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# From Exclusion to Empowerment: Women's Political Representation in the Albanian Parliament

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## Abstract

Active participation in politics is one of the main features that ensures the quality of democracy and enhances a participatory political culture. Women's representation and participation in decision-making processes is a critical indicator of a society that has embraced equality between the sexes in all spheres of life and is one of the main indicators of the country's development.

The paper investigates the historical context of women's political representation in the Albanian Parliament. It focuses on three significant periods that have influenced the social and economic life of the country and subsequently have an impact on women's participation in political platforms: the early twentieth century through the end of the Second World War, the communist era, and democratic Albania.

The paper examines the limited women's access to political and electoral participation. Further, the paper explores the women's right to vote and their participation in the Parliament of Albania during the communist regime. The collapse of communism enabled Albania to establish a democratic political system. As a consequence of the new political and legislative reforms women's participation in the Parliament increased notably. In particular, the paper focuses on gender quotas in politics and the political representation of women in the Parliament during democratic Albania. The paper provides an analysis of the representation of women using historical documents and statistical data. Highlighting major developments in the country, the paper provides recommendations to support and strengthen the representation of women in Albanian politics.

**Keywords:** gender politics, women's rights, political representation, women's empowerment, female leadership.

## Introduction

The history of women in politics in Albania is marked by a long struggle for suffrage, representation, and leadership. Significant milestones in Albanian history have influenced the narrative about women and their political power. Historians of women and gender emphasize that their goal is not only to include women in current historical narratives, but to fundamentally reshape those narratives (Jenkins & Ward, 2023). In this paper we present the historical progress and current state of women's political participation in the Parliament of Albania: the early twentieth century through the end of the Second World War, the communist era, and democratic Albania. The paper focuses on historical context by examining legislative changes, electoral laws, and gender quotas from the early 20th century to the present. Data is collected from parliamentary records, reports and official gazettes.

The active political participation of women is essential to democracy, ensuring that the voices, interests, and aspirations of the population are represented on policy-making platforms. Yet, the ability of men and women to represent their interests in government is significantly influenced from political factors (Paxton et al., 2010) such as region, class, religion, sexuality, race, and ethnicity (Sundström et al., 2017).

Furthermore, the election system affects the women's political participation, such as the gender quotas (Paxton et al., 2007). Compulsory gender quota increases the numerical presence of women in political domains however do not guarantee a substantive representation. At the same time, party leadership and process to nominate candidates have a strong impact on women gaining political power. Party leadership plays a crucial role in either attracting or neglecting women from political process and elective office (Bayes, 2012). Candidates need to be selected and supported by a political party, making party decisions for specific candidate crucial for the national representation of women in politics (Kunovich & Paxton, 2005).

Surveys show that the legal framework that addresses socio-economic in gender inequalities is more likely to be improved when more women are in high decision-making positions (Women Political Leaders, 2022). Nevertheless, the impact of women in politics is not always clear to assess. To understand this requires us to first distinguish between the women's personal interests as women and their party's agenda (Paxton et al., 2007). For instance, in electoral process, the voters have the expectation that women will vote in support of the party's interests regardless of whether a policy is favorable to women's interests or not (Anderson-Nilsson & Clayton, 2021). Likewise, the survey from European Commission (2024) revealed that nearly half of 85% of the world's population believe that men make better political leaders than women.

Moreover, internalization of the gender role affects women while they are active in politics. This is a significant precondition for women's voting and other political activities. Many women feel unable to take an active role in politics since the political arena is less compatible with female characteristics (Fraile & Marinova, 2024) and they systematically exclude themselves from politics. A survey conducted during the election campaign for the Parliament in Albania found that women received less media coverage than male candidates (Observatory for Children and Youth Rights, 2021). According to the survey, women in politics believe that political parties do not send women to participate in political confrontations because these events are expected to require more aggressive language and it is also assumed that a woman is not able to handle a debate on important issues.

The implication of history and women's political engagement is key indicators of a society's development. The representation of women in legislative bodies, leadership positions, and other decision-making roles is a clear indicator of a society's progress toward gender equality. Furthermore, these indicators are frequently linked to broader social and economic effects, demonstrating the strong connection between gender equality and national growth.

## Women's Suffrage in Early Albanian Parliamentarism

The origins of parliamentarism in Albania trace back on 28 November 1912, when the National Assembly of Vlorë declared Albania's independence from the Ottoman Empire. The Assembly represented the entire nation and became the highest authority in the Albanian state. The Organic Statute of 1914 was the first constitution of the Albanian state and established the National Assembly as the primary legislative body<sup>1</sup>.

The early years of Albanian parliamentarism were marked by the exclusion of women from voting. In Albania, voting rights were discussed in the 1920 Electoral Law for the election of the National Council. However, none of the political groups proposed any woman in the list of candidates (Ivanova, 2022). The law granted the right to vote solely to men over the age of 20 (Kuvendi i Shqipërisë, 2023). Exclusion from the right to vote also prevented women from other decision-making processes. For instance, women could not be elected to the General Council, a regional decision-making body. Individuals above the age of 25 who met the conditions for election to the Assembly were eligible to serve on this Council (Buletin Zyrtar, 1922).

Women's suffrage was debated again prior to the 1923 and 1925 parliamentary elections. Two proposals were made about women's suffrage in the parliamentary elections: women who could write and read would have the right to vote and consequently women would participate in the election of second electors (Ora e Maleve, 1923). Nonetheless, once again the law determined that only men over the age of 18 were eligible to vote (Fletorja Zyrtare, 1925) maintaining the exclusion of women from voting rights. In her article, Anastasi (2015) presents the reflections from one of the MPs following the debates about women's right to vote.

"The right to vote is also related to the universality of the vote women, ... the tendency is to generalize, ... new life itself by making equal women with men. A small step had to be taken this year by the commission for the elaboration of the law on voting in the assembly, recognizing the right to vote for women who know how to write, but this was not accepted in the parliament." (Stavro Vinjau) (Commission for drafting the election law).

Another male MP, Visaron Xhuvani, in 1923 argued that despite calls for equality, women's voting seemed ineffective due to the lack of reliable statistics on women's literacy and their low voter turnout.

"I say that if we don't have good mothers, no one is interested in having a good head of state. In addition to this reason, I have another one that is ordered by the Leader of my Religion, who says that everyone is the same, so even women will be honored. How many women will we have who can read and write? The Ministry of Education does not have such statistics. Isn't that so, Mr. Minister? In that number of women who know how to read and write, a fourth of them will not go to vote. Therefore, today, women's voting is a comedy." (Xhuvani & Xhaxhillazi, 2007)

However, women were denied more than just the right to vote. Other civil rights were limited or discouraged at the time. Women, for example, were not required to register (Fletorja Zyrtare, 1922) nor did they have the right to divorce, be educated, or own real property, indicating institutional disinterest in women's issues.

<sup>1</sup> Kuvendi i Shqipërisë. (n.d.-a). Historiku i parlamentarizmit shqiptar. <https://www.parlament.al/Kuvendi/Historiku>

## Women in Parliament during Communism

Women's engagement in political party activities increased significantly by the end of the Second World War in Albania. Musine Kokari founded the Social Democratic Party in 1943 (Wagner, 2016) and was also an active voice for politics through the newspaper "Zëri i lirisë" (The Voice of Freedom). However, because of her political views differing from those of the Communist Party, she was arrested and served years in prison.

Whereas women of the communist party were active in organizations such as the "Albanian Women's Union" and they also published the magazine "Gruaja shqiptare" (The Albanian Woman). Women were also elected to the Anti-Fascist National Liberation Council in 1944. Seven out of the 122 Council members were women (Bushati et al., 2023) and two women were elected to the Presidency of the Anti-Fascist National Liberation Council: Liri Gega and Ollga Plumbi. Likewise, women were present also in leadership positions of the party. Liri Gega in 1941 was one of the members of the Central Committee of the Communist Party. However, her political life was cut short because her thoughts conflicted with those of the Communist Party. She and her husband were executed in 1956.

For the first time, Albanian women gained the right to vote in the elections for the Constitutional Assembly on December 2, 1945. In these historic elections, three women were elected. Initially, women obtain the right to vote and to be elected for the National-Clearing Councils of Localities, Subprefectures and Prefectures. This law stipulated that "all Albanian citizens, regardless of sex, who have reached the age of 18, have the right to vote, except for those who are mentally ill and have been deprived of the right to vote by court decision" (Article 2). Consequently, women had the right to vote and be elected at both local and regional levels. (Article 1). The Constituent Assembly voted to transition to the People's Assembly, with elections held in March 1946. Women had the right to vote and be elected at all levels of the state<sup>2</sup>. Six women were elected as Members of Parliament in the first Assembly elections (Bushati et al., 2023).

In the subsequent years, the number of women MPs in the Assembly continued to increase, but (as shown in Figure 1), it remained significantly smaller than that of men. Between 1945 and 1990, the model of the party-state was established, and the Parliament remained a formal institution. During this period, women and men MPs were solely centralized under the control of party leaders. Therefore, the autonomy and influence of women MPs were limited and restricted their ability to build political experience. Women MPs in Albania faced similar experiences to those in Eastern and Central European countries with Marxist-Leninist-oriented governments, where claims for equality and quota systems provided women with numerical representation, but these were purely symbolic (Stockemer, 2007).

Women held leadership positions in the Assembly (Lamani, 2003), including Deputy Chairman of the Presidency of the People's Assembly (1950 - 1990), Deputy Chairman of the Presidium of the People's Assembly (1982 -1987), Member of the Presidium of the People's Assembly (1954-1990), Chairman of the parliamentary committees (1978

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<sup>2</sup> The statute of the People's Republic of Albania stipulated that "all citizens regardless of sex, nationality, race, faith, cultural level or residence and who have reached the age of 18, have the right to vote and be elected in all bodies of state power" (Article 14).

-1987). Women and men held various positions in the legislative bodies, however the party-state model constrained their representation under the communist party leadership.

Despite efforts to have women in the Parliament, very few women held high leading positions. Five ministries were led by women deputies (Lamani, 2003) with only four women serving as ministers: Minister of Education (1948), Minister of Agriculture (1976-1991), Minister of Education and Culture (1978-1987), Minister of Industry of Light and Food (1982) and Minister of Light Industry (1987-1991). Notably, no woman served as a minister for nearly 28 years, from 1948 to 1976. The absence of women serving as ministers for such a long period is significant. It highlights the persistent gender inequality and limited opportunities for women in politics to reach high-level leading positions.

## **Democratic Albania**

The fall of communism in the early 1990s marked a significant turning point for the country's transition to a democratic political system and the new democratic framework enabled more individual freedoms. The first multi-party elections were held in 1991. The literature shows that when authoritarian nations transition to democracy, women's representation decreases (Paxton et al., 2007). This was also evident in the declining numbers of women in the Parliament in Albania.

In 1991's first multi-party elections, only nine women were elected among 214 men (Lamani, 2003). The political transition exposed the limited political power of women in Parliament. As a result, women had minimal influence in the post-Communist era. Men, same as in other countries transitioning from communism to democracy, dominated the leadership roles, led the transition to democracy, and filled new power positions (Stockemer, 2007). From the first pluralist elections to the present, 135 women MPs have been elected in the Parliament from nine political parties in the Assembly (Bushati et al., 2023; Kuvendi i Shqipërisë, 2023, 2024).

Regardless of the formation of the democratic state, expectations that more women would be in the Assembly were not met. Political parties constantly excluded women from winning positions on their candidate lists. This situation was critical to establish a legally obligatory system for political parties to increase the representation of women. In 2008, a gender quota was first approved in the Electoral Code for parliamentary and municipal elections. The Electoral Code (2008) requires that for each electoral zone, in the elections for the Assembly, not less than one in three names on the multi-name list must belong to the underrepresented gender, whereas for elections for municipal elections, one in two consecutive names on the lists must belong to the same gender<sup>3</sup> (Article 67).

The Albanian parliamentary electoral system is the proportional system based on multi-name electoral zones. The present electoral system and the reinforcement of gender quota female candidates is likely to support women candidates "since parties operating under closed-list systems publish lists of candidates, they may feel pressure

<sup>3</sup> English translation of the article of the Electoral Code of the Republic of Albania by the Organization for Security and Co-operation in Europe. <https://www.osce.org/presence-in-albania/477547>

to balance their party’s ticket across genders, leading to greater numbers of women” (Kunovich & Paxton, 2005). Regardless of this, political parties repeatedly ignored the gender quota requirements, which led to constant amendments in the law to enforce compliance with gender quota (Dauti & Metaj, 2023).

In terms of leadership roles in the Assembly, women have held several positions during the period 1991 – 2021 (Bushati et al., 2023; Lamani, 2003): Deputy Speaker of the People’s Assembly (1996-1997), Deputy Speaker of the Assembly of Albania (1997-2005;2013-2025), Chair of parliamentary committees (1992 -2025) and Chairman of parliamentary subcommittees (1997-1945).

Figure 1: Men and women MPs in the Parliament of Albania

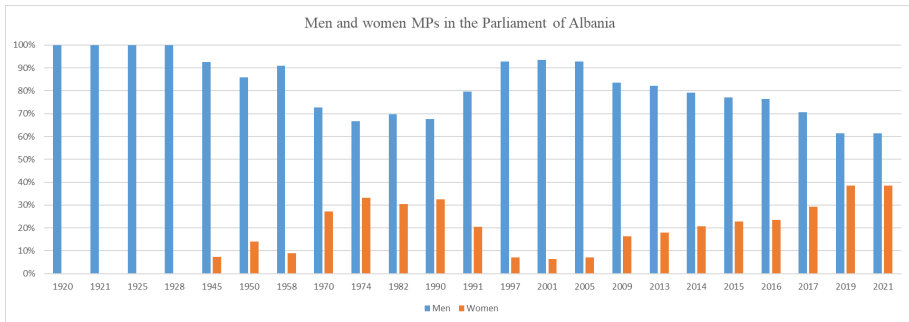


Figure 1 shows the presence of men and women MPs from 1920 to 2021 (Bushati et al., 2023; Kuvendi i Shqipërisë, 2023, 2024) in three time periods: early parliamentarism (1921-1945), communism (1945-1991) and during the period of multiparty elections (1991-2021) and enforced gender quotas (2008-2021).

Initially, from 1920 to 1945, the Assembly of Albania was entirely male dominated. Women’s representation started with 5 percent in 1945 following the Second World War. During communism, it gradually increased to nearly 27 percent in 1970, and prior to the first multi-party elections, reached 32 percent. Nonetheless, the transition to democracy in the early 1990s resulted to a decline and the number of women MPs remained low during the 1990s and early 2000s. The implementation of gender quotas in the candidates lists marked a significant turning point in 2008 that resulted in an increased number of women MPs. This trend continued with the number of women MPs rising to nearly 40 percent by 2021.

Figure 2: Women MPs with multiple legislative terms

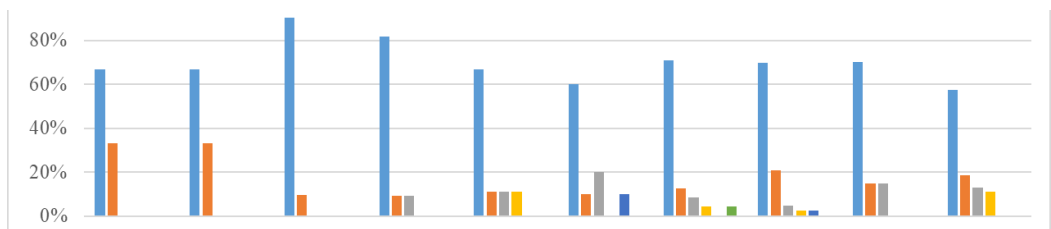


Figure 2 shows the Women MPs with multiple legislative terms between 1991 and 2025 (Kuvendi i Shqipërisë, 2023, 2024). It shows a predominant trend of single

mandates that repeatedly exceeds 60 percent across most legislative terms. From 2009 onwards, there is a slight increase in the women MPs that hold two or more mandates. However, women that take the seat in the Parliament are mostly in their first mandate. This trend highlights the challenges women face in sustaining legislative experience and building influential networks within the political arena.

Since 1994, MPs have held other leadership positions in the executive power in the positions of ministers and deputy ministers. In contrast to the communism, women MPs have a more diverse engagement in executive functions as Ministers, such as health, social affairs, education, culture, youth, sports, employment, agriculture, infrastructure, urban development, tourism, trade, industry, innovation, public administration, justice, economy, finance, defense, foreign policy and European integration, 2 state secretaries and 3 deputy ministers (Kryeministria, 2024; Kuvendi i Shqipërisë, 2023). However, no woman has been appointed as a minister for Internal Affairs. High-prestige ministries, such internal affairs and defense, exercise significant control over policy and are very prestigious and are highly visible (Escobar-Lemmon & Taylor-Robinson, 2005). Furthermore, women's exclusion from this power, for instance from Defense Ministries, is also interpreted with masculinity attribution that hold the ministry portfolio (Barnes & O'Brien, 2018). Consequently, this systemic exclusion stresses the constant challenges that women face in breaking stereotypes that leadership positions are male domains.

## Conclusion

The history of women in politics in Albania demonstrates a significant progression from exclusion to gradual inclusion. In this paper, we presented the evolution of women's suffrage through three historical periods: the early twentieth century through the end of the Second World War, the communist era, and democratic Albania.

The analysis of historical and contemporary data show that women's political engagement saw a notable increase during communism, with women gaining the right to vote. Nevertheless, in the absence of a competitive democratic system, women and men MPs were placed into political positions in the Parliament. The political landscape of the time, characterized by control by the communist party and limited political freedom, meant that women's representation was often symbolic rather than substantive.

The initial phase of multi-party elections saw a decline in women's representation. Men took the lead in the political transition, gaining greater party experience than women. During the first years of the multi-party system and the implementation of the gender quota the number of women in the Parliament declined. Despite the establishment of a democratic state, political parties often excluded women from winning positions on their candidate lists, extending the gender gap in political representation. The enforcement of the gender quotas in 2008 led to a steady rise in the number of women MPs. Nevertheless, since the first multi-party election in 1991, women MPs are around 68 percent of the time in their first mandate, highlighting the challenges they are likely to face in sustaining long-term political careers.

The journey of women in Albanian politics reflects the gradual progress towards gender representation in the Parliament. Although significant steps have been made, much more work is to be done to ensure full and meaningful representation of women in politics. It is essential to investigate further the political factors that contribute to gender inequality and hold back women's political participation and representation. Studies should be undertaken to analyze women MPs impact in the policy making. Furthermore, continued activism, legislative reforms, and societal change are vital to build an inclusive political environment in which women in politics can succeed and have an impact on an equitable society.

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# The impact of legal clinics in Albania on strengthening access to justice: International practice

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## Abstract

Legal clinics in Albania play a significant role in strengthening access to justice, especially for vulnerable groups. This study analyzes the impact of these clinics on improving the justice system and identifies international practices that can be adopted to enhance their effectiveness. Through a detailed analysis of local cases and initiatives, the article examines the contributions of legal clinics to legal education and community support. The findings indicate that integrating successful international practices, such as the use of technology, partnerships with non-governmental organizations, and innovative approaches to providing legal services, can significantly improve access to justice in Albania. This study offers concrete recommendations for empowering the role of legal clinics, aiming for a more equitable and inclusive justice system.

**Keywords:** legal clinic, access to justice, vulnerable groups, primary legal aid.

## Introduction

Access to justice is a fundamental human right that enables individuals to assert and defend many other rights. Primary legal aid providers play a crucial role in ensuring access to justice by offering legal services such as legal information about the legal system in the Republic of Albania, rights and obligations of legal subjects, legal advice, legal assistance for resolving civil and administrative issues, information on mediation procedures and alternative dispute resolution, or any other form of legal support that does not constitute secondary legal aid.

The role of legal aid in realizing human rights was first underscored by the European Court of Human Rights (ECtHR) in 1979 in the case *Airey v. Ireland* (32 Eur Ct Ser A (1979); (1979) 2 E.H.R.R. 305), where the ECtHR emphasized that *“legal aid is an integral part of human rights, aiming to make legal remedies effective rather than illusory. It serves as a precedent to demonstrate that there are economic and social dimensions within civil and political rights.”*

Individuals with limited economic means who cannot afford legal services, especially members of marginalized/disadvantaged/vulnerable groups, require specialized institutional mechanisms and free legal aid services to ensure their access to justice. In this context, legal aid is a key instrument for achieving social justice and can be seen in terms of a social service that a welfare state guarantees for its citizens. It is precisely the state’s responsibility to ensure that the machinery works equally for all. According to Hugo Black, a Justice of the United States Supreme Court, “There can

be no equal justice where the kind of trial a man gets depends on the amount of money he has.” This means that access to justice should not be compromised for any individual due to their disadvantaged economic or social position. The state should ensure that the functioning of legal systems promotes equal opportunities by guaranteeing free legal aid through appropriate legislation or other schemes. In societies with pronounced economic and social disparities, providing free legal aid is necessary to ensure the fair and reasonable operation of a legal system.

To ensure that state-guaranteed legal aid services are functional, it must guarantee:

*a) Adequate coverage reaching all vulnerable or disadvantaged target groups.* This relates to the extension of primary legal aid services throughout the territory of the Republic of Albania, aiming to provide effective primary legal services by legal aid providers to all vulnerable subjects.

*b) Quality service.* The quality in providing quality legal aid services depends on strengthening the capacities of primary legal aid service providers and their management by adequate structures.

In this regard, the provision of legal aid services must be based on the following principles:

*a) Equal access of individuals to legal aid;*

*b) Equality and non-discrimination of individuals enjoying the right to legal aid;*

*c) Professionalism in the provision of legal aid services;*

*ç) Quality, efficiency, and cost-effectiveness of the provided legal aid services;*

*d) Preservation of confidentiality;*

*dh) Avoidance and prevention of conflicts of interest;*

*e) Protection of the rights of vulnerable persons (Law No. 111/2017 “On State-Guaranteed Legal Aid)*

Since 2017, the Law on Free Legal Aid introduced Law Clinics at Universities as primary providers of legal aid for the first time, aiming to enhance access to justice for vulnerable groups. These clinics also play a crucial role in educational activities, raising awareness, and conducting legal analyses to recommend improvements to the legal framework and strengthen the legal aid system. Until 2023, there are 12 Law Clinics operating near Higher Education Institutions in Albania, based on cooperation agreements with the Directorate of Legal Aid under the Ministry of Justice. In contrast to the other two primary legal aid providers (legal aid centers and non-profit organizations authorized by the state), law clinics near higher education institutions have handled the lowest number of legal aid cases. For this purpose, the article will offer a general overview of the legal framework and the impact of the operation of law clinics set up near universities in Albania with the aim of highlighting the strengths and difficulties they have faced in guaranteeing free legal aid for vulnerable groups.

## **2. Literature review**

Clinical legal education (CLE) represents a form of legal education that immerses students in real-world applications of the law, requiring them to apply their legal knowledge to address practical issues. According to Giddings “*Clinical Legal Education*

*involves an intensive small group or solo learning experience in which each student takes responsibility for legal or law-related work for a client (whether real or simulated) in collaboration with supervisor.* (J. Giddings, Promoting Justice through Clinical Legal Education (Justice Press, 2013) at p. 14, Orla Drummond and Gráinne McKeever, Access to Justice through University Law Clinics, 2015)

Thomas and Johnson list as two common denominators for all university legal clinics: The delivery of legal service ( actual or simulated)

The participation of law students, acting under professional supervision when necessary. (Thomas.L and Johnson.N “The Clinical Legal Education”, 2020)

Initially, the term “clinic” is adapted by the medical practice where the medical students could gain practical experience under the supervision of experienced physicians. Clinical legal education emerged in the early twentieth century but gained widespread adoption in countries like the United States, Canada, Australia, Great Britain, India, and certain regions of southern and eastern Africa during the 1960s and 1970s. Meantime in the eastern Europe and Asia the clinical legal education began after 1990. (Clelia Bartoli, Legal clinics in Europe: for a commitment of higher education in social justice-Diritto & Questioni Pubbliche Special issue – May 2016 pg 27). In this meaning, legal clinics emerged as a practical solution, valued for their hands-on approach and commitment to social justice.

In Western Europe, the development of clinical legal education programs has varied across countries since the 2000s. Countries like Germany, Norway, and the Netherlands had existing systems of law students offering free legal advice before this period, such as the Oslo-based Juss-buss. The Bologna Declaration, launched in 1999 to standardize European higher education, facilitated the integration of clinical legal education into Western European universities by introducing credit systems and enhancing mobility among students and faculty. Spain, Germany, France, Belgium, and Italy have since developed various clinical programs aimed at promoting social justice and aligning with European legal standards. (ibid pg 34)

Generally, legal clinics are defined as an educational program typically affiliated with a law school or university that provides law students with practical, experiential learning opportunities by offering free or low-cost legal services to underserved individuals or communities. They aim to bridge the gap between theory and practice by allowing students to apply legal knowledge in real-world settings under the supervision of professors or licensed attorneys. These clinics often focus on providing free legal assistance in areas such as civil rights, housing, immigration, criminal defense, human rights and other areas where there is a demonstrated need for legal aid. Guided by professors and often partnering with NGOs, students provide free legal advice to marginalized groups, educate on rights, and participate in significant public interest cases. This dual role benefits both students and clients, promoting educational development while addressing societal needs for access to justice.

Although, while there are many different models of live client clinic, with various combinations of supervision, management and insurance being possible across all of these models, Nicolson considers there to be two dimensions to the development of clinics:

The ‘organisational dimension’, which is broadly concerned with how clinics are

run, including whether student engagement within them is compulsory, whether the activities are assessed, and whether clinics are primarily focused upon social justice or upon student learning and

The 'activities dimension', which includes considerations such as the physical location of the clinic (in the community or on campus), whether the service offered includes generalist legal advice or more specialist legal advice, and whether the service includes an element of educating the public about their legal rights, as opposed to focusing only upon advising on existing problems. (Thomas.L and Johnson.N "The Clinical Legal Education", 2020, pg 26).

Grimes identifies two main models of legal clinics: the law school clinic, which operates either within or outside the law school but is staffed and managed by the school itself; and the non-law school clinic, which involves externships where the law school supplies students and subsequently analyzes their experiences. (Kemp 2016, Clinical legal education and experiential learning : Looking to the future pg. 1)

Other studies identifies as models of legal clinics : in-house clinics, externship clinics and clinics based on simulation. The difference consist in the direct or indirect conection student- client . In the in-house clinics, the student have direct resposibility on the client in the selected cases of learning interest by the profesors. While in the simultation -based clinics the cases selected may be even fiction. .(Clelia Bartoli, Legal clinics in Europe: for a commitment of higher education in social justice-Diritto & Questioni Pubbliche Special issue – May 2016 pg 35)

While many university law clinics will follow similar models, they will vary to differing degrees in terms of focus and method of delivery. In this meaning legal clinics may indicate a university clinic involving real clients. Such clinics involve the provision of some combination of legal information, advice, casework and/or representation to clients on an individual basis. (Thomas.L and Johnson.N "The Clinical Legal Education", 2020, pg 25). Others may encompass other types of projects, which are aimed at delivering general public education and/or increasing legal empowerment in the wider local community or for a particular community group, rather than advising on and/or resolving clients' individual legal problems through a live client clinic run by the university. Examples of such activity include:

- public legal education, such as 'Streetlaw'
- research and reporting projects, often carried out for non-governmental or not-for-profit organisations
- externships, which see students volunteer with and under the supervision of third party advice agencies. (Thomas.L and Johnson.N "The Clinical Legal Education", 2020, pg 25).

Another example of legal clinic experiences is the street law program, fistly developed in the US, and spread in different countries as a mean to raise public awareness about their rights and responsibilities( Kemp 2016, Clinical legal education and experiential learning : Looking to the future pg. 3) as well as advice-only/gateway clinics adn pro bonos activities.

Lastly, legal clinics may be organised as virtual law clinics that support learning through professional skill development in an authentic environment, aided by training and tutor support. With the support of technology, virtual law clinics foster

an interactive learning environment that empowers distance learners to actively participate in meaningful clinical legal education activities. ( Ryan, Francine (2020). A virtual law clinic: a realist evaluation of what works for whom, why, how and in what circumstances? *The Law Teacher*, 54(2) pp. 237–248)

### **Albanian legal framework on free legal aid and legal clinics**

Law No. 111/2017 “On state-guaranteed legal aid” serves as a significant framework to ensure access to justice for vulnerable groups by expanding eligibility for free legal aid. Since its adoption, starting from 2017, the law guarantees free legal aid not only to individuals with insufficient income but also to specific categories such as victims of domestic violence, sexual abuse, human trafficking, minors in conflict with the law, children in social care, persons with disabilities, those undergoing involuntary or voluntary treatment in mental health institutions, individuals facing capacity restrictions, beneficiaries of social protection schemes, and those subjected to discrimination. The law aims to provide these groups with legal assistance throughout various stages of legal proceedings, ensuring their rights are protected and enabling them to participate equally in the justice system.

According to Article 5 of law No. 111/2017 “On State-Guaranteed Legal Aid”, legal aid is provided in the following forms:

- a) Primary legal aid;
- b) Secondary legal aid;
- c) Exemption from court fees and litigation costs, as provided by law, and exemption from the obligation to prepay the enforcement fee of the enforcement order.

To distinguish it from the other two formats of providing free legal aid, primary legal aid refers to the provision by specially trained staff (employed at legal clinics) and other providers of free legal aid of each of the following services:

1. Providing information regarding the legal system of the Republic of Albania, current legislative acts, rights and obligations of legal subjects, and methods for exercising these rights in judicial and extrajudicial processes.
2. Providing advice.
3. Providing advice on mediation procedures and alternative dispute resolution methods
4. Providing assistance in drafting and preparing necessary documents for initiating proceedings before governmental authorities or for seeking secondary legal aid.
5. Representation before administrative bodies.
6. Providing all other necessary forms of legal support that do not constitute secondary legal aid.

In this context, primary legal aid should not be confused with secondary legal aid, which, according to the law, consists of legal services provided for drafting necessary documents to initiate court proceedings; providing advice, representation, and defense before the court in administrative, civil, and criminal matters not covered by mandatory defense, as defined by procedural criminal legislation.

The operation of university legal clinic is regulated under article 16 of law. No

111/2017 which foreseen that primary legal aid may be provided by legal clinics set up near higher education institutions.

Based on the data provided by the Free Legal Aid Directorate (FLAD), for the year 2023, 12 law clinics operate near higher education institutions, with which the Ministry of Justice has concluded cooperation agreements. The Directorate of Free Legal Aid has an obligation to cooperate with legal clinics only in relation to training and updating the knowledge of students involved in these clinics, on issues related to primary legal aid. For the year 2022, FLAD has trained 234 students engaged at the Clinics of Law. In addition to this, 27 students have developed work practices in the institution of the Directorate of Free Legal Aid and the Primary Legal Aid Service Center Tirana and 9 students at the Vlora Primary Legal Aid Service Center; Durrës and Shkodër (FLAD administrative data, 2023). The realization of the trainings is referred to the order no. 13 dated 28.01.2022, "For the establishment of the working group for the development of trainings for the students involved Law Clinics with which DNJF has a cooperation agreement", of the Director General of the Free Legal Aid Directorate.

As referred to the impact and operation of university legal clinics in Albania, the statistical data shows that the number of cases handled by these clinics remains significantly low compared to other legal aid providers. In 2021, out of 8153 total cases, only 63 were handled by University Law Clinics, with no cases reported for 2022 and only 23 reported for 2023.

Legal clinics in Albania are organized in two main forms: as part of university curricula (compulsory or optional subject)<sup>1</sup> or as university structures<sup>2</sup> open to the public with the aim of providing free primary legal assistance to individuals in need. However, regardless of the way of operation, in each clinic students of the faculty of law work together with professors of law. Practically, several professors have been appointed near the law clinics who lead the process of providing legal aid and whose task is to guide or mentor the students engaged near the clinics. One of the problems that can be raised in relation to this issue is the fact that the professors who are responsible for running the Law Clinics may not have the legal expertise to handle all categories of legal issues that vulnerable groups of individuals may face. . Such a problem could limit access to justice for these groups and could affect the decrease of public trust in law clinics. Based also on the international experience, it is suggested that the legal clinic be open to all professors of the university who can engage and offer their expertise in accordance with the issues treated by the univeristy legal clinic.

None of the law clinics is financially supported by the state budget. According to albanian law, university legal clinics are dependent on HEIs. The law does not provide financial support for clinics in providing assistance services primary legal and therefore their operation and their organization depends on HEIs. In only a few cases, there have been initiatives by foreign donors, such as USAID or OSCE, which have supported the operation of legal clinics in terms of supplementing their logistical means. Based on the data received from the representatives of these clinics, the lack of funding from the state budget at a time when the law envisages them as mechanisms for providing legal aid is thought to be one of the main factors that have

<sup>1</sup> See for example Legal Clinics near University of Tirana, Durres, Shkodra

<sup>2</sup> Such as Legal Clinic near University of Luarasi, Faculty of Law.

influenced the low number of cases treated by these clinics. Other factors include:  
Lack of awareness among vulnerable groups about University Law Clinics  
Insufficient training of law students to provide pro bono services  
Limited engagement of University Law Clinics in educational or awareness-raising activities about free legal aid services  
Citizens' trust in law clinics set up near universities is low. Citizens are suspicious of the student's role in this process and think that the best solution comes from state institutions.  
Low access of citizens to law clinics due to the low level of information on the services offered by the clinics, the hours of operation, the types of cases, as well as the professors and students engaged with them.

