2001), "Combating Transnational Crime: Concepts, Activities and Responses", London: Frank Cass Publishers. A comprehensive study of the state of transnational crime and the efforts to respond to this threat.

that have relatively strong capacities in the implementation of law and legal order with strong foundations but face the pervasive effects of crime transnational from the misguided regions of the globe.

Does this increase justify this increase in the threat to national security, the use of military and intelligence assets, and a certain degree of rightfulness? Not all governments or societies will be in a state of mind. Countries where law enforcement and judicial systems are quite capable and adapt quickly to prevent transnational crime are unlikely to be faced with such a choice. However, in countries where voters believe the rule of law and individual security are gradually disappearing, pressure on politicians will increase for them to seek tougher solutions. This is especially true in cases where there is a link between transnational crime and terrorism. In extreme cases this may lead to the emergence of more authoritarian forms of governance and restrictions on free markets, as can be argued that it is happening today in Russia. Therefore, the question is: what can do governments, the private sector and civil society to reduce the damage caused by transnational crime before addressing extreme measures?

Clearly, there is space for solution outside the militancy. The one approach suggests greater co-operation between law enforcement institutions and national intelligence assets to deal with cross-border threats. The other reason has been suggested to pay greater attention to preventive measures, especially from developed countries which bear the greatest burden of success in the new international system. Given that the United States and Western Europe, Australia and Japan etc. appreciate democracy and free markets, then it would be understandable for them to engage in the capacity building process in order to strengthen the rule of law and law enforcement agencies, especially in those countries that are experiencing “double” assaulted transitions.

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TEACHING PROCESS AND THE COMMUNICATION ARTISTRY

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ABSTRACT

This paper shows aspects of teaching and learning to any other subject compared with students both the weak & the strong sides of the character, as well as the adults themselves.

The role of teacher as leadership is the one that leads Students to knowledge enrichments and also is their aim to do it. In fact, it requires a great patience and effort from the teacher. It is in response to fundamental cultural and contemporary methods all over the world. Teacher as a pedagogical figure is such delicate and vast issue.

The facts and all the data included in this paper concern to improve the teaching process throughout the education system, including appropriate integration at all three levels (initial, intermediate, advanced), as well as the appropriate correlation between them, trying to preserve the most essential parts of the existing structure and even about the newest and the most necessary elements that the time leave upon us as a task, in order to adapt and implement.

The methodology used in this paper is based on questionnaires and direct dialogues with students in class. This paper helps new teachers and new leadership to avoid teaching obstacles, in order to rich the success and learning joyfully and effectively. The reason why I am focusing my article on the teacher and their appraisals in relationship with the student is that, I frankly think that the traditional process of the teaching methods should change during time, space and people themselves!

The leadership role is the one that teachers motivate students to unwrap up their talents and personalities within the lesson, emphasizing the freedom of the teachers to support the creativity and independent mental power.

Key words: *leader (teacher)'; image; role of communication; responsible*

INTRODUCTION

Teaching as the process has in top the teacher and its role must be not only the image of a leader but also its activity and its organizational role must be that of Leadership in all teaching and learning processes. The new teacher role will make the student more responsible about the learning process. Students will need to gain a high degree of independence, techniques and new strategies directed and led by the teacher in the process of acquisition, spread not only in the fields and subjects of foreign language but even inside and beyond it. The role of Leadership, as a draft –maker should prevail as much as shown up and not to be just the source of all the knowledge in the classroom. Teaching materials should be selected in relation to the thematic program and their authentic representation of the foreign language culture. The teacher needs to become more classroom organizer, supplier, learners' orientation in finding the different materials and resources that help them to find a sustainable learning. The topics should be detailed, in cyclic forms in successive stages of the teaching programmed. Thus, the support of the creativity and mental independence of the student should motivate. In addition, it aims to highlight the advantages in developing the communication skills.

METHODOLOGY

The methodology used in this paper is that of empirical one. It is fully in compliance to student's need of public school where I teach every day giving them research work and different surveys to fulfill their interest in the learning of the foreign language. The methodologies can be used separately during a lesson or in conjunction with other class activities. They can be used in a variety of ways such as brainstorming, team builders to introduce a lesson and brief activities to teach content.(Patricia Hogh, Wim Simoens, TL+Q, p.24) It has been taken and observed that eighth and ninth grade were fond of English Language.

Milestones that respond to the development of democratic culture

All of these milestones about teaching and learning will respond to the development of a democratic culture, students' individual needs and interests as well as contemporary experience and the experience all over the world.

The acknowledgment about mother language and the foreign language that they receive during the high school and phonological elements, grammatical and lexical ones are closely related to the integration of communication methods during learning process. It constitutes one of the most important objectives in the content of curricula by fully utilizing not only the specific situations, but also

adapting the communicative potential of the students themselves.

Emphasize inevitably and inevitably the freedom and independence of teachers, who promote the use of teaching methods and materials that will support the creativity and mental independence of both students and teachers.

I certainly emphasize inevitably the freedom and independence of teachers, who promote the use of teaching methods and materials that will support the creativity and mental independence of both students and teachers.

FUNCTIONAL AND SITUATION METHOD

All methods are functional and situational learning methods, enabling learners to own and use the pedagogical systems (indicated by the teacher) necessary over respective levels of each student (elementary, intermediate and advanced).

The didactic concept of questioning

-To questioning is an interactive relationship that enlivens the conversation by giving continuity until finding the final result.

-To questioning should be evaluated as a technique that gives high results when managed successfully and attentively by teachers, while the teacher itself is playing a major role in student learning.

It should be acknowledged that “Student learning starts when the student begins to ask.”

In the everyday life the issue of questioning the teacher has seen it as a competence that is promoted and developed by the teacher themselves. It is also acknowledged that in one lesson all the questions come from the teachers, directed by him, but in our case we need to focus on the class (the student-centered teaching). To put “the questioning into a powerful interpersonal relationship in the learning process, let’s try to get students questions about a certain topic.

EXAMPLE:

Subject: Literature

Discussion on preliminary knowledge

The teacher starts the lesson with the discussion of the homework. Then leads the questioning:

- What’s the report?

- What's the relationship?

- What features do you think are relationships?

(The students are supposed to prepare for the Report topic. They need to look for and bring in different relationships in the classroom.eg internet material, photos, vips sequences in film and how they are in real life and at the end their photos and opinions of relationships /friendships)

Students provide examples of reports and argue why they are, according to them, relationships.

The student's characteristics are written by the teacher on the blackboard. After this step, students are asked to read the first paragraph of the book or their material and underline the three main characteristics of the reports and report in relationship, which the teacher writes on the blackboard and builds the scheme:

The report

Written or oral observations lived and a special work experience types of reports, scientific work, report, official relationship (references, papers) etc.

a) The methods, equipment used

b) the results achieved

c) their evaluation of each of them.

Pupils compare the features by what they mentioned before reading the book with what they were following.(KKGj p.p. 15).

Building knowledge; Keeping structured notes

At this stage of the lesson, the teacher asks the students to read carefully the textual information on how a report is prepared, maintained and evaluated, and then the pattern of the preparation of a relationship is realized.

This scheme is only necessary for the written report form, and when the report is verbal, the activity ends with the first stage.

The questions are being addressed in order to bring and follow the achieved message of the classroom objectives, without letting the situation message that is formed between the teacher and the student through their accomplishment about general objectives.

At this moment the teacher has transmitted /followed to them new requests regarding reading and receiving information, as reading is not just a process that is accomplished through reading a text, but also through figures, charts, melodic line, why not even by painting.

Students' questions about a certain matter include all the questions that needs

to be found in a text book; but when they are over passed, they are tenfold times further developed when they are created by students themselves. Even by students come up such questions that teachers and text authors themselves may not have foreseen when they have programmed or designed certain lessons.

The process of articulating questions by students in the classroom brings other positive phenomena into classes oriented towards interactive teaching, for student learning purposes.

The learner should be aware of key concepts that are at the core of the learning contexts used, especially for the importance of communicative interaction. This awareness will encourage students to describe, question, classify, etc, and will consciously enable the use of language for all the areas and conceptual development in foreign language (Sinclair M. 1987 p.p 52).

DEBATE - PROBLEMATIC SITUATIONS AND QUESTIONING METHODS.

This situation in each subject arises from the contradictions that arise between the concepts acquired by the students and the inability to realize the solution of newly created situations. This method consists of creating a problem situation. We have always walked with the view that this method cannot be fully implemented. Testing conducted in some schools and auditoriums shows that this method can be used both in high schools for pre-university education and in auditoriums for the university system.

After the creation of problematic situations, it is important to analyze the situation and solve it. The questioning is the most traditional method and it is still being used today.

According to John Dewey, "Knowing to ask questions means knowing how to teach." Many types of questions are used during the questioning phase in the teaching process.

The effect of questioning is to deepen students' understanding of how knowledge is created: instead of accepting (and perhaps just memorizing) the —right answer, based on the teacher's authority, students struggle to understand the principles of inquiry, analysis, and problem solving used by the experts to arrive at their views. They consider an answer not only a product but also the result of a process of disciplinary conversation. (Bean J.C. 2006, p.p. 146-148, 155-159).

Which are such questions:

- 1- Questions that control the student's ability to interpret.
- 2- Questions that control memory
- 3- Questions that test students' ability to group data.
- 4- Questions that test students' ability to specify

5- Questions that test the student's analytical ability.

6- Questions that confront the student with the idea of hypothesis.

7- Questions that stimulate the student's creative thinking.

Three phases that the teacher should use during the teaching process:

a) Questions planning

The learning objectives of the subject the teacher is teaching should be prior, while planning takes into account the student's experience and needs, the amount of questions, time available in disposal, and so on.

b) Questions asking

The questions are directed by the teacher, but even the students are encouraged to ask questions. The questions should not be repeated. Pupils need time to think about the answer.

The Questions asking should be done mainly to teach and not to find out how much the student knows.

c) Handling of answers.

Each answer should be handled by adopting only the correct answers and using also the motivation or the way of stimulating. During this phase the teacher carefully hears the answers of the students, looks forward and expect with kindness. This allows the teacher to pass on the chain question process that is very fruitful at such times, where question after question the learner receives complete and accurate information.

Whenever he/she (teacher) sees it necessary he/she interferes with plausible arguments to clarify the situation and thus pass to the next learning situation. (Halliday & Hasan, London p.p 67-69).

Co-coordinating communication and teacher- student questions.

Question drawing techniques

-The questions should be:

- Clear, accurate.
- Have a logical connection between them.
- Meet the unexpected of the lesson.

-To ask questions, the teacher should consider:

- Knowledge and information about the subject matter.
- Possible answers they can give
- Objectives of the classroom.
- The type of learning that will develop.

-In order to ask questions, please take into account:

- During a balanced question guidance and the distribution of questions
- During the giving time and receiving answers from the students
- In assigning students for the answer

- In listening students answer (Thorsons publisher p.p 34-36)

Why does the teacher ask for?

- a) To promote student memory
- b) To promote alternate thinking.
- c) To develop students' imagination.
- d) To read the expression of their feelings.
- e) To encourage students in order to argue.
- f) To control the students' knowledge.
- g) To allow expression of thought and feelings.
- l) To promote the problem solving.

What happens when students ask?

Students generally ask questions, many of them belong to the lesson you are teaching and some of them belongs to different scientific area they are interested to. Generally they ask

- a) When they want to clarify ideas and concepts
- b) When they want to receive text information
- c) When they do not understand the information they receive.
- d) When they are working in a group and not individually.
- e) When they do not know how to answer.(Thorsons publisher p.p. 43-47)

Ways and Means to encourage students to ask questions:

- a) The teacher should practice varied forms to encourage students to ask.
 - b) Tell students that it is not the intention to catch them in error, but your real intention is to evaluate their participation.
 - c) Give students enough time to answer the questions you are making.
 - d) Tell students that we always support them and welcome their questions.
- (Tony Buzan 2002 p.p. 34-35).

CONCLUSIONS

In our paper and in our observation we have seen that the range of communication types undertaken by students will be expanded through the variety and registers of the language used, as well as the diversity of auditor and goals.

Evaluation standards consist of these points.

- A) *Teacher Assessment*
- B) *Assessment of student progress,*
- C) *Self-evaluation of students*
- D) *Diagnostic evaluation.*

Teacher Assessment

It will measure the achievement of students in foreign language and literature. It will incorporate the objectives, the process of questions in our case, and the forms of assessment that are designed to encourage and reward progress and achievements. This includes oral and written assessment as well as periodic reporting by teachers about the resource quality of learning and teaching methods.

Assessment of student progress.

The following triangles it has been given assessment points that have a distinct quality in confronting students with real problems as they appear in life. While decisions and judgments are the first components of adult life, it is essential that life-long learning experiences connect the student with the world in which they will live, regardless to their age or maturity.

Appreciate ----- Protect

Evaluate ----- Judge

Decide ----- Justify

C) *Self-assessment of students or diagnosis evaluation*

The questioning process is a diagnostic process that has to do with self-assessment by students and self-administration in order to measure progress. Students are encouraged to develop independent thinking and awareness for further improvement.

An important component of the role of the teacher as an indicator for student self-assessment and the use of assessment questions is to help them develop logical basis for setting assessment criteria. It is not a student's understanding of how to build a logical and sustainable model of assessment criteria.

In this case, the teacher (pedagogue) should not use sarcasm or underestimation but should encourage them to create a question by themselves as the following "what if, or as if it were true ...".

In the end, student self-assessment becomes valuable when the decisions they make pass into judgment, just like those that are taken in the real and wild world. They ask, read and refer as they see their progress and analyzing the problematic issue given by the teacher (pedagogue). Both of them will be realized through the recognition and evaluation of student achievements and their disadvantages by listening to them when they speak.

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SPOTLIGHTING THE ROLE AND IMPORTANCE OF ACCOUNTING INFORMATION SYSTEMS IN SMEs

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ABSTRACT

Studies on the importance of business information systems in Albanian SMEs are generally rare, despite the essential role that SMEs have in the economy, but also the role that technology itself has in their development. The value chain is an instrument developed to analyze, and evaluate the activities and performance of the firm. Under the perspective of the Value Chain model, which is based on the process view of organization, accounting systems are ranked as part of the infrastructure of the organization's activities, as one of the supporting activities of the firm which are important to improve the efficiency and effectiveness of the firm. Accounting information systems through generating accurate information contribute in many aspects by adding value to business organizations. The value of information systems is an important factor for decision-making and the implementation Accounting Information Systems at the firm level. This article aims also to present the main differences between the Accounting Information System and the Management Information System as part of Business Information Systems.

Keywords: *Value chain, Accounting, Management, Information, System, SMEs.*

INTRODUCTION

According to the legal definition and classification of SMEs in Albania according to law no. 8957, date 17.10.2002 “For small and medium enterprises” are considered as SMEs “the category of micro-enterprises and small and medium-sized enterprises (SMEs) includes those enterprises employing less than 250 people and carrying out a business figure and / or a total annual balance not

exceeding 250 ALL Million” (p.5).

Lipi and Lipi, (2017, p.46) explain that:

The importance of SMEs is already well known for the Albanian economy, according to the Bank of Albania SMEs account: On average 99.6% of total enterprises in the country, a figure almost stable throughout the period 2006-2011. Micro enterprises, which employ an average of 1 to 4 employees, seem to be typical enterprises in Albania representing on average 91% of the market share of enterprises in Albania. While large enterprises constitute a very small part of the total enterprises, accounting for only 0.38% of their total (Bank of Albania 2013, p. 134).

Actually exists a broad consensus about the importance of SMEs in most economies and especially for the economic development of countries. In developing and low-capital countries, small and medium-sized businesses are considered the engine of economic growth and employment growth. They also offer more competitive and more efficient markets, while helping economies reduce poverty. Nonetheless, despite the great role and contribution of the emerging economies, they have many organizational shortcomings, a weak function or a lack of finance and management, as a result they do not produce or generate even the most needed financial information for the needs of different decision-making as well as for their funding, but also for their efficient management. Not forgetting the fact that the financial information generated by the accounting system or function should have a standard format within an accepted accounting framework.

The role of MSEMs is considered even more important because (United Nations Industrial Development Organization, 2002):

Developing countries, integration into the global economy through economic liberalization, deregulation, and democratization is seen as the best way to overcome poverty and inequality. Crucial to this process is the development of a vibrant private sector, in which SMEs play a central part. SMEs make up over 90 per cent of businesses worldwide and account for between 50 and 60 per cent of employment. However, their importance in the development process goes beyond their strength in number. (p.2)

The role and importance of SMEs in Albania has been demonstrated in many studies.

According to Lipi and Lipi (2017):

The role and potency of SMEs in the economy is generally known, especially in a country in transition, so small and medium enterprises have also an important role in the Albanian economy through economic growth and employment, by METE (n.d.) “The contribution of SMEs is more than 73% in GDP and more than 71% in employment (2011)”. (p.480)

INSTAT (2017) reports that:

99.9% of active enterprises are SMEs; 81.3% of employees are employed by SMEs; 77.6% of net sales are realized by SMEs; 66.5% of investments are carried out by SMEs; 66.3% of value added is realized by SMEs. Nine out of ten companies employ fewer than 5 employees. Enterprises with 250+ employees, although only 0.1% of enterprises employ 18.7% of employees, make 33.5% of investments and realize 22.4% of net sales and 33.7% of value added. (p.1-2)

Lipi, Lipi & Agaraj (2015, p.553) in another study explained:

According to European Commission report (2014) is emphasize that “SMEs 1 are very important for the Albanian business economy, accounting for 81 % (EU average: 67 %) of employment and generating about 70 % (EU average: 58 %) of added value. Micro firms are particularly prevalent among SMEs dominate three sectors in terms of added value and employment: accommodation, wholesale and retail trade and construction” (p.1).

RELATED WORK

Due to the importance of SMEs it is important that theoretical, empirical, or practical research to be oriented about SME productivity, SME management, SME organization, SME development, SME outcomes, SME strategy, SME performance and SME model of competitiveness. A previous study about this topic shows that (Tang, 2015, p.2):

Competitive advantages can be generated by a number of ways. According to the theory of dynamic capabilities (Teece et al. 1994; Banker et al. 2006), leveraging on information technology such as Accounting Information System (AIS) can help a company develop unique, change-oriented capabilities. AIS investment is particularly important for MSMEs in order to be able to obtain the necessary information required to handle a higher degree of uncertainty in the competitive market (El Louadi, as cited in Grande et al. 2011). (Tang, 2015, p.2)

It is generally known that information today is very important especially for business organization, even information today is considered as a factor of production beside the other traditional factors. Business information users are numerous and can be ranked both internally and externally. Therefore, it is important to consider not only the importance of the existence and implementation of enterprise information systems, but above all, it is important that these systems should be implemented in harmony or fit with the objectives, strategy and business plans. An instrument that helps the firm to determine its competitive advantage as well as to understand the importance of information systems in the strategic aspect of Porter's value chain model (Information Resources Management Association, 2015). According to this perspective, the organization or firm

is considered as a whole process that is categorized in primary and secondary activities, which are classified into specific activities too (O'Brien & Marakas 2011, p. 56; Laudon & Laudon, 2012, p.135, as cited in IRMA, 2015). In this sense, the value chain enables the organization to look at business processes in the perspective of consumer value in manner to apply competitive strategies that are thought to have more effect on information systems (IRMA, 2015).

INFORMATION SYSTEM PERSPECTIVE, AIS AND MIS

In his book, Hall (2010) describes that regardless the term system tells you computers, programs, and information technology, system uses and benefits are very varied and appear both in natural and artificial forms including even the information system. An information system represents a wide range of formal procedures that collect data, process information and distribute or deliver it to users. Typically, an information system in a manufacturing enterprise consists of two main systems: the accounting information system (AIS) and the management information system (MIS). This categorization is made only from a conceptual point of view because from a physical point of view categorization is not so discrete, but their analysis in this way helps to perceive the operational efficiency that derives from the integration of their functions. Hall (2010, p. 8) also presents a conceptual illustration of the AIS class and its subsystems, as well as the MIS.

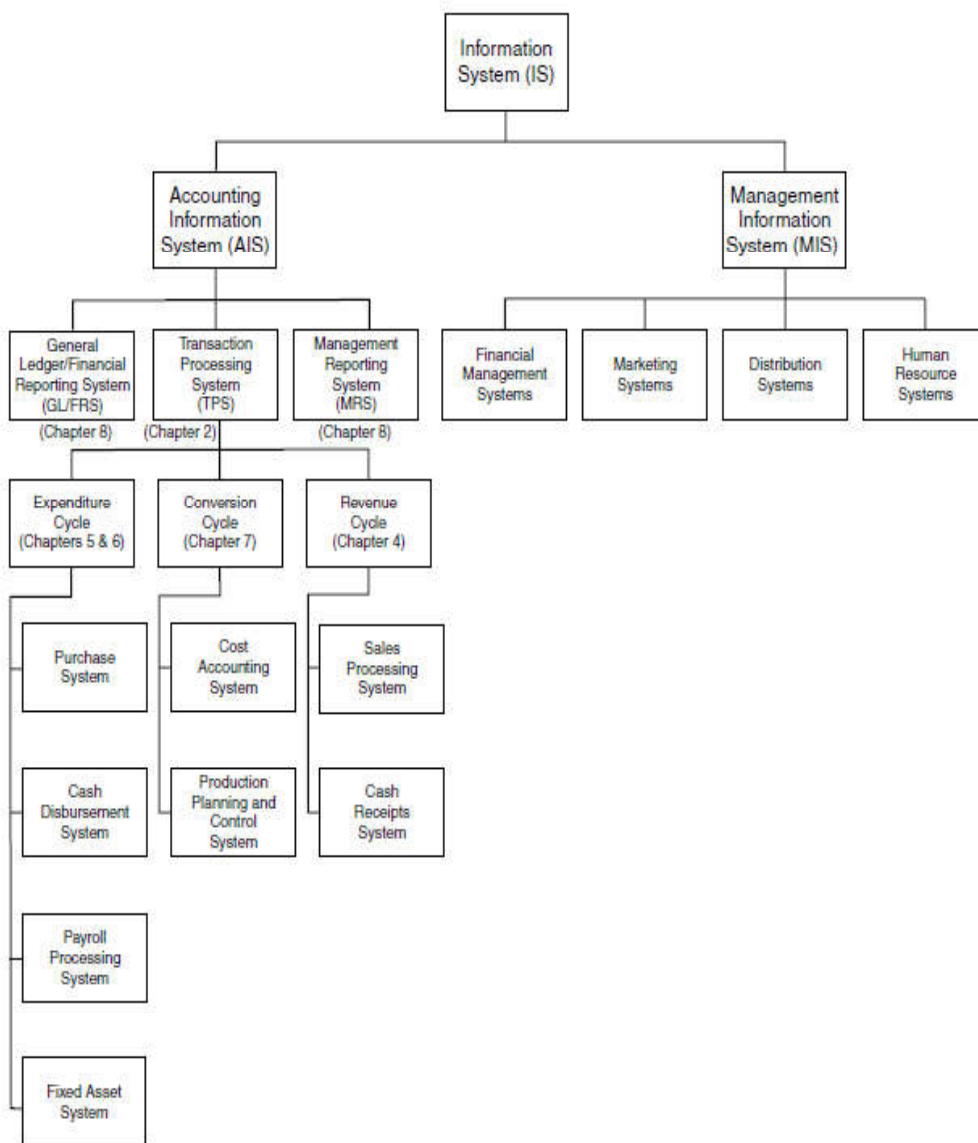


Figure 1. Hall. (2010). A Framework for Information Systems

- AIS

An accounting information system (AIS) consists of several subsections that mainly process financial and non-financial transactions that provide very important information for processing financial transactions. According to Hall (2010) an AIS consists mainly of three subsystems:

(1) The transaction processing system (TPS), which supports daily business operations with numerous reports, documents, and messages for users throughout the organization;

(2) the general ledger/financial reporting system (GL/FRS), which produces the traditional financial statements, such as the income statement, balance sheet, statement of cash flows, tax returns, and other reports required by law; and

(3) the management reporting system (MRS), which provides internal management with special-purpose financial reports and information needed for decision making such as budgets, variance reports, and responsibility reports. (p.9)

- **MIS**

Business Administration often needs information beyond the capacity of an AIS because of their growth organizations generate more specific functional areas, which require more information about production, planning and control, sales forecasting, inventory budgeting, market research etc. In this approach MIS processes non-financial transactions that are usually not processed by a traditional AIS. The main subdivisions of an AIS include:

- Transaction Processing System it has the role of registering the company's economic events in financial transactions, financial transactions in accounting records and books and delivering the necessary financial information to the operations personnel to manage their day-to-day activities.