## **Conclusions and recommendations**

University legal clinics in Albania have a significant role in enhancing access to justice, especially for vulnerable groups. Despite their potential, various challenges hamper their effectiveness. The number of cases handled by university legal clinics is notably low compared to other legal aid providers, and there is a lack of awareness among vulnerable groups about these clinics. Additionally, law students involved in these clinics often do not receive adequate training to provide comprehensive legal services. Financial constraints further complicate the situation, as legal clinics do not receive state budget support and rely on higher education institutions and occasional foreign donors. Public trust in legal clinics is low, with citizens preferring solutions from established state institutions. Operational limitations, including limited hours, insufficient information dissemination, and inconsistent professor engagement, further restrict their impact.

To address these issues and enhance the effectiveness of legal clinics in Albania, several measures are recommended:

Increasing awareness and outreach is crucial. Targeted campaigns should inform vulnerable groups about the availability and benefits of legal clinics, utilizing various media channels to disseminate information about services, operating hours, and success stories. Enhancing training programs for law students is also essential. Comprehensive training that includes practical skills, ethical considerations, and specialized knowledge in areas commonly faced by vulnerable groups should be developed. Partnerships with experienced legal professionals and NGOs can provide mentorship and real-world insights.

Financial support and sustainability of legal clinics need urgent attention. Advocacy for amendments to the legal framework to include state budget support for legal clinics is necessary. Additionally, exploring funding sources such as grants from international organizations and partnerships with private sector entities committed to social justice can provide much-needed resources.

Building public trust is another critical aspect. Community engagement activities should demonstrate the competence and professionalism of legal clinic services, and successful case outcomes and client testimonials should be highlighted to showcase their positive impact.

Expanding faculty involvement in legal clinic activities can leverage diverse expertise and enhance the quality of legal aid provided. Encouraging participation from all university law professors and recognizing their involvement as part of their academic and professional responsibilities can significantly improve clinic operations.

Operational improvements should include standardizing service hours, clear communication of services offered, and ensuring accessible locations. A robust system for monitoring and evaluating the performance of legal clinics should be developed to identify areas for improvement and replicate best practices.

Lastly, leveraging technology can further expand the reach of legal aid services. Integrating virtual clinics can provide flexible, remote assistance and digital platforms can be used for case management, client communication, and legal education resources.

In conclusion, enhancing the effectiveness of legal clinics in Albania is imperative to ensuring equitable access to justice, particularly for the most vulnerable populations. By addressing the above key challenges, Albania can transform its legal aid landscape. For this reasons, implementing targeted outreach, comprehensive training, sustainable funding, and operational improvements, alongside leveraging technology, will empower legal clinics to better serve their communities. Through these efforts, Albania can build a more inclusive and just society, where every individual has the opportunity to assert and defend their rights effectively.

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# Examining specialized lexicography: Albanian monolingual school dictionaries

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## Abstract

In the context of monolingual school dictionaries, in particular, specialized lexicography is vital to language instruction and acquisition. In the process of developing monolingual dictionaries appropriate for school-age children, this article delves into the subtleties of specialized lexicography, with a particular emphasis on the accomplishments of Albanian lexicography in this domain. It explores the difficulties encountered, the approaches taken, and how these dictionaries are changing to accommodate the various demands of students in educational contexts.

School dictionaries are essential tools for equipping students with language skills necessary for critical thinking, communication, and comprehension in both academic and real-world contexts. They are dynamic resources that adjust to the changing needs of education. Since lexicographers painstakingly choose and define words to best meet the needs of learners, an examination of the process of generating these dictionaries offers light on the intricacy of language structure and use. Knowing the guiding ideas behind the creation of school dictionaries emphasizes how crucial it is to provide suitable learning materials that enable children to become fluent in their mother tongue and achieve higher academic results.

**Keywords:** dictionary, monolingual, school, Albanian lexicography.

## 1. Introduction

Over time, lexicography – the art and science of making dictionaries – has experienced substantial changes, with a focus on specialized subjects in particular. There are various types of specialized dictionaries. Every one of them concentrates on a particular target group. Certain specialized dictionaries provide details like the etymology of the word, the kinds of sentences and phrases that can be used with it, or a translation of a word that is similar in another language (Hartmann 2001; Fuertes-Olivera 2018). Among the many varieties of specialized dictionaries are bilingual dictionaries, technical dictionaries, and monolingual school dictionaries.

Bilingual dictionaries provide translations of words and phrases and are widely used by translators, individuals learning a second language, travelers, and persons engaged in multilingual interactions. Technical dictionaries are specialized dictionaries that focus on terminology related to specific technical subjects or industries. These dictionaries are designed to assist professionals, technicians, engineers and individuals working in technical fields by providing detailed definitions, explanations and translations of technical terms.

With age- and education-appropriate definitions, examples of usage, and key vocabulary, school dictionaries are invaluable resources for pupils. For school-age

children, these dictionaries are essential for language learning, comprehension, and skill development. They foster language competency and a deeper comprehension of word meanings by offering explanations in the target language.

School dictionaries that are only available in one language are an essential component of lexicography and are used extensively in language instruction. They are essential resources for language instruction and acquisition, catering specifically to the requirements of pupils in school. Fontenelle (2015) asserts that these dictionaries are essential for students' vocabulary growth, comprehension, and development of language skills.

Monolingual school dictionaries capture our interest in this endeavor.

## **2. Literature review**

The needs and varying skill levels of pupils provide a number of obstacles in the creation of monolingual school dictionaries. Atkins and Rundell (2008) stress that in order to make definitions intelligible to young learners, it is critical to strike a balance between content depth and simplicity. In order to assure relevance and correctness, Hartmann (2001) also highlights the necessity of conducting in-depth study on vocabulary that is appropriate for a certain age group and consulting with educators and language specialists.

Different approaches are used in specialized lexicography for school dictionaries to meet the specific demands of pupils (Kananaj & Rrokaj 2022, Kananaj & Rrokaj (12+) 2022). To guarantee relevance and accuracy, this entails doing in-depth research on age-appropriate vocabulary, analyzing usage frequency, and consulting with language specialists and educators. Incorporating visual aids, like diagrams and pictures, also helps young learners comprehend and retain information better. School dictionaries are used for a variety of purposes, including learning the definition of new words, checking spellings of words or word forms, verifying the existence of words one knows, getting clarification on unclear or ambiguous lemmas, finding synonyms or antonyms for words, and, of course, for recreational purposes (Jackson 2003: 28).

In order to engage students and provide individualized learning experiences, multimedia components including graphics, audio pronunciations, and interactive quizzes are progressively being incorporated into digital formats, according to Landau (2001). Monolingual school dictionaries have changed throughout time to reflect shifting pedagogical approaches and technological advancements. Making monolingual school dictionaries is difficult for a number of reasons, mostly because pupils have varying demands and proficiency levels. To ensure that definitions are understandable to young learners, lexicographers must balance the need for depth of material with simplicity (Fuertes-Olivera 2018). Furthermore, it is important that they take into account the variations in language usage among various cultures and geographical areas to furnish precise and pertinent data (Howard 2003).

The majority of the terms and definitions found in school dictionaries are appropriate for the age range to which they are intended (Stalh 1999; Treffers-Daller & Milto, 2013; Nippold 2016). Accordingly, it is customary in global lexicographic theory that

children's dictionaries do not contain all of the material found in adult dictionaries (Hudson 1988, Apresjan 2000, Jackson & Zé Amvela 2000, Landau 2001, Jackson 2003). The "lexical facts" in a dictionary, according to Hudson (1988), are the following: word form (pronunciation and orthography), structure, meaning, grammar, usage, and origin. Simpler terms are defined by the dictionary's entries rather than by the words themselves (Zgusta 1971: 257). Corpus theory is used in modern dictionaries (Atkins et al. 1991).

The first and only school dictionaries that have been compiled in Albanian are the *Fjalor i gjuhës shqipe i ilustruar* [Illustrated Dictionary of the Albanian Language] (Kananaj & Rrokaj 2022) and *Fjalor i gjuhës shqipe (12+)* [Dictionary of the Albanian Language (12+)] (Kananaj & Rrokaj 2022). *Fjalor i gjuhës shqipe i ilustruar* (Kananaj & Rrokaj 2022) has been the focus of a paper by Kananaj & Rrokaj (2019). This paper will concentrate on *Fjalor i gjuhës shqipe (12+)* (Kananaj & Rrokaj 2022) as the first achievement of specialized lexicography in Albanian language.

### 3. Methodology

The analysis of the Albanian school dictionary *Fjalor i gjuhës shqipe* (Kananaj & Rrokaj (12+) 2022) will be conducted using the well-known contemporary lexicography literature (Hudson 1988, Apresjan 2000, Howard 2000 & 2003, Landau 2001, Hartmann 2001, Atkins & Rundell 2008, Fontenelle 2015, Fuertes-Olivera 2018) as well as the accomplishments of Albanian lexicography (FGJSH 1954, Kostallari 1976; FGJSSH 2002, FGJSH 2006). Additionally, the analysis made in this paper takes into account the accomplishments of Albanian grammar (Newmark et al. 1982, Agalliu et al. 2002, Çeliku et al. 2002).

### 4. Results and discussions

For pupils enrolled in nine-year schools in regions with a local Albanian population in Albania, Kosovo, Macedonia, and the diaspora, *Fjalor i gjuhës shqipe* is an explanatory dictionary written in standard Albanian. In addition to offering the basic vocabulary required for daily communication and the majority of commonly used words in standard Albanian, it also includes a selection of terms that have been carefully chosen to aid in the comprehension of general Albanian writings, such as those from the media and film industry. Over 10,000 entries, 25,000 meanings, and 24,000 sample sentences chosen from the corpus are included in their entirety. Additionally, 500 or so more lemmas – for example, the female noun *magjistare* – *witch* is included within the male noun *magjistar* – *wizard*. However, the masculine and feminine nouns indicating occupations are given as separate entries because this is the practice of modern lexicography.

Inactive verb tenses are also included in the overall amount of vocabulary lemmas. The dictionary contains lemmas, meanings, and phraseology that reflect the Albanian language's most dynamic lexical and semantic layer. It contains over twenty-five thousand definitions. A smaller number of terms and definitions that may be found in passive lexicon or colloquial discourse are also included in the dictionary because

they are thought to be essential to understanding required or suggested school reading as well as a variety of radio and television shows. These lemmas cannot be found in existing explanatory dictionaries of Albanian.

As a result, the Dictionary serves three primary purposes: first, it educates students about the lexical and semantic norms of a standard Albanian dictionary by providing explanations for thousands of concepts based on their age; second, it prepares them for the use of other explanatory dictionaries, typically the largest in Albania.

The authors, who were in charge of establishing the drafting criteria, were skilled at fusing their knowledge of Western lexicography – which specialized in descriptive dictionaries for children of various ages – with Albanian lexicographical experience in the creation of national explanatory dictionaries. In order to improve both the lexicographic drafting work and the typology of dictionaries, the dictionary incorporates new conceptions and realizations in both macrostructure (word selection) and microstructure (a fun and approachable technique for students in the construction of microstructures of each lexicographic item).

This color-coded dictionary with typological marks makes it much easier to use both online and in printed form. The lexicographical techniques used in lemmas construction, particularly in Western dictionaries, have served as a guide for the authors.

Which values are most essential to it? For ninth graders, this book acts as a basic explanatory dictionary. Its main significance is this. As of right now, our lexicography contains no other dictionary of this type. Its main goal is to teach pupils a basic vocabulary up until the age of fifteen. Its second goal is to offer theme vocabulary, which is composed of expressions that are given in easy-to-understand English for classroom use. As a result, the dictionary was first written with users of school age in mind.

The macrostructure of the dictionary is constructed using words chosen from grades 1 through 9 textbooks (with a comprehensive collection from the texts of the Albanian language, history, geography, mathematics, physics, biology, etc.). This is a laborious and time-consuming process that is appreciated because it greatly enhances the work's informative value. It should be noted that this dictionary is far more open to borrowings or Albanian words formed by a borrowing, which are mostly related to terminological uses in school textbooks, than national explanatory dictionaries, which have a tendency to exclude borrowings and give exclusive priority to the corresponding word in the mother tongue.

A number of recently added words to the Albanian language were also included in the dictionary, including *tablet* – tablet, *aplikacion* – application, *arush* – bunny, *arrë kokosi* – coconut, *bio* – bio, *bijëz* – little daughter, *dekoroj* – decorate, *deodorant* – deodorant, *diasporë* – diaspora, *duhet* – must, *kek* – cake, *klas* – class, *komplet* – set, *konfliktohem* – to get into a conflict, *masazhoj* – massage, *mendjehapur* – open-minded, *meny* – menu, *monitor* – monitor, *i paajrosur* – unventilated, *prezantoj* – present, *prezantim* – presentation, *viskoz* viscose etc.

The microstructure of the lexicographic entries, which may be found in the sections that are described below, is another feature that sets the dictionary apart. First, the authors have added or updated several meanings or uses for the words that already

exist, based on the most widely used Albanian dictionaries. The following uses the dictionary's verified value for the work done on the semantic explanations, where the word meanings are elucidated with a focus on simplicity, clarity, and ease of spelling. Paraphrases abound in the explanations, along with synonyms, definitions, and descriptions. Synonymy has also been a useful conclusion in a lot of semantic explanations. As the authors themselves point out, the relevant meanings and semantic structures of the voices are presented in accordance with the linguistic and cognitive development of the 6–15-year-old age group (explanations with simple but precise words and accurate linguistic structures).

A lot of effort has gone into creating the structure of polysemantic units in the dictionary. The meanings are listed according to their frequency rather than the conventional, historical, and etymological standards. The target age group and the corpus determine how much the semantic structure is expanded and what sequence the meanings are presented in. Subsequently, the more concrete meanings are presented first, followed by abstract or more abstract meanings. As a result, etymology is no longer the main factor utilized to determine the semantic order of a word.

Generally speaking, the microstructure of the voices accurately reflects the synonyms and antonyms of various words, choosing the ones that are most useful to the students. Furthermore, covered in a different area are phrases and the most typical phraseological expressions.

Illustrative sentences are the highlight of this dictionary. A corpus of 100-million-word forms was employed, which was processed by a lexical software by Oxford University (Wordsmith Tools).

The primary way that words in the dictionary are defined is through sentences. The chosen illustrative phrases or sentences are meant to be educational, have the simplest possible structure, and serve as an excellent example of the meaning element that is meant to be demonstrated. This is done not just to clarify the meanings but also to enable the user to construct alternative phrases or sentences that are comparable to the ones that are provided (contextual language acquisition).

Particularly in these current times, no lexicographic effort can be constructed without a file or without a corpus or lexicographic database. Authors have firstly developed a lexical corpus, which consists of over 100,000,000 units. It consists of published folktale materials, literary pieces for adults and children, textbooks for grades 1 through 9 from various publishing houses, and even materials gathered from the Internet.

Articles from the daily media are also included in the corpus, albeit not significantly. A considerable number of manuscripts, including folktales and literature from Koliqi and Qosja, are exploited, however the majority of the corpus is composed of ordinary Albanian texts. The corpus's construction is grounded upon corpus theory. As a result, terminology, insightful explanations, and illustrations are developed using actual facts.

The verbs' passive forms have also been skillfully provided by the authors. They claim that this presentation is based on the program of the Albanian language texts for grades 1 through 9, and they have employed the active – non-active verbal morphology dichotomy. Particularly, in grade VII, pupils are taught the passive

form explicitly, at least in Albania. This is the reason it follows the meanings of the verb's active form, without going into comprehensive explanation about each passive meaning. The authors even emphasize that the school curriculum authorized by Ministry of Education, Sports and Youth was taken into consideration while choosing the grammatical criteria. Additionally, the corpus of school texts 1 – 9 has been a crucial source of information for choosing the dictionary's standards.

It is important to note that for words with grammatical functions, like prepositions, conjunctions, particles, and adverbs, which frequently appear unclear in other Albanian explanatory dictionaries, the lexical and grammatical criteria have been unified and improved.

The initial test of *Fjalor i gjuhës shqipe (12+)* has been passed. Several schools have tested and piloted it. The authors emphasize that three distinct schools in Tirana were the first to administer tests on the vocabulary and the initial draft of the dictionary. The final edition of the dictionary was created by making the necessary adjustments based on the teachers' ideas and suggestions regarding their students' responses.

A number of challenges faced the Dictionary's authors in putting this work together, including the absence of a comprehensive body of literature and linguistic data in Albanian, the dearth of children's dictionaries, the lack of research on the vocabulary and grammar acquisition of Albanian schoolchildren, and the lack of dictionaries specifically designed for this age group.

Finally, it can be said that *Fjalor i gjuhës shqipe (12+)* (Kananaj & Rrokaj 2022) is a brand-new lexicographical work that was realized using highly sophisticated computer techniques and includes all the necessary content components. It is a very user-friendly and functional book that does more than just fill a gap.

## 5. Conclusion

In the realm of monolingual school dictionaries, specialized lexicography is crucial for giving pupils useful tools for language acquisition. These dictionaries contribute significantly to the development of language competency and the improvement of educational results by attending to the specific demands and skill levels of learners. The processes and tools utilized in the development and application of monolingual school dictionaries will advance together with education, guaranteeing the materials' ongoing applicability and efficiency in the classroom.

It is the first time a school-age Albanian dictionary has been published in the history of Albanian lexicography. The best works in Albanian and foreign lexicography are brought together in Kananaj & Rrokaj's *Fjalor i gjuhës shqipe – Dictionary of the Albanian Language (12+)* (2022). With the release of this dictionary, a gap is closed and a new development is brought to the Albanian language and educational system, the diaspora and schools, foreigners, and everyone who wants to get better at standard Albanian.

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# Dismissal of request for trial by preliminary hearing judge

## Problems in practice

Elsa Miha

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### Abstract

The Prosecution is the only constitutional and procedural body which raises the charge during the investigation in the trial and represents it until the end of the criminal proceedings. The act of notification of the charge is a procedural act of essential importance for the criminal proceedings and for the trial of the person suspected of committing the criminal offense, since if the person against whom the investigations are conducted, has not been notified of the charge, he has not received the status of the defendant and therefore without this status he cannot be judged by the court.

The announcement of the charge is an exclusive attribute of the prosecutor, which is usually done at the end of the criminal proceedings and not only. The notification of the charge is made to the person against whom the investigations have been conducted when the prosecutor has collected sufficient data that manage to attribute to him the criminal fact committed with the standard that must be beyond any reasonable doubt.

The prosecutor, just as he has the power to announce the charge, also has the right to dismiss the charge or the case and this when we are faced with cases where: the criminal fact does not exist; the fact does not constitute a criminal offense; the fact is not considered a criminal offense; there are reasons for impunity related to the offense and the author; did not commit or it is not proven that he did not commit the criminal offense; the defendant dies; and other cases provided by law. In these cases, when it is not a criminal offense, the prosecutor makes a request for the dismissal of the case and sends it to the preliminary hearing judge, asking for his approval.

Whereas, in cases where the prosecutor announces the accusation, he always makes the request for the case to be sent to trial. In the practice of the court, we have seen cases when the request for trial is not approved by the judge of the preliminary hearing and he decides to drop the charge even though the prosecutor has brought the request for trial of the defendant. This decision of the court has sparked a lot of debate. Specifically, can the preliminary hearing judge dismiss the charge, when the prosecutor has requested the case to be sent to trial? Or does the judge of the preliminary hearing have the power to take the dismissal decision only when there was a request to dismiss the charge or the case?

In practice, the decision-making of the courts has been different. Recently, the Supreme Court has interpreted this provision, determining when the judge of the preliminary hearing can dismiss the charge. These and more will be part of the treatment in this article.

**Keywords:** Prosecution, charge, judge of the preliminary hearing, dismissal of charges.

### Introduction

The Prosecutor's Office is a constitutional body, which exercises exclusive functions, such as, among others, the representation of the prosecution on behalf of the state <sup>1</sup>. This is because the prosecution always protects the public interest by filing the

<sup>1</sup> Article 148 of the Constitution of the Republic of Albania provides that: " 1. *The Prosecutor's Of-*

charge and representing it in the trial. Through the representation of the charge, the state takes over its functions, that of further prevention of the criminal offense, the protection of the victims of the criminal offense and the provision of criminal justice. The prosecutor, before filing the charge, must collect evidence to prove it. As a rule, the prosecutor files the charge when there is sufficient data that can attribute the criminal offense to the person against whom the investigations have been conducted. In fact, he must raise the charge with a higher standard, not the sufficiency of the evidence, but the standard that the commission of the criminal offense is proven beyond any reasonable doubt, based on the evidence. Since only this high standard can guarantee success in bringing the accusation, its sustainability and in declaring the defendant guilty.

When the prosecutor does not exceed this standard even though he has carried out all the investigative actions, he makes a request to dismiss the case or charge, when it comes to criminal offenses, while for criminal misdemeanors, the prosecution dismisses the case itself, taking the decision to dismiss of the charge or case. Requests for dismissal of criminal charges must be reviewed and approved by preliminary hearing judge.

## **1. Accusation, filing and notification**

As we quoted above, the prosecution is the body that brings the public accusation on behalf of the state and represents the interests of the state from the moment the criminal proceedings begin and until it ends with a final criminal decision. The charge is an individual act that is notified to the person under investigation by the prosecutor. The prosecutor notifies the charge to the person to whom the criminal offense is attributed with the act of notification of the charge, in which sufficient information is shown to be accepted as a defendant. This act is notified to the defendant and his defense <sup>2</sup>.

In the Code of Criminal Procedure, there is no procedural moment defined when the charge is announced, but the legislator connects this moment with the fulfillment of the legal condition of sufficient data that can attribute the criminal offense to him. As a rule, these sufficient data are collected at the end of the criminal proceedings, therefore in practice, the act of notifying the charge occurs at the end of the preliminary investigation, after the prosecutor has collected all the necessary evidence to attribute the criminal offense to the person under investigation, with the standard beyond any reasonable doubt <sup>3</sup>.

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*fice carries out the criminal prosecution, as well as represents the accusation in court on behalf of the state. The prosecution also performs other tasks specified by law."*

<sup>2</sup> Article 34 of the Code of Criminal Procedure provides that: "*Assuming the quality of the defendant - 1. The person to whom the criminal offense is attributed with the act of notification of the charge, in which the sufficient data for obtaining as defendant. This act is notified to the defendant and his defense.*"

<sup>3</sup> Article 327 of the Code of Criminal Procedure provides that: "*Actions of the judicial police and the prosecutor - 2. Within the deadline provided by Article 324 of this Code, the prosecutor notifies the defendant, his defense, and the victim of the completion of preliminary investigations or her heirs, when their identity and residence result from the proceedings. 3. The notification contains the summary description of the criminal fact for which the proceedings are being carried out, the time*

After notifying the person under investigation with the summary description of the criminal fact for which the proceedings are being carried out, the time and place of the commission, the legal setting of the act of notification of the charge, the prosecutor prepares the request for trial. After the announcement of the end of the investigation, the defendant is also notified that he has the right to submit a request and documents within ten days, to ask the prosecutor to conduct additional investigations, to make statements or to request to be interrogated. When the defendant asks to be questioned, the prosecutor is obliged to proceed with his questioning. Although the provision does not clearly define whether the defendant can make requests for the clarification of the charge and its dismissal, without question that the defendant can make these requests and memos <sup>4</sup>, with which he can request the clarification of the charge or the dismissal of the case.

The request for trial is the procedural tool that sets the court in motion, as through it the prosecutor asks the court to judge the defendant and declare him guilty <sup>5</sup>. In this way, the judge of the preliminary session is set in motion to judge the request for trial brought by the prosecutor.

## 2. The preliminary hearing judge, a new procedural figure

The judge of the preliminary hearing is a new procedural figure implemented by law no. 37/2017. In reference to the changes to the Criminal Procedure Code of 2017, "Preliminary Session" comes to us in the quality of a phase of an interlocutory character, between the end of the preliminary investigations and the judgment of the case - the charge - on the merits. This new procedural figure was created with the function of controlling the preliminary investigation and it seems as if it did not have the function of delivering justice, the constitutional and procedural function that the

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*and place of the commission, the legal designation, the notification for the filing of the acts in the secretariat and the right to be familiar with the acts and to receive copies. 4. The defendant is also informed that he has the right to submit a memorandum and documents within ten days, to ask the prosecutor to conduct additional investigations, to make statements or to request to be questioned. When the defendant asks to be questioned, the prosecutor is obliged to proceed with his question."*

<sup>4</sup> Article 110 of the Code of Criminal Procedure provides that: "*Memorials and demands of the parties - 1. The parties and their representatives have the right, in any state and degree of the proceedings, to submit written memories and demands. 2. The proceeding body expresses its decision within fifteen days.*"

<sup>5</sup> Article 331 of the Code of Criminal Procedure provides that: "*Request for sending the case to court - 1. When not proceeding according to articles 328, 329/a, 400, 406/a or 406/dh of the Code, the prosecutor requests sending the case to trial. 2. The request for sending the case to court is invalid when the provisions of paragraphs 2, 3 and 4 of Article 327 of this Code are not respected. 3. The request for sending the case to court contains: a) the names of the defendant and the victim, when possible, as well as any other element that serves to identify them; b) presentation of the criminal fact and the legal description of the criminal offense; c) evidence sources and the facts they refer to; ç) requesting that the judge of the preliminary session decides to send the case to trial; d) date and signature of the prosecutor. 4. The prosecutor's request shall be accompanied by the acts and evidence contained in the investigation file, including the acts performed before the preliminary investigation judge, as well as the material evidence, unless they are stored elsewhere.*"

court has <sup>6</sup>. For this reason, this judge controls the completeness of the investigations, the validity of the acts, the usability of the evidence, the accuracy of the charge, its notification, the transfer of the case to trial and at the same time had the power to dismiss the charge or the case.

So, the judge of the preliminary hearing, among many powers, has the power to dismiss the accusation or the case, as well as to examine the request for passing/approving the case for trial. In the following, we will see how this session takes place.

### **3. Preliminary hearing and consideration of the request for the transfer of the case to trial**

As we have mentioned above, the judge of the preliminary hearing is set in motion through the request for trial filed by the prosecutor. The request for sending the case to trial is examined in a preliminary session by a single judge. Requests for sending separate cases from the same criminal proceeding to trial are examined by the same judge of the preliminary hearing <sup>7</sup>. In cases where the prosecutor has submitted a request for sending the case to court, the request for dismissal of the charge or the case is examined together with the request for sending the case to court <sup>8</sup>.

When the judge has been assigned by lot to review the request for trial, he performs the preparatory actions in advance, just as he would perform them in the trial on the merits. Under these conditions, the judge notifies all subjects, the defendant and the victim or her heirs, when their identity and residence result from the proceedings, indicating the day, time and the place where the hearing will take place, with the warning to the defendant that if he does not appear, the session will take place in his absence <sup>9</sup>. The date of the hearing is also notified to the prosecutor and the defendant's

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<sup>6</sup> Article 11 of the Code of Criminal Procedure provides that: *"The functions of the court - 1. The court is the body that administers justice - 2. No one can be declared guilty and punished for committing a criminal offense without a court decision."*

<sup>7</sup> Article 332 of the Code of Criminal Procedure, Appointment of the preliminary session, amended by law no. 35/2017, dated 30.3.2017 and amended point 1, added point 1/1 with law no. 41/2021, dated 23.3.2021, provides that: *"1. The request for sending the case to trial is examined in a preliminary session by a single judge. Requests for sending separate cases from the same criminal proceeding to trial are reviewed by the same judge of the preliminary hearing."*

<sup>8</sup> Article 329/ai of the Code of Criminal Procedure provides that: *"Request for dismissal of the accusation or case - 1. At the end of the preliminary investigations, when proceeding for crimes and when it is one of the cases provided by paragraph 1, of article 328, of this Code, the prosecutor requests the preliminary sessions judge to dismiss the charge or the case. 2. In cases where the prosecutor has submitted a request to send the case to trial, the request to dismiss the charge or the case is considered together with the request to send the case to trial."*

<sup>9</sup> Article 332/ai of the Code of Criminal Procedure provides that: *"Preparatory actions - 1. The judge of the preliminary session notifies the defendant and the victim or her heirs, when their identity and residence result from the acts of the proceeding, indicating the day, time and place where the hearing will take place, with the warning to the defendant that if he does not appear, the hearing will take place in his absence. 2. The date of the hearing is also notified to the prosecutor and the defense counsel of the defendant, informing the latter of the right to familiarize himself with the deposited acts, as well as to present memory or documents. The prosecutor is invited to file all the acts performed after submitting the request for sending the case to trial. 3. Notifications according*

defense counsel, informing the latter of the right to be familiar with the filed acts, as well as to present a memorandum or documents. From the date of filing the request to send the case to court, to the date of the hearing, a period longer than 10 days should not pass. The judge performs the preparatory actions by notifying the necessary subjects of the criminal proceedings. The prosecutor and the defendant's defense must participate in the hearing of the request for the transfer of the case to trial<sup>10</sup>. If these two subjects do not participate in the trial, the acts are absolutely invalid<sup>11</sup>.

The law requires the necessary presence of these subjects because the prosecutor will defend and represent the charge, showing the investigative actions carried out, their result, as well as the evidence and their source, on which the relevant charge and the defendant are based, as he has procedural rights that he must and can exercise at this procedural moment. The demands of the defendant are many, such as: the request for the invalidity of the acts of preliminary investigations, the non-usability of the evidence, the need to obtain other evidence, the request for abbreviated trial, and he can make the statements he deems necessary or ask to be questioned<sup>12</sup>.

The Code obliges the judge of the preliminary hearing to notify the victim or her heirs for the first time, when they are identified and when they appear, after the defendants present their claims, the victims and other private parties, when they are present. The court decides on the request to send the case to trial within 30 days from the date of its filing.

#### **4. Approval of the request for trial by the judge of the preliminary hearing**

The preliminary hearing is expected to take place in a similar manner to the court hearing for the trial on the merits of the case, thus following the same sequence for

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*to paragraphs 1 and 2 must be made at least ten days before the date of the session. 4. When the defendant in a free state, despite all the searches, according to articles 140-142 of this Code, does not appear at the preliminary hearing and it turns out that he did not personally know about the trial, the court decides according to points 1, 2, 3 or 4 of Article 352 of this Code."*

<sup>10</sup> Article 332/bi of the Code of Criminal Procedure provides that: "*Verification of the appearance of the parties - 1. The session is held behind closed doors, with the necessary participation of the prosecutor and the defense of the defendant.*"

<sup>11</sup> Article 128/ai of the Code of Criminal Procedure provides that: "*Absolute invalidity - 1. Procedural acts are absolutely invalid when the provisions related to: a) the conditions to be a judge in the specific case and the number of judges that are necessary are not respected for the formation of judicial bodies, according to the provisions of this Code; b) the right of the prosecutor to exercise criminal prosecution and his participation in the proceedings; c) the summoning of the defendant, the victim or the presence of the defender when it is mandatory. 2. An act defined by law as absolutely invalid cannot become valid.*"

<sup>12</sup> Article 332/ci of the Code of Criminal Procedure provides that: "*Development of the session - 1. After verifying the presentation of the parties, the court declares the trial open. 2. The prosecutor summarizes the results of preliminary investigations and the evidence supporting the request to send the case to trial. 3. The defendant may submit requests for the invalidity of preliminary investigation acts, the unusability of evidence, the need to obtain other evidence, a request for a summary trial, and may make the statements he deems necessary or request that is asked, applying the rules provided by articles 38 and 39 of this Code. 4. After the defendant, victims and other private parties present their claims, when they are present.*"

the claims of the parties. The prosecutor summarizes the results of the preliminary investigations and the evidence on which he bases his conclusions. The purpose of this procedural action is related to the presentation before the judge of preliminary investigations, of the legal and factual situation that has been assessed by the prosecutor as constituting a sufficient legal and factual basis for sending the case to trial.

After the presentation by the prosecutor of the results of the investigation and the collected evidence, the defendant is entitled to exercise a number of rights provided by the provision, which we have already said above and are related to the completeness, validity of the completion of the investigations, the usability of evidence, clarification of the accusation, etc.

The preliminary hearing judge, after hearing the submissions of the prosecutor, the defendant and the victim, decides regarding the request for trial. The legislator has provided for only one case when the request for judgment becomes invalid: “*The request to send the case to court is invalid when the provisions of paragraphs 2, 3 and 4 of Article 327 of this Code are not respected*”<sup>13</sup>. In this case, the legislator connects the invalidity of the request in the trial with the following cases:

1- *Upon completion of investigative actions and procedural acts within the period of preliminary or extended investigation and notification of subjects to the defendant, his defense, as well as the victim or heirs;*

2- *With the summary notification of the criminal fact for which the proceedings are being carried out, the time and place of the commission, the legal designation, the notification for the filing of the acts in the secretariat and the right to be familiar with the acts and to receive copies.*

3- *The defendant is also informed that he has the right to submit a request and documents within ten days, to ask the prosecutor to conduct additional investigations, to make statements or to request to be questioned. When the defendant asks to be questioned, the prosecutor is obliged to proceed with his questioning.*

So, in the event that one of these provisions is not respected, such as not notifying the defendant, the defender and the victim of the result of the investigation; the right to be notified of the acts; as well as the right to submit a memo within 10 days from the moment of recognition of the acts, the request for judgment is invalid. The legislator only in these cases has considered the request for judgment invalid. In other cases, the judge must accept the request for sending the case to trial.

## **5. Decision of the preliminary hearing judge regarding the request for trial**

The judge of the preliminary hearing, after listening to the submissions of each of the parties, the prosecutor who must stick to the request for the case to be sent to trial, the victim who must have more or less the same attitude as the prosecution, the defendants who can do different requests, makes the following decisions:

*“a) accepting the request of the prosecutor and sending the case to court, when there is evidence sufficient in support of the charge;*

<sup>13</sup> Article 331 of the Code of Criminal Procedure provides that: “*Request for sending the case to court - 1. When not proceeding according to articles 328, 329/a, 400, 406/a or 406/dh of the Code, the prosecutor requests sending the case to trial. 2. The request to send the case to court is invalid when the provisions of paragraphs 2, 3 and 4 of Article 327 of this Code are not respected.*”

b) continuation of the trial by the same court when the parties present an agreement on the terms of the admission of guilt and the determination of the punishment;

c) to invite the parties to present the final discussions when the defendant has requested the trial of abbreviated, after verifying the state of the acts, according to the provisions of Article 332/c of this Code. The parties have the right to request a deadline to prepare, no longer than 15 days. When the defendant is accused of committing a criminal offense punishable by imprisonment for a maximum of more than 10 years, the court sets the date of the hearing and notifies the president to complete the trial panel according to the law;

ç) dismissing the accusation or the case when there are cases of paragraph 1, article 328, of this Code.»<sup>14</sup>.

The above decisions do not provide for the court's decision-making on the invalidity of the request for trial, even though the provision provides for the invalidity of the request at trial.

In practice, we have noticed problems with the decision-making of the judge of the preliminary hearing, when a request for a trial comes and the court decides to drop charges.

## **6. Problems in practice during the examination of the request for the transfer of the case to court**

In the decision-making of the judge of the preliminary hearing, may transfer the case to the trial as well as decide for the dismissal of the accusation or the case when there are cases of paragraph 1, of article 328, of this Code<sup>15</sup>. So, referring to this provision, the judge decides to dismiss the charge and the case even when there is a request for the case to be sent to trial, except for other cases when he approves the request of the prosecutor for dismissal of the charge or the case. This legal provision brought problems in practice, as judges were divided by different decision-making.

In more detail, there were those judges who decided to dismiss the charge even when there was a request for the case to be sent to trial. The position of these judges was based on the provisions of the Code of Criminal Procedure, which provided for the right of this judge to make the decision to dismiss the charge, but also on the competence of the judge to deliver justice. The reasons for dismissing the case are related to the lack of a criminal fact, its prediction as a criminal offense, the statute of limitations for criminal prosecution, reasons for the impunity of the criminal offense

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<sup>14</sup> See article 332/dh - Decision of the judge of the preliminary session, of the Code of Criminal Procedure.

<sup>15</sup> Article 328 - Dismissal of the charge or case, of the Code of Criminal Procedure provides that: "1. At the end of preliminary investigations, when proceeding for a criminal misdemeanor, the prosecutor decides to dismiss the charge or the case when: a) it is clear that the fact does not exist; b) the fact is not prescribed by law as a criminal offense; c) the victim has not filed a complaint or waives the complaint in cases where the proceedings are initiated at his request; ç) the person cannot be taken as a defendant or cannot be punished; d) there is a cause that extinguishes the criminal offense or for which the criminal prosecution should not have been initiated or should not continue; dh) it turns out that the defendant did not commit the offense or it is not proven that he committed it; e) with a final decision, the defendant was tried for the same criminal offense; è) the defendant dies; f) in other cases provided by law."

and the author, the defendant dies, gives up the appeal, no criminal offense has been committed by the defendant or it is not proven that he has committed the criminal offense and other cases provided for in law. Therefore, when we were in one of the above cases, the judge decided the dismissal and there was no legal reason to take the case to trial, since even the judge of the merits would decide innocence or dismissal of the charge if he was in one of the above cases.

But in the meantime, there were also those judges who held the opposite position. They did not decide to dismiss the charge when the prosecutor brought a request for a trial, since according to them, this was not a competence of the judge of the preliminary hearing, but of the judge of the merits. The judge of the preliminary hearing decided to dismiss the charge, only when he received a request for the dismissal of the charge or the case from the prosecutor and not when a request for a trial came, since in the latter case he had to pass it on to the judge of the merits and only he can decide the dismissal of the charge.

This position was also held by the criminal panel of the court of appeal. Given these conditions, it was necessary to interpret these provisions.

## **7. The practice of the Supreme Court regarding dismissal of the charge when the prosecutor has requested to be sent to trial**

Occurred before the new changes to the Code of Criminal Procedure and the implementation in non-unified practice of the provisions that determined the powers of the judge of the preliminary hearing, it became necessary for the Supreme Court, as a court of law, to say its last word, interpreting the institute of the judge of the preliminary hearing and the decisions he can take in these cases.

Specifically, in the content of decision no. 00-2022- 685 (138), dated 10.05.2022, the Criminal College of the Supreme Court states that:

*“ Durres Judicial District Court, with decision no. 11-2019-3588 (493) dated 26.06.2019, has decided: “Dismissal of the criminal case pertaining to criminal proceedings No. 1549 of 2017 against the defendant R,K, accused of committing the criminal offense “Theft” that has brought serious consequences, provided by article 134/3 of the Criminal Code and the defendants E.H, I.P, A.L and D.K, accused of committing the criminal offense of “Abuse of duty” provided by article 248 of the Criminal Code.*

*26. Durrës Court of Appeal, with its decision no. 10-2019-2179 (399), dated 27.11.2019, has decided: “Enforcement of decision no. (11-2019-3588) 493, dated 26.06.2019 of the Court of the Judicial District of Durres “.*

*In relation to the claim of non-compliance with the procedural law for the decision-making of the judge of the preliminary Hearing, the College assesses that in this particular case the decision-making of the courts of fact exceeds the functional competence of this judge. In the preliminary hearing, the judge must verify whether the proceeding body has carried out the full investigations, there is no need to obtain other evidence, there is no invalidity or non-usability of the evidence, whether the rights of the defendants or the victim of the criminal offense have been respected, etc.*

*37. The ratio legis of Article 332/dh of the Albanian Criminal Code is to verify whether the request for sending the case to trial has sufficient elements to support the charge in the trial.*

40. *The duty of the judge of the preliminary hearing is to limit himself to verifying, in the presence of the source of the evidence presented to him, whether in the situation in which the acts are located, the case can be taken to court, without making essential assessments that belong to the trial phase. The assessment of the judge of the preliminary session cannot be separated from that of the described criminal facts. In cases of the non-existence of the criminal fact, the absence of the criminal offense if the facts are clear from the acts and there is no need for further investigations. When the judge of the preliminary hearing is in front of such a case, he must decide to suspend the trial.*

41. *The judge of the preliminary hearing cannot make a more in-depth assessment than that required for the preliminary hearing, and cannot go into the matter of evaluating the evidence and valuing it in the sense of provenance, an assessment that is made in adversarial and judicial debate that is characteristic of the judgment on the basis of the case.*

42. *The Criminal College of the Supreme Court estimates that such an analysis cannot be done in the preliminary hearing, since the evaluation of the evidence, its assessment, the analysis of whether it goes beyond reasonable doubt for the commission of a criminal offense is done at the trial stage of the case in adversarial and judicial debate in accordance with the principles defined by articles 152 of the CPC, and not at the stage of the preliminary hearing.*

43. *The judge of the preliminary hearing can dismiss the charge when it is clear that the fact does not exist or when from the point of view of the control of the investigations on his part it results that the prosecutor who requests the sending of the case to trial has not brought evidence related to the defendant, making a relevant count of the evidence, or the evidence he brought are not such that in relation to this defendant in the trial, they will further provide any information about the facts object of accusation regarding this person. But the judge of the preliminary session cannot enter into the evaluation of the evidence, of their value in relation to the fact or guilt or their value in relation to other evidence, since this can only be done in the judicial session of the trial of the basis of the case in terms of judicial debate and adversary.*

44. *From both courts such as the Judicial District Court, Durrës and the Court of Appeal, Durrës, in relation to the defendants, this competence of the judge of the preliminary session was exceeded, as the evidence presented by the prosecuting body was evaluated beyond any reasonable doubt. This principle is characteristic of the trial of the merits, where the evidence is evaluated by the Court after a judicial debate, under the principle of adversariality. These evidences must be evaluated by the judge of the trial of the underlying case, within the framework of the formation of internal conviction, duty and constitutional competence, which belongs only to the judge of the trial of the criminal case at the core."*

Thus, the Criminal College of the Supreme Court stated that the use of the wrong evidentiary standards in judging the request for sending the case for trial or for dismissing the case, according to articles 332/dh/a and 328/1 of the Code of Criminal Procedure, positions the judge of the preliminary hearing in the capacity of the judge of the merits, when he expresses himself regarding the verifiability of the charge, considering his decision-making in conditions of illegality.

Regarding the above, in this decision the Supreme Court clearly stated that only in those cases where there is no need to evaluate the evidence and its authenticity, in cases where the criminal fact does not exist, the fact does not constitute a criminal offense, the judge of the preliminary senate can decide the suspension even though the prosecutor has received a request for a trial.

## Conclusions and recommendations

Attribution, notification of the charge to the person under investigation is the exclusive competence of the prosecutor. This attribution, notification of the charge to the person under investigation, the prosecutor makes when he has sufficient data that can prove to him the commission of the criminal offense with the standard beyond any reasonable doubt based on the evidence. As a rule, the notification of the charge comes at the end of the preliminary investigation, where the prosecutor notifies the defendant and the defense, the act of completion of the investigation, the results of this investigation, the criminal fact committed, the source of the evidence and the right of the defendant to have the opportunity to become familiar with the acts and the evidence collected during the preliminary investigation. The right of the defendant to present a memo, where he can take a stand regarding the preliminary investigation carried out, is it complete or not, there are invalid acts, unusable evidence, the charge is correct or not and whether it should be dismissed. After compliance with this obligation, a request for trial can be brought to the judge of the preliminary session.

Failure to comply with this obligation rises the invalidity of the request for trial. The court, while examining the request for the transfer of the case to trial, may make several decisions, such as accepting the request for transfer of the case to trial, sending the case to the competent court, accepting the request for abbreviated trial, continuing the trial, dismissing of the charge or case. There is no provision for consideration of the invalidity of the request for trial.

The position of our first instance court, but also those of appeal, is different in relation to the competence of the judge of the preliminary hearing to decide the dismissal of the charge and the case. Some courts have interpreted that the judge of the preliminary hearing can decide to drop the charge even when the request for trial comes from the prosecutor, which means a way of providing criminal justice. While some other courts have interpreted that the judge of the preliminary hearing cannot decide to dismiss the charge when the prosecutor has made a request for a trial, since this competence belongs to the judge of the merits and not the judge of the preliminary hearing.

Based on the above, the necessity of a legal position arises from the Supreme Court, which clearly stated that only in those cases where there is no need to evaluate the evidence and its authenticity, specifically in cases where the criminal fact does not exist, the fact does not constitute a criminal offense, the judge of the preliminary hearing can decide the suspension, and in other cases not. This decision-making of the high court, related specifically to the competence of the judge of the preliminary hearing, is mandatory to be applied uniformly by all courts.

Meanwhile, because the powers of the judge of the preliminary hearing do not expressly provide for the right of the court to invalidate the request for trial, the provision of Article 332/dh of the Code of Criminal Procedure must be amended, expressly adding the right of court to invalidate the request for trial, when the provisions of Article 324/2/3/4 of the Code of Criminal Procedure have not been respected.

## References

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Decision no. 11-2019-3588 (493), dated 26.06.2019, of the Durrës Judicial District Court;  
Decision no. 23, dated 19.01.2023, of the Criminal College of the Supreme Court;  
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# Assessment of the Liquefaction Potential of Saturated Sands along the Adriatic Coastline

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## Abstract

In this paper is presented a simplified liquefaction evaluation of coastal saturated loose sands. Dynamic excitation due to earthquakes results in relative displacements of soil grains. In conditions of water saturation and impossibility of fast drainage it is caused pore pressure increase as a result of gravity loads transferring to pore water. This process may induce the total reduction in initial effective stresses, which practically results in loss of soil strength frequently encountered in Adriatic coastal saturated loose sands. Such a state is defined as initial liquefaction occurrence expressed with strain levels increase causing severe consequences in touristic building structures realized in those areas.

Definition of liquefaction depth, mostly influenced by relative density of saturated sands in high intensity seismic areas, it is an important factor to define the foundation type as a direct contact of structural load transmitting to the soil.

**Keywords:** soil, liquefaction, saturated, effective stresses, pore pressure, seismic areas, gravity load.

## 1. Introduction

The Liquefaction phenomenon caused by earthquakes motions is observed in seismically active regions with typical form of settlement and tilting of civil engineering structures. The loss of soil strength or stiffness among the seismic ground motions is called Soil Liquefaction. This phenomenon is characteristic mainly of cohesionless water saturated sands, typical of coastal Vlorë deposits. Shear waves induced due to earthquake, result in relative displacement of soil grains and a volume change tendency. In conditions of water-saturation and impossibility of fast drainage, the

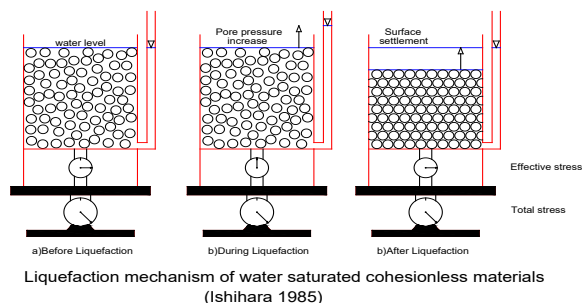


Fig.1: Liquefaction mechanism of water saturated cohesionless materials (Ishihara 1985)

volume change tendency can not be realized. Thus, immediately increase of pore pressure cause the transfer of gravity loads from soil particles to pore water. The total reduction in initial effective stresses that takes places in soil, is known as loss of strength. This state is defined as liquefaction occurrence or cyclic mobility.

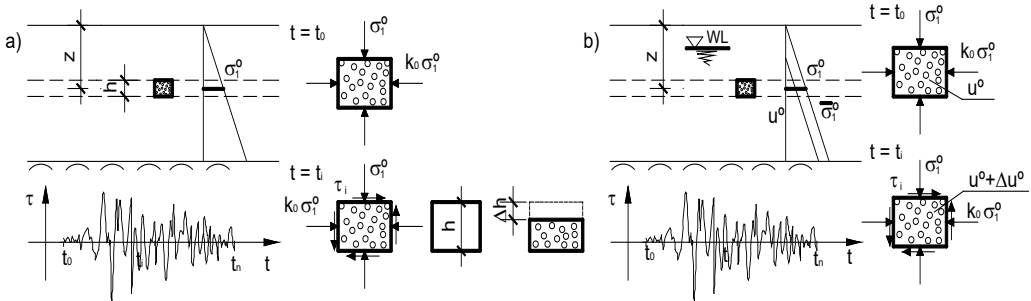
## 2. Mechanism and Definitions

**Liquefaction** is condition where soil undergo deformation with low residual resistance, due to the buildup of high water pressures ( $u$ ) which reduce the effective pressure ( $\sigma_1^0$ ) to a very low value. The liquefaction can occur due to static or cyclic stress applications. It depends on cohesionless sand relative density ( $D_r$ ), effective pressure or hydraulic gradient during upward flow of water in a sand deposit. During the course of cyclic stress applications, the pore pressure becomes equal to the applied effective pressure. This condition denotes Peak Cyclic Pore Pressure Ratio of 100% that used for assessing subsequent soil behaviour.

The condition in which cyclic stress applications develop pore pressure equal to the applied effective pressure and subsequent cyclic stress cause limited strains is denoted as **Cyclic Mobility** or **Peak Cyclic Pore Pressure Ratio of 100% with Limited Strain Potential**.

Fig. 2: a) Compaction Settlement;

b) Liquefaction, Cyclic Mobility



$$a) t \leq t_0 \quad t_f = \sigma_1^0 \tan \phi$$

(1)

$t=t_1$  ; Compaction Settlement

$$b) t \leq t_0 \quad \overline{\sigma}_1^0 = \sigma_1^0 - u^0 \quad \tau_f^0 = \overline{\sigma}_1^0 \tan \phi' \quad (2)$$

$$t=t_1 \quad \overline{\sigma}_1^1 = \sigma_1^0 - (u^0 + \Delta u^1) \quad \tau_f^1 = \overline{\sigma}_1^1 \tan \phi' \quad (3)$$

$$t=t_1 \quad \Delta u' = \overline{\sigma_1^0} ; \quad \overline{\sigma_1'} = \sigma_1^0 - (u^0 + \Delta u') = \sigma_1^0 - u^0 - \overline{\sigma_1^0} = \overline{\sigma_1^0} - \overline{\sigma_1^0} = 0 \quad (4)$$

$$\tau_f' = \overline{\sigma_1'} \tan \phi' = 0 ; \text{ Initial Liquefaction. } (5)$$

Cyclic stress applications can result either in Liquefaction or in Cyclic Mobility. It depend of saturated sand type. Generally liquefaction can occur in loose saturated sands and cyclic mobility in medium to dense sands with relative density below a critical value and low values of effective pressure.

The cyclic stresses induced by earthquake shear waves in saturated sands causes excess or build up of hydrostatic pressures. During earthquake waves, the structure of sands tends to become more compact transferring stresses to the pore water reducing stresses on the soil grains.

As the pore pressure becomes equal to effective pressure, the sands begin to undergo deformations

As a consequence in loose saturated sands occur large deformations that may exceed  $\pm 20\%$ . So, unlimited deformation of loose saturated sands without mobilizing resistance to deformation is called Liquefaction.

In case of dense sands after cyclic pore pressure becomes equal to effective pressure, the soil tend to dilate following with pore pressure drop and developing resistance to cyclic applied stress. As the cyclic stresses continues, the amount of deformation to produce a stable condition will be increased. So, for any subsequent induced stress cycle soil withstand without further deformation increase. This behaviour is called "Cyclic Mobility" or "Peak Cyclic Pore Pressure Ratio of 100% with Limited Strain Potential".

### 3. Liquefaction or Cyclic Mobility Evaluation

Two base methods are used to evaluate Liquefaction or Cyclic Mobility in saturated sands subjected to earthquake waves.

#### 3.1 Methods based on Previous Earthquake Observations

Collection of site conditions at various locations where some evidence of liquefaction or no liquefaction are developed from different authors using the field values of cyclic stress ratio  $R\tau = \tau / \sigma_1^0$

(in which  $\tau$ -horizontal shear stress induced by earthquake;  $\sigma_1^0$ - initial effective vertical pressure on the soil layer), relative density  $D_r$ ,  $\sigma_0$ - total vertical stress on sand layer considered, Standard Penetration Resistance  $N$ ,

$a_{\max}$ -maximum acceleration at the ground surface,  $r_d$ - stress reduction factor etc.

The limitations of those procedures are:

- 1) The lower bound causing cyclic mobility or liquefaction at high values of  $R\tau = \tau / \sigma_1^0$  can not be defined.
- 2) The factors affecting cyclic mobility or liquefaction, such as shaking duration, earthquake magnitude can not take into account.
- 3) The penetration resistance may not be an appropriate as a cyclic mobility characteristic of soil and its value may vary significantly depending on the boring

and sampling conditions.

With regard to the possibility that penetration resistance of sand may be not appropriate as liquefaction characteristic it is important to know the different factors as:

Relative density, grain structure, lateral earth pressure coefficient  $K_0$  value, prior seismic or shear strains to which the sand may have been subjected.

Generally the factors tending to increase the resistance to liquefaction or cyclic mobility tend to increase the penetration resistance of sands.

The results based on stress evaluations using ground response analyses and detailed soil testing programs will be more realistic in evaluation of Cyclic Mobility or Liquefaction Potential at any particular site conditions.

### **3.2 Methods based on Analytical Evaluation of Stress Conditions in Field and Laboratory**

Analytical evaluations of Liquefaction or Cyclic Mobility proposed by Seed and Idriss ('74) consist in

1) Evaluation of cyclic shear resistance and expected cyclic shear stress induced by earthquake at different soil levels

2) Field and laboratory investigation to define for effective pressure at specific depth, peak cyclic pore pressure ratio of 100% or peak cyclic pressure ratio of 100% with limited strain.

Through these methods are defined analytical approaches to evaluate the stresses on potentially liquefiable layer during earthquake, procedures to convert irregular stress history by an equivalent uniform cyclic stress history, procedures for measuring the cyclic stress causing a peak pore pressure ratio of 100% or peak pore pressure ratio of 100% with limited strain, factors that influence on liquefaction or cyclic mobility characteristic of soils.

## **4. Evaluation of Liquefaction Potential Depth in coastal saturated cohesionless sands in Vlora, Albania**

In building structures realised on coastal saturated sands it seems practical to evaluate Liquefaction Potential Depth  $z_L$ . It's definition can help structural designer in appropriate choice of foundation type. One practical method in evaluation of Liquefaction potential depth based on Seed and Idriss proposal ('74) is developed shortly in this paper presenting results for two cases.

- Saturated loose sands subjected to cyclic stresses induced by earthquake ground motion **without structure presence**.

- Saturated loose sands subjected to cyclic stresses induced by earthquake ground motion **with structure presence**.

This method is based on experimental and analytical comparison of cyclic shear stresses expected  $\tau(e)$  and cyclic shear strength  $\tau(r)$  in cohesionless saturated soils. Liquefaction Potential exist if  $\tau(e)/\tau(r) > 1$

$$\tau(e) = C_2 \times C_3 \times (a_{\max}/g) \times \sigma_i \times r_d; \quad (6)$$

$$\tau(r) = C_1 \times R \tau \times \sigma_i^0; \quad (7)$$

$C_1$ - parameter based on laboratory test data  $C_1 = \tau_R / \tau_{lab}$ ;  $C_1 = 1.5 \div 2.0$   
 $C_2$ - parameter based on earthquake magnitude M  $C_2 = 0.55, 0.65, 0.75$   
 $C_3$ - parameter based on multidirectional shaking effect  $C_3 = 1.1 \div 1.2$

The Liquefaction Potential zone induced by earthquakes in cohesionless saturated sands under the building structures is analysed based on seismic and geological investigation for a building site situated in Vlora, Albania. The analytical procedure presented here involve the following steps:

- 1) Determination of the existing static stress conditions in the soil below and adjacent to a structure using an appropriate stress distribution analysis (e.g; finite element analyses).
- 2) Determination of cyclic shear stresses induced by earthquake motions on soil layers.
- 3) Determination of cyclic shear strength of soil layers.
- 4) Laboratory observations in test samples of the effects of the superimposed cyclic stresses in terms of pore water pressures and strains they produce and stress-strain assesment of soil-structure system involved as well.

TABLE 1. Liquefaction Potential Depth in Correlation with Cyclic Shear Strength  $\tau(r)$  and Cyclic Shear Expected  
 No Building Structure Presence; Earthquake Magnitude M=6.75; WL=1.5m;

Soil Layers	$\gamma_{sat}$ (under WL)	Layer Thickness under WL	Relative Density Dr	Effective Vertical Pressure $\sigma_i^0$	Depth z	Total Vertical Pressure $\sigma_i$	Cyclic Stress Ratio $R\tau = \tau / \sigma_i^0$ (Seed . Fig.4)	Cyclic Shear Strength $\tau(r)$	Reduction factor rd (Tab.2)	Cyclic Shear Expected $\tau(e)$
	(kN/m <sup>3</sup> )	(m)	(%)	(kN/m <sup>2</sup> )	(m)	(kN/m <sup>2</sup> )		(kN/m <sup>2</sup> )		(kN/m <sup>2</sup> )
1.00	19.10	1.00	54.00	31.65	2.00	36.55	0.14	6.65	1.00	7.27
2.00	19.10	0.50	60.00	38.61	2.75	50.88	0.16	9.27	1.00	10.11
3.00	19.60	2.00	60.00	50.73	4.00	75.25	0.16	12.17	0.98	14.66
4.00	19.50	5.00	60.00	84.74	7.50	143.60	0.18	22.88	0.94	26.83
5.00	20.00	10.00	70.00	159.92	15.00	292.35	0.23	55.17	0.70	40.68
6.00	20.00	10.00	70.00	261.82	25.00	492.35	0.23	90.33	0.56	54.81

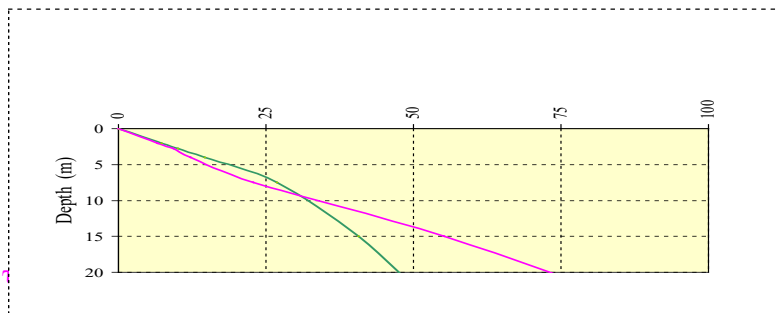
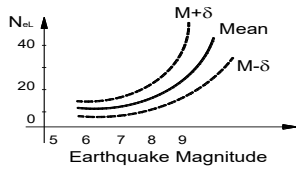


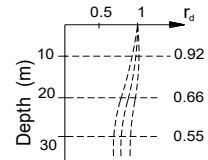
Fig.3: Liquefaction Potential Depth; No Building Structure Presence

TABLE 2. Correlation between Earthquake Magnitude and Cyclic Number required to cause  $\tau=0.65 \tau_{max}$  (Talaganov K. "Dynamic Soil Instabilities", 2001)

TABLE 3. Stress Reduction Coefficient  $r_d$  (Seed H.B. 1979)

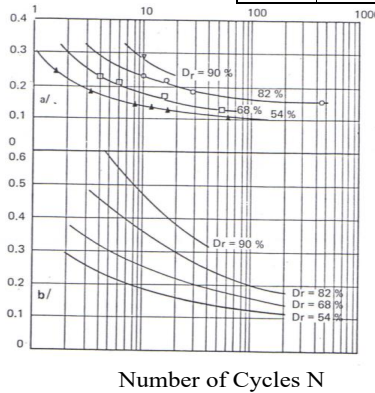


Earthquake Magnitude	Cyclic Number
5.5	2÷3
6	5÷6
6.75	10
7.5	15
8.5	26



a)

Depth (m)	Reduction factor; $r_d$ $=\tau_{max(fl.)}/\tau_{max(rig)}$
0.00	1.00
5.00	0.98
10.00	0.92
15.00	0.82
20.00	0.66



$$R\tau = \tau / \sigma_i^0$$

Fig. 4: Typical results of laboratory testing by cyclic shear stress: relationship between  $(R\tau)$ , number of cycles (N) for different relative densities ( $D_r$ ); a) Peak Cyclic Pore Pressure Ratio of 100% b) Peak Cyclic Pore Pressure Ratio of 100% with Strain Potential 5%. (Seed 1979)

TABLE 4. Liquefaction Potential Depth in Correlation with Cyclic Shear Strength  $\tau(r)$  and Cyclic Shear Expected

Building Structure Presence; Earthquake Magnitude  $M=6.75$ ;  $WL=1.5m$ ; Building Structure Vertical Pressure  $p=100kN/m^2$ ; Foundation Depth=3m;  $B=20m$ ;  $L=30m$ ;  $L/B=1.5$ ;

Soil Layers	$V_{sat}$ (down WL)	$K_0$ (Tab.4)	Building Structure Overburden Vertical Pressure $\sigma(+) = K_0 \times p$	Layer Thickness under WL	Relative Density $D_r$	Effective Vertical Pressure $\sigma_i^0$	Depth z	Total Vertical Pressure $\sigma_i$	Cyclic Stress Ratio $R\tau$ (Seed Fig.4)	Cyclic Shear Strength $\tau(r)$	Reduction factor $r_d$ (Tab.2)	Cyclic Shear Expected $\tau(e)$
	(kN/m3)		(kN/m2)	(m)	(%)	(kN/m2)	(m)	(kN/m2)		(kN/m2)		(kN/m2)
1.00	19.10	1.00	44.35	1.00	54.00	31.65	2.00	36.55	0.14	6.65	1.00	7.27
2.00	19.10	1.00	44.35	0.50	60.00	38.61	2.75	50.88	0.16	9.27	1.00	10.11
3.00	19.60	1.00	43.60	2.00	60.00	94.33	4.00	118.85	0.16	22.64	0.98	23.15

4.00	19.50	0.70	30.63	5.00	60.00	115.37	7.50	174.23	0.18	31.15	0.94	32.55
5.00	20.00	0.40	17.20	10.00	70.00	177.12	15.00	309.55	0.23	61.10	0.70	43.07
6.00	20.00	0.20	8.60	10.00	70.00	270.42	25.00	500.95	0.23	93.29	0.56	55.76

TABLE 5. Liquefaction Potential Depth in Correlation with Cyclic Shear Strength  $\tau(r)$  and Cyclic Shear Expected

Building Structure Presence; Earthquake Magnitude  $M=6.75$ ;  $WL=1.5m$ ; Building Structure Vertical Pressure  $p=200kN/m^2$ ; Foundation Depth=3m;  $B=20m$ ;  $L=30m$ ;  $L/B= 1.5$ ;

Soil Layers	$V_{sat}$ (down WL)	$K_0$ (Tab.4)	Building Structure Overburden Vertical Pressure $\sigma(+)=K_0 \times p$	Layer Thickness under WL	Relative Density Dr	Effective Vertical Pressure $\sigma'_i$	Depth z	Total Vertical Pressure $\sigma_i$	Cyclic Stress Ratio Rt (Seed Fig.4)	Cyclic Shear Strength $\tau(r)$	Reduction factor rd (Tab.2)	Cyclic Shear Expected $\tau(e)$
	(kN/m3)		(kN/m2)	(m)	(%)	(kN/m2)	(m)	(kN/m2)		(kN/m2)		(kN/m2)
1.00	19.10	1.00	144.35	1.00	54.00	31.65	2.00	36.55	0.14	6.65	1.00	7.27
2.00	19.10	1.00	144.35	0.50	60.00	38.61	2.75	50.88	0.16	9.27	1.00	10.11
3.00	19.60	1.00	143.60	2.00	60.00	194.33	4.00	218.85	0.16	46.64	0.98	42.63
4.00	19.50	0.70	100.63	5.00	60.00	185.37	7.50	244.23	0.18	50.05	0.94	45.63
5.00	20.00	0.40	57.20	10.00	70.00	217.12	15.00	349.55	0.23	74.90	0.70	48.64
6.00	20.00	0.20	28.60	10.00	70.00	290.42	25.00	520.95	0.23	100.19	0.56	57.99

TABLE 6. Liquefaction Potential Depth in Correlation with Cyclic Shear Strength  $\tau(r)$  and Cyclic Shear Expected

Building Structure Presence; Earthquake Magnitude  $M=6.75$ ;  $WL=1.5m$ ; Building Structure Vertical Pressure  $p=300kN/m^2$ ; Foundation Depth=3m;  $B=20m$ ;  $L=30m$ ;  $L/B= 1.5$ ;

Soil Layers	$V_{sat}$ (down WL)	$K_0$ (Tab.4)	Building Structure Overburden Vertical Pressure $\sigma(+)=K_0 \times p$	Layer Thickness under WL	Relative Density Dr	Effective Vertical Pressure $\sigma'_i$	Depth z	Total Vertical Pressure $\sigma_i$	Cyclic Stress Ratio Rt (Seed Fig.4)	Cyclic Shear Strength $\tau(r)$	Reduction factor rd (Tab.2)	Cyclic Shear Expected $\tau(e)$
	(kN/m3)		(kN/m2)	(m)	(%)	(kN/m2)	(m)	(kN/m2)		(kN/m2)		(kN/m2)
1.00	19.10	1.00	244.35	1.00	54.00	31.65	2.00	36.55	0.14	6.65	1.00	7.27
2.00	19.10	1.00	244.35	0.50	60.00	38.61	2.75	50.88	0.16	9.27	1.00	10.11
3.00	19.60	1.00	243.60	2.00	60.00	294.33	4.00	318.85	0.16	70.64	0.98	62.11
4.00	19.50	0.70	170.63	5.00	60.00	255.37	7.50	314.23	0.18	68.95	0.94	58.71
5.00	20.00	0.40	97.20	10.00	70.00	257.12	15.00	389.55	0.23	88.70	0.70	54.20
6.00	20.00	0.20	48.60	10.00	70.00	310.42	25.00	540.95	0.23	107.09	0.56	60.22

$\tau(r)$ - Cyclic Shear Strength;  $\tau(e)$ - Cyclic Shear Expected (kN/m<sup>2</sup>)     $\tau(r)$ - Cyclic Shear Strength;  $\tau(e)$ - Cyclic Shear Expected (kN/m<sup>2</sup>)

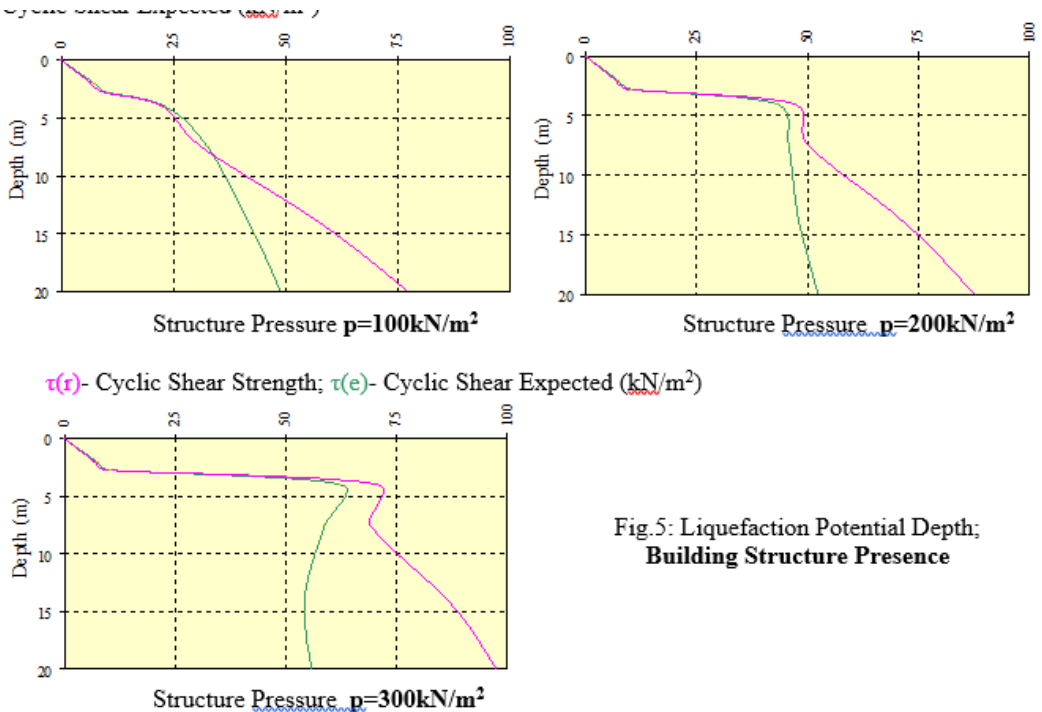


Fig.5: Liquefaction Potential Depth;  
Building Structure Presence

## 5. Conclusions

- 1) The Liquefaction Potential zone in loose saturated sand below center of building structure is smaller compare to case of no building presence. It can be explained by higher values of initial effective vertical stresses of soil layers under the building structure conditions than in soil layers in natural conditions. So, the cyclic shear stress required to cause liquefaction increase significantly with increase of initial effective pressure.
- 2) Increase of the building structure weight founded on the loose saturated sands decrease the Liquefaction potential zone of soil layers under the center the building structure.
- 3) Increase of relative density in saturated sands increase the cyclic shear stresses required to cause Liquefaction induced by earthquake.
- 4) Increase of relative density in saturated sands increase the number of cycles for development of a peak cyclic pore pressure ratio of 100%
- 5) Increase of Earthquake shaking intensity and maximum ground acceleration, increase the Liquefaction potential zone in saturated sand layers.
- 6) Increase of the lateral earth pressure coefficient value, increase the cyclic shear stress required to cause liquefaction.