- General Ledger/Financial Reporting Systems, these two integrated subsections have the generic role of general ledger (GLS) and financial statements and other documents especially for formal external reporting (FRS).

- Management Reporting System generates financial information for daily decision makers on budgets, cost analysis, variance reports etc. (Hall, 2010).

ACCOUNTING FUNCTION AND ACCOUNTING ROLE

In the perspective of information systems, the organization of the firm by business segments is even clearer. If we refer to the accounting function we should say that its role and its relation to information is important since that the main role of accounting function is to record the financial effect of the firm's transactions and to disseminate transaction information to employees operating firm to perform their daily work (Hall, 2010). In every business organization the accounting function is the largest source of information, and therefore accountants should definitely be considered as an important factor in designing the information system in organization, specifying clearly the general picture of AIS, as well as the accounting rules and techniques that need to be integrated during design of AIS. Thus accountants determine the needs for information, reports format, and so on. Actually accountants need also to have good knowledge of information technology contributing so to the efficient utilization of informa-

tion systems, since IS specialists do not have accounting knowledge and so AIS doesn't suffer the lack of accounting principles and control (Hall, 2010).

So the role of designing a system actually depends not only on IT specialists for the development of the physical system, but also on accountants for the conceptual system approach. The curricula of information system subject and not only, but even the professional requirements for the examination of the Certified Accountants and Statutory Auditors¹⁸ in Albania includes topics about organization, management, administration and internal control of legal entities, including also information systems and informatics.

EVOLUTION AND ACQUISITION OF INFORMATION SYSTEMS IN BUSINESS ORGANIZATIONS

What are the firm's alternatives to provide information systems including even AIS, according to Hall (2010):

We conclude this section with a brief discussion of how organizations obtain information systems. Usually, they do so in two ways: (1) they develop customized systems from scratch through in-house systems development activities, and (2) they purchase preprogrammed commercial systems from software vendors. Larger organizations with unique and frequently changing needs engage in in-house development. (p.14)

Meanwhile, firms that have already standardized and identified their information needs generally opt to use pre-programmed commercial systems sold by software vendors. According to Hall (2010):

Turnkey systems are completely finished and tested systems that are ready for implementation. Typically they are general-purpose systems or systems customized to a specific industry. In either case, the end user must have standard business practices that permit the use of canned or off-the-shelf systems. The better turnkey systems have built-in software options that allow the user to customize input, output, and processing through menu choices. However, configuring the systems to meet user needs can be a formidable task. (Hall, 2010, p.15).

- Backbone systems consist of a basic system structure on which to build. The primary processing logic is preprogrammed, and the vendor then designs the user interfaces to suit the client's unique needs. A backbone system is a compromise between a custom system and a turnkey system. This approach can produce satisfactory results, but customizing the system is costly. (Hall, 2010, p.15).

- Vendor-supported systems as custom (or customized) systems that client organizations purchase commercially rather than develop in-house. Under this

¹⁸ According to law no. 10 091, date 5.3.2009 on Statutory Auditing and Organization of the Accounting Profession.

approach, the software vendor designs, implements, and maintains the system for its client. This is a popular option with health care and legal services organizations that have complex systems requirements but are not of sufficient magnitude to justify retaining an in-house systems development staff. Indeed, this has become a popular option for many organizations that traditionally have relied on in-house development but have chosen to outsource these activities. In recent years, public accounting firms have expanded their involvement in the vendor supported market. (Hall, 2010, p.15).

THE VALUE CHAIN

The main purpose of any business along with other goals is to offer value to its consumers, because the business will generate a profit if the value it creates is greater than the cost of producing its goods. Qatanani and Hezabr (2015) about this approach explained AIS role and relation with the performance of organization:

The concept of the value chain appeared in 1985 where Michael Porter first noted in his book “Competitive Advantage” the value chain as a system for performance analysis, evaluation of all activities of the organization, and its operations to identify competitive position. The concept of the value chain has been developed as an integrated analytical method for the activities of the organization. It has also been used as a strategic planning tool for business organizations. The conceptual framework of the value chain is based on the fact that the organization includes a range of compatible activities to maximize the business value to the upper limit and lower costs to the lowest possible level. In accordance with the value chain model as developed by Porter, the accounting systems are part of the infrastructure of the organization’s activities, as one of the supporting activities that form the basis necessary to achieve the efficiency and effectiveness of the organization. (p.3)

Porter’s Value Chain Model (1985, p. 37) as shown in Figure 2 below has classified business activities in two main groups.

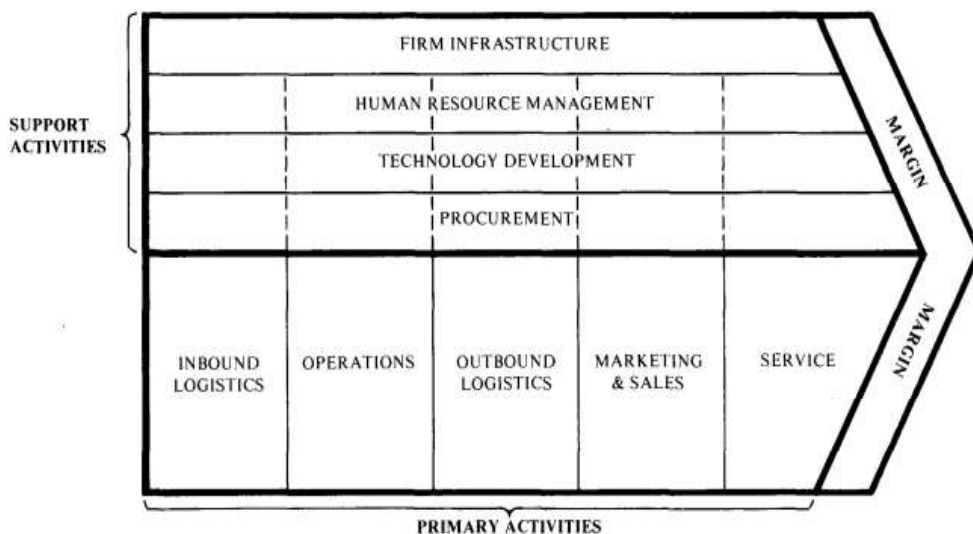


Figure 2: Porter. (1985). *The Generic Value Chain. Forleadership*. Retrieved from <http://forleadership.org/wp-content/uploads/Competitive-Advantage.pdf>

CONCLUSION

Despite the general and non-scientific opinion of many accounting specialists, of business owner-managers, certified public accountants, and employees, which perceive that AIS is not a necessity, if we refer generally most to the information that an AIS provides to external and internal users of information, about the primary and secondary activities referring to the value chain in the organization, renders the AIS role and impact indisputable in value chain of a small and medium enterprise. Accounting information system as part of the information system of business organization support the organization's decision-making and its administration, which affects the enhancement of the value chain of business and achievement of its performance goals too.

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MEASUREMENT AND ADDITIONAL KNOWLEDGE ON LEBESGUE MEASURE AND INTEGRATION

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ABSTRACT

Throughout this research we deal in detail with measure function, Lebesgue measure, outer metric measure, the construction of an external metric mass, the product mass and measure by sign of Fubini's theorem as well as the Radon-Nicodine theorem. We also deal with the integral of the function by means of Lebesgue's sums by providing some definitions of Lebesgue's integral.

Keywords: *Metric measure, product mass, Lebesgue's measure, maturity, Lebesgue's integral*

1. MEASURE PRODUCT AND MEASURE WITH THE MARK

Let X and Y be two common units. As it is known, the Cartesian production of these units is called the unit: $X \times Y = \{(x, y) : x \in X, y \in Y\}$. For each two sets $A \subset X$ and $B \subset Y$, the $A \times B$ community is called a rectangular rectangle with ribs A and B .

Let A and B be two σ -algebra subunits respectively in X and Y . Let's denote C the Cartesian production of the A and B units, that is, the assembly of all common $A \times B$ rectangles. The smallest σ -algebra $\sigma(C)$ is called Cartesian production of σ -algebra A and B and it is marked $A \times B$. It is easily verified that the collection of finite rectangles of generalized rectangles $A * B$ forms algebra. The generalized $A \times B$ rectangular in the σ -algebra $A \times B$ is abbreviated called as a measurable rectangle. Let E be a common unit of any Cartesian product $X \times Y$ and x, y two points exactly fixed in the X and Y compartments.

The equation $E = \{y: (x, y) \in E\}$ is called the x -cut of the unit E , while the compound

$E_y = \{x: (x, y) \in E\}$ is called y -joint of the E unit.

Assertion. If E is an element in σ - AxB algebra, then every x -cut E_x is an element in σ -algebra A and every y -cut is E_y an element in σ -algebra B .

Attestation. Let mark D the collection of all the subunits E of the σ -algebra AxB , which have the equality that each x -cut W_x is an element in all σ -algebra B . This collection contains all the AxB rectangulars in AxB production because in this case $\{y : (x, y) \in AxB\} = B \in B$. Moreover, this collection is an σ -algebra because

$$1. = \Phi_x = \Phi \in B$$

2. Let $E \in D$. We find that the equation $(W_x)^c = (W_x^c)$ is true. Since W_x it is the consequence that also the $(W_x)^c$, consequently the unit (W_x^c) . This fact leads to the association (W_x^c) .

3. Let $\{W_n\}$ be a set of units from the collection D . For each $n \in \mathbb{N}$ unit $(W_n)_x$. Since the collection B is an σ -algebra, it follows that the union $\bigcup_n (W_n)_x$. On the other side $(W_n)_x = (W_n)_x$ therefore $(W_n)_x$ and consequently (W_n) .

So the collection D is an σ -algebra, which contains all the $A * B$ rectangular in AxB production. This fact causes that the collection D conforms to the σ -algebra AxB and from the quality of the elements of the D collection comes out that every x -cut is part of σ -algebra B . The same way, it is shown that every cutoff is part of σ -algebra A . The assertion. Let (X, A, μ) and (Y, B, ν) be two measurable σ -finite spaces. Common function $\lambda: AxB \rightarrow [0, +\infty]$ defined by the equation:

$$\lambda(E) = \int \nu E_x d\mu(x) = \int \mu E_y d\nu(y)$$

is a single σ -finite mass in AxB that verifies the equation $\lambda(AxB) = \mu(A) \cdot \nu(B)$

Note. The function λ is called the product of the measures μ and ν and symbolically is denoted as $\lambda = \mu \times \nu$. The measurable space $(X \times Y, AxY, \mu \times \nu)$ is called Cartesian output of measurable spaces (X, A, μ) and (Y, B, ν) .

The output of AxB rectangles are also called measurable rectangles because for each rectangle $A \times B$ in AxB production as it is shown before we have $A \in A$ and $B \in B$.

2. FUBIN'S THEOREM

Let be $f: X \times Y \rightarrow [-\infty, +\infty]$ a function defined in the production $X \times Y$. The function $f_x: E_x \rightarrow [-\infty, +\infty]$ defined by the equation:

$f_x(y)=f(x, y)$ for each point $y \in E_x$ is called x -cut function f . The function $f_y: E_y \rightarrow [-\infty, +\infty]$ defined by the equation: $f_y(x)=f(x,y)$ for every $x \in E_y$ called y -cut of function f .

The link existing between the double integral of a measurable function h and its repeated integrals gives the theorems below.

Theorem 2. 2. (Fubini G 1879 - 1943). If h is a measurable and non-negative function in the $X \times Y$, then the f and g functions defined above are measurable $\iint h d(\mu \times \nu) = \iint h d\mu d\nu = \iint h d\nu d\mu$ (*) Attestation. If h is a characteristic function of a unit E , then $\int h(x, y) d\nu(y) = \nu(E_x)$ dhe $\int h(x, y) d\mu(x) = \mu(E_x)$.

From the statement IX.1.9 the statement is true. From linearity, the statement is true even in case when h is a simple non-negative function. When f is a non-negative measurable function, there is a simple non-negative range of functions $\{ \}$ that converges everywhere in h function. From the Lebesgue's theorem on the monotone convergence we have the $\lim_n \int h_n d\lambda = \int h d\lambda$.

Let x denote $f_n(x) = \int h_n(x, y) d\nu(y)$ for every $n \in \mathbb{N}$. The string formed by this equation is a range of measurable and non-negative functions. Based on the Lebesgue theorem on the monotone convergence we write $\lim_n f_n(x) = \int h(x, y) d\nu(y) = f(x)$ Thus f function is a measurable and non-negative function, even $\lim_n \int f_n d\mu = \int f d\mu$

Since equation (*) is true for each function h_n and equation $\int h_n d\lambda = \int h d\nu$ is taken as the equation $\int h d\lambda = \int f d\mu$. Similarly it is proved that the function g is a measurable and non-negative function and that the equation is true $\int h d\lambda = \int g d\nu$.

Theorem 2. 3. (Fubini G): If h is an integrative function in the $X \times Y$ unit, then almost all the cuts of h function are integrative functions, even functions f and g are also integrable and the equalization (*) is true .

3. MEASURES WITH SIGNS

As we have seen a function of measure is a community function that receives non-negative values. In the study of unity functions a special interest is given to the study of the functions of the units that have the properties of a mass function, but which do not necessarily have non-negative values. In this chapter we will deal with the handling of such functions.

Definition 3. 1. 1

The common function $\mu: A \rightarrow [-\infty, +\infty]$ is called a measure with the sign if:

- a) The union of the definition of this function is a σ - algebra.
- b) $\mu(\Phi)=0$
- c) The μ function takes one of the $(-\infty)$ or $(+\infty)$ values.
- d) The function μ is a numerable additive.

It is clear that a mass function is a function with a sign and that any linear combination with a real function coefficient that is not associated with the difference $(+\infty) - (-\infty)$ is also a function with a sign. We will show that every function with a sign

$\mu: A \rightarrow [-\infty, +\infty]$ is given as the difference $\mu = \mu_1 - \mu_2$ of two mass functions μ_1 and μ_2 defined in σ - algebra A .

RADON-NIKODIN'S THEOREM.

The theorem: let (X, A, μ) be a measurable- finite σ space, where μ is a mass and ν a mass with finite sign σ in A , absolutely constant in relation to the μ measure.

Then there is a function $f: X \rightarrow \mathbb{R}$ such that $(\nu)_E = \int_E f d\mu$ for every measurable E unit that meets the condition $|\nu|(E) < +\infty$. If g is another function that confirms the equation: $(\nu)_E = \int_E g d\mu$ for each measurable E unit that meets the condition $|\nu|(E) < +\infty$, then $f = g$ almost everywhere in relation to the μ measure.

Note that function f is integrable only when $(\nu)(X) < +\infty$. So if $\nu \leq 0$ and $|\nu|(X) < +\infty$ then ν is an indefinite integral of any integrative function f .

Let us also note that if f is a measurable function, then the unit function $\nu(E)$

$$\text{is defined for each measurable unit } E \text{ such that: } \int_E |f| d\mu < +\infty,$$

meets the condition $|\nu|(E) = 0$ if $|\mu|(E) = 0$. Furthermore if f is an integrable

function in a measurable E unit, then $|\mu|(E) < +\infty$, from the above derivative 4.4 function $\nu(E)$ is absolutely continuous according to definition 3.6.

SUPPLEMENTS FOR THE MEASURE AND THE INTEGRAL OF LEBESGUE

On the classic definition of maturity

We recall some concepts about the measure of Lebesgue and the measurable

units of Lebesgue.

Definition The outer mass μ_o^* of Lebesgue in R is the function $\mu_o^*: P(R) \rightarrow [0, +\infty]$ such that:

$$\mu_o^*(A) =$$

Definition 1.2 Community A is called measurable Lebesgue if it is μ_o^* measurable for the outer mass μ_o^* of Lebesgue to R .

Assumption 1.3 A necessary and sufficient condition for a unit of $A \subset R$ to be measurable Lebesgue and finite mass is to fill the equation: $(\mu_o)^* A = \mu_o^* A < +\infty$.

Definition 1.4 A limited unit $A \subset R$ is called L-measurable if the equation $(\mu_o)^* A = \mu_o^* A$ is completed.

Let A be a common unit (limited or not) in R . Let mark with A_σ the constrained unit $A_\sigma = A \cap \sigma$ for each finite interval σ in R and enter the definition below.

Definition 1.5 The $A \subset R$ unit is called measurable-L, if any unit of the A_σ formula is a limited-L-measurable unit (ie L-measurable). Note that when A unit is limited and L-measurable, then each A_σ unit is L-measurable as a cut of two such units.

On the other hand there is an interval $\sigma = (a, b)$ such that $A \subset \sigma$, therefore $A_\sigma = A$.

It follows that a limited unit A is the L-measurable unit only when it is a L-measurable unit. For this reason, the above definition can be taken as a general definition of the L-worthiness of any (limited or non) unit in R .
Metric outer measure

Let (X, d) be a metric space.

Definition 2.3. An external measure function $\mu^*: X \rightarrow [0, +\infty]$ is called a metric outer measure if the following condition is met

(*) For any two units A, B such that $d(A, B) > 0$ is true of the inequality:

$$\mu^*(A \cup B) = \mu^*(A) + \mu^*(B)$$

Theorem 2.6. If μ^* is a metric outer measure, then each closed congruence is μ^* -measurable.

Definition 2.7 σ - The smallest algebra in the metric space (X, d) that contains the open units in X is called a collection of Borel units in X and each community of this collection is called Borelian or simply Borelian unit in X . To maintain terminology the collection of Borel units in X is marked with $B(X)$.

Assumption 2.8 If μ^* - is an outer metric space in the metric space (X, d) then each Borel unit in X is measurable μ^* -

The construction of an outer metric mass is done by proceeding under certain

conditions that are listed below. Let K be a class of subunits in a metric space (X, d) that contains the idle unit and constitutes a coverage by the conjugate arrays of X units .

Let us denote for every natural number n with $\mathcal{K}_n = \{A \in \mathcal{K} : d(A) \leq \frac{1}{n}\}$ with $d(A)$ we have the diameter of unit A . (we accept that the diameter of the idle unit is zero).
 Assumption 3.1 Suppose that we are in the above condition and for each unit $A \in K$, for every number $\varepsilon > 0$, and for every natural number n there is the string of units such A_k such that $A \subset \cup_{k \geq 1} A_k$ and $\sum_{k \geq 1} \lambda A_k \leq \lambda(A) + \varepsilon$

Then the outer mass in X defined by the pair (K, λ) complies with the external metric mass defined in Definition 2.3.

Integral of a mathematical function in a subunit

We recall that the following statement is true statement 4.1 Each function $f: X \rightarrow \mathbb{R}$ is integrable in the unit X is integrable in each subunit $A \subset X$.

Statement 4.2. Let $f : X \rightarrow \mathbb{R}$ be an integer function in X . Then
 A) For each measurable subunit $A \subset X$ is the true equation $\int_A f d\mu + \int_A^c f d\mu = \int_X f d\mu$.

If $A \subset B$ and then $\int_A f d\mu \leq \int_B f d\mu$ then $\int_{B-A} f d\mu = \int_B f d\mu - \int_A f d\mu$.

CONFIRMATION

a) For the A and A^c units there is a reconciliation position:

$$f \cdot \chi_A + f \cdot \chi_{A^c} = f, \text{ therefore } \int_X f \chi_A d\mu + \int_X f \chi_{A^c} d\mu = \int_X f d\mu \text{ ose } \int_A f d\mu + \int_{A^c} f d\mu = \int_X f d\mu.$$

b) Since $A \subset B$ then $f \cdot \chi_A \leq f \cdot \chi_B$ and $f \cdot \chi_{B-A} = f \cdot \chi_B - f \cdot \chi_A$

Statement 4.3. If the function $f : X \rightarrow \mathbb{R}$ is integrable in the A unit then the function f is integrable in each subunit $A' \subset A$. If $A = \cup_n A_n$ for $(n \in \mathbb{N}$ and A_n units are not cut with each other, than

$$\int_A f d\mu = \sum_n \int_{A_n} f d\mu$$

Definitive definitions of Lebesgue's integral

Definition 6.4. Integral of Lebesgue of a measurable and not-negative function $f: X \rightarrow [0, +\infty[$ is called the numerical size (finite or non) given by the equation:

$$\int f d\mu = \sup \{ \int g d\mu : g \text{ scalable and } 0 \leq g \leq f \}$$

This definition is often used by many authors to address the class L and the integral $\int f d\mu$ of Lebesgue of a measurable function in the X unit, $f: X \rightarrow [-\infty, +\infty]$, respectively by the difference $\int f d\mu = \int f^+ d\mu - \int f^- d\mu$ and the equation $\int f d\mu = \int f^+ d\mu - \int f^- d\mu$ if this difference is not in the form $\infty - \infty$

CONCLUSIONS

Mass function is a unity function that takes non-negative values. In the study of function units a special interest is given to the study of unity functions that have properties of a measure function, but which do not necessarily have non-negative values. Such a case is precisely the measure with sign function.

We have addressed some concrete supplements related to the measure of Lebesgue's mass, the metric measure in a metric space, the integral of Lebesgues in a measurable space, and analogous definitions of Lebesgue's integral.

We treated the connection between the maturity and the integral of Lebesgue

We discussed the significance of the measure of the sign, the convergence theorems of Lebesgue's integral, and the Radon-Nicodine theorem.

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RIGHT, GOVERNMENT AND STATE IN THE SKANDER-BEG PERIOD

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ABSTRACT

Referring to the history of the Albanian state, we can say that the period of Skanderbeg's rule is considered by law scholars as one of the most varied and successful periods in terms of the constituent elements of the organization and functioning of the first independent Albanian state.

Referring to the history of the Albanian state, we can say that the period of domination in this framework is numerous, but the testier documentation is weak, this is also related to the long extension of later conquests in the history of our state from the Ottoman invaders.

However, this fact did not stop the doctrine from deepening the analysis of the study of law, governance and power in the period of Skanderbeg, since all three of these elements together with their particular characteristics best identify the history of a nation and its values as well as the foundations of an independent Albanian state, even though for a short period of time.

Scanderbeg's period is a shining period for the history of our nation, which marks indirectly and has influenced the creation of a sovereign state today, as history has proved that the foundations of the organization and functioning of an independent unitary state are rooted precisely in this period and have been strongly lobbied by Albanian rebirths, to this day.

Before we pass on the analysis of power in the Skanderbeg period, a historical approach is needed in terms of the concrete conditions and circumstances in which this state formation was created, which have influenced the form of its organization.