Based also in recent investigations it can conclude that the Liquefaction Potential is influenced also by such important factors as:

- characteristic of the grains composing the cohesionless sands.
- structure of the grains.
- seismic history of cohesionless sands.

- age of the cohesionless sands.

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# Meeting points between intellectual property and international law

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## Abstract

Proper knowledge of intellectual property is very important for any business. It protects various types of intellectual property such as copyrights, trademarks, patents, trade secrets etc. In Albania, special laws are applied for the protection of intellectual property and for both foreign and domestic individuals. Intellectual property is a type of protection that can be used to prevent unfair competition, unauthorizes users from defrauding consumers. Those who copy these intellectual property rights for personal gain may cause moral and economic harm to their owners. In some cases, consumers are tricked into buying inferior products thinking they are getting the original thing. The civil juridical relationship of private international law is distinguished from domestic law precisely by the existence of one or several foreign elements related to the object, subject and content of the relationship.

This paper aims to highlight the links that exist between intellectual property and private international law. These two branches of law are separate from each other and enjoy complete autonomy. Rights derived from intellectual property are mostly territorially limited, meaning that they apply only within the country that recognizes them. However, with today's globalization, the products of intellectual creativity and disputes can easily cross borders. This is where private international law is needed, which provides a solution to the problem of applying the law.

**Keywords:** intellectual property, private international law, branches, importance etc.

## Introduction

The history of human learning is based on applications of imagination, innovation and creativity. This is useful for solving various time problems. Scientific progress, the great use of scientific and technical achievements in production, the expansion of not only international technical-scientific and intellectual connections, has currently served to strengthen the problem of intellectual protection.

Membership in the European Union has been a priority for Albania for two decades. The country submitted its application for membership in 2009 and was granted the status of a candidate country in 2014 (EU Policy Hub). The granting of the status is an incentive to undertake the necessary reforms to respond to the recommendations/recommendations that the EU defines as criteria. Council of Ministers with Decision No. 350/2022 has approved the National Strategy for Intellectual Property 2022-2025 (ministers), which is a cross-sectoral document, which creates appropriate conditions for the respect and protection of Intellectual Property (IP) as well as an essential element in further social economic progress, increasing fair competition, creating trust in the market and European integration.

## **I. Intellectual Property and International Private Law (IPL)**

Intellectual property is that branch of law that regulates the rights and obligations related to the creativity of the mind. IP is characterized by two branches (Investopedia): Industrial property including patents, trademarks, industrial designs and geographical indications as well

Copyright and Related Rights

Private international law, otherwise known as “conflict law” in some legal systems, refers to the law regulating private relations that exceeds state borders, in other words the regulation of social relations with a foreign element. IPL deals with 3 issues:

- i. Judicial jurisdiction
- ii. Applicable law
- iii. Recognition and execution of foreign court decisions

The civil juridical relationship of private international law is generally distinguished from that of domestic law, by the existence of one or several foreign elements. By means of these elements is understood the circumstance of the fact in relation to a juridical relationship, of which this relationship is related to some legal systems, or laws of some particular countries. The foreign element can determine the application of internal or unified material norms, in a juridical order, while at other times, its being in a juridical-civil relationship, causes conflicts of laws to arise.

## **II. Meeting points between IP and IPL**

The world of IP is characterized by constant innovation and creativity. It gives creators exclusive rights over their works, fostering economic growth and cultural exchange. However, digitization and globalized markets have expanded the concept of geographic boundaries. This phenomenon raises some complex legal discussions such as “How do intellectual property rights work in different jurisdictions?” (HCCH, 2019)

Legal matters with a foreign element require answers as to which national law applies to cross-border disputes, ensuring a predictable and fair legal framework. Intellectual property and copyright present a fascinating connection, with the two fields influencing and shaping each other.

- i. Jurisdiction

Determining the appropriate court to hear an IP infringement case is essential. Principles of private international law can be used to dismiss a case in favor of a more appropriate jurisdiction.

- ii. Voluntary Choice of Applicable Law

The parties may sometimes choose the law applicable to contracts subject to the rights and obligations arising from IP. IPL has an important role in this field because it dictates the validity and enforceability of the contractual terms agreed by the parties. The selection of the applicable law voluntarily by the parties best solves the problem of the conflict of laws, but the situation is complicated when the selected law is not the right one, investing the court to mainly apply the relevant law according to the main principles of international law private, as may be the law of the citizenship

of the parties or the law that has the closest connection with the conflict, object of dispute.

### III. Litispendence

Here we are in cases where the same intellectual property dispute is contested simultaneously in different countries, dnp helps to avoid conflicting judgments and ensure judicial efficiency.

#### iv. Recognition and implementation of foreign decisions

A judgment developed in one country may need enforcement in another country. The IPL regulates the recognition and enforcement of such foreign judgments, guaranteeing the principle of legal certainty and ensuring global consistency.

*Example:* Contractual IP dispute and questions of IP validity

Parties A and B, resident in States X and Y respectively, enter into a license agreement regarding the distribution of the goods produced using a technology patented by Party A in States X and Y. The license is governed by the law of State X. A dispute over an alleged breach of the license arises and Party A initiates a court proceeding in State X, where it is habitually resident. Instead of, or as well as, bringing claims under the licensing agreement, Party A claims patent infringement by Party B in States X and Y. Party B counterclaims that Party A's patents in both States are invalid.

In these case, the court will first decide whether it has judicial competence over the dispute, and, if it decides that it does, it will then determine the scope of the disputed matter that falls within its competence. In Example 2, does the court in State X have jurisdiction to rule on Party B's counterclaim of patent invalidity in States X and Y?

If a court decides that it is competent to decide the dispute, it will be necessary to determine the laws that it will apply to the dispute. (HCCH, 2019)

### IV. The challenges presented by these meeting points

The main problems that this paper aims to solve is the solution of the legal conflict that occurs in case of violation of drinking rights. Today's digitization presents unique challenges because copyright infringement can happen all over the world with a single click. In this case IPL faces the concept of '*place of violation*' by determining which law of the jurisdiction applies in cases of violation on the Internet. This international law, through the criteria of connection and application of the appropriate law, should serve as a field of law that resolves these conflicts, with a completely separate nature. International treaties such as the "*Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS)*", have established minimum standards for the protection of intellectual property, however the doctrine of private international law is constantly evolving to address the issues that today's development brings.

The harmonization of national laws with all foreign jurisdictions and the development of effective international cooperation mechanisms are essential for a strong global framework for the protection of intellectual property. IPL should promote and offer effective, quick and less expensive alternative dispute resolution mechanisms.

The intersection between IP and IPL is inevitable and ever-evolving. By striking a

balance between legal regulation and the promotion of new knowledge, IPL can foster innovation and creativity on a global scale.

## V. Albanian legal framework in terms of IPL

IP is well regulated by Albanian law. Copyright legislation is part of a wider body of legislation known as intellectual property. The term intellectual property refers broadly to creations of the human mind. IP rights protect the interests of creators by giving them ownership of their creations.

Law No. 10428/2011 "On private international law" (htt1), has sanctioned in Chapter VI, Section II, provisions on the right of intellectual property. Article 42 of this law regulates the principle of territoriality stating that "1. The existence, validity, subject matter, ownership, transferability, duration, and infringement of copyright, related rights, and other unregistered intellectual property rights are governed by the law of the state for which protection is sought. 2. The existence, validity, object, ownership, transferability, duration and violation of registered industrial rights are regulated by the law of the country that granted or registered the right."

This provision aims to regulate the way of regulating the creation of intellectual property, its continuity, validity, the way of passing the rights arising from this ownership, as well as the applicable law in case of violation. In all these cases, the law refers to the state for which protection is sought. So, depending on the category of protection required for the object of this relationship, the issue of applicability of the law will also be resolved.

Regarding the intellectual rights that arise as a result of the employment contract, the choice of applicable law is based on the general principle of contractual freedom, that is, it will be based on the employment contract concluded and on the basis of which the intellectual product was created.

Whereas, regarding the regulation of contracts related to intellectual property, Article 44 is a reference provision, providing that: "*For contracts related to intellectual property rights, the rules provided for in Chapter VII of this law*". Article 65, which regulates non-contractual damage, regulates a specific situation when there is a violation of intellectual property as a result of non-contractual damage. The concrete norm has this provision: "*The applicable law for non-contractual obligations, arising from the violation of intellectual property rights, is the law of the state, for which protection is requested.*"

But an interesting provision is point 2 of this article, sanctioning that the applicable law can be avoided by the agreement of the parties on the choice of law, which regulates non-contractual obligations arising from the violation of intellectual property.

## VI. International regulatory framework and comparative approach

With the adoption and consolidation of many laws and conventions, as well as many international institutions, a new era began for the protection of intellectual property around the world. The History of Intellectual Property Rights is a fascinating look at how property rights in: Copyrights, Trademarks and Patents have evolved over the years. The latter have played a vital role in economic growth and development in a

world in which innovations in thought, technology and commerce have flourished (Beloshi, 2021).

However, despite the completely territorial nature of copyright, the impact of factors such as: globalization, digitalization or the massive spread of rapid distribution tools, have led to the promotion of international activity in this field, making the rights that protect the author and all intellectual property in general, are often involved in issues that also affect private international law. Private international law will be applied if a copyright issue with a foreign element is brought before the court related to the lack (or not) of a court's jurisdiction, the application or implementation of a foreign law or the recognition and execution of a decision made in a place other than the place where the court is located.

There is a number of International Treaties that address Intellectual Property. These treaties are administered by the World Intellectual Property Organization (WIPO), which is a specialized agency of the United Nations.

Here are some of the most important treaties:

- **Berne Convention for the Protection of Literary and Artistic Works** (World Intellectual Property Organization): This is the oldest and most ratified international intellectual property treaty. It defines minimum standards for the protection of copyright, such as: the principle of national treatment (works from one country must be given the same protection in other member countries) and the automatic protection of copyright from the moment Of creation.
- **Paris Convention for the Protection of Industrial Property** (World Intellectual Property Organization): This treaty deals with patents, trademarks, industrial designs and other forms of industrial property. It sets minimum standards for the protection of these rights and provides a mechanism for foreigners to obtain protection for their IP in other member countries.
- **Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS)** (World Trade Organization). This agreement is part of the World Trade Organization (WTO) agreements. TRIPS covers a wide range of IP rights, including copyrights, trademarks, patents and trade secrets.
- **WIPO Copyright Treaty (WCT)** (World Intellectual Property Organization) **and WIPO Performances and Phonograms Treaty** (World Intellectual Property Organization): These treaties were adopted in 1996 to update the Berne Convention and the Phonograms Convention for the digital age. They require member countries to ensure copyright protection for works in digital form and to protect the rights of performers and producers of sound recordings.

## Conclusions

The interplay between IP and private international law presents a complex and dynamic legal landscape. This paper has explored the main challenges and possible solutions in this area, addressing the following conclusions:

Intellectual rights are territorial, but the digital age requires global enforcement. International treaties such as the Berne Convention and the Paris Convention provide a framework, but further harmonization of IPL rules regarding jurisdiction, applicable

law and recognition/enforcement of judgments may be useful.

The current system allows plaintiffs to choose a forum for litigation, potentially leading to forum shopping. Exploring conflict-of-laws rules that prioritize the forum most convenient to all parties, taking into account factors such as the place of the offense or the domicile of the defendant, may provide a more balanced approach.

The complexities of intellectual property adjudication require specialized courts or judges with expertise in the field. This can ensure efficient and informed decision making.

Streamlining evidence-gathering, injunction and damages procedures across jurisdictions can speed up litigation and reduce costs. Encouraging the use of alternative dispute resolution mechanisms such as arbitration can provide faster and more cost-effective solutions to intellectual property disputes.

Organizations such as WIPO and the Hague Conference on Private International Law can play a crucial role in facilitating international cooperation on matters of private international law. This could include promoting further treaty development, building capacity for judges and practitioners, and fostering dialogue between jurisdictions.

The future of these areas of law lies in finding a balance between respecting territoriality and ensuring effective enforcement in a globalized world. Continual adaptation and innovation in the legal framework are essential for fostering creativity and protecting intellectual property rights effectively.

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# The influence of climatic and environmental factors on the evaluation of the photosynthetic apparatus on pear leaves

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## Abstract

Solar radiation and high temperatures affect the reduction of the activity of the photosynthetic apparatus of leaves. The influence of solar radiation on leaves can be analyzed using diffuse reflectance and observing their color. The measurements were carried out with three types of leaves (sun, partial shade and shade) for Abbas (pear) variety in an area about water. Diffuse reflectance values provide opportunities to determine the parameters that evaluate the activity of the photosynthetic apparatus in two different periods. Values in the spectra allow determination of brightness, "dominant" wavelength, and photochemical diffuse reflectance index (PRI). Values in diffuse reflectance spectra allow determination of brightness-Y, "dominant" wavelength, and photochemical diffuse reflectance index (PRI).

**Keywords:** Reflection spectra, R550, PRI, Brightness-Y.

## 1. Introduction

The passage of radiation in the leaves occurs due to the selective ability, the transparency of the photoreceptors, as well as the existence of spaces in the leaf tissues. Reflection of radiation is an expression of the reflection coefficient at the solid-liquid interface and the angle of incidence of the beam. In the leaves when the angle of incidence changes from  $0^{\circ}$ - $40^{\circ}$  the reflectance almost does not change, and increases greatly as the angle increases above  $45^{\circ}$ . The leaf reflects the radiation due to the different reflectance indicators of the components in the interior space. Transmission and reflection spectroscopy are used for the non-destructive assessment of chlorophyll in leaves. Reflectance in the spectral area around 700nm is the best indicator of chlorophyll and for this the ratios  $R750/R700$  and  $(R750-R705)/(R750+R705)$  are used. Leaves contain cuticles surrounded with high percentage of pigments and reflectance studies appears optically complicated. The relationship between reflectance and leaf chlorophyll content is non-linear (Gitelson, A.A., Merzlyak, M.N., Chivkunova, O.B. 2001). The spread of radiation within the leaf determines the average optical path of the radiation, which passes several times the thickness of the leaf and thus causes an additional effect on the absorbed radiation. In this way the probability increases that a greater part of the radiation is captured by the pigments (Brodersen C & Vogelmann T, 2010). The purpose of the paper is to evaluate the photosynthetic apparatus in fruit trees (pears) in Tirana region, in the presence of environmental conditions (solar radiation, temperature, humidity) to which they are exposed.

## 2. Material and methods

### 2. 1. Plants

Measurements were made with leaves selected in three types of positions (sun - southern part of the crown, blue shade - northern part and semi-shade/shade - inside a tree crown) for the variety: Abbas (pear), part of a group of *Pyrus Communis* L pear species in the rose family. The study of the variety was done in an area about water in two periods, May and September. The area has a Mediterranean climate with average annual temperatures of around 16°C.

### 2. 2. Pigment determination

Leaf pigments were extracted with 100% acetone in the one circular piece of 9mm in diameter cut from the leaves using a mortar. The pigment extracts were centrifuged for 5 min at 500 X g in glass tubes to obtain the fully transparent extract. The pigment contents, Chl a, Chl b and total carotenoids, were determined spectrophotometrically from acetone extract using the extinction coefficients and equations re-determined by Lichtenthaler (Lichtenthaler, 1987; Lichtenthaler and Buschmann, 2001). The represented values are the means of six determinations from six leaves.

### 2. 3. Reflectance spectra

Leaf reflectance (R) was recorded from upper side of the leaf in a spectral range from 400nm to 800nm with a spectral resolution of 2nm with a spectrophotometer equipped with an integrating sphere attachment (Bushman et al., 2012; Gitelson et al., 2003). Leaf reflectance spectra were recorded against barium sulphate as a white reference standard. Leaves were placed on black velvet used as a background which has a reflectance less than 0.5% over the spectral range of measurements. Reflectance (R) was represented as the ratio of the radiation intensities reflected by the leaf sample and the white standard respectively. The leaf spectra were taken in the intercostal fields between the larger leaf veins. These spectra represent an integrated signal over several square centimeters. The measurement of spectral reflectance is a nondestructive and a rapid method (Gamon J.A, Serrano L, Surfus J.S, 1997).

### 2. 4. Photochemical index (PRI)

The photochemical index of diffuse reflectance serves as a photosynthetic indicator of radiation utilization efficiency (Gamon J. A, Serrano L, Surfus J. S, 1997). The photochemical reflectance index (PRI), calculated from the reflectance at 531 and 570 nm, is sensitive to the photochemical changes induced by the photoprotective xanthophyll cycle, acting upon light saturation of the chlorophyll antenna (Gamon J. A, 1990; Gamon J. A, Surfus J. S, 1999). The values of the photochemical index of diffuse reflectance fluctuate in the range from -1 to 1. The PRI values are calculated using the reflectance values at 531nm and at 570nm as reference wavelength:

$$PRI = \frac{R_{531} - R_{570}}{R_{531} + R_{570}}$$

The photochemical index of diffuse reflectance (PRI) depends on photosynthetic

(leaf) pigments, the amount of energy falling from the sun on the surface, the angle of the sun's rays falling on the leaf surface and the water content (Gamon & Berry, 2012).

## 2. 5. Colorimetry

Evaluation of the visual impression of a leaf sample was assessed by the chromaticity coordinates in the CIE 1931 color space which allow defining quantitative links among wavelengths in the electromagnetic visible spectrum and physiological perceived colors in human color vision. In order to help to assess the visual impression of a sample, the reflectance spectra of the leaf samples were used to define the color as x and y chromaticity coordinates in the CIE 1931 color space, a colorimetric standard widely used in the textile and coating industries, (Malacara D, 2003/2). With the measured values of diffuse reflectance, it is also possible to calculate color parameters on different leaves by means of a special algorithm in the Excel program such as: brightness-Y, "dominant" wavelength.

## 2.6. Thickness

Measurement of the thickness of the samples (leaves) taken in three positions was accomplished by using a micrometer or Palmer caliper. Micrometers serves to measure the thickness of the object that is clamped between point B of the screw and a stop C attached to the micrometer. The screw is turned by means of a step A that wraps the nut: the step of the screw is 1mm. The number of millimeters with which we have placed the screw on a scale located on the nut and detected by the cap is estimated. We estimate the parts of a millimeter by measuring the parts of a screw lead by a mark removed along a diode conductor and a scale where 30 divisions, we thus estimate the thickness of the leaf placed between two thin glasses, with the proximity of 1/ 20mm.

## 3. Results

### 3. 1. Photosynthetic pigments

The highest value of the chlorophyll content Chl (a+b) is presented by the variety Abbas (pear) in the period of May compared to the period September. It is also observed that the content of chlorophylls Chl (a+b) decreases in variety from sun leaves to blue-shade and shade leaves (Tab. 1).

**Table 1.** Content of Chl (a+b) and total carotenoids (x+c) per leaf area unit as well as the pigment ratios Chl a/b and chlorophylls (a+b) to carotenoids (a+b)/(x+c) between sun, blue-shade, shade/half-shade leaves of *Abbas* variety of pear trees. Mean values of 6 determinations per leaf-type.

Leaf-type	Chl (a+b) (mg dm <sup>-2</sup> )	Chl a/b	(a+b)/(x+c)
<i>Abbas – May</i>			
Sun	8.865±0.018	2.935	4.651
Blue-shade	6.889±0.04	2.817	4.654
Half-shade/shade	5.164±0.017	2.353	5.091

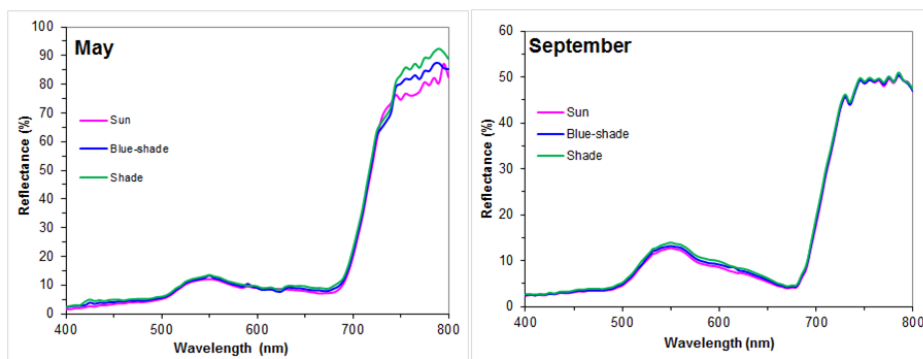
### Abbas – September

Sun	8.200±0.061	2.558	4.157
Blue-shade	6.238±0.065	2.420	4.256
Half-shade/shade	4.465±0.084	2.191	4.642

The ratios of the photosynthetic pigments, Chl a/b and (a+b)/(x+c), reflecting the light adaptation of the photosynthetic apparatus showed different values in the three leaf types. The mean values of the ratio Chl a/b are higher in sun leaves as compared to blue-shade and shade leaves (Tab. 1). Sun leaves displayed lower values of the ratio (a+b)/(x+c) as compared to two other leaf types (Tab. 1). The low values in the September period for the Abbas variety (pears) are related to the action of solar radiation in this period.

### 3. 2. Reflection spectra

Reflection spectra of the three types of leaves exhibited a higher reflectance in the green-to-orange range of the spectrum at wavelengths 500nm to 650nm and mainly in the near infrared from 680nm to 740nm on both pear varieties. In addition, reflection spectra exhibited a low reflectance from 400nm to 500nm in blue part of visible spectra and near 680nm in red part of visible spectra (Fig. 1). The observed variations correspond to the absorption region of the in-vivo chlorophyll bands. The reflection spectra exhibit the highest values in the green-orange range of the spectrum of shade leaves compared to two other leaf types of both varieties. Abbas (pears) in the two periods under study for three types of analyzed leaves are related to the chlorophyll content being lower in shade leaves and higher in sun leaves (Tab. 1). The highest diffuse reflectance values R550 represents the Abbas in the period of May.



**Figure 1.** Reflection spectra of the sun (south part), blue-shade (north part) and shade/half shade leaves of Abbas pear variety.

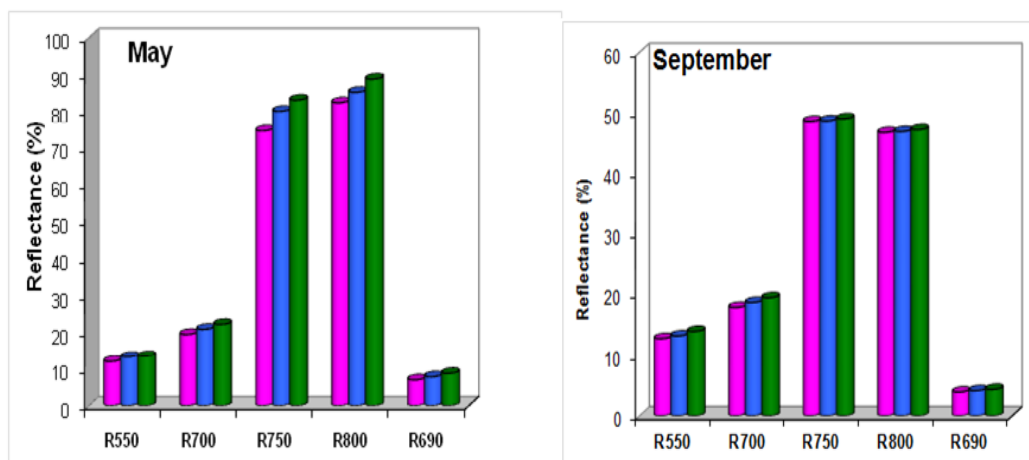
The reflection spectra exhibit the highest values in the green-orange range of the spectrum of shade leaves compared to two other leaf types of both varieties. Abbas (pears) in the two periods under study for three types of analyzed leaves are related to the chlorophyll content being lower in shade leaves and higher in sun leaves (Tab. 1). The highest diffuse reflectance values R550 represents the Abbas in the period of May.

It is observed that the highest values R550 of variety are presented in the shade position compared to the other two positions (Tab 2). The values of R700, R750 and R800, for variety Abbas are presented in the shaded position. The high values of reflection in the wavelengths 700nm, 750nm and 800nm are explained by the low absorption in the shadow position.

**Table 2.** Reflectance on sun, blue-shade, shade/half-shade leaves of *Abbas* variety of pear trees. Mean values of 6 determinations per leaf-type.

Leaf-type	R550	R700	R750	R800
<i>Abbas- May</i>				
Sun	12.1 ±0.04	19.6	74.6	82.5
Blue-shade	13.7 ±0.59	21.0	80.1	85.3
Half-shade/shade	14.3 ±0.68	22.3	83.2	88.9
<i>Abbas- September</i>				
Sun	12.7 ±0.23	17.8	48.5	46.7
Blue-shade	13.2 ±0.15	18.7	48.6	46.9
Half-shade/shade	13.9 ±0.21	19.5	48.9	47.2

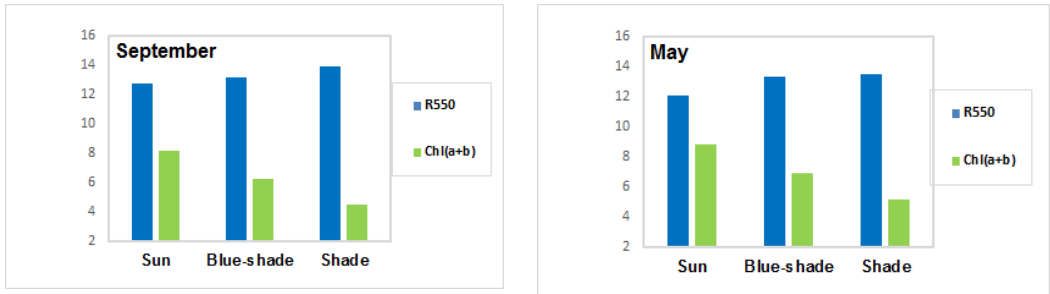
In the two periods under study, higher values of R550 are observed in the sun position (Fig 2). In the shade position, the R550 value is higher and the chlorophyll concentration value is lower (Fig 3).



**Figure 2.** Values reflectance of the sun (south part), blue-shade (north part) and shade/half shade leaves of Abbas pear variety.

For the sun, blue-shade and shade positions, the R550 values are increasing while the chlorophyll concentration values are decreasing.

**Figure 3.** Values reflectance R550 and content of Chl (a+b) of the sun (south part), blue-shade (north part) and shade/half shade leaves of Abbas pear variety.



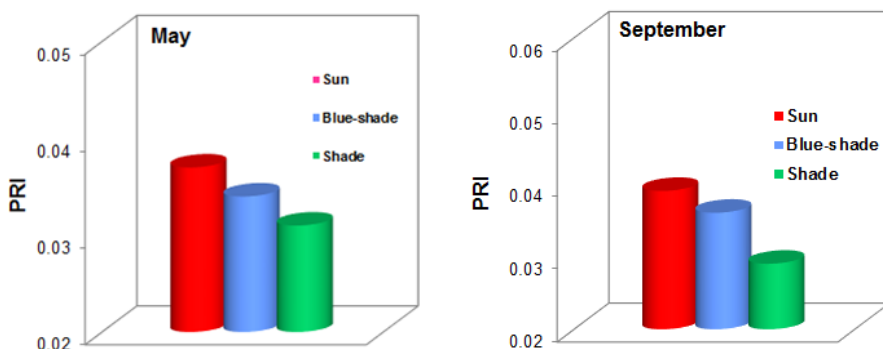
### 3. 3. Photochemical index (PRI)

The photochemical reflectance index (PRI) depends on the amount of energy falling from the sun on the leaf surfaces. The highest value of the photochemical index (PRI) presented in the period of September for Abbas (pear), (Tab 3).

**Table 3.** PRI values for Abbas (Pear) variety

Leaf-type	PRI
<i>Abbas - May</i>	
Sun	0.037
Blue-shade	0.034
Half-shade/shade	0.031
<i>Abbas -September</i>	
Sun	0.039
Blue-shade	0.036
Half-shade/shade	0.029

Abbas (pear) variety presents the highest values of the photochemical index (PRI) in



the sun position, in the two periods under study (Fig.4).

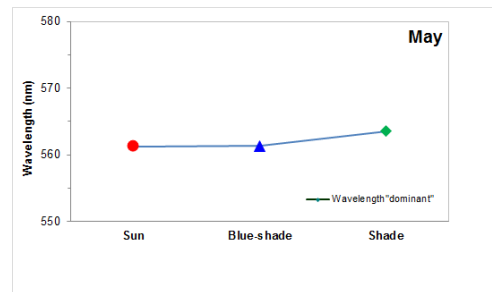
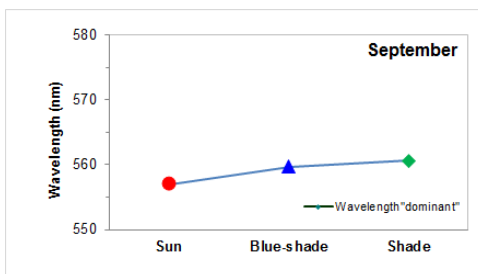
**Figure 4.** Photochemical index (PRI) values of the leaves of the sun, blue-shade and shade type leaves; of Abbas (pear) variety.

### 3. 4. Colorimetric parameters

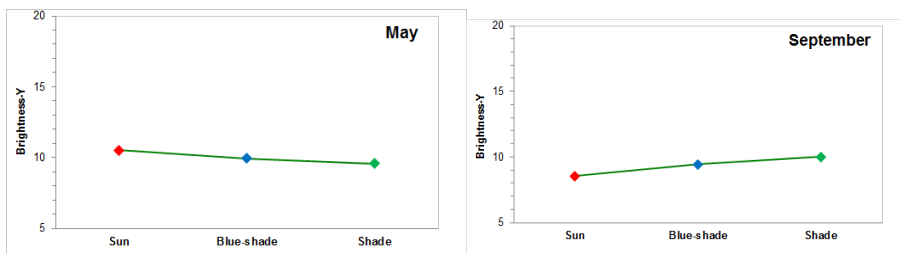
In the study, from the diffuse reflectance values, in the three positions, some chromatic parameters can be determined which are: “dominant” wavelength, brightness-Y based on the algorithm of the CIE 1931 system, for variety Abbas (pear), area about water. The highest values of the “dominant” wavelength are presented for the leaves in the shade position, compared to the leaves in the other two positions, for the May-September period. In the two periods under study, the highest values are presented in May. The “dominant” wavelength depends on the concentration of chlorophylls. The dependence between them is oblique, which means that the leaves in the shade position have a lower concentration of chlorophylls, but a higher “dominant” wavelength value.

**Table 4.** Colorimetric determination according CIE 1931 for the leaf samples: sun, blue-shade, shade/half-shade leaves of *Abbas* variety trees, in periods May-September. Mean values of 6 determinations per leaf-type.

Leaf-type	Brightness -Y	Dominant wavelength (nm)
<i>Abbas -May</i>		
Sun	10.5	561.2
Blue-shade	9.94	561.3
Half-shade/shade	9.58	563.5
<i>Abbas - September</i>		
Sun	8.56	557.0
Blue-shade	9.44	559.7
Half-shade/shade	10.0	560.7



**Figure 4.** Values of the “dominant” wavelength, Brightness-Y of the sun, blue-shade and shade type leaves; of *Abbas* (pear) variety



**Figure 5.** Brightness-Y values of the leaves of the sun, blue-shade and shade type leaves; of Abbas (pear) variety.

The values of: “dominant” wavelength, brightness-Y are higher in the period of May, the period with optimal conditions for the development of the photosynthetic apparatus (Tab 4).

### 3. 5. Thickness

Thickness of the leaves for the variety Abbas presents higher values in the period of May with optimal conditions for the development of the photosynthetic apparatus, compared to the period of September, the period of the action of solar radiation stress (Tab 5). Leaves in the sun position in the two periods present higher values.

**Table 5.** Thickness values for Abbas (Pear) variety

Leaf-type	Thickness (mm)
<i>Abbas - May</i>	
Sun	$0.355 \pm 0.015$
Blue-shade	$0.288 \pm 0.010$
Half-shade/shade	$0.259 \pm 0.010$
<i>Abbas -September</i>	
Sun	$0.277 \pm 0.006$
Blue-shade	$0.264 \pm 0.007$
Half-shade/shade	$0.245 \pm 0.005$

## Conclusions

The reflectance spectra, as well as the values (R550, R750, R800) show the characteristics and differences between the analyzed leaves demonstrating structural changes in the photosynthetic apparatus as a result of adaptation to the environment.