1. THE FOUNDATIONS OF THE STATE DURING THE PERIOD OF G.J. K. SKANDER-BEG RULE

As already known, in the XV century, Western societies were still organized

on the basis of the feudal regime, where the feudal lords extended their possessions and defined their power on the basis of feudal ownerships. The same structure of organization was also applied in Albania during the period of Skanderbeg, where various feudal princes were entitled to long-standing rights and privileges within their feudal lands.

The foundations of the independent state of Skanderbeg are identified with the moment of the establishment of the “Albanian League of Lezha” or the so-called “League of Princes”, held on March 2, 1444, which served to strengthen and well organize the war against the Ottoman invaders, established as a political and military alliance between the Albanian feudal lords.

The Albanian generous people, who committed to help in the war by providing soldiers and monetary contribution, retained their own feudal rights under their possession, as well as the right to waive from the League without suffering any penalty or sanction. Once again this proves that during its beginnings, the League served merely as an alliance for union against invaders.

This alliance decided that Skanderbeg would be the chairman of the League only in respect of the joint war against the Ottoman invaders and would not intervene in the administration of the other feudal possessions, being merely the owner of his own possessions and commander of the League Army.

Despite Skanderbeg’s leading and commanding role in the “League of Albanian Princes,” his legal position during the first years of its existence was not that of a monarch, but that of the “*leader among equals*”¹⁹ being widely accepted from the feudal. From a political point of view, the Assembly of Lezha was the only body at national level within which the first reunion of the Albanian people and the Albanian feudal class in the fight against the Ottoman invasion was established. From a juridical point of view, the Assembly of Lezha was a constitutional body, which was followed by the establishment of important bodies for the country, such as the “League of Albanian Princes,” the command of the army under the leadership of Skanderbeg and the joint funds for war management.

However, besides this, the environment created due to the fallout and the splitting of the feudal lords became a major obstacle to the further success of the war, which required the mobilization of all human and material resources of the country that could only be realised through the concentration of all political powers in the hands of a single sovereign. The independence of the actions they were entitled to and the right to waive from the Albanian League, especially in the most critical moments, was a permanent risk to Skanderbeg, who was primarily responsible for the war, especially when the enemies profited from their attitude.

The need for further development of the war made Skanderbeg to break the particularity established with the sole purpose of empowering the ideal and common goal of the war against the invaders, in cooperation with the Albanian

19 *Lat: primus inter pares.*

feudal lords. The Albanian army established for defence purposes was directly placed under the leadership of Skanderbeg, which helped each feudal to save its possessions from the Ottoman danger. Such event increased his confidence by rooting the conviction that without his leadership, the feudal lords would appear weak in facing the Ottoman invasion.

We must acknowledge that for the interests of the war, Skanderbeg disregarded the privileges of the feudal lords by eventually violating the boundaries of their possessions and by placing allies' military garrisons in their castles, therefore affecting their rights and immunities. Under these conditions, the possessions of small feudal lords started to be used for the needs of the country and this directly affected their special powers.

The most important moment, which marks the establishment of the first and independent state under the leadership of Skanderbeg, would be the great victory of Skanderbeg during the war and defence of Kruja. The prestige and authority gained from this victory both inside and outside the country further eclipsed the authority of the Albanian generous people, thus causing the merge of their possessions with those of the Kastriot possessions, within a single state unit, therefore establishing the independent Albanian state under the leadership of Skanderbeg.

Such reform process continued uninterruptedly during the later years, causing great complaints in the ranks of the large feudal lords. Under these conditions, being unable to prevent Skanderbeg's empowerment, some of them began to leave the Albanian League, seeking support from Venice, or even switched to open betrayal, joining the Ottomans.

At the end of the war against the feudal lords, the Albanian League of Lezha almost vanished its meaning, exactly when the Albanian state was further empowered and was shaped under a very concentrated nature.

2. GOVERNMENTAL ORGANISATION OF SKANDERBEG STATE

The state established by Skanderbeg represents a new stage in the political organization of Albania during the middle Ages and the first independent unitary state in the history of Albania, a genuine state organization. The state was organized in the form of a feudal monarchy, where Skanderbeg's position was that of a monarch and the title he used was "Lord of Albania".²⁰ Among the main bodies established by Skanderbeg for the functioning of the state are as follows: The Head of the State, the Assembly of the Nobles, the High Council and the Council of War.

The Head of State, Skanderbeg, led all other state bodies and stood at the top of the state pyramid by establishing all the country's policies.

Albanian Assembly of Princes - This Assembly operated both before and after

the establishment of the centralized state under the leadership of Skanderbeg, as a body in charge for the union of the entire Albanian feudal class in the fight against invaders. It stood as an institution for as long as Skanderbeg lived, and through this institution, the unity of the Albanians was preserved.

The High Council²¹- was a permanent advisory body to the head of the state, which expressed the interests of Albanian nobles and reviewed important issues of internal affairs of the state or its relations with other countries.

The War Council had a limited activity and was mainly convened during combat actions to assist the general commander of the Albanian Army, Skanderbeg. The commanders of military units were members of the War Council.

In addition to the above mentioned bodies, which expressed the general organization of the state apparatus of the country, other state bodies were involved, addressing several organizational, military, economic-financial, or foreign affairs. The state apparatus was extended throughout the entire Albanian territories and acted according to the administrative divisions of the country.

In the independent Albanian state, nobles managed to retain the previous rights to some extent over their possessions and performed the task of the former officials of the Byzantine state administration, acting as vicegerents of the head of the state, Skanderbeg. The administrative and military apparatus of the provinces under their jurisdiction were their subordinate.

The administrative apparatus of a province was usually headed by a voivode. The following were under his authority: the cephalics, the commanders of the garrisons of the castles, the psars who were officials of the administration, and the perpetrators and heads who, as small feudal lords, were obliged to collect taxes for themselves and for the central government and to go to war. There was also another economic-financial apparatus with the head of the state in charge for the administration of the state's revenue and expenditure, run by the protovestiary and his assistant, the person in charge for the safeguard of the treasury.

Particular attention was paid to relations with other states, for the maintenance of which Skanderbeg had established a special apparatus composed of chancellors and ambassadors or other assigned persons. Albania maintained good relations with Ragusa, Naples and Venice, also dictated by the common interest in the fight against the Ottomans. Chancellors drafted a variety of papers in foreign languages, such as treaties to be signed with other countries, acts of representation for persons in charge of various missions, diplomas and public acts, etc.

Skanderbeg provided his ambassadors, diplomats and oratories with special powers and thus they were entitled to represent him and conclude and sign on his behalf, as head of state, important treaties with kings and heads of foreign states. With regard to the country's position in the international arena, we can highlight

²¹ *Scanderbeg's biographers, M.Barleti and Dh.Frëngu have often cited the existence of a consultative council, also elaborating on its operational functioning.*

that thanks to the alliances and work of the ambassadors dictated by Skanderbeg, many states came to recognize Arberia as an independent state.

3. POLITICAL ORGANISATION DURING SKANDERBEG PERIOD

Concerning the economic organization, Skanderbeg devoted special care to the preservation of domestic economic resources, which supported the war by providing residents of free territories with free economic development, with the aim to provide their contribution in case of need during the war.

Skanderbeg was a skilled strategist and warrior and thus knew that the successful coping with the Ottoman invaders first of all required the establishment of a skilled and high-quality combat army. In this way, he concentrated the entire army in his hands, becoming commander-in-chief.

As a good connoisseur of the Ottoman army, its organization and its armament, from the very first beginning, Skanderbeg focused the organization and empowerment of the country's military forces in the ability to cope with such a powerful opponent. The Council of War stood besides him with the aim to provide counselling during military actions. The Council consisted of the most prominent commanders, who were usually elected from the nobles.

Skanderbeg also paid special attention to the organization of intelligent detection. Albanian detectives were found everywhere in the neighbouring provinces, in the area where the enemy army was marching, standing and operating, and at the centre of the Ottoman Empire. They provided data on strategic, operational and tactical character, related to the time of the arrival of the enemy army, the size of the organization, the movement of its combat operations, etc.

4. POWER DURING SKANDERBEG PERIOD.

Based on the evidence testifying Skënderbeu's glorious period, we can say that he managed to establish a power centralised in his hands as the only way against the Ottoman invasion, together with the establishment of a strong state organization with the rights of a monarch feudal.²² Skanderbeg exercised the rights of a monarch as head of state in all areas of governmental activity, both in relations with their citizens, as well as with regards to Albania's relations with other countries. He was the leader of all state apparatus structures, which executed his orders, by proclaiming decrees, as normative acts, for the distribution of land and other properties to persons who were distinguished in military and civil activity, for the expropriation of those who prejudiced state interests, etc. Skanderbeg issued orders for the tax system, the customs regime and other obli-

²² *In 1464, Skanderbeg was crowned king by Pope Pius II, an exclusive right of the head of the religion;*

gations due to its citizens, based on the feudal law.

Likewise the above state decision-making, advisory, military, financial and economical institutions and relations with other countries, the judicial apparatus was also subordinated to the head of state, Skanderbeg. He exercised the right to imprisonment, confiscation of property, fines, etc. and amnesty of his citizens for various punishments and violations of the laws.

Acting as a monarch, the power of Skanderbeg was inheritable. When he left the homeland and travelled to important missions in other countries, his rights as head of state were exercised by his wife Donika, since his son was still a minor. The court counsellors assisted her in performing state duties.

5. THE RULE OF LAW IN SKANDERBEG STATE.

The rule of law in Skanderbeg state was of a feudal type, which protected socio-economic, political and legal inequality.²³ This is because of the feudal environment established at the international level, where normative acts and decrees were the main sources of law. However, we need to acknowledge that in addition to the secular, Byzantine - Roman criminal law, sanctioned by the central government, the traditional customary law already existed and was preserved with the additions and amendments carried out in time and under the new circumstances of state existence, as well as the ecclesiastical right to a particular category of civil affairs²⁴.

We can say that the rule of law during Skanderbeg period was a right developed over time to the present day and served to unify and empower the country by the end of the feudal fragmentation. Genuine law existed and interacted in harmony with each, such as: criminal law, civil law, canonical and customary law, each of which with its own special characteristics for each particular area of everyday life activities.

In the justice system, the criminal law occupied an important place because of the circumstances and the environment of the war, since it carried out defence function such as espionage and betrayal crimes against foreign occupation.²⁵ According to Marin Barlet, at that time, notions of criminal law were used, such as the notion of crime and necessary protection, etc.²⁶ Moreover, the punishment types and measures for serious crimes are recognised, especially for espionage and betrayal. The crime of betrayal was sentenced to death or life imprisonment.

23 *Historia e popullit shqiptar, Volume 1. "I lirët, Mesjeta, Shqipëria nën Perandorinë Osmane gjatë shek. XVI - vitet 20 të shek. XIX."*, Akademia e Shkencave e Shqipërisë, Institutit i Historisë, Shtëpi botuese "Toena". Tirana, 2002.

24 *Group of authors, "Historia e shtetit dhe e së drejtës në Shqipëri"*, Luarasi University Press, Tirana 2011.

25 *Elezi, I. "E drejtapenalenështetin e Skënderbeut"*, Tirana 1983

26 *M.Barleti quoted that Skanderbeg, in one of his speech said that: "However, if this should be considered more a crime than necessary protection ... judge yourself" (p.472)*

This sentence was executed by Skanderbeg against his nephew Hamza Kastrioti. After his betrayal, he was captured and sentenced. After that, Skanderbeg ordered not to sentence him to death. Instead, he sentenced him to imprisonment in Naples prison. As a complementary punishment, the sentence of confiscation of property was enforced, as applied to the case of Moisi Golemi.²⁷ Thus, in addition to the sentences, the customary criminal law also recognised the institute of amnesty established by Skanderbeg.