The pigment content Chl (a+b) represents the highest values on the sun leaves (sun position) and the lowest values on half-shade/shade leaves (inside a tree crown). Whereas blue shade leaves (northern part) show values lower of Chl (a+b) than sun leaves but higher than shade leaves.

In the areas under study (about water), the values of the photochemical index (PRI) and thickness appear higher in the sun position, compared to the other two positions.

PRI as a parameter is related to the action of solar radiation on leaves. Direct action of solar radiation on the leaf also affects its thickness.

For the calculated colorimetric parameters, the results are: brightness -Y, higher values in the sun position, while the “dominant” wavelength with higher values is in the shadow position. The two parameters are related to the structure of the leaf itself. All calculated parameters such as: PRI, colorimetric parameters (brightness-y, “dominant” wavelength) make it possible to distinguish between different periods of fruit trees and evaluate the impact of growth conditions on the photosynthetic apparatus.

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# Human identity and dignity under the development of artificial intelligence

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## Abstract

In an era where many jobs and processes are being taken over by artificial intelligence, human identity is being questioned. The more the impact of artificial intelligence on human life is increasing, the more man is losing his exclusive role in many processes and also in many decision-making.

The age of artificial intelligence once again brings back the discussion of human dignity. This concept which, as before, is disturbed again under the wind of the development of artificial intelligence.

It is not easy to make decisions. Before, decision-making was the prerogative of man. With the development of artificial intelligence, the gates have changed. Artificial intelligence can decide. It can even decide on a person's life. So it makes a lot of sense to reflect on the goals, limits, advantages or disadvantages of this decision-making. What is artificial intelligence and how did it have human-like abilities to even decide its existence? Regarding identity, will artificial intelligence replace humans?

Under the lens of philosophy, the field of artificial intelligence appears fascinating. How can a non-rational being make decisions for a rational being? Of course, the discussion on dignity or identity is inevitable because decision-making combines ethical-philosophical concepts of good or bad. Is the decision right and good or is it bad and violates human dignity? Artificial intelligence touches on deep philosophical and ethical issues. It has not only taken man's exclusivity in some processes but exceeds his capabilities.

It will be necessary to combine the application of artificial intelligence and its application in such a way that human identity and dignity remain undisturbed. If the trinomial between combination, development and application is not taken into account, then we will find ourselves in an abyss which will put human being and existence into question.

If any technique or machine that is controlled by artificial intelligence will have to take into account that the consequence of its action is in line with human development and perspective.

**Keywords:** Artificial intelligence, autonomy, identity, dignity, ethics.

## Artificial intelligence

If the starting point of the understanding of artificial intelligence were to start from the historical and philosophical approach as this topic should be treated, we would have to go back in time. In retrospect, we will see that the world, its perception or understanding would be completely different from today.

If you want to stop the tip of the compass in Greek antiquity, it would be interesting the Aristotelian philosophy where everything had its own purpose, function and meaning. If you want to stop at the goal, it seems that among other goals, the thought is the part that fulfills one of its meanings. So man, among other things, is in a position to think. Human identity and dignity under the development of artificial intelligence "Shpirti ynë është bërë për të menduar, pra për të perceptuar," do të shkruante filozofi dhe eruditi Monteskje," por një qenie e tillë do të duhet të ketë kureshtje,

sepse ashtu si në të gjitha gjërat që formojnë një zinxhirë ku çdo die paraprin një tjetër die dhe pason një tjetër, kështu dhe njeriu nuk mund të dëshirojë të shoh njerën pa dëshiruar të shoh edhe tjetrën”.<sup>1</sup> Rationalism would be built on the idea of thought and reason. Rene Descartes would lay the first brick to cut the ribbon on the edifice of existence of the thinking being. Matter which was the body and thought which was the promoter of the movement of matter. The latter would exist as long as it had at its center the reason which has the ability to think. Man for rationalism is the thinking being that exists. Thought would appear to be the derivative of all other actions and the origin of being.

The above description also fits the treatment of artificial intelligence. The latter is the cogito of every machine which gives life to the consequences of its actions and movements. Like us humans who take command from the power of our reason. It pretty much looks like a brilliant combination and copy.

From a philosophical point of view, the field of artificial intelligence is fascinating and interesting. Now we are in another stage of life and there is talk of artificial intelligence, which is capable of acting and thinking like humans. It means that it has taken over its power and thinks, produces and acts like a rational being. This is where the problem appears. How is it possible for the creation to act like the creator or in other cases surpass it? What is artificial intelligence? What do we call Artificial intelligence? Is it all artificial intelligence? An interesting answer on the meaning of artificial intelligence comes to us from Jorg Schieb and Peter Posch in the book titled “Der Digital Schock”. Let me quote; “Unter künstlicher Intelligenz (KI, im Englischen “artificial Intelligence” kurz AI) versteht man generell Verfahren in der Informatik, die es maschinen ermöglichen, bestimmtes menschliches Verhalten nachzuahmen beziehungsweise nachzubilden. Das Ziel: menschenähnliche Kompetenz bei Problemlösungen und Entscheidungen”.<sup>2</sup> Artificial intelligence is or appears as a part of the computing field that enables machines to imitate human intelligence. It teaches machines how to behave in accordance with human behaviors as well as interact with humans to perform various tasks.

Manuela Lenzen would say about artificial intelligence that; “Künstliche Intelligenz ist die Suche nach Computer- und/oder Roboterintelligenz”<sup>3</sup>. If we were to talk in thick lines it is there. So artificial intelligence is in. It means still over there she is in the car. It is everywhere on every device that has the ability to think.

Not every machine that does an action has AI. Normally there are different forms of it, just like human intelligence is in visible actions. Not all people have the same form and development. Thus even in artificial intelligence there are weak or strong forms of its manifestation.

We talk about a machine having a strong artificial intelligence. When we do not understand the consequences of the action, it is man or artificial intelligence. The Alan Turing Test is an example that proves and launches the answer to understanding the power of artificial intelligence. “Dabei kommuniziert ein Mensch über eine Tastatur mit einem Mensch und einer Maschine, ohne zu wissen, wer wer ist”. After the idea of the British mathematician Alan Turing, der dieses zuerst „imitationsspiel“ gennante

<sup>1</sup> Kissinger. A Henry, Schmidt Eric, Huttenlocher Daniel, Epoka e inteligjencës artificiale, Tiranë, p.46.

<sup>2</sup> Schieb Jörg, Posch N. Peter, Der Digital Schock, München, p. 48.

<sup>3</sup> Lenzen Manuela, Künstliche Intelligenz, München 2018, p. 25.

Verfahren erdacht hat, soll ein System dann als intelligent gelten, wenn der Mensch es für eine gewisse Zeit für einen Menschen hält“.<sup>4</sup> A high level of artificial intelligence is the game of chess. When the world chess champion Kasparov is defeated by the intelligent machine, or by the artificial intelligence which the latter made up the model of victory. We show you how it is earned and create models for you.

The development is clear and the conquest of this intelligence exalts us. Machines already, through artificial intelligence and the development of Big Data or algorithms, are proving to us that they act like us and show us behavior models that exceed our behavior or become models to take an example from us. „KI umfasst eine Vielzahl von Technologien und Anwendungen, eine schließlich maschinellen Lernen, Deep Learning, Computer Vision, Spracherkennung, natürliche Sprachverarbeitung und Robotik“.<sup>5</sup> A series of technologies and applications that become mirrors and models to follow. Some of these combinations take away the power from us that they can do it without us. A series of work projects, decisions, planning, etc. that are solved by organizing and implicating this intelligence in machines.

History tells us that undoubtedly after the invention of fire or the light bulb, artificial intelligence would be the new optic that is changing man's perspective on the world. Through it he is describing the world as never before and looking at it from a new shadow light.

The idea that even robots can learn seems on the one hand interesting for humans and on the other hand appears challenging. It is interesting because this type of intelligence is replacing humans in many work processes. Medicine or marketing have taken other forms from the way this intelligence is accompanying people in these processes. On the other hand, it is challenging because it has opened new ethical craters for philosophy. On the other hand, it surpasses human thought, and like any clever thought that appears too sharp and transcends time, it scares people for its consequences. Fear of making mistakes and being ready to face new developments is not easy at all. We also inherited this from the past.

Finally, we can say that the society from artificial intelligence is unstoppable and will accompany a person in every good or bad part of life. Since artificial intelligence is the reason for any machine that performs functions for which it is programmed, it will have to be able to communicate and recognize the limits of human reason. „Aus einem ein wenig estorischen Forschungsfeld ist eine Technologie geworden, die die Welt verändert“.<sup>6</sup> An intelligence that exceeds the perception of our reason and loses the thread of communication with our reason will no longer be a philosophical problem of rational discussion between reasons. But it will imply existential terms which may even be fatal to the inventor who delights in the imitation his creation makes.

## **Artificial intelligence and human identity**

The issue is interesting and the whole discussion revolves around a question or a spectrum which is not so new to the human being. What really made us who we

<sup>4</sup> Lenzen Manuela, Künstliche Intelligenz, München 2020, p. 12.

<sup>5</sup> Schieb Jörg, Posch N. Peter, Der Digital Schock, München, p. 50.

<sup>6</sup> Lenzen Manuela, Künstliche Intelligenz, München 2020, p. 25.

are? The discussion is not so simple and therefore this issue becomes interesting and fascinating. Since the past millennia it is inevitable not to say that man holds the trophy of creation. He could have the exclusive right to create. As we emphasized above, the rational and thinking being has the ability and power of creation.

Nowadays there seems to be a separation of powers. This means that man does not possess it with the absolute power of creation that he had. So it's not the only one I can create. In artificial intelligence systems, it seems that the latter is entering much more into the roles of creation that sometimes challenges but perhaps also supports the human. Technologies or machines that are capable of performing human-like actions are increasingly entering areas that were traditionally unique to humans. They are taking important roles in creations as well as affecting themes or emotional sensitivities. Let us hypothesize and raise some questions to make sense of the relationship between artificial intelligence and human identity: Can a computer really be creative or is it just a simulation that through algorithms it seems to us that it creates? Does artificial intelligence affect or change our emotions? Does artificial intelligence change our self-image? Fukuyama dealt with the issues of identity and dignity first at the political level, but he felt that technological development was also suppressing the definition of identity. The latter would be threatened by the mass media, for example. "Die sozialen Medien tragen wesentlich zu dem Problem bei, da ein einziger Kommentar schnell repräsentativ für eine ganze Gruppe von Personen werden kann".<sup>7</sup> The idea of disseminating information from social media will affect the emotional issues of groups or affiliations leading to disinformation or disaffiliation or separation. The influence of information technologies in this way and their lack of control undermines the identity of belonging, which leads to social political challenges and not only. In this sense we see that artificial intelligence affects our perception of the world. In addition to the political level where the identity of groups is being destroyed by the flood of information to artificial intelligence, we have the world of images where reality is difficult to absorb, whether it is reality or advertising. Man's perception of truth and the world passes through the troubled waters of this intelligence.

If we seek help from intelligent machines to clarify our perception and thoughts on certain issues, then it is understandable that their role is very important. It is enough to look at the navigator who guides us to reach the goal of our journey and we understand that artificial intelligence has changed our perception and understanding. It gains our trust, it becomes the bearer of truth that is sending us in the right direction as well as creating new truths for us that we probably did not know, such as a shorter route or showing us the road with traffic. So a simple example that summarizes creation, trust, joint work shows us how artificial intelligence is changing the power of the throne and knowledge. She predicts and makes decisions for us. It means that it takes us exactly on unknown paths, we believe that its programming is essentially good and we follow it. So in short, our identity has been transformed and the so-called bearers of knowledge have lost their power (man). "Ich Rechne, also ich bin-ich helfe, also ich bin" ([www.3sat.de/kultur/doku\\_ich-rechne-also-bin-ich-102.html](http://www.3sat.de/kultur/doku_ich-rechne-also-bin-ich-102.html), 20.06.2024). So machines display their intelligence in calculations. We no longer need help and guidance on how to calculate our annual tax returns, but it is enough to

<sup>7</sup> Fukuyama Francis, Identität, Hamburg, p. 48.

know how the application works that made these calculations for us electronically. In this way, an application that makes economic decisions is sufficient for legal tax declarations. Thus machines are able to calculate. In the social field, robots are helping to take care of people, they are taking care of people with disabilities, patients who want physiotherapy, etc. Robots are supporting humans in every aspect of life. In gardening, the smart machine takes care of the garden and the length of the grass. She is able to find parking and self-charge as well as recognize spaces that do not belong to her work territory. Inspired by our neurons, they are self-producing. It seems as if this development is unstoppable and they are something normal in our everyday life. Through this support, machines have changed our environment and perception of work. From the above examples it is clear that the identity of some workers can be put at risk by financial costs for example. The tax preparer or garden worker can be put at risk by this transition and not only them. "Revolucionet e mëparëshme teknologjike kanë zhvendosur ose kanë ndryshuar kushtet e punës".<sup>8</sup> Furthermore, we can say that due to artificial intelligence some professions will have cracks in their identities.

Chat GPT is revolutionizing human reason. A person with a low intellectual development in this intelligence may seem like he has a high tendency to communicate. This means that through this intelligence we can gain a new identity. Where it directly affects the values of education.

Impressions are being created by artificial intelligence. Children in schools are going with tablets. Attendance is being checked between tablets. Conferences and lectures are being held online. Digitization is revolutionizing the way we understand and learn. Contemplation seems to be getting buried. We are finding information through tablets or portals. We are tearing down libraries and reading books online. The forgotten scent of paper devours our thoughts and creativity. The boomerang of uncontrolled information disorients our thoughts and kills creativity. Between dogma and knowledge there is an inexplicable gap.

A new handicap is also being created between the generations. This creates an identity rift between generations. To those who know the digital world and to those who do not have this orientation because they belong to a time where development was not like today. This poses a problem in workplaces and in social life. Of course, the emotional world is also complicated by this approach. In this way, we can have a generation that is born with artificial intelligence, has learned it well, knows the sources of information and can be more successful in life than the one that was born in an earlier time. "Për sa kohë që njerëzit e dëshirojnë një shpjegim të tillë, epoka e IA-së do të zhgënjeje shumicën e njerëzve të cilët nuk i kuptojnë proceset dhe mekanizmat e kësaj teknologjie". If the generations love artificial intelligence and see it as a partner in decision-making or in moving forward and in success, it becomes and automatically affects not only the identity but also the autonomy of the person. Being surveilled by technology, controlled, and when technology simulates reason and satisfies human passions, man will also lose the characteristics of net autonomy that he enjoyed when artificial intelligence was not so developed.

Faced with such a challenge, the „new“ man will have to prepare himself with new approaches and the new world. Society as a whole does not seem capable enough to

<sup>8</sup> Kissinger A. Henry, Schmidt Eric, Huttenlocher Daniel, Epoka e inteligjencës artificiale, Tiranë, p. 192.

control ist own identity. Normally, to revolutionize the identity established for many millennia is not so easy. As we also know from history that the change of customs, traditions, morals and laws cannot happen with a fallen gong. The spirit will have to be tempered with the new breeze of technology. To rely on reason to cope with the transformation of our tradition or even our faith. Relying on reason is the solution to having a human reality. Injuring the wounds of the past would return us back to the primate stage that we already show with artificial intelligence that we have left in the past. The implication reaction and integration with it will have to leave the human taste that originates from the highest peak of thought, reason.

### **Artificial intelligence and human dignity**

Thinking is fascinated before dignity when he seeks to discover and I give him meaning. The issue of dignity is related to philosophical thought since man begins to think about himself, existence and the consequences of his actions. It seems impossible and not dignified not to treat and look at dignity from the field of philosophy. To see dignity apart from philosophy is to treat ist concept without dignity. In philosophy, the first moral approaches dealt extensively with questions of dignity. Immanuel Kant placed dignity at the center of his moral philosophy. This contribution on the meaning of dignity is still relevant today. For example, even though someone has stolen an item, he has the right to be defended by a lawyer, this shows that he is treated with dignity. He is human. Being a reasonable spiritual being then carries the right to be treated with dignity. Likewise, on the other hand, there was utilitarianism, which connects the issue of dignity with quantity and happiness. Of course, if we were to go to the bottom of the two philosophical approaches and say which of these is dignified to be implemented, we would come to the conclusion that both approaches would complement each other. The application of an absolute theory leaves out exceptions and appears deficient in representing all beings. But one thing is certain and it is worth noting that these approaches have changed and established state constitutions that are still applied today. They have reformed rights and opened people's eyes to live in dignified communities.

On the philosophical level, reflection would be exhaustive when it comes to such issues that belong to ethics. The reflection would be so passionate that it would not hesitate to exhaust itself. Imagination and creativity would be strengthened so much that they would challenge the completion of this writing. We are not in this luxury and modus. As we mentioned above, living in the world between and with cars is not that simple. As much as cars make our lives easier, they excite us and challenge our thoughts. So much so that they become disturbing for living in the community. The age we are living in has destroyed the discipline of our brain so much that it can no longer cope. The brain is losing ist resistance in the face of the boomerang of technological innovation and the materials that artificial intelligence offers. Transcending human nature and transhumanism is overstepping it at the very core of ist limits and undermining ist nature and purpose. Violation of ist nature is directly related to the dignity of the human being. Because dignity is the intrinsic value that rationality has.

If today, through technology, we cultivate embryos to produce people in laboratories without having to have sex, we keep people alive through devices, we choose the eyes or features of our children, killing nature and chance as well as fate. Of course, technology algorithms will be crossed by ethical debates when the consequences of their actions seek to transcend and become the new gods. They decide on human dignity, existence and life. Just look at hospitals, they used to take the place of churches because they cultivated the idea of human dignity through the Hippocratic Oath. For the sanctity of life and for being treated with dignity. Today they have turned into gambling halls. Human life is becoming a trade. An ugly roulette where everyone feels the destructive spin of the original goal. Protection and treatment with dignity of life was and should be preserved in hospitals. Gerald Hüther says; *në spitale*. Gerald Hüther thote; " Die Ärzte und das Pflegepersonal wissen, wie sehr di Würde aller durch eine Behandlung mit der Stoppuhr leidet ".<sup>9</sup> Everything is experienced in time and time translates into money.

„Acord für alle“, dignity is also lost in the workplace in ist technology. Factories and enterprises are controlling employees through technology. She looks at us in the corners when we are tired and we have heart palpitations, she checks us on how much we have produced. When did we rest, why did we stop working, why didn't we give the same raise as my colleague. Are we or not presence? So a total control in work life. The car never gets tired, it never got sick, there are no social costs even for politics. The technological machine is omnipresent and carries out every command it is programmed to do. Man will become useful if he does not go further with his knowledge. The machine is going through it and will integrate successfully.

Beautiful reality appears on the screen of technology. Autonomy and privacy do not know where they are going with technological development. The savannah of life for iPhones who can make reality appear like a paradise is exciting. Everyone moves their fingers, presses something and gives the impression that they are working and doing something. Looking for the improvement of reality through technology, we could not foresee the bleeding of identity in societies that are not in a position to buy these technologies. Who are we to treat ourselves with superiority on the shoulders of those who for a thousand and one reasons could not enable these tools? They are human and should be treated with dignity. In the reverse background, new technology kills the dignity of societies with a low degree of development.

The fact and desire to improve and go further through technology is also promoted in schools. The creation of a new dignified sprout is being killed there. Killing imagination by short-circuiting young people's thinking. It does not give them time to create and shape the new dignified world. Thought no longer roams like it used to in the contemplative spaces of philosophers. Where thought was free it was guided by the limits of intuition. It is being killed by serving prepackaged knowledge, boomeranged into information. Which the latter rules and manipulates the perception of young people. The education system is producing bodies that are. It lost ist original concept, where the student was seen as a new crack in the existential matter. The latter showed and promoted ist existence and values.

Of course, existence has an interest in developing, and economic interests are at the center of technological development. In the name of economy, violating the sublime

<sup>9</sup> Hüther Gerald, *Würde*, München, p. 34.

inner value of man is unacceptable. Therefore, as a conclusion of the dignity and artificial intelligence report, we must agree that the use of some people to enrich others is unfair and not correct with human values. That in the name of development, of economic benefits, to sacrifice the community and our way of living is again unethical. That the issue of artificial intelligence should go through the ethical wheels, this should be a necessity and commitment of every politician or decision-maker. Respecting the community and the individual is not only an ethical-philosophical duty, but a duty that must engage all the links of a reasonable society.

## Conclusion

High development frightens the being. Many people are afraid of the advancement of technology and are unable to cope with it and stop it. Our identity appears to be shaped and affected by all through technological development. The wall that guarded the fortress of this identity is being overcome with artificial intelligence. Ethical boundaries would limit artificial intelligence so as not to harm the dignity and identity of the being. Of course, not to affect their happiness. If dignity emerges as a characteristic of rational beings and not only, and if artificial intelligence touches and suppresses this premise then our perception of its use will be affected. New technology is able to change our image of the world, affect the world of knowledge or question the existence of certain truths. This automatically establishes and restores the discussion on the issues of dignity, identity or autonomy and not only. It challenges many sciences and sets many fields in motion. Among them are the ethical approaches, but not only, here comes politics, or law as well as economic theories, facing a new norm in the market and a new concept which leaves both from one page of economic competition, as much from the other of respect and ethical-moral treatment of human beings. Finally, we will have to face challenges in the name of development. What is important is to see how technology or artificial intelligence is implicated and applied in society. Does it touch on concepts that we seem to have taken for granted until now? If it is implicated within human rules and norms it helps man move forward while respecting its uniqueness, let it flourish. On the contrary, an achievement with rotten goals and bad means is anti-human, it does not serve anyone, it sows future crises in the background and calls into question human existence.

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# Strategies of psychosocial well-being to prevent harm in children - An analysis of Child Labor legal protections in Albania

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## Abstract

Child labor remains a critical global issue, threatening the well-being and future prospects of millions of children worldwide. This paper presents a comprehensive analysis of the complex phenomenon of child labor, its impact on children's health, and the legal frameworks designed to address this pressing issue. Drawing on international conventions and treaties, as well as national legislation, the study examines the multifaceted challenges posed by child labor and the imperative of protecting children's rights and dignity.

Using a mixed-methods approach, including literature review, policy analysis, and case studies, the research investigates the root causes of child labor, such as poverty, inequitable economic growth, and structural adjustment policies. It explores the diverse forms of child labor, ranging from hazardous work to light employment, and examines the detrimental effects on children's physical and mental health. Moreover, the study highlights the importance of education as a protective factor against child labor and explores the role of legal frameworks in safeguarding children's rights in the workforce.

The findings reveal significant gaps in the implementation of child labor laws and underscore the need for enhanced enforcement mechanisms and collaboration between stakeholders. Despite progress in legislative efforts, challenges persist in addressing the root causes of child labor and providing comprehensive support services for vulnerable children and families.

The paper concludes by advocating for a holistic approach to combat child labor, emphasizing the importance of prioritizing children's education, health, and overall welfare. By addressing the underlying socio-economic factors driving child labor, enhancing awareness and education initiatives, and strengthening enforcement mechanisms, stakeholders can work towards effectively eliminating hazardous child labor and safeguarding the rights and well-being of children worldwide. In conclusion, the paper advocates for concerted action to eradicate hazardous child labor and create an enabling environment where every child can thrive securely.

**Keywords:** child labor, mental health, children's health, protection.

## Introduction

*"Legal protections for child labor within the legal framework of the Republic of Albania: promoting psychosocial well-being and strategies for prevention and mitigation of harm"*  
*"The true character of a society is revealed in how it treats its children"- Nelson Mandela*

Child labor remains a pressing global issue, posing significant threats to the well-being and future prospects of millions of children worldwide. Defined by the International Labor Organization (ILO) as work that is mentally, physically, socially,

or morally dangerous and harmful to children, child labor is a severe violation of human rights. Despite efforts to combat it, child labor persists, undermining fundamental principles of human dignity and rights while impeding social and economic progress.

Child labor is a complex phenomenon, resulting from household decisions influenced by many factors including income, uncertainty, and relative returns to work and education, among others. The term “child labor” is often defined as work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical-mental development. It refers to work that is mentally, physically, socially or morally dangerous and harmful to children. The statistical figures about child workers in the world have variation because of the differences in defining categories of age group and engagement of children in formal and informal sector (Boockmann, B. 2004).

Historically, child labor became a focal point of concern with the advent of industrialization and urbanization, which reshaped children’s roles in society and exacerbated the risks they faced in the workplace. While some strides were made in the nineteenth century to protect children from exploitation, the transformative shift came with governments’ increased commitment to education as a cornerstone of modernization.

Key international conventions and treaties, such as ILO Convention No. 138 on the Minimum Age for Admission to Employment and Convention No. 182 on the Worst Forms of Child Labour, underscore the urgency of eliminating child labor and safeguarding children’s rights. These instruments emphasize the need for protective legislation, universal education, and effective enforcement mechanisms to combat the scourge of child labor.

However, not all work undertaken by children is harmful. From assisting with household chores to acquiring valuable skills through light jobs or traditional trades, children engage in activities that contribute to their socialization and development. Yet, child labor, in its detrimental form, deprives children of their childhood, education, and future prospects, exposing them to exploitative conditions that endanger their health and well-being.

This introduction sets the stage for a comprehensive exploration of child labor, its various forms, and the legal frameworks aimed at addressing this critical issue. By delving into the complexities of child labor, its impact on children’s physical and mental health, and the imperative of legal protection, this study seeks to advocate for concerted action to eradicate child labor and uphold the rights and dignity of every child

## **1. Health Protection Measures in Addressing Child Labor: A Comprehensive Approach**

For children, the right to health depends on their own opinions and actions, as well as how people encounter them, and in what way parents and professionals view their rights. In all encounters involving children and adults, acknowledging the child’s perspective and the child’s perspective is important (Sommer et al., 2010; Söderbäck et al., 2011).

Child labor persists as a pervasive and escalating issue in contemporary global society. Across various regions and countries, numerous children are engaged in work under conditions characterized by exploitation, abuse, and dangerous environments. The specific hazards encountered by child laborers are contingent upon the nature of their occupation and the particular circumstances of their employment. This variation underscores the heterogeneous nature of child labor, which manifests variously in different geographical contexts. Root causes of child labor are multifaceted, encompassing factors such as poverty, inequitable economic growth, and structural adjustment policies.

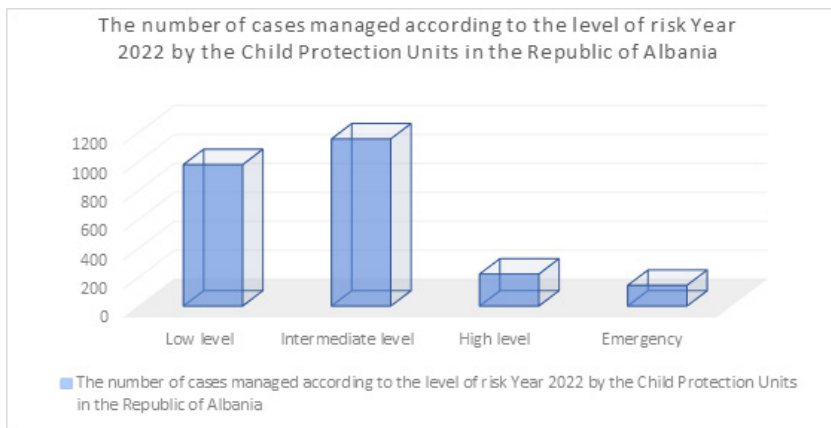
The persistence of child labor is exacerbated by disparities in income distribution and limited opportunities for adult employment. Moreover, prevailing economic paradigms that prioritize gross national product (GNP) over equitable development perpetuate the problem. Despite international efforts to combat child labor, its prevalence remains distressingly high. Prior to the onset of the COVID-19 pandemic in 2020, an estimated 160 million children, comprising 63 million girls and 97 million boys, were engaged in child labor worldwide, constituting approximately one in ten children globally. Alarming, nearly half of these child laborers, totaling seventy-nine million, were subjected to hazardous work, posing significant risks to their health, safety, and moral development (International Labour Office and United Nations Children's Fund 2020).

Physically, child labor exposes minors to a myriad of hazards, ranging from strenuous manual labor to exposure to toxic substances and dangerous machinery. The consequences of such exposure can be severe, leading to physical injuries, chronic health conditions, and even fatalities in some cases. Moreover, the adverse effects of child labor extend beyond the realm of physical health to encompass mental well-being. Addressing the multifaceted challenges posed by child labor necessitates the implementation of comprehensive legal and social policies aimed at prevention and intervention. By adopting a holistic approach that addresses both the physical and mental health dimensions of child labor, policymakers can work towards mitigating its detrimental effects and safeguarding the rights and dignity of children worldwide. One crucial aspect that demands attention, particularly concerning the physical health of children, is the perilous nature of the work they undertake. Hazardous work denotes employment that, by virtue of its inherent characteristics or specific circumstances, exposes children to risks concerning their health, safety, or moral well-being. The focus of work should not be on children themselves and policies, but on the forms and conditions of work that can harm or abuse children (Bourdillon, Levison, Myers, & White, 2010).

Upon the ratification of both ILO Convention No. 138 and ILO Convention No. 182, nations pledge to compile their own inventory of hazardous occupations and tasks. In Albania there is a Decision of the Council of Ministers no. 514 dated 20.09.2017 "For the approval of the National List of Professions (LKP), revised", which shows the nature of each profession, the functions and the dangers during their exercise. While the composition of this list is typically determined through collaboration with employer and worker associations, the ILO Worst Forms of Child Labour Recommendation, 1999 (No. 190), an adjunct to ILO Convention No. 182, recommends the

inclusion of various criteria. These encompass work settings that subject children to physical, emotional, or sexual exploitation; activities conducted in underground, underwater, or high-altitude environments, or confined spaces with perilous machinery or equipment; and tasks involving the manual handling or transport of heavy loads. Moreover, it incorporates work carried out in unhealthy surroundings that may expose children to hazardous substances, extreme temperatures, excessive noise levels, or vibrations detrimental to their well-being. Additionally, hazardous work encompasses conditions characterized by extended hours, nocturnal shifts, or circumstances that impede children’s daily return to their homes. The classification of hazardous work extends to employment within designated hazardous industries or occupations, as well as engagement in work exceeding 43 hours per week. Often regarded as a precursor to the most severe forms of child labor, hazardous work undertaken by children comprises a significant majority of those involved in the gravest manifestations of child exploitation.

Assessing the level of risk is an important step during the case management process. According to the level of risk in which the child is, suitable protection measures are established the child or determine the actions that must be taken by the local actors provided for in child protection legislation. According to reports, it turns out that in general, Child Protection Workers in Albania handle low and medium risk cases. Based on the reports of the Child Protection Unit (NJMF) for the year 2022, the largest number of treated cases were medium risk cases, 1155 cases and with low risk 977 cases. In addition, NJMF have managed 221 high-risk cases, while emergency cases treated are 143 cases.



Graphic1: The number of cases managed according to the level of risk Year 2022 by the Child Protection Units in the Republic of Albania.

Source: <https://femijet.gov.al/al/raporte-dhe-studime>

In 2022, Albania made moderate advancement in efforts to eliminate the worst forms

of child labor. However, children in Albania are subjected to the worst forms of child labor, including use in illicit activities and forced begging, and in commercial sexual exploitation, sometimes as a result of human trafficking. Children also perform dangerous tasks in scavenging, including scavenging for chromium near mines. Albania's legal framework governing child labor also does not explicitly prohibit using, procuring, or offering children for illicit activities(Lirëza, L., & Kume, A. 2023).

In adherence to the principle of safeguarding minors from engaging in hazardous labor, the majority of nations have enshrined regulations within their domestic legal frameworks or have delineated specific circumstances under which children may participate in work activities. In the Republic of Albania, Article 54 of the Constitution mandates the provision of special protection by the state for children, youth, pregnant women, and young mothers, thereby securing constitutional-level safeguards for these demographic groups. Addressing the unique vulnerabilities of minors in the workforce, the Labor Code of Albania, articulated in Articles 98-103, prohibits the employment of individuals under the age of 16. Nonetheless, exceptions exist for minors aged 14-16 during school breaks, allowing their engagement in light work that does not compromise their health or development. Furthermore, minors aged 14 to 16 are eligible for career guidance and vocational training, while those aged 16 may partake in light employment that does not pose risks to their well-being. Moreover, Article 104 of the Labor Code imposes restrictions on heavy or hazardous labor for pregnant women or lactating mothers, aiming to safeguard the health of both the mother and child.

Furthermore, Article 101 of the Labor Code of Albania prohibits the recruitment of individuals under the age of 18 for night work, and Article 102 empowers the Labor Inspectorate, following due consultation with pertinent employer and employee organizations, to authorize minors to engage in socio-cultural activities. Individual authorizations granted under this provision necessitate specifying the maximum duration and conditions of labor. Moreover, Article 103 of the Labor Code stipulates that individuals under the age of 18 may be employed only after undergoing a comprehensive medical evaluation to determine their fitness for work. These legal provisions underscore Albania's commitment to upholding the rights and well-being of minors in the realm of employment, ensuring their protection from exploitative or hazardous working conditions.

Law 10237/2010, titled "*On occupational safety and health*," Chapter VI, delineates categories vulnerable to workplace hazards, including pregnant women, breastfeeding women, youth, and individuals with disabilities. It mandates specific measures that employers must adopt to tailor the work environment to the requirements of these groups, thereby mitigating occupational risks. Article 34 of the law underscores the necessity to shield children and youth from specific risks that could compromise their welfare and developmental trajectory, stemming from factors such as lack of experience, awareness of extant or potential risks, or their immaturity.

Furthermore, Article 15 of this legislation delineates the requisite precautions employers must undertake to safeguard the safety and health of children and youth, taking into consideration their unique vulnerabilities. Employers are mandated by the law to conduct a risk assessment for children and youth before their engagement

in work activities. This article elucidates the concerns and considerations employers must address in situations where risks to safety, physical or mental health, or developmental well-being are identified, or significant changes occur in their working conditions. To forestall such risks, employers are enjoined to integrate protective and preventive measures into the planning, execution, and oversight of safety and health protocols in the workplace for children and youth.

Moreover, Law No. 18/2017 *“On the rights and protection of the child”* and Law No. 121/2016, titled *“On social care services in the Republic of Albania,”* which delineate children’s entitlements and the corresponding support services, have been augmented by subordinate legal instruments to ensure effective implementation. This legislative framework introduces an alternative perspective on children’s rights and concrete protective measures that responsible institutions must adopt to prevent, rehabilitate, and consistently safeguard children from potential instances of violence, exploitation, and neglect. Article 2, subsection c of this law articulates its objective of guaranteeing children’s well-being and enhancing their quality of life by fostering their societal integration, providing adequate support and care, and ensuring the preservation of their health and welfare.

Central to these legislative endeavors is the principle of safeguarding the best interests of the child, as articulated in Article 6, point 3 of the law, which encapsulates the child’s entitlement to holistic development and a nurturing family and social environment. In its implementation, factors such as the child’s developmental needs, their expressed opinions, historical context, parental or caregiver capabilities, and the continuity of meaningful relationships are duly considered. These provisions reflect Albania’s commitment to fostering an environment conducive to the well-being and flourishing of its young population, emphasizing their rights, protection, and holistic development within society.

Article 7, subsection 3 of the law stipulates that any child requiring urgent medical care, treatment, or rehabilitation, whether individually or through their legal guardians, retains the right to seek assistance from healthcare or social welfare institutions. The designated authority or individual promptly offers aid within their jurisdiction and directs the child to the most appropriate healthcare or rehabilitation facility following consultation with their parent or guardian.

Furthermore, Article 21 addresses the provision of healthcare services for children, ensuring their entitlement to free and top-tier medical care and access to treatments for diseases and health recovery. This entitlement remains inviolable, irrespective of the child’s registration status in the civil registry or their parents’ tax contributions. Through this legal arrangement, we also respond to the legal vacuum between the age of 18, when social and health insurance contributions begin, and children over 16 who start working. Regardless of whether children over the age of 16 work or not, they benefit equally from health care and this is a consequence of the spirit that the law has to prohibit the employment of children.

The ramifications of child labor are intrinsically linked to poverty and economic instability, often associated with informal employment, which heightens the likelihood of families turning to child labor as a coping mechanism. The proliferation of informal work can exacerbate the demand for child labor, as informal sectors typically require

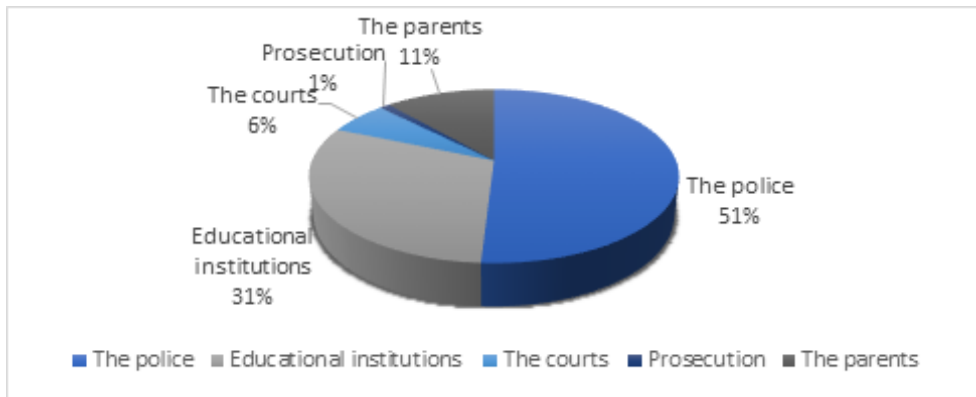
minimal skills and operate outside regulatory frameworks. Furthermore, informality erodes the economic basis for taxation, which in turn finances essential social services such as education and healthcare—key deterrents against child labor, particularly in times of crisis. Moreover, the informal economy lacks mechanisms for social dialogue and labor relations, both of which are pivotal in combating child labor.

### 1.1 Structures Implementing Effective Protection Against Child Labor

One of the issues identified in Albania is the efficiency of the structures created to ensure the effective protection of children in the workplace. While Albania's legal framework offers broad guarantees regarding the protection of children's health, psychological well-being and intellectual and social development, the implementation of this legal framework is perceived as problematic. This includes challenges related to social protection and the establishment of capable structures equipped to implement the legislation.

Today, the importance of these structures has increased with the introduction of new legal instruments, such as Convention No. 182 on the worst forms of child labor, along with technical tools. These improvements equip labor inspectors and other structures to identify and address situations that deviate from international labor standards or national legislation on child labor and labor inspection. Moreover, they operationalize the guidelines described in Convention no. 81 of the ILO on labor inspection, focusing on its application to child labour. This underlines the crucial role of the labor inspectorate in ensuring professional monitoring, analysis and equal application of laws, not only through sanctions, but also through guidance and support. Furthermore, it emphasizes collaborative efforts between labor inspectors and agencies, other structures, from the Ministry and various sectors, including education, social services and health, advocating for a multidisciplinary approach involving employers, workers, educators and the community. to effectively combat child labour..( International Labour Organization, 2002)

Labour inspectorates in numerous countries face challenges due to weak organization and inadequate political support, resulting in insufficient coverage of all establishments, both formal and informal, across urban and rural areas. Therefore, the concept of child labour monitoring aims to broaden observations by engaging additional partners. Community-level officials and parent associations, situated within the locales where child labour occurs, can contribute significantly to monitoring efforts. Albania has established its own legal framework for monitoring and safeguarding children, aiding in the identification of child labor. Law No. 18/2017 "*On the Rights and Protection of the Child*" mandates the appointment of dedicated child protection officers in administrative units of municipalities with more than 3000 children, ensuring 24-hour availability of child protection services in every local government unit. Additionally, ad-hoc Inter-Sectoral Technical Groups (GTN) are established in municipalities with a significant child population, comprising representatives from various sectors, to address cases of children in need of protection. These measures underscore Albania's commitment to addressing child labor and ensuring the welfare of its young population through a coordinated and multifaceted approach.



Graphic2: Reporting of cases of employment of children from segments that are legally obliged.

Source: <https://femijet.gov.al/al/raporte-dhe-studime>

Referring to the annual work report of 2022, from the State Agency for the Protection of Children’s Rights, we see an improvement in the work of the structures from 2017. Based on the legislation in force, all professionals who work with children have the obligation to reporting of cases of abused, violated, exploited children that they identify while committing duty. Any citizen, family or community member can report cases of violence against children near the child protection workers they have in the territory. The largest number of new cases have been identified and referred by the police, 299 cases, but educational institutions have also identified one significant number of cases, 179 cases. The positive innovation for this year is the increase in referrals from justice structures, which shows the growth of cooperation between justice structures and social services. The courts have referred 36 cases, Probation Service 49 cases, Prosecution 6 cases. The awareness of reporting by family members has also increased. The children themselves reported violence or problems near the responsible structures with 6 cases of abuse and the parents have reported 67 cases.( State Agency for Rights and Child Protection, 2022)

Law 18/2017 delineates the structures and mechanisms for advising and coordinating Children’s Rights and Protection at both central and local levels, defining their legal obligations, duties, and collaborative methods to ensure the fulfillment and safeguarding of children’s rights. However, in administrative units, particularly those in remote regions, identifying individuals with the requisite qualifications and experience can pose challenges. Albania faces a notable constraint due to the scarcity of suitably qualified human resources, which impacts the service provision by these structures and the quality of case management.

While labour policy and legislation are crucial, they are not the sole components of the necessary legal framework. The Minimum Age Convention, 1973 (No. 138), remains a fundamental international standard on child labour, mandating ratifying states to adopt a national policy aimed at effectively eradicating child labour and progressively increasing the minimum age for employment to ensure the optimal physical and mental development of young individuals. Recommendation No. 146

offers guidance on a comprehensive array of measures necessary to achieve this objective. Labour inspection should prioritize several areas, including the enforcement of regulations pertaining to hazardous forms of employment, prevention of work during compulsory education or training hours, and implementation of measures to facilitate age verification. These measures may involve maintaining an efficient system of birth registration, mandating employers to maintain records of employed children and young people, and issuing licenses or documents to those engaged in street work or itinerant occupations where verifying employer records is impractical, indicating eligibility for employment.

In contemporary discourse, the overarching objective is to cultivate a “culture of prevention” within the sphere of labor, aiming to facilitate prolonged, productive, and healthy livelihoods for workers while mitigating the increasing societal costs associated with various adverse incidents and occurrences. Fundamentally, this culture of prevention seeks to ensure that all workplaces adhere to established standards, with both employers and workers viewing compliance as customary and socially responsible behavior. The linchpin of effective preventive action lies in the deepening collaboration among labour inspectorates, employer associations, industry groups, trade unions, and technical, scientific, and medical experts. Through such collaboration, labour inspectorates can optimize resource allocation and enforcement efforts, directing them toward non-compliant enterprises or industries, while simultaneously providing reassurance to compliant employers that adherence to regulations will not result in competitive disadvantages.

## **2. The Impact of Child Labor on Mental Health**

Work has always been a part of the lives of most of the world’s children, but comparison between different societies and times shows great changes in the nature and intensity of child work, in the contexts and relationships within which work is carried out, in social perception and evaluation of child labor. Social science research on childhood and child labor is an important resource for understanding these changes (Hindman, H. D. 2015).

The effects of child labor go beyond the present, it affects the entire course of children’s lives, compromising their future and that of future generations through a vicious and sustainable cycle (Felitti, et al., 2019).

The consent of the working child is mostly manipulated by the parents. To give consent, a child needs to understand the situation, the consequences, and voluntarily agree to work. Children of young age, who have a less than fully competent capacity, can assent to an action by getting involved in the decision-making process. Children fall easy victims to unfair job conditions, and they do not have the power to stand-up against mistreatments. The maleficence of this act has long-term physical, psychological, behavioral, and societal consequences. Even if they are lacking the competency of making informed decisions, they are considered individuals with autonomy that should be protected and safeguarded (Radfar, A., Asgharzadeh, S. A. A., Quesada, F., & Filip, I. 2018).

An issue frequently encountered by inspectors is the strong resistance often dis-

played by child laborers when attempts are made to remove them from their work. This resistance stems from the fact that work provides them with some form of income, albeit modest, and occasionally offers them the opportunity for basic training. Given the context of inadequate schooling and the looming prospect of unemployment, work may seem like the more favorable option to these children. Furthermore, engaging in work instills in them a sense of maturity and responsibility. They take pride in their ability to contribute to their family's well-being and to support the education of younger siblings. Consequently, child laborers may not perceive themselves as victims; rather, they see themselves as assuming responsibility and earning the respect of their family, themselves, and their community. For those who may not excel academically, work provides a sense of status that they might otherwise lack. The analysis of factors leading to engagement of children in hazardous factors elucidated socioeconomic factors as one of the important determinants. Poverty is considered as one of the contributory factors in child labor. (Ali, M., Shahab, S., Ushijima, H., & de Muynck, A. 2004).

Mental wellbeing is less frequently researched in child labor (Khan, H., Hameed, A., & Afridi, A. K. 2007). Child labor is associated with higher prevalence of mental and/or behavioral disorders, all studies concluded that child labor is associated with one or more forms of abuse (Alem, A. A., Zergaw, A., Kebede, D., Araya, M., Desta, M., Muche, T., ... & Medhin, G. 2006). A study from Ethiopia reported that emotional and behavioral disorders are more common among working children (Fekadu, D., Alem, A., & Hägglöf, B. 2006). However, another study in Ethiopia (Alem AA, Zergaw A, Kebede D et al. 2006) reported a lower prevalence of mental/behavioral disorders in child laborers compared to non-working children. The stark difference between these two studies could be due to the explanation provided by Alem et al., i.e., that their findings could have been tampered by selection bias or healthy worker effect. A similar study conducted in Turkey documented that 62.5% of the child laborers were subjected to abuse at their workplaces; 21.8% physical, 53.6% emotional and 25.2% sexual, 100% were subjected to physical neglect and 28.7% were subjected to emotional neglect (Öncü, E., Kurt, A. Ö., Esenay, F. I., & Özer, F. 2013).

In conclusion studies from psychology show that being exposed to adverse events in childhood can harm a child's mental well-being, and that the effects can be persistent (Hammen, C. 2005; Kendler, K. et al. 1999). Frequent and prolonged exposure to adversity inevitably leads to toxic stress. This in turn adversely affects the development of the brain leading to mental health disorders such as depression (Franke, H. A. 2014). These studies from psychology have shown that stressful or adverse events experienced as a child can have a negative impact on mental health as an adult. The effect of child labour on mental health at an early age, for example, at 7 years might be different than experiencing it at an age closer to the school leaving age for example, at 14 years (Fryers, T., & Brugha, T. 2013; Hammen, 2005).

Implementing policies to eradicate child labor is crucial for the Albanian state due to its potential long-term negative effects on mental health. The importance of legal reforms is paramount. Within the Albanian legal framework, Decision No. 108, dated February 15, 2017, approving the regulation "*On the Protection of Children in Employment*," was enacted. This regulation aims to establish principles and detailed require-

ments for safeguarding the safety and health of children under the age of 18 against economic exploitation and any work that may jeopardize their safety and health in the workplace or hinder their physical, mental, moral, or social development, or endanger their education or participation in cultural, commercial, and similar activities. It ensures appropriate working conditions in line with their age and health, as well as guarantees that children receive education without being deprived of this right due to the work they perform.

Moreover, this resolution extends legal safeguards for evaluating labor conditions that do not compromise mental well-being, as outlined in Article 6, section 2, subsection a). This provision prohibits the employment of children in instances where it objectively exceeds their physical or mental capacities. The employer conducts an objective assessment, as mandated by Article 4, section 1, to identify specific risks associated with the mental and physical development of minors. Subsequently, appropriate measures are implemented to ensure their safety and health. While prioritizing the analysis of children's employment and safeguarding their physical health remains imperative, particular emphasis is placed on their mental well-being due to the considerable, sometimes irreversible, long-term implications, as supported by numerous cross-national studies on the impacts of early employment.

Leaving the assessment of working conditions and risks solely to employers may not be the optimal solution to implement. Employers may not always possess the necessary knowledge and skills to conduct assessments and should notify the relevant state structures, which have qualified staff to evaluate the employment opportunities for minors, ensuring that the results and analyses are as objective as possible. By implementing comprehensive policies in these areas, the Albanian state can effectively combat child labor and safeguard the mental health and well-being of its children.

Albania can significantly enhance the effectiveness of its efforts to protect the mental health of working children by integrating mental health education into the school curriculum and expanding community-based mental health services. By equipping children with the knowledge and skills to understand and manage their mental well-being through school-based programs, can empower them to prioritize their mental health regardless of their employment status. Additionally, by increasing access to counseling, therapy, and support services in communities with high rates of child labor, can ensure that working children receive the necessary assistance to address and manage any mental health challenges they may face. Through these integrated approaches, Albania can effectively safeguard the mental health of its working children and promote their overall well-being.

### **3. The Role of Education in Ensuring the Protection of Working Children**

In today's world, where access to education and technology is widespread, the persistent existence of child slavery remains a significant concern. Despite the presence of legal frameworks such as the UN Convention on the Rights of the Child and international labor conventions, child slavery continues to prevail, even in countries like Albania, where legislation explicitly prohibits such practices. To effectively address this issue, Albania and other nations must ensure that their legal frameworks against

child labor are clear, specific, and unambiguous. This entails the explicit prohibition of children's involvement in forced labor and the establishment of stringent penalties for offenders.

Furthermore, enhancing collaboration between law enforcement agencies, social services, and civil society organizations is crucial for improving the identification and rescue of children trapped in exploitative labor situations. Investing in education and economic opportunities for vulnerable communities can also serve as a preventive measure, mitigating the risk of children being exploited in the first place.

These benefits can also incentivize birth registration, thereby making children more visible to state institutions and contributing to integrated social and child protection systems. As children grow, benefit payments can be linked with care services, providing additional incentives for families to engage with state institutions and services. This approach facilitates better planning and resource allocation for essential services, including child protection systems. In essence, while legal frameworks provide a foundation, their effectiveness depends on robust enforcement, collaboration, and proactive measures to address the root causes of child labor (Sharma, K. 2007).

The way children are treated and protected by the state is an indicator of the degree of emancipation and evolution of it and society. At the same time, the way they are treated and protected today will also reflect the future of society. Albania, after ratifying a series of conventions directly related to children's rights, assumed the obligation to improve their lives, which includes the right to education, health care, an adequate standard of living (Antoneta, Gj. 2017).

Exploitation of children at work is a severe problem in Albania. Child trafficking or child labor occurs in extremely hazardous occupations in agriculture, construction, small shoe and clothing factories, and the service sector, and many children, many of them of Roma origin, work as shop vendors or beggars. Albania has ratified ILO Convention No. 29, the Forced Labour Convention and Convention No. 105 on the Abolition of Forced Labour. Eliminating child labor is an important policy objective for the international community, the Convention on the Rights of the Child provides the legal basis for national and international action on child labor. Under these instruments, countries have the obligation to protect children from child labor in all its forms. The importance of the eradication of child labor is reiterated in the ILO Centenary Declaration for the Future of Work (2019) and other instruments (Rights, U. C. 2022).

Article 59 of the Constitution foresees the goals of the state in terms of employment, education, and qualification of children, as well as care for children and disabled persons. Through these definitions, the Constitution has treated the child as an individual who requires special protection, thus imposing obligations on the public power in general. This means that all actions related to the child, undertaken by state institutions, public, or private, must be in the best interest of the child. The Labor Code provides a separate chapter for the special protection of minors, which in their essence have the purpose of taking care of their well-being, without hindering the realization of everything that is considered a fundamental right.

Article 24 of Law No. 17/2018 "*On the rights and protection of the child*", present commitment to safeguarding the rights and well-being of children. By explicitly prohib-

iting economic exploitation and forced labor, it aims to ensure that children are not subjected to harmful or hazardous work conditions that could compromise their physical, mental, or moral development. This article underscores the importance of prioritizing children's education and overall welfare above any economic interests. Moreover, by setting clear guidelines and restrictions on the types of work children can engage in, the article helps prevent situations where children are coerced or exploited for labor purposes. It emphasizes the responsibility of both parents and caretakers to ensure that children are not subjected to any form of work that could jeopardize their health or education. Overall, Article 24 serves as a crucial component of Albania's legal framework for child protection, highlighting the country's commitment to promoting the rights and well-being of its youngest citizens. Its implementation and enforcement are essential to ensuring that children are effectively shielded from economic exploitation and afforded the opportunity to thrive in a safe and supportive environment. Article 64, of this same law, shows the ways and means of how the state can monitor the economic exploitation of children, and the obligation to create individual treatment plans.

Cultural beliefs have an important role in encouraging child labor. In developing countries, people believe that work has a constructive effect on character building and increases skill development in children. There is a tradition in these families, where children follow the parents' footsteps and learn the job from an early age. Some cultural beliefs may contribute to the misguided concept that a girl's education is not as important as a boy's education, and therefore, girls are pushed into child labor as providers of domestic services (Invernizzi, A. 2016).

In the short term, the most noticeable impact of child labor on the family level is an increase in family income. In the long term, the under-accumulation of human capital caused by low school attendance and poor health is a serious negative consequence of child labor, representing a lost opportunity to increase productivity and future earning capacity for the next generation (Heady, C 2003).

Legislation pertaining to compulsory education constitutes a pivotal component in the ongoing efforts to combat child labor. As stipulated in Article 22, point 4 of Law No. 69/2012 *"On the pre-university education system in the Republic of Albania,"* amended subsequently by Law No. 56/2015 and Law No. 48/2018, it mandates that full-time basic education is obligatory for all Albanian citizens residing in the Republic of Albania aged six to sixteen, subject to exceptions as delineated within the confines of this legislative framework. Moreover, Decision No. 108, dated 15.2.2017, endorsing the regulation *"On the Protection of Children in Employment,"* elaborates further in Article 3 regarding the employment of children under the age of 15 concurrently enrolled in full-time compulsory education. This employment, for engagements in cultural, artistic, sports, or publishing activities, necessitates antecedent authorization from the Labor Inspectorate. The conditionality of this authorization hinges on ensuring that such activities neither imperil the safety, health, nor developmental trajectory of children, nor impede their scholastic attendance or participation in pertinent training or vocational programs. Preceding the commencement of the activity, the employer is mandated to furnish the Labor Inspectorate with comprehensive details, encompassing the employer's identity, the child's particulars, requisite consents from the

child's legal guardian(s), and a comprehensive delineation of the activity's locale and timetable. Subsequent to a meticulous review, the Labor Inspectorate may issue individual permits, specifying the maximum duration of the activity and delineating the conditions of employment, thereby ensuring adherence to regulatory mandates and safeguarding the welfare of children in the realm of employment.

The public educational system should be expanded to accommodate laborer children who still do not have access to school. More schools should be built, more teachers should be trained, and more educational materials should be available. A special attention should be given to children living in exceptional geographical conditions and mobility should be provided at the cost of the community. Children who dropped out of school should receive adequate guidance and support, and a smooth reentry should be facilitated. The development of schools in the rural areas would decrease the load of children in urban schools. This will allow parents to accommodate children's needs without having to migrate in big cities.( Siddiqi, F., & Patrinos, H. A. 1995)

It is essential for all of us parents, policymakers, governments, employers, unions, civil society organizations, etc. To be vigilant in identifying all psychological and physical risks of work tasks, work conditions, and the surrounding environment and to promote age-appropriate activities. It is easy to become complacent and mistakenly assume that child labor is a thing of the past (Reynaud, E. 2018).

#### **4. Conclusions and recommendations**

In conclusion, the persistence of child labor represents a significant challenge in contemporary global society, with millions of children subjected to hazardous work conditions worldwide. Rooted in multifaceted factors such as poverty, inequitable economic growth, and structural adjustment policies, child labor persists despite international efforts to combat it. The prevalence of hazardous work among children underscores the urgent need for comprehensive legal and social policies aimed at prevention and intervention. Acknowledging the perspectives of children themselves and adopting a holistic approach that addresses both the physical and mental health dimensions of child labor are crucial steps in mitigating its detrimental effects and safeguarding children's rights and dignity.

Legislative frameworks play a vital role in safeguarding children from hazardous labor, with Albania implementing laws aimed at protecting minors from exploitation and ensuring their well-being in the workforce. However, challenges in implementation persist, including weak organization and inadequate political support, highlighting the need for enhanced enforcement and collaboration between relevant stakeholders. Moreover, assessing the level of risk and establishing suitable protection measures are essential steps in the case management process, requiring a coordinated effort among local actors and child protection agencies.

Strengthening enforcement mechanisms and monitoring systems is paramount to combating child labor effectively. This entails empowering labor inspectorates with greater resources and authority, while also expanding monitoring efforts to include community-level officials and parent associations. By involving local stakeholders in

the identification and prevention of child labor, authorities can improve their ability to address the issue comprehensively. Additionally, leveraging technology for monitoring, such as data analytics and remote sensing, can enhance the efficiency of enforcement efforts and enable more targeted interventions in areas with high prevalence rates.

Capacity building and training initiatives are integral to enhancing the proficiency of professionals engaged in child welfare. Targeted training programs for labor inspectors, child protection personnel, educators, and healthcare practitioners are essential for equipping them with the requisite expertise and tools. Through such initiatives, these individuals can effectively identify instances of child labor, offer appropriate assistance and intervention, and ensure compliance with pertinent laws and regulations. Furthermore, continual professional development endeavors enable these professionals to stay updated on evolving practices and strategies in the prevention and intervention of child labor.

Concurrently, raising awareness and fostering education are imperative for instilling a culture of prevention regarding child labor. Public awareness campaigns tailored to communities, policymakers, parents, and employers serve to highlight the risks associated with child labor and advocate for adherence to labor laws. Integrating education on children's rights into school curricula empowers young individuals to recognize and address instances of exploitation effectively. Through collaborative efforts engaging diverse stakeholders, societies can cultivate an environment conducive to eradicating child labor and promoting the welfare of children.

To improve human capital and reduce the incidence of child labor, school systems must reduce family schooling costs, adapt to schooling constraints in rural areas (where children must work at least part-time), and provide better education (more relevant to labor market needs). If these things are done, more families may decide that schooling is a more valuable option than working for their children (Canagarajah, S., & Coulombe, H. 1997).

One key takeaway from the research is the multifaceted nature of consent in child labor situations. While children may technically provide consent, it is often influenced or manipulated by parents or guardians who may be driven by economic necessity or cultural norms. This raises ethical concerns about the exploitation of children who may lack the capacity to fully comprehend the consequences of their labor. Additionally, the resistance displayed by child laborers when attempts are made to remove them from work underscores the complex dynamics at play, where work may provide a sense of identity, responsibility, and economic contribution within their families and communities.

In summary, the research underscores the vital significance of policy interventions, legal reforms, and social initiatives in effectively addressing child labor. Enforcing age-appropriate labor regulations, investing in education and social services, and challenging cultural norms perpetuating child labor are fundamental measures in protecting children's rights and well-being. By prioritizing children's education, health, and overall welfare, societies can aspire to create an environment where every child thrives securely. However, the successful implementation of these recommendations necessitates collaborative efforts among governments, policymakers,

civil society organizations, and international partners. By focusing on strengthening enforcement, capacity building, awareness, and comprehensive support services, stakeholders can collectively strive to eradicate hazardous child labor and ensure the global protection of children's rights and well-being.

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# Profitability as a dependent variable of Corporate Governance

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## Abstract

In a democratic society corporate governance is vital to a country's well-being. Nowadays corporations have integrated impacts and roles in the political, economic, social and cultural environment of a country and not only. In this paper when referring to corporations the analysis will be focused on the financial industry, especially Banks that occupy the largest part of this industry and have had a great shifting in their governance, especially after the economic crisis of 2007-2008.

The purpose of this study is to analyse how governance and risk management affect the profitability of the second level banks of Albania. In achieving the purpose, at first are defined and described the factors influencing the profitability of banks, then empirical analysis is done referring to the systemic banks by driving to the conclusions on the profitability influencers based on empirical findings. Number of representatives, gender diversity, non-performing loans, capital adequacy ratio and loan to deposit ratio are analysed as determinant factors for 3 different variables, bank profitability, return on capital and return on assets.

To a special importance for this work, is the review of the same literature, as a basis for gathering information and developing empirical analysis. For the empirical analysis, secondary sources such as Annual Audit Reports of banks were referred to.

**Keywords:** Corporate governance, risk management, profitability, supervisory body, banks  
Jel code: G21, G32

## 1. Introduction

Banks are of a great importance when referring to the monetary policy and this is shown several times during different crisis and countries. Here it can be referred to the crisis of the 80's where the governments were faced with the increasing pressure of the changes in the growth of by-products which affected the reduction of GDP. The cycle was saved by means of the accommodative monetary policies, where with the help of financial institutions, mainly banks, the affected governments came out of the biggest recession since the 'The Great Depression' (Friedman, 1988). Development level and the role of the financial system in the economy determine the stages of development of a country. Economist have divided it into 3 stages:

1. *Empirical phase* – non-developed financial institutions which is accompanied by low levels of economic growth. The low level of capital turnover is another quality of this phase.
2. *Credit phase* – Financial institutions take the trustworthy role of development, mainly banks, the latter representing the direction of sources of funds. Entities that have excess funds through financial intermediaries allocate funds to entities with a shortage of funds. It results in an economy with rapid growth and economic and

social development that affects the growth of national well-being.

3. *Financial markets phase* – The economy operates based on ‘invisible’ money, electronic money plays a major role by transferring and investing the capital regardless of the national borders and without time limits. (Bundo, Luçi, & Cane, 2005)

It should be admitted that despite the greatest attempts of some Banks in Albania to drive in the 3<sup>rd</sup> phase the general market tendencies position our financial system within the second phase. The lack of a proper capital market has caused the banks to hold the largest share of the financial system. Banking institutions have a share of 94% of GDP, while the non-banking<sup>1</sup> sector stands at 11%, both sectors have a decrease from the previous year, but they constitute an important item in the domestic economic stability (Bank of Albania, 2022). Banking institutions are the catalysts of development but in the meantime a bad corporate governance and risk management can result in dramatic consequences for a country or an economy. Bankruptcy of two large investment banks like ‘Lehman Brothers’ and ‘Bearn Stearns’, revealed that a mechanism like the bank Boards, is the main actor in the most aggressive recession since the economic depression of the 30’s (Bredart, 2014).

Changes in the business climate have brought another competitiveness in the banking sector which during the first years of democracy was fragile (Meka, 2018). Competitiveness means that the market reflects, lower loan rates, increased deposit rates, bringing the domino effect of increased savings and investments. Lowering the ‘Spread’ can lead to risky investments to maintain the same or higher levels of profitability.

Profitability reflects the quality of governance and shareholder behaviour, the bank’s competitive strategies and risk management. (Hallunovi, 2016)

### **Research question and Methodology**

To achieve the main purpose, the research questions of the study are:

- How do factors such as governance and risk management affect the profitability of banks in Albania?
- How much do factors such as governance and risk management affect the profitability of banks in Albania?
- How can governance and risk management be improved to increase the profitability of banks in Albania?

For purpose of the empirical analysis and factor detection the below hypotheses are raised and tested:

#### ***Hypothesis 1:***

H<sub>0</sub>: Number of representatives in the Board of Directors does not play a statistically important role in bank profitability and return on capital.

H<sub>1</sub>: Number of representatives in the Board of Directors plays a statistically important role in bank profitability and return on capital.

#### ***Hypothesis 2***

H<sub>0</sub>: Gender diversity and board member independence do not play a statistically important role in bank profitability and return on capital.

H<sub>1</sub>: Gender diversity and board member independence play a statistically important role in bank profitability and return on capital.

<sup>1</sup> Non-banking sector – The non-banking sector includes savings and loan companies, insurance companies, pension funds and investment funds.

### *Hypothesis 3*

H<sub>0</sub>: Non-performing loans, capital adequacy ratio, and loan-to-deposit ratio do not play a statistically important role in the bank profitability and return on capital.

H<sub>1</sub>: Non-performing loans, capital adequacy ratio, and loan-to-deposit ratio play a statistically important role in the bank profitability and return on capital.

### *Hypothesis 4*

H<sub>0</sub>: Number of representatives in the Board of Directors does not play a statistically important role in bank profitability and return on assets.

H<sub>1</sub>: Number of representatives in the Board of Directors plays a statistically important role in bank profitability and return on assets.

### *Hypothesis 5*

H<sub>0</sub>: Gender diversity and board member independence do not play a statistically important role in bank profitability and return on assets.

H<sub>1</sub>: Gender diversity and board member independence play a statistically important role in the bank profitability and return on assets.

### *Hypothesis 6*

H<sub>0</sub>: Non-performing loans, capital adequacy ratio and loan-to-deposit ratio do not play a statistically important role in bank profitability and return on assets.

H<sub>1</sub>: Non-performing loans, capital adequacy ratio and loan-to-deposit ratio play a statistically important role in the bank profitability and return on assets.

The methodology used to validate the hypotheses is an empirical analysis. To analyse the effect of the two factors, we will use the size of board, female board members and independent members as variables that will represent **governance**, non-performing loans, capital adequacy and loans on deposits as variables that will represent **risk management**, to represent **profitability** as a variable, return on capital and return on assets are set. The period studied will be 2010-2020. The data of the sample are secondary statistical data, obtained from annual audited reports of banks.

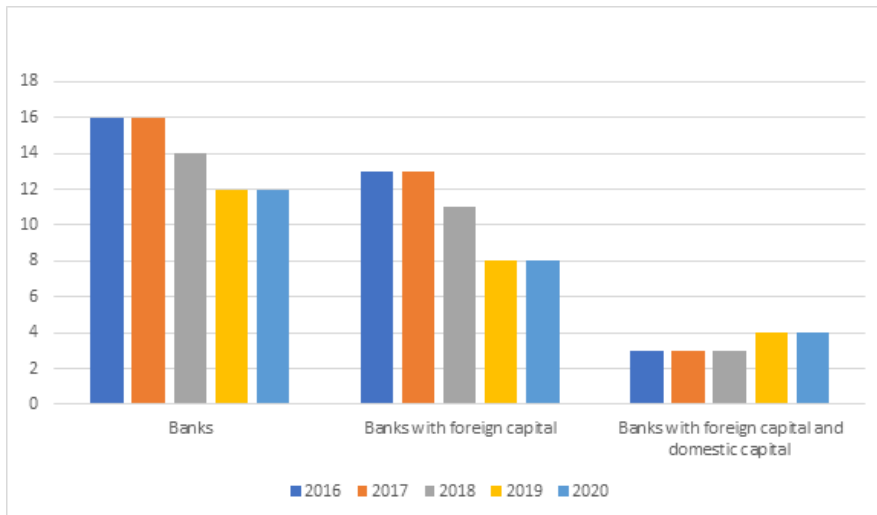
This paper is focused on the banks of systemic importance and non-systemic banks of significant size for the banking sector, they are: Banka Kombëtare Tregtare (BKT) PLC, Raiffeisen Bank PLC, Credins Bank, Intesa SanPaolo Bank PLC, OTP bank, Tirana Bank and Union Bank PLC The years are limited to the period of 2010 – 2020, during the 2020 due to Covid-19 the country experienced an economic recession which may have effect on the results of this study.