Apart from the elements of criminal law, as an integral part of the criminal justice system, other well-known procedural criminal norms were also known and applied, together with the organization and functioning of the courts. Skanderbeg, as head of state, was entitled to judge and condemn the feudal generals themselves for the crimes they committed. He was entitled to this rights in the quality of the head of the state and head of feudal lords²⁸ whereas, as far as the free villagers and the territorial communities (villages) are concerned, especially in those areas where the feudal system was not yet established, judgements and punishments were carried out by the elders' court established ad hoc by custom men.

The customary criminal law of Albanians operated in the remote mountain regions, where the central power of Skanderbeg was more difficult to penetrate and it contained the main criminal law entities providing criminal acts and criminal sanctions.²⁹ The judgement of criminals was carried out by the elders' court, who had enough experience and demonstrated impartiality in dispute resolution, by being voluntarily applied by the parties, without applying the stringent powers of the state, but through the power of law and morality.

The customary Albanian law during this period was based on the establishment of the Skanderbeg Canon, which contained the norms of customary law acknowledged and implemented by Skanderbeg³⁰. These norms were inherited from generation to generation and played the role of the genuine Albanian constitution, by providing the rights and obligations to citizens.

A special place in the Albanian customary law plays the institution of owe. Owe was a national cult playing an essential role in the communication among Albanian nobles with foreign countries as the Albanian word "Owe"³¹.

27 *The ritual of the request for amnesty is similar to what was applied in Labëri, with the exception that in Labëri the person tied a vine in his neck, not in his belt. Such rituals, likewise the punishments, are under the influence of the Byzantine-Roman law, which broadly envisioned body convictions. (Elezi, I. Kanunii Labërisë, Toena, Tirana 2006)*

28 *Group of authors, "Historia e Shtetit dhe së Drejtesnë Shqipëri", III Edition, Luarasi ISBN 99927-856-8-3; 2005*

29 *Elezi, I. E drejta zakonore penale e shqiptarëve, Tirana 1983.*

30 *Ilija, F. "Kanuni i Skandërbegut", SH. B La Rosa, Milot 1993.*

31 *In a letter of 1420 to the Republic of Ragusa, instead of the names of Lord and Christ used as a formula of worship, Scanderbeg wrote in 1460: "Lets keep the owe, for which we have been facing great dangers, although to protect it I have always been facing the death."*

In the field of civil law, Romano-Byzantine law institutes were recognized and established. The right applied in Albania during the Skanderbeg era was developed and included a range of norms in different fields of life.

Standing first, marriages were considered as an important institution in the ranks of Albanian feudal nobles. They were also considered as political acts aimed at strengthening relationships between Albanian nobility and were often crowned by Skanderbeg.

Regarding ownership, the property, especially the land, was inherited along the male line and, in the absence of boys, along the feminine line. When daughters of the family got married, she was given as a dowry part of fatherly property, money or property, which were notarized under her name. Thus, during this period we can also mention the notary function, which plays a role in the authentication of factual evidence. Along with legal inheritance, other types of inheritance based on will were also recognised.

In the area of land ownership, through the normative acts of contracts, the variety and amount of monetary liabilities was determined for different in-kind products and work that the landless villagers were due to landowners, as well as landowners to their lords and the state.

Likewise, entrepreneurial contracts were signed between workers and specialists of various skills, construction, weapons, etc., which defined the time frames of services and their payments. Withdrawal of money was proved by a document called public certification.

Church Law (Canonic / Religious) - In addition to the secular right, in Albania during Scanderbeg era, as in all Medieval and Feudal Europe, the religious right of the Catholic and Orthodox rite was operational throughout the country. Scanderbeg repeatedly exercised and expressed his gratitude to the church for its existence and for the daily charity activities.

6. CONCLUSIONS

Concluding this study, we can say that Skanderbeg era is deeply marked in the history of the Albanian nation as one of the most glorious periods in which an independent Albanian state was founded for the first time, by overthrowing the roots of the old feudalism regime. The newly established state continued to have a feudal character. This was considered as inevitable in the feudal Europe environment, but what is worth noting is the fact that Skanderbeg brought a Western spirit and development into the organization of his unitary state.

The study of all elements of law during this period aims to highlight the cultural and juridical values contained and preserved as a historical monument of Albanian legal culture, even today. The state organization of the Skanderbeg period is one of the most accomplished organizations, an example still followed in the current period in which we live, which normally getting more and more

perfect depending on the circumstances is created.

It should be acknowledged that the complete documentation on the development and structuring of the state foundation of the Skanderbeg period is missing, but what is evident is that the relevant studies are not lacking and they are widely addressed in Albanian and foreign literature, starting with Skanderbeg's story, written by Marin Barleti and many others³², as well as Prof. AlaksLuarasi³³, which helped us shed light on this glorious period for our country.

The deep mountainous communities that were self-governed were protected by the customary criminal and procedural criminal law norms. However, these were recognized and followed in verbal tradition from one generation to another, with the additions and changes dictated by practice and needs of everyday life. Self-defence through the customary criminal and procedural criminal law norms involved protecting the entire community, life, health, honour and personal dignity, family, freedom, private property, and other relevant values.

Moreover, unpublished customary criminal norms provided important elements of criminal justice and have played an important role as a self-governing constitution of local self-government. Meanwhile, it has served as a form of general resistance against the laws of foreign invaders, in defence of national identity. It should be acknowledged that these norms have been continuously inherited even nowadays in a large part of our country, especially in northern Albania, being widely applied by Albanians.

It is true that there are genuine judicial and police bodies in these countries, which are able to balance and protect the violation of rights, but, moreover, customary norms are preserved and applied in the country. One of these norms which must be admitted that it continues to be fanatically kept and constitutes a negative phenomenon for society is blood feud, inherited since the Skanderbeg period and degrading the Albanian justice.

It should be acknowledged that the positive side of customary law is present over time and the achievement in the modern era in which we live is that the unwritten norms were turned into written norms by drafting the Constitution of the country and protecting the rights of individuals.

Regarding the judicial system in the Skanderbeg era, it was practiced by Skanderbeg himself, mainly for the Albanian feudal lords and the elders' council for the other population, judging serious crime figures for society. What must be accepted is that the previous system of the elders' council represents an archaic system of judgement, due to the lack of appropriate education. While acknowledging that state organization in the area of the judicial system today is perfected by marking its direction from Western countries by applying democratic principles.

The governing bodies of the Albanian Covenant emerged with the features of a central government, whose influence was becoming stronger and stronger

32 Barleti, M. "Historia e Skënderbeut", Tirana 1967, pg.125, 300

33 Luarasi, A. Shteti dhe e drejtashqiptare në epokën e Skënderbeut, Luarasi, Tirana 1998.

over all the free Albanian lands, and the administrative and economic apparatus of other Albanian nobles became part of these bodies. The free Albanian lands were thus included in a single state administration, which had the features of a feudal monarchy.

Skanderbeg's law norms also provided for coercive measures against criminal offenses against the life, health, property and interests of particular individuals, social communities and state institutions. Penalty measures against criminal offenses were varied and scalable. Persons who directly or indirectly hurt the property of others who did not fulfill the obligations to their lords and who abandoned their properties were forced to indemnify, otherwise punished even more seriously.

Right to Albania was a historic legacy that had its own national individuality. Some norms of law have evolved over the centuries in line with the development of Albanian society. Owe stood fierce and was widely applied in the morals and lives of the Albanians over the social differences, whereas customay law excluded religious beliefs they had, and the non-Albanian element of the right law excluded such equality.

This proves that the doctrinal right as a historical legacy has naturally been the foundation of the social activity and the state legislation of Albanians during the century. XV. Therefore, for this reason, Skanderbeg's political and legislative activity found broad social support, in spite of the fact that the Ottoman invasion jeopardized the economic, social, religious and cultural interests, politics, etc., of all strata of Albanian society.

The state organization of Albanian society during the Skanderbeg era and the previous centuries of the Middle Ages has been established on the basis of a written legislative corpus. Part of this legislative corpus were also the statutes of Albanian cities, which, according to historical sources of time, were written.

These prove best that state and social activity in Albania developed on the basis of a written legislative corpus. This organization has been inherited to the present day in the form of a unitary parliamentary republic, where the bodies are well-defined and with special functions through the creation of relevant ministries, normally similar to the organs of that period, but perfected according to their needs of the modern period in which we live. There are already legal norms and written laws defined in the Constitution of the country as well as in the relevant legislation, from which the relevant state bodies take over.

The Albanian state, united under Skanderbeg, had its own symbols, based on the local tradition and expressed its sovereignty. The above mentioned symbols and evocations testify to his humanist cultural formation and show that he relied on the local tradition to give a more national spirit to his state and the struggle of Albanians against the Ottoman invasion. The same structure has managed to be inherited today, where the current Albanian state owns its own symbols and the Albanian flag expressing in this formality on the international arena.

Skanderbeg called the place “Arberia”, a name which has become “Albani” nowadays, which includes all the Albanian lands defined at the Conference of Ambassadors in London in 1913, and which reflect the process of creating a single state in Albanian free lands.

It should be acknowledged that today’s Albanian state has not at all been easy to create and maintain the independence gained during the Skanderbeg period because of the historical circumstances we are all aware of.

What is worth mentioning is the fact that the foundations of our state have been deeply rooted in the glorious era of Skanderbeg, an era that many generations have been referred to in the rise and consolidation of the present state, as regards ideals, and in terms of organization.

Finally, in this context, we can not fail or remove a parallel with the fact that the current period of political and institutional decision-making resembles to some extent the American Confederation, and then with the American Federation, here is the type the consultative organization and the style of governance.

The Skanderbeg government’s period has served for a number of churches, institutes and research centers to explore this period and the style of government and the state.

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ENVIRONMENTAL DESIGN FOR A QUALITY ARCHITECTURE

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ABSTRACT

A bioclimatic oriented architecture, offers more natural and efficacy alternatives, without resources waste and without the use of materials that are not properly healthy. It's only an example how an unfit design of the building organisms has contributed in the favoring, of market drive, in the recourse of the additional simple solutions, which sometimes brings additional aggravated conditions and living spaces degradation. The design of the manufactured buildinilvags and its surroundings remains today an urgency. As a result the research should be based on the new environmental ecological requisites and over new qualitative parameters.

Keywords: *Ecological transformation, Thermal performance, Microclimatic biophysics factors*

1. INTRODUCTION

According to a synthetic definition commonly accepted, are defined as sustainable choices those who refer to development models that allow the satisfaction of the actual needs without interfering in the future essential's satisfaction.

To design and construct an eco-compatible building and to qualify an urban area, being it central or suburban , means to demonstrate in a punctual and objective way the strategy of the urban renovation in the perspective of transformation and recuperation of the building resources of the new and old construction.

This is a difficult assignment because of its complicity of application of the environmental performance related to the biological key.

The definition of these goals requires the knowledge of the game variables,

the construction mode of new physical assets, by also taking into consideration the organization, management and adaptation of the existing ones by allowing the maximization of evaluation of the biophysical factors, and local microclimatic for an overall improvement of the life conditions and intensity of the reciprocal influence in a way that derives the design process for intense and controlled criteria.

The final product of the building process interacts with the environment and becomes an integral part of it, so it results to be fundamental the study of the indoor and outdoor environmental quality aspects. [1]

2. LITERATURE REVIEW

To start such a process means development, progress and it shows a change towards a preferred situation compared to the current one. So it derives positive transformation to the people that are present not only in the quantity aspect but also qualitative, by answering basic requisite in the direction of the sustainability that predicts the growth of efficacy in the first place. Furthermore it sustains settlement systems and build shapes compared to the growth of fluxes and their dissipative mechanisms.

In the second place – the production of trash and pollutants is in fact grown in a progressive way as a result of the economic and consumption progress[2] by giving importance to the problem aroused for analysis of the congruent assets of the urban areas in the technological and typo morphological profile. This is achieved in relation with their effect in the environmental and local context from one side, and their capacity to assure sufficient conditions of living space build by others.