## **Literature Review**

Albania transformed the banking system in the early 90s just like in the countries of the eastern socialist block. In 1992, the laws on which the monetary policy would be based were drafted and developed, the two-level banking system was created with the Bank of Albania, in the role of central bank, and the commercial banks established and developed under the supervision of the central bank (Ibrahimi & Salko, 2004). At the beginning of the 1992 banking system consisted mainly of banks with state capital, of which there were 4 entities and 2 others with mixed ownership. In its beginning reforms of the banking system aimed to maximize the importance of such institutions in the national economic development. As efficiency of banks with state

capital was low, it became a necessity to privatize the sector. This process began in 1995 with the drafting of the law that allowed the privatization of state-owned banks (Musta & Shehu, 2015).

Banks today are divided into systemic<sup>2</sup> importance and non-systemic ones. Actually, are only 4 banks classified as systemic among which BKT, Raiffeisen, Credins and OTP Bank. Referring to the capital origin in Albania, 70% of the total assets of the banking sector are foreign capital and 30% are domestic capital. Foreign investments in this sector originate from different European countries, but we also have the presence of Islamic banking such as UBA Bank (Banka e Shqipërisë, 2018).



**Graphic 1.** Number of banks in Albania

**Source:** Bank of Albania, 2020

The issue of corporate governance has been receiving increased attention in recent years. Corporate governance includes the function of directing an entity rather than controlling it. It promotes fairness, transparency to stakeholders, primarily shareholders. Different countries have different approaches to corporate governance. In Anglo-Saxon countries such as Great Britain and in the USA, the corporate governance is focused on the interest of investors while in countries with a tendency towards welfare state capitalism such as Japan, Germany, France the horizon is more comprehensive including the welfare of the employees as well as the consumers. Creating an environment where employees feel valued is a feature of European culture (Stanwick & Stanwick, 2002). Competitiveness, innovation, and globalization have driven corporate governance as an important part of sustainability in the market, creating a more transparent, direct and above all more ethical business environment to achieve the entity's objectives (Mohamad & Sori, 2011). The financial crises of recent years, in particular the 2007-2008 crisis, called into question the adequacy of bank regulations and the role of bank governance. Imprudent lending and stock market positions that took the form of 'bets' contributed to the bankruptcy of the

<sup>2</sup> Systemic bank – The bank is classified as systemically important if its bankruptcy would create financial stress or financial crisis.

two largest investment banks such as 'Lehman Brothers' and 'Bear Stearns'. The cost of 'Bailout' was 500 billion dollars or equivalent to 3.5% of US GDP for 2009 (Lucas, 2019). Various authors concluded that, senior risk managers as well as the Board failed to control excessive appetite for risk. Risk managers tend to neglect risk during the phase of economic booms (Kashyap, Rajan, & Stein, 2008). The banking industry has special treatments, the trust of individual savings from where it originates the main financing of the industry's activity makes the banking sector mandatory to submit to local and international regulations. It is regulated by institutions with national and international legal power, this distinguishes it from the natural form of corporate governance. In recent years the law for corporate governance has had some changes, the banking industry showed a high standard in the organization and management of banks in the country, this industry is well organized compared to the standards of corporate governance in our country. (Brumbulli, 2012) The legislation stipulates that the number of board members should not be less than 5 people, also an important change integrated into the new law on the governance of banks in Albania is the establishment of the mandates of board members in the range of 4 years. Establishing this 4-year term creates a board that focuses on long term policies. This also plays a role in the effectiveness of the bank, significantly reducing the risk of constant change of members.

Emerging markets, of which Albania is also part, are characterized by a high demand for credit due to the increase in investments. Credit risk is the most important risk in the banking system in the country. In the first years of banking in Albania the experience with bad loans was the same as in any countries in Eastern Europe. Non-performing loans were the main part of the banks' portfolios. In 1999, 82% of the loans of the National Commercial Bank (BKT) were non-refundable, while in one of the largest banks in the country, such as Savings Bank, which was also state owned, non-performing loans were 85%. Deficiencies in managerial ability and lax administration were among the main reasons that contributed to the increase in the level of non-performing loans in state owned banks. Faced with these conditions, the Bank of Albania decided not to credit these banking institutions anymore. Banks with joint capital and those with private capital also experienced a period of problems, which proves the high credit risk during the first years of banking in the country (Çeliku & Luçi, 2003). This problem appeared again after the financial crisis of European Union, in 2016 this loan level was 20% of the total loan. One of the key factors in determining the supply of credit and the profitability level in a bank is the quality of the loan. The Economist magazine pointed out that poor lending standards together with mass lending influenced the levels of nonperforming loans. The basic principles of lending were not followed during the credit 'boom' such as a) the cyclical nature of the economy b) diversification of the loan portfolio c) risk management should be extended to the entire entity (Shella, 2013).

Another risk that appears in the second level banks in Albania is the operational risk. Operational risk like in the world has developed a lot during the last 10 years when risk concepts advanced apart from the traditional ones. In general terms operational risk derives from 4 factors such as system, human, processes, and external factors. If referring to the event categories, operational risk includes seven of them: Internal

fraud, External fraud, Employment practices and Workplace Safety (including here the discrimination), Clients, Products & Business Practices, Damage to Physical Assets, Business Disruptions & System Failures and Execution, Delivery & Process Management. The last financial crisis brought to the attention of regulators all over the world, the risk of liquidity. The difficult business climate after the financial crisis created a new phenomenon in the Albanian banking, the phenomenon of excess liquidity. There are a lot of reasons for excessive liquidity, but the most important are, a) the contraction of investment activity in the country b) few alternatives in the financial investment system, the lack of capital market c) the decrease in the demand for loans. The low-risk appetite from banking sector mainly but also from Albanian businesses during time of economic uncertainty has played a role in creating high levels of liquidity. Low financial development limits individuals who have savings to invest in financial instruments or international markets (Kola, Gjipali, & Sula, 2019). Regarding the management of this risk, the Bank of Albania has followed the same path of Basel regulatory enhancement: Beginning in 2009, with the regulation for liquidity risk management, revised later in 2011, indicating more conservative measures in foreign currency, increasing the liquid minimum from 20% to 25% and increasing the standards that bring the banking sector closer to European standards. In 2019 the regulation on Liquidity Coverage Ratio (LCR) was adapted as well together with the regulation on Net Stable Financing Report (NSFR) in 2020 and the guideline “On Internal Liquidity Adequacy Assessment Process” in 2021.

### Empirical analyses

To provide an overview of our data, it has been inserted a table below which contains the descriptive data for our variables of the 7 banks considered for the years 2010 – 2020.

**Table 1.** Descriptive statistical data of the variables.

Mean	8.1	0.76	5.81	11.2	71	14.1	16.4	52.7
Median	6.7	0.72	5	0	71.4	10.8	15.3	50.3
Maximum	24.1	2.2	7	60	100	47.2	29.6	84
Minimum	-22.1	-4	5	0	33.3	3.6	12.5	30.1
Std. Dev.	9.1	1	0.942	15.7	17.3	9.3	3.1	10.1

### Sources: Author

The average return on capital (**ROE**) is at 8.1% with a maximum value of 24.1% and a minimum value of -22.1%. Returns from assets during 2010-2020 recorded an average of 0.76% with a maximum and minimum values at 2.2% and -4% respectively. Bank board members (**MB**) recorded a maximum of 7 members indicating that banking corporations remain at small levels of corporate size compared to the western financial world. Banks gender diversity (**FMB**) remains at low levels, marking an average of 11.2%, where there are banks where the presence of women in the board is at the minimum level of 0, the maximum number of females in the board is at 60% of board members. The ratio of non-performing loans (**NPL**) is one of the important variables

of this model, the average of nonperforming loans is 14.1% with a maximum level of 47.2%, a level almost a half of the total loans and the lowest level of non-performing loans is 3.6%. The capital adequacy ratio (CAR) in the banks studied is at the average level of 16.4% about 4.4% higher than the regulatory requirements of the Bank of Albania and the maximum level is 29.6% with a minimum 12.5%. This shows that the second-tier banks in the country are conservative compared to those of the European Union/US markets or the supervisory body in our country follows a conservative approach by setting tailored limits ratio of CAR based on bank financial activity and figures. Economic shocks that may come from the market can be better absorbed at this level of capital adequacy, which is at extremely high levels, higher than the levels required by Basel III. The ratio of loans to deposits (RLD) is an indicator of the liquidity of the banking sector. The average of this ratio is 52.7%, indicating that the lending activity in the country is at lower levels than the growth of deposits in the country. The maximum of this ratio marked the level of 84% and a minimum of 30.1%. This type of report reflects the high level of liquidity in the banking sector during the years under review. However, despite the high level of the deposits, it has been observed that there is a downward trend to ease the economic domestic activity. Perfect multi-collinearity occurs when the independent variables under consideration have a very strong relationship with each other. When this value is equal to 1, it means that there is a perfect linear relationship between the independent variables (Wooldrige, 2012).

To understand the correlation between our variables, the multicollinearity test is performed referring to each dependent variable ROE and ROA and the respective results are summarized in the below table:

**Table 2.** Correlation matrix, ROE

Sources: Author

	ROE	MB	FBM	IBM	NPL	CAR	RLD
ROE	1.000						
MB	0.008	1.000					
FBM	-0.082	0.399	1.000				
IBM	0.705	-0.049	0.037	1.000			
NPL	-0.557	-0.071	-0.171	-0.406	1.000		
CAR	-0.253	-0.296	-0.333	-0.088	0.306	1.000	
RLD	0.036	0.043	0.277	-0.064	-0.206	-0.407	1.000

**Table 3.** Correlation matrix, ROA

Sources: Author

	ROA	MB	FBM	IBM	NPL	CAR	RLD
ROA	1.000						
MB	0.001	1.000					
FBM	-0.072	0.399	1.000				
IBM	0.631	-0.049	0.037	1.000			
NPL	-0.588	-0.071	-0.181	-0.406	1.000		
CAR	-0.206	-0.296	-0.333	-0.088	0.306	1.000	
RLD	0.065	0.043	0.277	-0.064	-0.206	-0.407	1.000

The largest value in the correlation matrices is 0.7 less than the absolute value of 0.8 which is considered as the threshold value to determine a perfect multicollinearity. It means that the independent variables are not significantly inter-correlated.

These empirical tests used the 'panel data' technique where after the 'Hausmann' test it is estimated that the 'Fixed Effects' model is the right one as p-value < 0.05  $H_0$  ⊙.

The empirical equations of this study are as follows:

$$ROE_{it} = \beta_0 + \beta_1 MB_{it} + \beta_2 IBM_{it} + \beta_3 FBM_{it} + \beta_4 NPL_{it} + \beta_5 CAR_{it} + \beta_6 RLD_{it} + \varepsilon_{it}$$

$$ROA_{it} = \beta_0 + \beta_1 MB_{it} + \beta_2 IBM_{it} + \beta_3 FBM_{it} + \beta_4 NPL_{it} + \beta_5 CAR_{it} + \beta_6 RLD_{it} + \varepsilon_{it}$$

Below are summarized the obtained results from the regression analysis processed through Eviews software.

For the 1<sup>st</sup> empirical equation of ROE,

$$ROE_{it} = \beta_0 + \beta_1 MB_{it} + \beta_2 IBM_{it} + \beta_3 FBM_{it} + \beta_4 NPL_{it} + \beta_5 CAR_{it} + \beta_6 RLD_{it} + \varepsilon_{it}$$

the model is statistically significant because of Prob(F-stat) < 0.05, R<sup>2</sup> at a value of 0.852 indicates that the data fits the model, indicating that 85.2% of the dependent variable ROE is explained by the selected independent variables. The model equation is:

$$\text{Return of equity} = -0.091 + 0.381 * \text{Independent Board Member} - 0.080 * \text{Female Board Member} - 0.139 * \text{Non-performing Loans} - 0.879 * \text{Capital Adequacy Ratio} + 0.150 * \text{Loans to Deposit ratio} + \varepsilon$$

Board members have a negative relationship with return on equity where an increase of 1 member on the board under ceteris paribus (c.p.b) conditions would bring a decrease of 0.006 pp in returns on equity, although this relationship is not statistically significant since p-value > 0.05 => *Hypothesis 1*  $H_0$  ✖: **Number of representatives in the Board of Directors does not play a statistically important role in the bank profitability and return on capital.**

Independent board members have a positive relationship with return on equity where a 1 pp increase in independent board members under c.p.b conditions will bring about a 0.381 pp increase in returns on equity. It is concluded that this relationship is statistically significant since p-value < 0.05.

Female members in the board have a negative relationship with the return on equity, where a 1 pp increase in the number of women in the board of directors under c.p.b conditions will bring a decrease of about 0.08 pp, this relationship is statistically significant since p-value < 0.05 => *Hypothesis 2*  $H_0$  ⊙. Thus, **Gender diversity and board member independence play a statistically important role in bank profitability and return on capital.**

The ratio of non-performing loans has a negative relationship with the return on equity where a 1 pp increase in this ratio under c.p.b conditions would bring about a 0.139 pp decrease in returns on capital, this relationship is statistically significant since p-value < 0.05.

The capital adequacy ratio has a negative relationship with the return on equity, where a 1 pp increase in this ratio under c.p.b conditions will bring a decrease of about 0.879 pp in the returns on capital, so this relationship is statistically significant since the p-value < 0.05.

The loan-to-deposit ratio has a positive relationship with the return on capital, where a 1 pp increase in this ratio in c.p.b conditions leads to an increase of about 0.15 pp, therefore this relationship is statistically significant since p-value < 0.05 => *Hypothesis 3*  $H_0$  ⊙.

Thus, **non-performing loans, capital adequacy ratio, and loan-to-deposit ratio play a statistically important role in bank profitability and return on capital.**

For the 2<sup>nd</sup> empirical equation of ROA,

$$ROA_{it} = \beta_0 + \beta_1 MB_{it} + \beta_2 IBM + \beta_3 FBM_{it} + \beta_4 NPL_{it} + \beta_5 CAR_{it} + \beta_6 RLD_{it} + \varepsilon_{it}$$

prob(F-stat) values less than 0.05 indicate that the model is statistically significant. R<sup>2</sup> at the value of 0.838 shows that the data fits the model, where 83.8% of the dependent variable (ROA) is explained by the independent variables. The equation of this model is:

$$\text{Return of assets} = 0.007 + 0.034 * \text{Independent Board Member} - 0.006 * \text{Female Board Member} - 0.031 * \text{Non-performing Loans} - 0.100 * \text{Capital Adequacy Ratio} + 0.028 * \text{Loans to Deposit ratio} + \varepsilon$$

Board members have a negative relationship with return on assets where an increase of 1 member of the board under c.p.b conditions would result in a decrease of 0.003 pp in returns on assets, although this relationship is not statistically significant since p-value > 0.05 => *Hypothesis 4 H0*

∴ **The number of representatives in the Board of Directors does not play a statistically important role in bank profitability and return on assets.**

Female board members have a negative relationship with return on assets where a 1 pp increase in women in the board under c.p.b conditions will bring a slight decrease of about 0.006 pp in return on assets, however this relationship is not statistically significant since p-value > 0.05.

Independent board members have a positive relationship with return on assets where a 1 pp increase in independent board members under c.p.b conditions will bring about a 0.034 pp increase in return on assets, we conclude that this relationship is statistically significant since p-value < 0.05 => *Hypothesis 5 H0*

∴ **Thus, Gender diversity and board member independence plays a statistically important role in bank profitability and return on assets.**

The ratio of non-performing loans has a negative relationship with the return on assets where a 1 pp increase in this ratio under c.p.b conditions would lead to about a 0.031 pp decrease in the return on assets, this relationship is statistically significant since p-value < 0.05.

The capital adequacy ratio has a negative relationship with the return on assets where a 1 pp increase in this ratio under c.p.b conditions will bring about a 0.1 pp decrease in the returns on assets, this relationship is statistically significant since the p-value < 0.05.

The loan-to-deposit ratio has a positive relationship with the return on assets, where a 1 pp increase in this ratio in c.p.b conditions leads to an increase of about 0.028 pp in the return on assets, this relationship is statistically significant since p-value < 0.05 => *Hypothesis 6 H0*

∴ **Therefore, non-performing loans, capital adequacy ratio and loan-to-deposit ratio play a statistically important role in bank profitability and return on assets.**

### **Discussion and Findings**

Analysis of systemically important banks, together with two non-systemic local banks created a clear view of the linkage that exist between the banking governance and risk management with their profitability. The number of persons in their Board of Directors did not produce a result to be considered a determinant factor of their profitability. The contrary resulted when taking in consideration the presence of independent individuals and gender diversity inside the Board of Directors.

Independent members of boards, in both principal markers of profitability, resulted

in having a positive relation. This result shows that having a non-direct stance on decision making processes minimises the conflict of interest, which, on its own, is in the highest interest of the bank and banking system. Return on capital is concluded to be more affected, indicating that funds of shareholders are better used where the presence of independent members of the board is higher. When referring to the literature review, the research done on the relationship of board independence, board size and foreign members shows that these are key factors in determining the corporate governance effects and play significant roles in enhancing bank financial structure in developing countries (Berna Doğan, İbrahim Halil Ekşi 2020). Comparing with what the existing literature serves, there is a diversion between what is concluded in our research with the existing literature for the developing countries on regard the board size. This may have come by the used data and the economy in focus which in the existing literature are different from Albania.

Regarding women presence in boards, it was observed that it had a negative effect on one of the profitability items, that is return on capital. This finding can be explained as a more conservative stance that women tend to pose regarding high risk-taking actions, resulting in lower returns. It is interesting to compare such result with previous studies done on regard the women presence in boards and respective Banks profitability. Thus, on the research conducted on "*Gender equality on board and banks' earning management*" (Danantya I Rizki, Arief W Lubis and Mona R Sidjabat, 2021) is concluded that exist insignificant influence of the female presence in BoD in the Banks profitability for the one-tier and two-tiers countries. In contrast, this study concluded that the presence of three women in the BoD had a positive effect on bank earnings management in a two-tiered country. As per World Bank, Albania is classified as a two-tiered country.

One of the most important pillars in the Banks corporate governance is the risk management by being one of the primary objectives of these financial institutions. In the analysis the variable is directly related with the risk was NPL and CAR ratio. The ratio of NPL as a marker of credit risk, resulted in a negative relationship with profitability. Consequently, the growth of the ratio indicates a lower return, marking bad economical outcomes. Non-performing loans cause a low return on capital which in term brings less earnings in shareholders. The ratio of capital adequacy also resulted to be in a negative relationship with profitability markers. International and national regulators put strict regulation on capital adequacy, leaving less space for freedom on banks enterprises. Belief in banking system is one of the main reasons behind the "legislation" of such ratio in high thresholds. In turn, this might result in a negative effect in the sector, bringing down profitability while making the national economic environment less competitive regionally. From the literature review, seems that the impacts of NPL and CAR on banks profitability are widely proved.

Loan-to-deposit ratio as a marker of liquidity risk resulted in having a positive relationship with profitability of the banks. This ratio shows the ability of the sector to credit the economy. In the local banking system, loans take approximately half of health of deposit banking system showing the ability to afford accreditation requests. Excess liquidity does not necessarily mean a "strong" banking sector, but it may indicate that banks in the country should be more innovative in using this liquidity to bring a higher profitability to the sector. The existing literature offer different results about the impact of LDR to profitability. The wide accepted conclusion is same with

the one achieved in this paper, but there are also researches which concluded on a strong negative relationship of LDR to ROA (Christaria and Kurnia, 2016). The relation between the Banking governance and risk management with their profitability it is a wide elaborated topic in the actual researching studies in Albania. From the local literature review, is noticed that there are some doctoral researches done on behalf the factors which impact the Banks profitability, but mostly they are focus only in financial factors, without considering any qualitative factor such as the BoD independence, size or gender. In this context, this paper offers an added value. Referring to the previous conclusion of the local studies, is interesting to put the results of this study in the light of the previous local researching conclusions. Thus, from the literature review (Elvana Moci, 2021) it is identified that there is no impact on Banks profitability from the deposit ratio over the total assets or from the ratio liquidity assets over short-term liabilities. But should be mentioned that the risk is identified as a factor impacting the profits but because of data lacking it is not included as a parameter in the estimations, by being a restriction of the existing literature. Referring to the general conclusions that came out from the empirical analysis as a main statement can be said that - Banks in Albania must perfect the art of risk management to create an economic environment with high prosperity. What can be done?

- Promotion of policies supporting the inclusion of independent members in the boards of directors of banking institutions in the country.
- The increase in lending credit to the local economy, considering the liquidity position of the banking system, would increase the efficiency and profitability of banking institutions.
- Less restrictive approach of the regulatory body in setting tailored capital adequacy ratios by preventing the investing initiatives of the banks.

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## Appendices

Dependent Variable: ROE  
 Method: Panel Least Squares  
 Date: 09/23/22 Time: 10:51  
 Sample: 2010 2020  
 Periods included: 11  
 Cross-sections included: 7  
 Total panel (balanced) observations: 77

Variable	Coefficient	Std. Error	t-Statistic	Prob.
MB	-0.000669	0.013460	-0.049710	0.9605
IBM	0.381485	0.040393	9.444303	0.0000
FBM	-0.080128	0.038833	-2.063407	0.0431
NPL	-0.138386	0.068470	-2.035726	0.0459
CAR	-0.879653	0.210456	-4.179748	0.0001
RLD	0.150819	0.062320	2.420056	0.0184
C	-0.091245	0.092479	-0.986658	0.3275

### Effects Specification

Cross-section fixed (dummy variables)

R-squared	0.852510	Mean dependent var	0.081885
Adjusted R-squared	0.824855	S.D. dependent var	0.091453
S.E. of regression	0.038273	Akaike info criterion	-3.535395
Sum squared resid	0.093750	Schwarz criterion	-3.139687
Log likelihood	149.1127	Hannan-Quinn criter.	-3.377115
F-statistic	30.82723	Durbin-Watson stat	1.964242
Prob(F-statistic)	0.000000		

### Appendix 1.

Results obtained in E-view software for the 1<sup>st</sup> equation on ROE parameter:

$$ROE_{it} = \beta_0 + \beta_1 MB_{it} + \beta_2 IBM_{it} + \beta_3 FBM_{it} + \beta_4 NPL_{it} + \beta_5 CAR_{it} + \beta_6 RLD_{it} + \varepsilon_{it}$$

Sources: Processed by the author

Dependent Variable: ROA  
 Method: Panel Least Squares  
 Date: 09/23/22 Time: 11:23  
 Sample: 2010 2020  
 Periods included: 11  
 Cross-sections included: 7  
 Total panel (balanced) observations: 77

Variable	Coefficient	Std. Error	t-Statistic	Prob.
MB	-0.003088	0.001617	-1.909902	0.0606
IBM	0.034987	0.004852	7.210617	0.0000
FBM	-0.008486	0.004665	-1.390495	0.1692
NPL	-0.031273	0.008225	-3.802349	0.0003
CAR	-0.100663	0.025290	-3.981852	0.0002
RLD	0.028731	0.007486	3.837933	0.0003
C	0.007317	0.011109	0.658692	0.5125

### Effects Specification

Cross-section fixed (dummy variables)

R-squared	0.838181	Mean dependent var	0.007625
Adjusted R-squared	0.807840	S.D. dependent var	0.010488
S.E. of regression	0.004597	Akaike info criterion	-7.773885
Sum squared resid	0.001353	Schwarz criterion	-7.378177
Log likelihood	312.2946	Hannan-Quinn criter.	-7.615605
F-statistic	27.62536	Durbin-Watson stat	2.220230
Prob(F-statistic)	0.000000		

### Appendix 2.

Results obtained in E-view software for the 1<sup>st</sup> equation on ROA parameter:

$$ROA_{it} = \beta_0 + \beta_1 MB_{it} + \beta_2 IBM_{it} + \beta_3 FBM_{it} + \beta_4 NPL_{it} + \beta_5 CAR_{it} + \beta_6 RLD_{it} + \varepsilon_{it}$$

Sources: Processed by the author

# Ethnobiologisms in Alexander Xhuvani's lexicographical work *fjalor i gjuhës shqipe* (2020) – Albanian dictionary

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## Abstract

An essential component of a language's lexicon comprises ethnobiological terms, encompassing designations for both plants and animals, i.e., ethnobotanical and ethnozoological terms, respectively. Given that thus far there has been insufficient attention devoted to them in Albanian linguistics, this paper aims, at least to a certain extent, to address this gap. More specifically, I intend to concentrate on ethnobiological terms documented in Aleksandër Xhuvani's *Fjalor i gjuhës shqipe* (2020) – *Dictionary of Albanian*, which stands as a valuable resource in this field.

The Dictionary provides a wealth of information that is ready for inquiry, ranging from in-depth analyses of syntactic structures and historical etymologies to sophisticated inquiries into lexical semantics and morphological formations. Its thorough treatment of phraseological units, illustrated by contextualized instances, also offers rich material for historical studies, phonetic analyses, and ethnolinguistic research. Essentially, the completion and release of this Dictionary marks the end of a laborious academic project as well as the beginning of endless possibilities for linguistic scholarship and academic inquiry across many disciplines.

This paper is primarily concerned with the variety of vocabulary found in this dictionary, with an emphasis on terminology related to ethnobiology, in particular. What can be called ethnobotanical and ethnozoological vocabularies are made up of this terminology, which covers a wide range of names for plants and animals. With regard to the contents of the Dictionary as a whole, this layer of linguistic richness occupies a noteworthy place.

**Keywords:** ethnobiologisms, namings of plants, namings of animals, phraseology, proverbs.

## 1. Introduction

Ethnobiologisms delve into the intricate tapestry of linguistic and scientific exploration surrounding the naming of flora and fauna within distinct societies. Remarkably, the gaze of scholars, more often than not, gravitates towards the realm of biology rather than linguistics, as underscored by Topi (2016). Within the Albanian context, such scholarly pursuits remain conspicuously scant, with Memisha (2020) being a rare exception. It is within this scholarly void that our study endeavors, albeit modestly, to fill in this gap in the Albanian linguistics by delving into ethnobiological terms.

To unearth the trove of ethnobiological vocables found within the Albanian language, we referred to the seminal work of Xhuvani (2020). This opus, replete with previously unexplored ethnozoological and ethnobotanical terms, stands as a testament to scholarly dedication, emerging posthumously to both enrich and render facile our understanding. As we embark on this scholarly journey, it behooves us to offer homage to the enigmatic figure of Xhuvani and the enduring legacy he leaves behind. The enduring legacy of luminaries like Xhuvani invokes a profound debt owed by

researchers for their invaluable contributions. Their impact transcends the mere publication of works; it encompasses the ideas, perspectives, and scholarly endeavors that sparked intellectual discourse during their era. Yet, it is also the trove of manuscripts, unfinished projects, notes, and archival materials they have bequeathed to posterity that further enriches their legacy. Failing to disseminate this substantial contribution not only diminishes their contemporary significance but also deprives future generations of invaluable insights.

It is this profound intellectual indebtedness to the legacy of Xhuvani that catalyzed our endeavor to embark upon the arduous task of excavating and compiling the myriad lexical treasures meticulously gathered by Xhuvani for the *Fjalor i gjuhës shqipe* (2020) - *Dictionary of the Albanian Language*. Despite the vicissitudes that prevented its completion and publication during his lifetime, this lexicon stands as a testament to his enduring scholarly dedication and intellectual prowess. Thus, our commitment to Xhuvani's intellectual legacy impels us to bring to light the wealth of linguistic knowledge he amassed, ensuring its preservation and dissemination for generations to come.

Aleksandër Xhuvani stands as a preeminent scholar, renowned for his unparalleled understanding of Albanian lexicography. With unwavering dedication and meticulous attention, he spent countless years gathering Albanian phrases, drawing from the vibrant oral traditions of the people and the written works of the literary canon. His efforts yielded a trove of lexical and semantic treasures previously absent from Albanian dictionaries, underscoring his singular contribution to the preservation and enrichment of the Albanian linguistic heritage.

His unique merit further lies in his ability to imbue collected lexical vocables and expressions with vitality and context, providing invaluable insight into their usage within idiomatic expressions and everyday discourse. Through his meticulous documentation, he affords readers a comprehensive understanding of the breadth and depth of their linguistic currency, illuminating the intricate nuances of the Albanian vernacular.

Traversing the length and breadth of Albania, Xhuvani recognized the inherent unity among Albanian dialects, viewing the lexical wealth of each as an indispensable facet of the broader linguistic mosaic. His magnum opus, the *Fjalor i gjuhës shqipe* (2020) - *Dictionary of the Albanian Language*, stands as a testament to this vast lexical repository, comprising approximately 17,000 words and an abundance of phraseological units meticulously curated to encapsulate the richness of Albanian linguistic tradition.

## 2. Literature review

The landscape of ethnobiological linguistics appears sparsely populated even in other Western academic circles. Among the sparse existing studies, the focus predominantly gravitates towards the taxonomic classification and categorical elucidation of both botanical and zoological nomenclature, as delineated by the works of Brown (1974, 1985, 1987, 2001, 2006), Sutton (1980), and Berlin (1992).

*Fjalor i gjuhës shqipe* (2020) - *Dictionary of the Albanian Language* by Xhuvani, initially comprising around 13,000 to 14,000 entries as documented in the *Philological Studies*

journal, has expanded significantly. Through meticulous efforts, it now boasts approximately 17,100 lexical units and numerous phraseological expressions. The endeavor commenced with the systematic digitization of all publications featuring “Words and Expressions” by Aleksandër Xhuvani, ensuring their preservation and accessibility. Subsequent exploration of Xhuvani’s archival materials housed within the Albanian Language Index at the Institute of Linguistics and Literature unveiled a repository nearly 30% larger than previously known, encompassing approximately 44,000 files. Beyond the confines of published works, this archive revealed a trove of linguistic treasures accumulated by the professor, including materials that had yet to be incorporated into the public domain.

The task at hand necessitated the meticulous integration of this untapped wealth into the Dictionary, a task not devoid of challenges. Faced with the ravages of time, many entries were faded, some inscribed in pencil, on disparate scraps of paper, including fragments as delicate as cigarette paper. Furthermore, deciphering inscriptions proved daunting at times, given variations in handwriting styles and the gradual deterioration of the manuscripts. Despite these obstacles, the team persisted, ultimately incorporating over 3,110 new words into the lexicon, thereby enriching the linguistic tapestry of the Albanian language.

During the process of identifying entries absent from the Dictionary, a notable observation emerged: approximately 90 new meanings were appended to existing lexical units. Furthermore, perusal of the *Philological Studies* journal revealed instances where synonymic variations were gathered—a testament to the thoroughness of the linguistic exploration conducted therein.

However, it became evident that certain examples had been truncated, a consequence of the censorial constraints prevailing during the era of publication in *Philological Studies*. Notably, alterations were detected in instances such as the word “plang,” (meaning wealth, riches, property), where examples were not only truncated but also modified.

In *Philological Studies* (1971 – 1990): “2.: ngreh, çel **plang** e shtëpi [move, move both house and property], it. mettersi in famiglia; do të vete kurorë në Mirditë e atje me ngulë **plangun**: banimin” [I shall marry in Mirditë and there move the riches; the residence].

In the tab: “2.: *Ngreh, çel **plang** e shtëpi, it. mettersi su famiglia; qëllimi i saj ishte me dalë me babën në Masilje, ku me Eusebin do të vete kurorë e atje me ngulë **plangun** banimin*” [Her aim was to move alongside her father in Masilje, where she’d marry Eusebio and move all of her **riches** there.”

Examples truncated by the dictatorship’s censoring are given in full (mainly the case of words such as “Zot”, “Perëndi” [God, Almighty]).

The completion of the Dictionary marks a significant milestone, characterized by the inclusion of place names and quotations, alongside systematic organization and necessary corrections where discrepancies arose.

The publication of this Dictionary is not merely a task fulfilled; rather, it represents the rectification of a scholarly void and the fulfillment of a profound scientific obligation. Primarily, it stands as an invaluable contribution of exceptional significance to the overarching lexicon of Albanian language studies.

Embedded within its pages lie a comprehensive representation of dialectal variations, encompassing a rich tapestry of linguistic nuances from diverse regions and communities. This amalgamation renders it not just a compilation of dialect dictionaries, but rather an all-encompassing repository – a panoramic reflection of Albanian linguistic diversity.

The breadth of lexical wealth contained within invites multifaceted inquiries and scholarly explorations across various disciplines. From nuanced investigations into lexical semantics and morphological formations to probing examinations of syntactic structures and historical etymologies, the Dictionary offers a rich terrain ripe for exploration. Additionally, its extensive coverage of phraseological units, exemplified through contextualized examples, provides fertile ground for phonetic analyses, historical inquiries, and ethnolinguistic investigations alike.

In essence, the completion and publication of this Dictionary heralds not only the culmination of arduous scholarly endeavor but also the dawn of boundless opportunities for academic inquiry and linguistic scholarship across a myriad of disciplines.

### **3. Methodology**

The material at hand is sourced from three primary avenues:

- a. The lexical subject, meticulously documented across 54 issues of the *Philological Studies* journal, featured within the “Materials and Documents” section spanning from 1971 to 1990. This endeavor was conducted under the astute supervision of professors Mahir Domi and Qemal Haxhihasani, whose scholarly stewardship ensured the rigorous exploration and dissemination of linguistic insights.
- b. An extensive compilation of lexical entries, exceeding 15,000 in number, resides within the Dictionary of the Albanian Language—a cornerstone of linguistic scholarship that forms an integral component of the broader Dictionary of the Albanian Language. This voluminous lexicon, not previously published in the *Philological Studies* journal, represents a comprehensive reservoir of linguistic artifacts meticulously cataloged by Xhuvani.
- c. Supplementary material is drawn from diverse dictionaries referenced by A. Xhuvani himself, including the “Fjaluer i Rii i Shcype” (1908) [New Albanian Dictionary] by the “Bashkimi” Society, the “Fjalorth i ri” (1941) [New Small Dictionary] by N. Gazulli, the “New Dictionary” (1941) by P. Tases, and the “Fjalor i gjuhës shqipe” [Dictionary of the Albanian Language] (1954), among others. Additionally, Xhuvani’s scholarly pursuits encompassed the extraction of linguistic data from the works of esteemed predecessors such as Buzuku, Budi, Bogdani, and Bardhi, thereby enriching the lexical corpus with insights gleaned from historical literary sources.