The capillary diffusion of the local projects funded by this principles constructs the strategic antidote of the actual degradation processes and territory [3]

Natural solar warming:

- Solar warming catch;
- Assembling;
- Distribution;
- Conservation;

For the bioclimatic architecture we understand that type of architecture that reduces the energetic consumption necessary for acclimatization (warming, air conditioning, and lighting) by limiting as a result the environmental pollution, with the use of architectural drawing; with the objective to go a lot further in the understanding of the term, solar architecture or passive architecture.

In this sense is required the affiliation revelation and the approach interest related to bio architectural terms, of the sustainable buildings and the projection and ecological requalification of the settlements, that find every day more approval and diffusion in the international level with significant results, especially

in the places where this experiment was affiliated from the urban sustainable politics, such as in Germany, Austria, Holland, Switzerland, where the rationalization of the environmental disequilibrium against interventions to the degradation buildings, has decreased almost in 50 per cent the energetic intensity index. [4]

3. FOR AN ECOLOGICAL TRANSFORMATION OF SETTLEMENTS

The “transformation” concept substitutes the traditional one, aligned with the economic growth laws and world market, also in the most recent versions “eco”, “sustainable”, “compatible”. [3]

The constant connection with the urban movement and the intervention local groups is supposed in the new design ways that centered place in the growth of the local societies. Their reproductive force and their founded riches over the territorial and cultural values, and over the constant growth of the environmental quality by the determination of the ecosystem equilibriums in the local level. [3]

The required competences for the operation over the buildings that are placed in the living areas with antique origin or in relation to the panorama concerning those punctual aspects and in relation to contexts, improvement of the physical technical and environmental properties can contribute in the improvement of the comfortable life conditions. This can be realized by using and diffusing low impact technologies, capable to favor and/or decrease of the heat exchange, ventilation and the natural refreshment in the summer period. And of the heat conservation and exchange in the winter period, by using terrain exchange for a correct maintenance of humidity and the superficial evaporation for decreasing in this way energetic need, management costs, and the pollution taxes.

- Natural Refreshment;
- Caption solar control;
- Outdoor thermal gain;
- Indoor thermal gain;
- Natural ventilation;
- Natural refreshment;

It is estimated that the buildings in Europe are responsible of the 40 % of energy consumption where the 2 /3 of their consumption are caused from these deficiency, study realized on a building block build between 1945 and 1975 with over 10 million apartments in European Community. The team has collected, verified and integrated a data series over these existing buildings, where the database gained has represented an important instrument for the definition of the energetic politics in European level. To improve with the adaption of measurement an adapted interference is fundamental for improving the total architectural and environmental quality of the buildings, which possibly means revitalization of a relevant heritage building, a consistent energy saving and t cost reduction. Also accompanied by added charges to the optimization of the thermic behav-

ior in the winter and summer period and by reducing the environmental impact of the waste materials and combustion products , in synthesis by assuring an energetic building efficiency, adapted with the climate , place and context.

4. THERMAL PERFORMANCE

The aphorism used by the French architect Jean Nouvel “In the same space it is possible to realize a masterpiece or to create a disaster”, it has never been so present by seeing the velocity with the evolution of technologies and materials from one side and from the other side the organizational models and processes. It’s clear that, spaces are not all the same, in fact one type of building with a determined typology by considering the physical space connotation, functional and technological that can be adapted for a cross area but cannot be adaptive for a different context where in relation with nature and the structure of a given terrain, topographical character of the existing different conditions. So our assignment as Fabio Del Prete mentioned is to arrive in contact with the requirements of every specifically organization, being it public or private by finding the most adaptive solution for every circumstance and context.

The manufactured buildings are relevant instruments in the modification of the physical environment constructed by many distinct co-existent and interacting elements. [4]

By not being justified on the economical aspect and in continuation from the environmental emergency, the reduction of the energetic consumption has brought the attention of the designers and techniques to be toward passive systems where the building itself constructs the global element of the capture and accumulation of energy.

And precisely for this reason, the cause of the continuous fluctuation in time of the environmental factors , building envelope , is not any more perceived as a simple barrier through the one derives all climatic exchanges between the outdoor and indoor environment but more like a “ selecting filter” given the capacity to attain or refuse the induced outdoor environmental effects.

Building, according to its characteristics, dimensional, morphological, technical-constructive establishes with the outdoor environmental such a report that produces alteration of the indoor environmental conditions.

If the design is made according to a correct approach with respect to sustainable architecture principles the envelope building must take into consideration the conditions of the natural lighting conditions, internal acoustics, and solar thermal other than the interventions in the urban and building level.

The building envelope must, in relation with the summer thermal problem to refuse the energy and to emit it when needed, otherwise it will lose a little heat and it will catch solar energy in the daytime in the warm periods of the year. So a building designed in an equilibrated environmental way must have the capacity

to show technical articulated responses with interactive resolution by designing solutions that can be well reported alike with the cold and warm.

Minimizing the stressful fluctuations with the interface between the building and its environment means also to react over all physical technical factors that determine the build environment in its complexity [4].

In fact the research for the realization of an adequate project, brings the consideration of many factors such as spatial and distribution of the building apartments, the construction and technological aspects, the envelope qualities of the materials and for the diverse absorption. As for the transmission of light, heat, and the quality and quantity of the air, arises always from “internal” renovation requirements (ventilation, sight view, thermo-hygrometric comfort, and illumination) being it a source of the interaction that the human being has with the activities that plans to solve and request of environmental quality for the solution of these activities, in the converse relation between the indoor and outdoor conditions. The bio climatic behavior of the building by overcoming the traditional concept, sectorial and specialized in this approach and by knowing the environment implications must be able to control the environmental conditions in virtue to its morphological, dimensional and thermo physical characteristics.

5. THE MICROCLIMATIC BIOPHYSICS FACTORS

There exist consciousness that the increased level of the phenomenal interactions that bond the systems with high complexity, imposes to work for the research of a technology with low impact. That places the conditions for construction of space and functional assets of a controlled ecosystem.

This goal is reachable even in the virtue of the incentives and the norms that supervise the project. It qualifies in this way as a new spatial concept, a complex manner of imagination to design, realized and used in a productive way and environmentally sustained. The urban environment in relation with the physiographic and bio-ecological characteristics of themselves initiates from the recognition of the fundamental ecological, structural, social, economic and figurative role of the deputies spaces for the habitation and seen as formidable containers / manufacturer resources not only natural but also economic, social and cultural.

The organization and structuring of the manufacturing building, which is intended the construction technology, distribution character, shape, dimension, configuration is not separately treated from the consideration of the physical space conditions and the surrounding environmental materials of referral.

Controlled interaction of these two factors can contribute in:

- quality improvement of the project, by limiting the conflicting conditions of the interference with elements or parts of the natural system;
- optimizing exposition conditions, orientation, ventilation, natural illumination, and sunshine with the intention to improve the comfort hydrother-

mal;

- optimizing the material and technical constructive characteristics in relationship with the requirements of protection (from humidity, thermal charge, air filtration) of the air illumination, (view sight, air purity, exchange etc.);
- to favor the natural functioning of the buildings, (passive system of lighting, and natural air conditioning) even with implementation of passive hybrid technologies, biocompatible building materials and components.

6. CONCLUSION

The principal factors that determine the microclimate (factors that are considered a lot more important than the microclimatic indications) are temperature, relative humidity, medium radiation temperature, and air velocity; earth quality, asset conditions of the vegetation. Are these parameters that modify the environment perception taken into examination, from the occupants and is in their control to address the strategies of the thermal comfort improvements. The local microclimate can be changed in a significant way from the vegetation's presence, movement or planting or also water nearby or even the self-presence of the buildings. The microclimate conditions present one of the most important ergonomic factors.

In the projected organization of the new construction, this means to appropriate the social role to adequate it with the new context and by considering the social, economic and environmental aspects of interventions realized in the complex of the sustainable development (type-morphological configuration of the building units, technical constructive components responsive of all situations in context and first of all the site selection).

This are derived fundamentally from two close related factors; biophysical and micro climatic aspects of the site, object of the mutual interaction.

In the first group of factors belong the specific characters and area construction materials.

In the second group of factors belong, microclimate referred to complex environmental parameters temperature, relative humidity, precipitation, that conditions the thermic exchange between the individuals and environment, which changes from localization context.

Invisible components in the determination, composition and maintenance of the special characteristics of the physical places results to be influenced directly and characterized according to the altitude, orientation, and exposition (from sun, dominant winds etc.)[4]

“...It is the physical form of the human ecology, the matter configuration that allows the most energetic and powerful flux. It is the physical structure for the human life, outside from its structure and all other biological structures. The

redefinition can open a door to the research for a new life of the city. Architecture interest for a single building is peripheral in relation to the specific weight because it is the determined cause of the environment. “[5]

The environmental quality of the architectural project and the living spaces must be expanded other than the concept of the psychophysical comfort, in terms of healthiness and hygiene, but also of the maximal usability, security, esthetic perception, and harmony when it belongs to its proper habitat.

It is not limited only to the internal comfort assurance of the nearby environments, but this should support fragmentation arrangement of the design process in the specialized and sectorial approach that in practice corresponds to a rupture between areas in reality strongly related, but overall an inability to compose the conflicting contradictions, that very often are resolved in the research of the useless remedies in the adaptation of the tampon measures, in the excessive sophistication in the improper use of the technology very hard or very high, sometimes harmful and other than expensive.

For this goal it is necessary a start of a new process recondition of the living requisites, in a bio ecological vision of the constructed environment, by an addition attempt of a variety of planning and assets organization experts, of doctors, architects, hygienists and different technical operators (scientific contribution, in experimental level and research).

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ENVIRONMENTAL EVALUATION, FOR A TOURISM SUSTAINABLE DEVELOPMENT IN THE VLORA REGION

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ABSTRACT

Political risk and instability in the region, unresolved land ownership conflicts, high corruption and informality, are factors that negatively impact the flows of tourists in Albania. South Coast there is no real development of the tourism sector. Neighboring countries such as Croatia, Greece and Italy are far ahead, with regard to the flow of foreign tourists and the quality of tourism offered. The current market on the South Coast is based exclusively on local Albanian or regional tourists.

The purpose of this paper is to assess the environmental capacity of the Vlora Region. This assessment focuses on the analysis of the social situation economic and environmental impact of the area under study, in determining the potential for development of the area and for assessing the territorial capacity of the area.

For the achievement of the objective, a research and observation study was carried out for the assessment of the Ionian coastal conservation capacity, which relates to the assessment of: physical and ecological holding capacity, economic holding capacity and social holding capacity.

Conclusion: For the future development of this area, three long-term objectives must be ensured:

- Generating income, economic growth and employment
- Good management of environmental resources
- Social regeneration of the region and poverty reduction.

To achieve these long-term objectives, substantial changes are required in the existing economic, environmental and social conditions. The objective is to create a new tourist destination and this is why the following tourist assets are needed: an image that attracts tourists, accommodation structures that attract the operators, a long season to have a good return on investment, choice of activities that you make visitors spend as much money on the Albanian Riviera.

Keywords: *Environmental assessment, sustainable development, tourism economy, environmental carrying capacity.*

INTRODUCTION

In a changing world, this new, current thinking about sustainable economic development has provided new paths for decision-makers to explore and stir the debate about that sustainable development that should be. "Now that the euro has become a reality, the European Union is more than ever affected by the need to provide citizens with a kind of development that can meet the needs of the present, but without compromising the capacity of future generations to meet the needs theirs"(Robertson, 2005).

This is because this new economic opinion puts the citizen at the center of attention for political decision-makers. New economic policies for sustainable development will focus more directly

to people as active citizens and recycling a portion of public income directly to citizens(Robertson, 2005).

The Tourism is a sector vulnerable to external economic, environmental or political shocks. But tourism also has negative effects. The negative effects of tourism in the community can be drastic. Developing countries should learn that tourism should be carefully managed if it needs to contribute to creating new jobs and incomes and play a role in reducing poverty without affecting the local economy, environment, traditions and cultural resources.

The development of the tourism sector in Albania faces a number of challenges. Tourism, although it has many negative impacts and leads to various economic, social and environmental problems, has a positive impact on the community and contributes to its sustainable development.

The main purpose of this paper is to show how tourism contributes to the sustainable development of the local community using as an example of comparison with Albania, Dubrovnik in Croatia, and to explore possible threats to long-term economic sustainability. In this conclusion other researchers have come to realize:

"Trade tourism product in order to increase respect for the natural, social and cultural environment of the destination area and increase customer satisfaction"(Stabler, 1997).

"Sustainable development represents attractive opportunities for continuous economic development that does not exceed the economic, socio-cultural and environmental capacity of land"(Cros, 2003).

"Development should be planned and managed within environmental constraints and with the appropriate long-term use of all resources"(Rhodri Thomas, 2006).

METHODOLOGY USED

The study is based on an empirical research, which consists of a combination of qualitative and quantitative methods. Using the Butler Model, the developmental phases of the tourism development of the Vlora Region are defined. The study area extends for 194 km (45% of the Albanian coast) starting from the Karaburun Peninsula in Orikum Bay in the north and ending in the south near Butrint. To make the study, the coastline width was analyzed by dividing it into three zones: 500 m, 2 km and 5 km away from the water line.

The purpose of the Butler Model is to look at the way that tourist resorts, grow and develop. The tourist industry, like all industry, is dynamic and constantly changing. Therefore, the Butler Model is a way of studying tourist resorts and seeing how they change over time and in relation to the changing demands of the tourist industry. These changes can then be compared to the predictions as shown on the model.

Based on this model, we evaluate the environmental capacity of the Vlora Region in all aspects of it d.m.th:

- The physical and ecological holding capacity, which determines the allowed limit of the number of visitors.
- The economic capacity of holding, which sets the boundary on which the quality of the tourist experience falls and makes it less attractive to visitors.
- The social capacity of retention, which determines the number of visitors that can keep a certain area.

Assessing and analyzing the environmental holding capacity and addressing the need for investment in tourism on the basis of this holding capacity, this paper compare the Vlora Region with similar regions such as Dubrovnik in Croatia.

ASSESSMENT OF ENVIRONMENTAL HOLDING CAPACITY

A study on the integrated development of the Ionian coast has been carried out to assess the environmental capacity of the area, which focuses on the analysis of the socio-economic and environmental situation of the area studied, the determination of the potential for development of the area and an assessment of the territorial holding capacity. The environmental capacity assessment is related to the assessment of:

- Physical and ecological holding capacity, which determines the allowed limit of the number of visitors.
- Economic holding capacity, which sets the boundary on which the quality of the tourist experience falls and makes it less attractive to visitors.
- Social holding capacity, which determines the number of visitors that can keep a certain area.

EVALUATION IN THE PHYSICAL CONTEXT OF THE REGION

Geological and geotechnical conditions of study area countries are generally good. This area is rich in water resources and is sufficient to meet the demands arising from future consumption growth, such as tourism development.

Some water resources are exposed to adverse urban impacts such as the Cold Water sources in Vlora, Sources in Tragjas and Potami in Himara Spille. The distribution, the average size and the fragmentation of the built up areas shows a large uncontrolled construction and poor management in all municipalities and municipalities.

Lands outside the so-called “yellow line” where buildings are constructed is considered illegal because their owners cannot obtain building permits. According to a simple calculation, making an estimate of 10-15 buildings per hectare, there are about 2000 to 3000 illegal constructions. For the future development of the area, a number of problems that limit the availability of natural resources in the region should be considered. (Raport Progresi per Strategjine e zhvillimit Rajonal te Qarkut te Vlores, 2014)

The population in the study area compared to 1989 has doubled. The registered resident population is about 45% and constitutes the available labor force. The migratory population is about 55% of the total population and is a potential labor force for the area when the jobs are opened and this does not represent any problem in terms of numbers to support the development of tourism. More than half of the workforce is available for employment in tourism, direct employment in the accommodation sector and indirectly in the services sector; the number of tourists' beds would exceed the planned level of tourist construction in the future.

The study area economy is a two-sided economy: the urban economy in the south of the region with a large construction and services sector and a rural economy in the northern part of the region, where economic activities are limited and communities are characterized by a lack of development. The local population is too small to generate sufficient demand to ensure steady income and increase employment. Tourism is the safe sector which should be based on the creation of a labor market and agriculture market.

Housing and land use systems are facing drastic changes. An existing architecture site are a primary asset for tourism development and on the other hand shows a real local investment capacity but represent a danger to the attractive seaside attractions in areas where land availability is limited. Settlements in these 836 square km mainly rural areas are isolated villages, with the exception of two cities Orikum and Himara. Agricultural land is below the level of exploitation, compared to the situation before the 1990s, domestic settlements that depend on agriculture, face depopulation and their use for housing is decreasing.

For the moment, *the roads* are the only way to arrive in the area we are study-

ing. Road conditions have improved a lot, the expansion of the Vlora - Sarandë road has increased the opportunities of tourists coming from cars from other districts.

The airport is one of the main issues in achieving many of the objectives for tourism development, to accommodate foreign visitors not to spend hours to reach the tourist area. But according to international standards, an airport is only convenient when it offers about 10,000 areas, an objective that can be achieved by 2020.

Available *water resources for the* supply of coastal communes are far enough in the future for villages and other tourist constructions. Leaving aside physical capacities, one of the main issues is the poor capacity of water utilities management. According to the European Environment Agency(Agency, 2012), hotels are the most environmentally acceptable form of accommodation. In Dubrovnik most tourists are located in hotels (about 80% are tourists located in hotels), while in Albania most tourists are accommodated in rented family premises. According to ZEE (2001), the annual energy consumption per square meter for a one star hotel is 157 kHz, in two-star hotels is 230 kHz and in a four-star hotel is 380 kHz. This means that the average energy consumption in five-star hotels is probably close to 500 kHz. So we can see that this problem should not be underestimated(Ok, 2006).

Treatment and management of sewage remains a very evident problem. Constructions made in the coastal area pour raw sewage into the raw seas. The project to set up a processing plant for these waters before they land in the sea is left unfinished. According to a study done the beach area from Skela to the Castle is dirty, above the allowed norms. Currently there is only one wastewater treatment plant in Himara and the mechanical one and only some partial water networks. Septic caves and simple holes are the most common practices in the region, causing carcasses and seepage into the sea.

ASSESSMENT OF ENVIRONMENTAL HOLDING CAPACITY

Determining the boundaries of capacity for sustainable tourism and other development activities along the Ionian coast includes in particular a vision of regional development and special decisions on tourism planning and management, in order to facilitate this vision and to inform the decision-making process, the concept of territorial, environmental and tourist holding capacity should be applied.

Territorial holding capacity is the most meaningful thing and includes the level of population and constructions that can be maintained in an area without causing negative environmental, social and economic impacts beyond an acceptable level. The territory in this definition is the reception space for all human activities and reacts “positively” or “negatively” to them, according to the carrying

capacity.

Tourist holding capacity can be defined as the level of tourist construction, not necessarily measured by the number of tourists that can be held in an area without social, cultural, environmental or other negative impacts beyond an acceptable limit. Water resources over and underground have secure capacities they are for more than 1 million people who can stay in the environment. The sea water capacity is sufficient for the entire registered population. Based on the analysis, it is concluded that holding capacities, in most municipalities, exceed the next population forecast in 2020 by three times in Xara, at 20 times in Himara.

COMPARISON OF THE VLORA REGION WITH THE DUBROVNIK REGION IN CROATIA

Dubrovnik is a city with a long and interesting history. It was founded in the first half of the 7th century and since then it was occupied by many different countries, it was sometimes partly destroyed by wars or natural catastrophes, such as earthquakes in 1667 and 1979, and this led to stagnation in the development of tourism. After an analysis of the tourism sector, as well as the economic, social and environmental impacts of tourism in Vlora and Dubrovnik, it turns out that:

Both Regions Vlora and Dubrovnik are seen as the most beautiful places in their states.

Vlora region is one of the most popular tourist destinations in Albania, as well as Dubrovnik in Croatia. In the case of Vlora, beautiful beaches, clean sea and relatively low prices are the reasons that attract tourists.

In Dubrovnik and Vlora tourism is a major activity and leader for their economic development. Vlora is characterized by 3S tourism (Sea, Sand and Sun), also called a mass tourism, while in Dubrovnik the most dominant type of tourism is cultural tourism.

However, Vlora has a considerable potential to develop a cultural tourism. Some ancient settlements and archaeological sites in our country are a great historical, cultural, aesthetic and architectural richness which, with the excavations carried out by archaeologists, are of particular interest to visitors and the tourist industry and because some of them are protected from the UNESCO World Organization.

In both Vlora and Dubrovnik regions, there has been a rapid increase in tourism income in the last ten years. Development in Vlora was settled by the civil war of 1997, while in Dubrovnik tourism development was stationed in the period from 1991 to 1995 due to the war.

In Dubrovnik, about 85% of the total number of tourists is foreign. Cultural exchanges have a social impact and tourism has some degree of strong influence on the local population. But this is not the case in the Vlora region. This may be

due to the insecurity that foreigners may have or because of poor promotional work by local Vlora bodies.(Igor Mladenović, 2008).

In Vlora there are tangible negative environmental impacts due to illegal construction, non-dumping of wastewater, increased waste especially in summer when local population tripled, while in Dubrovnik negative impacts are smaller. In Dubrovnik, tourism is used to increase environmental awareness of the local population, and moreover, the city has recognized the financial values of cultural objects used for heritage conservation and preservation.

The stages of tourism development are: exploration, inclusion, development, consolidation and staging. The exploration phase in Dubrovnik started in 1960 when it was still part of Yugoslavia. After the end of the war, tourism started from the beginning in 1995. So we can say that both regions have gone through the exploration phase.

The exploration phase is followed by involvement, a stage in which the local community begins to be an active player in tourism activities. As a result, the new infrastructure built up, various agencies and authorities have begun to be involved in the development and management of the tourism industry. But the inclusion phase in Dubrovnik was much shorter due to the experience Dubrovnik had gained during the long and successful tourism history.

After the inclusion phase, the destination is experiencing an exciting and dynamic period of growth and evolution. Tourism is seen as part of the community's economic future and as a result, a large number of young visitors continue to come. This stage is known as the development phase. Vlora is still in the inclusion phase, while Dubrovnik is in the development phase.

The fourth stage of tourism development is the consolidation phase, in which the number of tourists is still rising, but at a declining rate. In order to preserve its tourist destination status, the local community should suggest new tourist uses, new customers and new distribution channels.

CONCLUSIONS

The Southern Coast does not have a genuine development of the tourism sector. Neighboring countries like Croatia, Greece and Italy are far ahead in terms of the flow of foreign tourists and the quality of tourism offered.

The current market for the South Coast is based exclusively on Albanian tourists. Saranda, which is closer to the border and Corfu, is the main gate that attracts more tourists by about 30%, Vlora attracts about 10% and Himara 5%. The tourism industry varies by country - in Saranda and around it is mostly tourism from a foreigner associated with cultural heritage and beach, while in Vlora and around it is related to eco-tourism in the National Park of Llogara and beach tourism.

By 2020, a gradual increase in the number of tourists is estimated at around

250,000 tourists a year. The share of foreign tourists is expected to increase, but the majority is expected to comprise Albanian tourists.

For the future development of this area, three important long-term objectives must be ensured:

Generation of income, economic growth and employment

Good management of environmental resources

Regional social regeneration and poverty reduction.

Achieving these long-term objectives requires substantial changes to existing economic, environmental and social conditions.

The goal is to create a new tourist destination and to do so, the following tourist assets are needed: an image that attracts tourists, accommodation structures that attract the operators, a long season to have a good return on investment, choice of activities to make visitors spend money on the Albanian Riviera.

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