### **4. Results and discussion**

The central focus of my paper revolves around the lexical diversity present within this Dictionary, particularly emphasizing ethnobiological terms. These terms encompass the rich array of names for plants and animals, constituting what can be termed as

ethnobotanical and ethnozoological vocabularies. This layer of linguistic richness holds a significant position within the broader context of the Dictionary's contents.

a) Designations for plants:

badër,-a, batërr,-i, bazilok,-u, bazhurre,-ja, beronj/ë,-a, bërçlam,-i, bitër,-a, bitonj/ë,-a, bletës,-i, bletëz,-a, brushtull,-i, brushull/ë,-a, buçin/ë,-a, bung/ë,-a, burdullak,-u, buzdele,-ja, cekëll/ë,-a, flamur,-i, fnukël,-a, groshës/ë,-a, gruth,-i, gjemërisht/ë,-ja, gjeth delli, helmarin/ë,-a, kalmuth,-i, keps/ë,-a, kërcëperc/ë,-a, koçk/ë,-a, kokëmadhez/ë,-a, koprëz,-a, kregër,-a, kripër,-a, kuqër,-i, kurpër,-i, leshjes/ë,-a, lëmazhd/ë,-a, lëpush,-i, makth,-i, manisht/ë,-a, maràq,-i, mërtik,-u, mëzhdakër,-a, mjedhër/ë,-a, mohor,-i, mollë dheu, ngjelmëz,-a, paj/ë,-a, pallamar,-i, përc/e,-ja, përcuk,-u, përvashëz/ë,-a, pirr/ë,-a, polik,-u, presj/e,-a, pshelinok,-u, qelbëz,-i, rer/ë,-a, rill/ë,-a, rrapth,-i, rrepic/ë,-a, rresatë, rriell,-i, rrodhe,-ja, rrolb/ë,-a, rryell,-i, shëmtyr/ë,-a, shtar/ë,-a, shtup,-i, tall/ë,-a, tallin/ë,-a, tamëlçak,-u, trumc/ë,-a, uthullir/ë,-a, zhabil,-i

b) Designations for fruits

debin/ë,-a, dëbin/ë,-a, galice, korife, kuptar,-i, larushk,-u, mullçe, ragabardh,-i, ragazi,-u, razaki,-a, rrush,-i (grape), serin/ë,-a, tajk/ë,-a, ujçak,-u (juicy), ujës,-i (juicy), zallakre, bishtare,-ja, bisht(ë)je, bishtël,-i, bruknje, brumje, dardh/ë,-a, dardhëçe,-ja, dardhisht/ë,-a, dimnore,-ja, elbje, elbore, gollar/e,-ja, gomare,-ja, lëngël,-a, ujce,-ja (juicy), ujëse,-ja (juicy), xhulg/ë,-a, moll/ë,-a<sub>II</sub> (apple), rril/ë,-a, sesic/e,-ja, picigjate,-ja, pozheg/ë,-a

Another notably rich layer within the Dictionary comprises names for animals, particularly those bred for various purposes such as cows, sheep, and goats. Across numerous thematic areas, a plethora of names emerge, each inspired by the distinct characteristics and roles of the animals. While the scope is extensive, we will classify ethnobiological terms based on several distinguishing features. For instance, a prominent feature highlighted in this Dictionary is the categorization of animal names according to attributes such as color, horn type, or other distinctive features.

### **That have a white stamp on the forehead**

*Cow, ox:* bajuk/ë,-a, bal/ë,-a, baliq/e,-ja, balisk/ë,-a, baloshe,-ja, balushe,-ja, lule,-ja, lul,-i, balosh,-i, lulojë,-a, luloj,-i, lulë,-a

*Goat:* balike,-ja, balisk/ë,-a, baloshe,-ja

### **That have bangs**

*Sheep:* baluke,-ja, balukse,-ja, balushe,-ja, bufk/ë,-a

*Goat:* balushe,-ja

### **That are white**

*Cow, ox:* bërðhishk/ë,-a, bardhâç,-i, bardhan,-e, bardhoj,-i, bardhol,-i, bardhil/ë,-a, bardhonj/ë,-a, bardhuk/ë,-a, bardhe,-ja, bardhosh,-i, bardhoshe,-ja, bardhush/ë,-a, bërðhac,-i, bërðhac/ë,-a, bërðhan,-i, bërðhane,-ja, bërðhare,-ja, bërðhel,-i, bërðher/ë,-a, bërðhoj,-i, sut/ë,-a

*Sheep, buck:* bále,-ja, bardhok,-u, bardhokan,-i, bardhok/ë,-a, bardhushk/ë,-a, bejk/ë,-a, bek,-u, beke,-ja, bellk/ë,-a, bërðhishk/ë,-a, bërðhishk/ë,-a, bërðhushk/ë,-a, bardhe,-ja, bardhush/ë,-a

*Goat*: bardhushk/ë,-a, bejk/ë,-a, bardhec/ë,-a, bardhuc/ë,-a, bardhisk/ë,-a, bërddhishk/ë,-a, bërddhishk/ë,-a, bërddhuke,-ja, bardhe,-ja, bardhush/ë,-a

All of the above can be translated in literal form as “whitey”.

### **That are black**

*Cow, ox*: kazël,-i, kazil,-i, kazile,-ja, korbesh/ë,-a, gal/ë,-a, zej/ë,-a<sub>v</sub>, zejduk/ë,-a

*Goat, billy goat*: korbe,-ja, korbec,-i, korbesh/ë,-a, korb/ë,-a<sub>v</sub>, gal/ë,-a, zez/ë,-a<sub>ll</sub>

*Sheep*: llaj/ë,-a, zek/ë,-a

### **That are red**

*Cow, ox*: kuqale,-ja, kuqan,-i, kuqel/e,-ja, kuqesh/ë,-a, kuqël,-a<sub>ll</sub>, kuqël,-i, kuqil/e,-ja, kuqoj,-i, molluk/ë,-a, murg/ë,-a, murgje,-ja, murgj,-i, murgjin,-i, shegan,-i, shegane,-ja, sheg/ë,-a, shegoj,-i

*Goat*: kuqale,-ja, kuqel/e,-ja, murg/ë,-a, murgje,-ja, sheg/ë,-a

*Sheep*: koçe,-ja

All of the above can be translated in literal form as “reddish”.

### **That are brownish**

*Cow, ox*: murgjin/ë,-a, murrak,-u, murrake,-ja, murrash,-i, murrashe,-ja, murre,-ja, murrash,-i, murrashe,-ja, murre,-ja, murrig/ë,-a, murrik/ë,-a, murroj,-i

*Goat*: murgjin/ë,-a, murrake,-ja, murrashe,-ja, murre,-ja, murrashe,-ja, murre,-ja, murrig/ë,-a, murrik/ë,-a

### **That are yellow**

*Cow, ox*: verdhan, -e, verddhash, -e, verdhile,-ja, verdhosh,-i

### **That are mottled**

*Goat, billy goat*: lacán,-i, lac/ë<sub>v</sub>,-a, laragane,-ja, lare,-ja, lar/ë,-a<sub>v</sub>, larik/ë,-a, larisk/ë,-a, larosh,-i, laroshe,-ja

*Sheep*: lac/ë<sub>v</sub>,-a, lar/ë,-a<sub>v</sub>, lariqe,-ja, larisk/ë,-a, laroshe,-ja, larushe,-ja, larushk/ë,-a

*Cow, ox*: lacoj,-i, laragan,-i, laragane,-ja, larash,-i, larashe,-ja, lar/ë,-a<sub>v</sub>, larik/ë,-a, larisk/ë,-a, laroj,-i, larosh,-i, laroshe,-ja, laruk/ë,-a, larush,-i, larushe,-ja (all of which are forms that could be translated literally as “mottled”).

### **That have freckle**

*Cow, ox*: bukurush/ë,-a, kalesh,-i<sub>ll</sub>, kaleshe,-ja<sub>ll</sub>, sorran,-i, shqazoj,-i,

*Sheep, a ram that has freckles in the forehead or legs*: corr/ë,-a, lisk,-i, lisk/ë,-a, misk/ë,-a, sisk/ë,-a, sork/ë,-a, sorrk/ë,-a, sorruk/ë,-a, piklor/e, -ja (freckled), sykan,-i, vakër,-a

### **Based on the horns**

*Horned sheep*: brinoke,-ja, brinjoshk/ë,-a, brisk/ë,-a, krut/ë,-a, kërutë,-a, ragush/ë,-a

*With broken horns*: *Cow, ox*: briçe,-ja, brikunor/ë,-a, buçe,-ja, grep,-i

Goat: briçk/ë,-a

*That have straight or crooked horns:* Cow, ox: capole,-ja grepoj,-i, greponj/ë,-a, kuror,-i, kuror/ë,-a, kunor/ë,-a<sub>III</sub>

Goat, billy goat: capore,-ja, caporr,-i

**Based on the colour of the lips** (words that are mostly formed via the vocable *buzë-*), such as:

Cow, ox: buzake,-ja, buzale,-ja, buzash,-i, buzele,-ja, buzike,-ja, buzilkë (all of which could be translated in literal form as “lippy”).

**Based on the size of their ears**

*With small ears:* Goat: cule,-ja

Sheep: corke,-ja, cule,-ja, cur/ë,-a, çuk/ë,-a<sub>IV</sub>, çul/ë,-a, çull/ë,-a, çup/ë,-a<sub>r</sub>, çurr/ë,-a

**That are grey**

Goat: bërðhule,-ja

Cow: griv/ë,-a

Sheep: griv/ë,-a

**Collective names**, such as: lopërin/ë,-a, luar,-i, shterpurina,-t, shtjerra,-t, dhirí,-a, dhis,-t, dhishta,-t, gjâ,-ja, gjedh,-i, zogori,-a

**Bell names:** buqe,-ja, byk/e,-ja, cingare,-ja, cingër,-a, cing(ë)rem/ë,-a, cingërlaqe,-ja, cingëz,-a, çakër,-a, çokane,-ja, hiznj/ë,-a, koçan/ë,-a, lake,-ja<sub>III</sub>, trakëz,-a, trokan/ë,-a, troke,-ja

**Names of shepherds:** çelengar,-i, çelnik,-u, delmer,-i [sheep boy], delmjel/e,-ja [sheep boy], dëlmier,-i, dëmuar,-i, dylmer,-i, dylmeresh/ë,-a [sheep girl], gjovalidar,-i, kozar,-i, kryebari,-u [the main shepherd], kullotës,-i, lopçar,-i [cowman], lor,-i, llor,-i, mashnar,-i, nabaro, përzitës,-i, skuter,-i, stopan,-i, stopan/e,-ja, shtjerr/uer,-ori, viçar,-i [calf boy], xhuli,-a

**Names of ills related to animals:** bag/ë,-a, bre,-ja, burth,-i, butër,-i, flam/ë,-a, gër(r)mic/ë,-a, gërmit/ë,-a, gërric/ë,-a, gojëz,-a, gjahz/ë,-a, li,-a, llëng/ë,-a, mitriq,-i, moli,-a<sub>IV</sub>, ngalos/ë,-a, plasj/e,-a, qimëz,-a, sakari,-a, shapthi, sharpth,-i, sharr/ë,-a, shkeps/ë,-a, shkjets/ë,-a, shqeptirëz,-a, ujth,-i.

We may also find verbs pertaining to the fauna, albeit, at first glance, they are not related to their names, such as: borrit, bagëlit, butërin, bydiron, byrileg, byrytet, bysërin, çohet, ethet, heq, hiqem<sub>r</sub>, mâj, merr, mashkullon, mbahen, mbrat, mënd, muallit, mtres, muçit, mushkatoj, ndërzehet, ngridhet, përcall, përthithet, rrah, shtërzoj, shtie, tërmegjet, sporitet, vris, *merr terë, merr dem*

**Fish names**

bli,-ni, brufullak,-u, buzërrafsh,-i, cumërr,-i, drëng/ë,-a, gjylpanëz,-a, gos/ë,-a, halës,-i,

lakeq,-i, mërenj/ë,-a, mren/ë,-a, mustaqës,-i, platic/ë,-a, sqepot,-i

### **Names for amphibians**

pulgar/e,-ja, bik/ër,-ra, kllogjën,-a, brestëkosf/ë,-a

### **Names of insects**

arç,-i, brumbull,-i [beetle], bubrec/ë,-a [ant], bujkth,-i, bulkth,-i, bulk,-u, buzëkuq/e,-ja, buzhel,-i, buzhink/ë,-a, cingth,-i, cinxër/ë,-a, dosk/ë,-a, gërshanëz,-a, gomarez/ë,-a, karanh/ë,-a, karavash/ë,-a, koshëz,-a, leul/ë,-a, levull/ë,-a, lëul/ë,-a, llall/ë,-a, llallëz/ë,-a, maknore,-ja, maruçk/ë,-a, milingon/ë,-a [emmet], milingore,-ja, miz/ë,-a [fly], mollkuqe,-ja, murjel/ë,-a, murrell/ë,-a, pulëvesh/e,-ja, rojk/ë,-a, thënekël,-a, uleul/ë,-a, veme,-ja, veshj/e,-a<sub>iv</sub>, vom,-i, vongorec,-i, zegël,-i, zegër,-i, zgjerbe,-ja

## **II. Ethnobiologisms (plant and animal names) in this dictionary are single-word lexical units and simple units**

### **A. Names for plants (ethnobotanisms)**

One word names for plants

badër,-a, batërr,-i, bazilok,-u bazhurre,-ja

### **Compound names for plants**

gjeth delli, mollë dheu [soil apple]

### **Names for animals (ethnozoologisms)**

*Simple names for animals:* biba,-ni [duckling], bishtakuqës,-i [redtail], borc,-i

### **Compound names for animals:**

zog ferre [thorn bird], kal i qyqes [cuckoo]

### **Simple names for insects:**

bubrec/ë,-a [ant], bujkth,-i, bulkth,-i

### **B. Euphemisms**

There is also a group of euphemisms, related to the fauna (mammals, reptiles, etc.)

dhe,-u, gojëfarkuem,-i, tokës,-i [earthling] – for the **snake**

gojëkyçuri, gojëmbërthyer,-i, gojëmyllur,-i – for the **wolf** (all of which literally mean close-mouthed).

### **C. Explanations about the meaning**

Explanatory descriptions are prevalent throughout the Dictionary, particularly in descriptions pertaining to plants. However, animal names are not devoid of such elucidations. Typically, each name is accompanied by a detailed explanation, starting with the identification of the gender of the plant or animal at the outset. This initial categorization, which reflects elements of semantic categoriality, is followed by a breakdown of components that contribute to the name's distinctive lexical meaning,

such as: koçk/ë,-a, rrodhe,-ja [leech]

The explanations are also densely accompanied by an almost complete encyclopedic information, as in the case of words such as: rriell,-i, përc/e,-ja

A. Xhuvani diligently provides explanations for meanings whenever feasible and necessary, including synonyms that are widely recognized or accepted by Albanians. An example elucidates this approach: **gjymsazog,-u** *m. çerr-i, cincami-u, gjymsami-u; cërril/ë,-a cëril-i*: mullibardha.

2.1. Xhuvani also frequently offers his own insights into *semantic motivation*, as evidenced by words like cingth,-i, enj/ë,-a, mërtik,-u, mjedhër/ë,-a

2.2. It's widely acknowledged that the vernacular mindset heavily relies on linguistic devices such as tropes, comparisons, and hyperbole to construct nomenclature for plants and animals, particularly those deeply intertwined with inhabitants' lives both materially and mentally. Within the text, numerous popular names motivated by such linguistic tropes are found.

Examples motivated by *metaphors* include: baluke,-ja, buzëkuq/e,-ja, shëmtyr/ë,-a, uthullir/ë,-a. Many ethnozoological names derive inspiration from the animal's body shape, habitat, diet, or other distinguishing features, as seen in ferrcak,-u, gjymsami,-u, gjymsazog,-u

By the same token, the internal motivation of several ethnobotanical terms is rather intriguing. For instance, the name *helmarinë* stems from the grass's bitterness, *presje*, described as "the kind of grass that cuts you, stings when you touch it", as exemplified by *helmarin/ë,-a, presj/e,-a*,

Many names within the lexicon are constructed upon the basis of metonymy, a rhetorical device where a part represents the whole. This occurs notably when an organ is used to denote the entire animal or plant: **brïçe,-ja** *f.* Cow with a broken horn; **majtush/ë,-a** *f.* Goat or sheep with one large udder, while the other has a weak one.

When an incident from life is given to name the animal, etc.: **shterpore,-ja** [barren] *f.* Sheep or goats calving for the second time: **shterporja** *bejkë bëri dy...* [The bejkë barren birthed two...]

It is widely acknowledged that names of animals and plants, often derived from their prominent features, not only enhance distinguishing characteristics but also extend to naming people based on their moral and physical attributes. The author of the dictionary adeptly captures the vernacular essence, reflecting the language inherent within the community. This meticulous attention to the living word enriches the work, offering invaluable insights for Albanian linguistic science. Through hundreds of examples, the dictionary serves as a treasure trove, facilitating the interpretation and exploration of the underlying movements of meaning and their motivational foundations. This aspect stands as one of the prominent values of the work, providing essential aid in understanding the intricacies of linguistic evolution and expression within the Albanian context.

**SUT/Ë,-A** *f.* 1. Female deer. 2. Name of cows. 3. fig. Beautiful graceful girl.

**BIC,-I** *m.* 1. Little pig. 2. fig. It is used about people or animals that are alive and healthy.

Frequently, names for both plants and animals are presented within syntagmatic

contexts, typically in the form of sentences or phrases. These syntagmatic constructions often emerge as coherent expressions encapsulating the essence or characteristics of the plant or animal in question:

**kuptar,-i** *m.* White grapes (In the north); **larushk,-u** [mottled] *m.* A type of wild grape, *fr.* groseille (Leotti).

According to Memisha (2020), dialect dictionaries play a crucial role in documenting the plethora of names associated with a particular phenomenon, a concept known as isoglossia. This process significantly enriches the collective repository of popular names, reflecting the diversity of linguistic expressions influenced by various indicators and regional peculiarities. For instance, Xhuvani provides several names for “cinxami,” sourced from different provinces such as Përmet, Tomorr, Myzeqe, Malësi e Krujës, and Shkodër.

### III. Phraseology and Proverbs

The dictionary abounds with phraseological expressions and proverbs. Xhuvani meticulously includes not only the words comprising the daily lexicon but also the associated phraseology. For instance, consider the word “miz/ë,-a” [fly] or “fish,-u” as an illustrative example.

\**Zu të vjellë* **bretkosa**, thuhet për një njeri që zë të llomotitë e të shajë; [the **frog** starts to vomit; it is said for one who begins to speak nonsense and curse]

\**Kur të qethen* **viçat** kurrë [When the **calfs** get a shave; meaning “never”]

\**Nuk shpëton sikur të hysh në bir të* **buellit** nuk shpëton në asnjë mënyrë [You won’t be saved even if you enter in the hole of the buffalo; meaning “in no way”]

*mos e bân mizën* **buell** mos e tepro, *fr.* n’*é*xagère pas [Do not make a **buffalo** out of a fly; meaning: do not exaggerate].

\***Dallëndyshe** *ktheje ndryshe*; [**Swallow** (the bird); meaning: Turn it the other way].

\**E lidhin* **dashin** në kambë të magjes (Lumë) për *Shingjergj* e ushqejnë aty mirë që ta therin për ditë Shëngjergji [They tie the **ram** on the foot of the bowl for St. George’s; meaning: they feed it well so that they can eat it later for St. George’s]

*ke rrefkamb’ e* **kalit**. [You’ve beaten the **horse’s** feet]

*Meta si* **korbi** në gurt [I’m left like the **crow** on a stone].

*si zoqt’ e* **korbit** (të shpërndarë) [As the **crow’s** birds; meaning “dispersed”].

*i ka këndue* **bulku** i ka shkuar mbarë [He was sung to by the **katydid**; meaning all went right for him/her].

*shkoi si qeni në* **rrusht** a në *vesht* shkoi mbaroi kot (se ai që vriste qenin nuk paguante asgjë, s’kish përgjegjësi) [He died like a dog at the **vineyard**; meaning: he died meaninglessly [since he that would kill a dog at the vineyard also did not pay anything; he held no responsibilities].

*shkoi* **çupa** me marrë *veshë*, la edhe *brinat* humbi edhe ç’kishte më të mirën [The **lass** went out to buy clothes, she left the horns there too, meaning: she lost all the goods that she had, too.]

#### Proverbs:

*si do* **dhia** e *hardhia* mos e dhëntë *Perëndia*; [May God not listen to the wishes of the **goat**

and the vine].

*kush i rri dardhës ndën te i ha edhe kokrrat* [Whoever stays by the **pear tree** will eat its fruits too].

*mollën qëroje, dardhën numëroje* [Peel the apple but count the **pears**].

*molla e egër s'ban kokrra t'buta* [The wild **apple** does not make soft fruits],

*Peshku i madh e ha të voglin* [The big **fish** eat the small ones].

*me peshk të paguar, zë peshk të verbuar* [With paid **fish** you'll catch blind **fish**].

*gjarpni nuk i dëften kambët e veta* [The **snake** does not tell of his legs].

### **Names of animals and plants as incorporated into blessings or curses:**

*Udh'e mbarë e guri dele!* [May the road be favourable and the stone a **sheep**] (fr. souhaiter); *u lusin udhën e mbarë e guri dele* [They wish them a happy trip and the stone a **sheep**].

*të bëftë korbi kra u shofsh!* [May the crow be your companion; meaning: May you die!]

## **5. Conclusions**

In conclusion, the rich layer of ethnobiologicalisms presented by Aleksandër Xhuvani in his Dictionary underscores its significant place, weight, and importance within the broader lexicon of Albanian. This linguistic treasure trove not only enriches the Albanian language but also provides fertile ground for diverse studies encompassing linguistic, cultural, and other fields of interest. The comprehensive documentation of ethnobiological terms not only preserves linguistic heritage but also facilitates deeper exploration and understanding of Albanian cultural and natural history. Thus, Xhuvani's Dictionary stands as a valuable resource for scholars and enthusiasts alike, contributing to the ongoing discourse and appreciation of Albanian language and culture.

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# Evaluation of skill among the students of the “Sports University of Tirana”, Albania

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## Abstract

The aim of this study is to evaluate the skill level of students at the Sports University of Tirana (UST) in Albania according to the faculties and between the years of study. One of the main components of the evaluation is the skill which affects the progress of the students. Methodology: The research group consists of a total of 1140 students in UST. The number of students is 570 who were studying at the Faculty of Physical Activity and Recreation and 570 at the Faculty of Movement Science, where each year consists of 190 students. They were evaluated in; age, body height, body weight, BMI, Agility t-test in the Shuttle Run 10x5m test. Photo finish equipment found in UST laboratories was used. Results: The obtained data were processed in Excel and comparisons were made between the years of study as well as between the two faculties. Statistically significant and positive correlations were found between and speed values between students and faculties. Conclusion: The results of the study showed the high practical importance of testing agility characteristics of students and show prospects for the practical use of the test system for these components at the student level, to achieve high fitness of sports commands and successful games. The practical benefit of these results obtained lies in the ability to use them in the teaching process to develop the agility abilities of students, which has prospects for higher results.

**Keywords:** students, agility, faculty, speed.

## 1. Introduction

Students at the Sports University of Tirana (UST) in Albania are accepted on the basis of physical testing, i.e. general sports performance. There are two faculties in UST; Faculty of Physical Activity and Recreation (FPAR) and Faculty of Movement Science (FMS). A successful performance depends on the tests used with the technology and their measurement results. With technology developments, sports scientists have created much different training equipment to push the highest level that athletes can reach and increase the athlete's physical performance (Nalbant et al, 2018). It is known that the basic motor feature, which is a requirement of a practiced sport, is the most important factor that brings success in that sport (Filiz, 2003). The basic motor skills include both some of the organism and genetic traits, as well as all the skills acquired in the development and maturation of the organism. Basic motor skills are mentioned under five headings such as strength, endurance, speed, mobility (flexibility) and coordination. Although these basic motor skills are genetic, both are known and can be developed. Bompa (2001) defines speed as the ability of a person to move him from one place to another maximum speed or the ability to apply movement as quickly as possible. Speed in sports, on the other hand, means that a person applies basic motor movements in the shortest time and most intensively. Dexterity, on the other hand,

is another contingent feature realized with more than one motor feature, which also involves changing direction. Some definitions made by researchers are as follows: Dexterity is the ability to change the direction of the body moving from one point to another as quickly and fluidly, simple and controlled, while maintaining balance without lack of speed (Özkan et al. 2009; Turner et al. 2011). According to Levy et al, (2021), agility is the ability of the whole body to move quickly and accurately in response to a perceived stimulus. In another definition, agility is defined as the activity of controlling body position and maintaining movement, while the athlete can change direction quickly throughout the series of movements (Asadi, 2012). Verstegen and Marcello (2001) stated that agility is perceived as a locomotor ability that makes the athlete change direction. Furthermore, according to Katis and Kellis (2009) agility is a combination of several basic motor traits and depends on speed, muscle strength and balance ability. It is noted that the agility feature includes the speed, flexibility and coordination of the whole body or only the lower limbs to change direction and position (Zanini et al. 2020). Dexterity is influenced by factors such as speed; overall strength and muscle strength that help determine the quality of the muscles in the legs. Dexterity includes components of biomechanics, motor learning and strength (Shepard and Young, 2006). The remarkable aspect of dexterity is that many motor characteristics are coordinated and integrated in a short time. Dexterity must be developed to bring control of body position and balance to a better level throughout the movement (Miller et al., 2006). Based on these definitions, we can state that agility is a rapid change of direction of the whole body in response to an effect in immediate development. Measuring agility is very important in planning the stages of athlete development. A number of agility tests have been developed that can be easily applied by both coaches and athletes. In terms of test examples, the most commonly used in field sports are: T-Test, Illinois Test, 505 Agility Test, Pro-Agility Test and Repeated Agility Test. The fields of application of the specified tests may vary depending on the sport, the branches and the equipment and field conditions. Agility studies in the literature show that the T-Test, Illinois Test, and 505 Agility Test are the most commonly used tests. Considering that agility is a feature in many sports, it is also important to know the agility levels of athletes. At this point, in the studies made by coaches or sports scientists, the question of the selection of the agility test according to the motor characteristics of the sports branches is not clear in the literature. This research was designed to reveal the relationship between the most preferred readiness tests, and to give an idea to researchers or trainers about test choices.

## **2. Material & methods**

The subjects are students of the Tirana Sports University composed of 2 Faculties N=1140. Faculty of Movement Sciences (FMS -N=570) students and from the Faculty of Physical Activity and Recreation (FPAR- N=570) students. The first year I, II and III of studies at the Faculty consisted of 190 students according to the criteria of the University.

### **2.1 Research model**

Students are introduced to the study process in advance. They were evaluated in; age, body height, body weight, BMI, Agility t-test and in the Shuttle Run 10x5m test.

Photofinish equipment found in UST laboratories was used. The students conducted a general warm-up of 10 minutes before the beginning of the tests. Each participant had two tests, with intervals of 5 minutes, and in the end the best time achieved was taken.

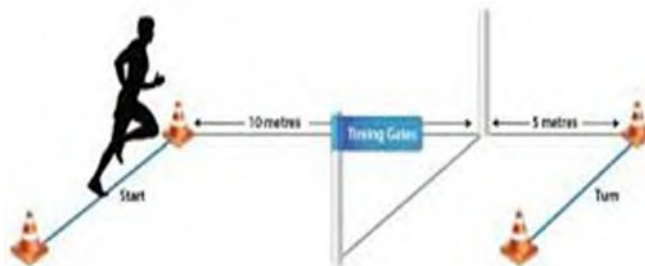
## 2.2. Test protocol

**T-Test:** The t-test was reliable in measuring leg strength, speed, and leg agility (Figure 1). The general purpose of the T-test is to ensure balance, maintain continuity in speed, and test the ability to make rapid, sudden and sustained changes in a given running direction. The athlete moves from the starting point with the voice command and goes straight to the first funnel. After touching the first funnel with his right hand, he goes to the second funnel with a sliding step and touches it again with his right hand. Then, with a sliding step to the left, he again touches the first funnel, and goes to the third funnel with a sliding step and touching it with his left hand. Finally, he returns to the first funnel with a sliding step and is directed back to the areas where he started and finishes the test.



(Figure 1) T-Test

**Shuttle Run 10 x 5 m:** This test is performed by covering a distance of 5 meters round trip after a run with an acceleration of 10 meters (Figure 2). After determining the distances that will be run, the two starting and stopping time gates that define the system are placed on the 5 m line. After the participants are informed about the test, they are allowed to do some exercises at a slow pace. To avoid any injury at the beginning of the test, participants are given 10 min of warm-up and flexibility exercises before the test. The test was repeated twice with an interval of 5 minutes of rest, and the best rate is recorded in seconds.



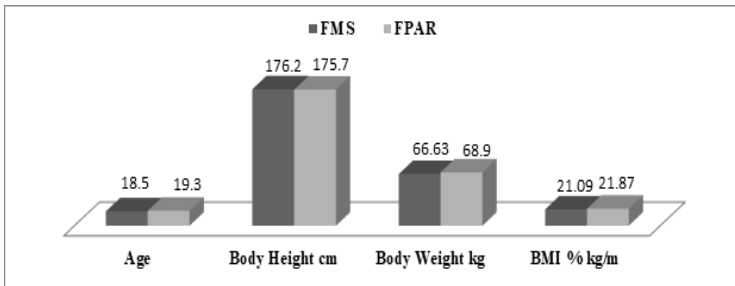
(Figure 2) Shuttle Run 10 x 5m.

### 2.3. Statistical analysis

The obtained data were processed in Excel and comparisons were made between the years of study as well as between the two faculties. Statistically significant and positive correlations were found between and speed values between students and faculties. The significance level was determined as 0.05 in the interpretation of statistical procedures

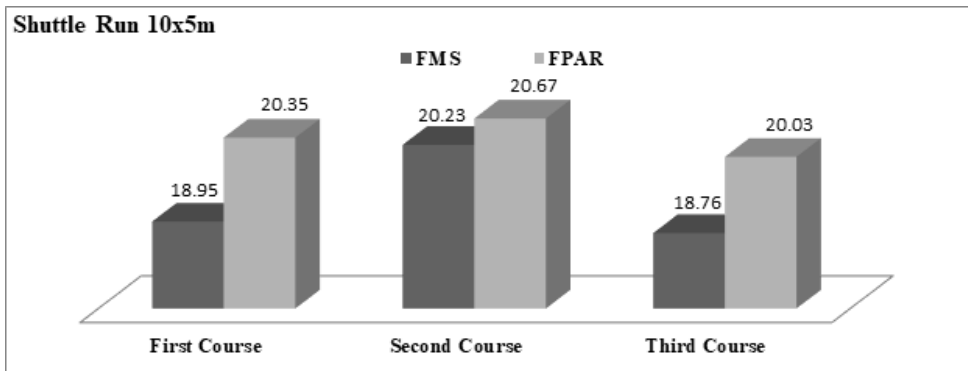
### 3. Results

Graph 1 shows that average age (year) of students at FMS is  $18.5 \pm 1.05$ , body height (cm) is  $176.2 \pm 5.73$ , body weight (kg) is  $66.63 \pm 2.57$  and body mass index ( $\text{kg} / \text{m}^2$ ) is  $21.09 \pm 1.87$  and for FPAR also shows that average age (year) is  $19.3 \pm 2.51$ , body height is  $175.7 \pm 5.87$  cm, body weight is  $68.9 \pm 5.48$  kg and body mass index is  $21.87 \pm 3.21 \text{ kg/m}^2$ .

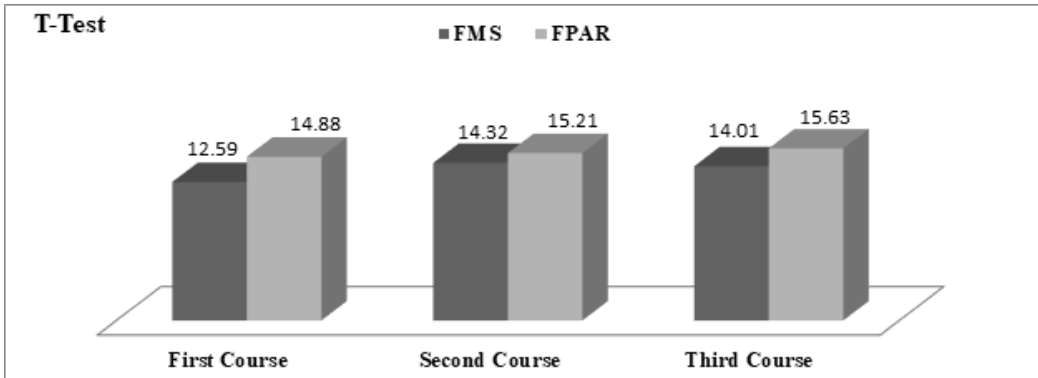


Graph 1, Average anthropometric data of FMS & FPAR students

Graph 2 shows that average of the 10x5m shuttle run test of the students according to the study courses in their respective faculties. As we see in graph 2, students of the first course of FMS resulted with a speed value of 18.95 sec better than FPAR students with a speed of 20.35 sec. Students of the second FMS course had a result of 20.23 sec compared to FPAR students with 20.67. While the students of the third course of FMS had the result 18.76 seconds better than the students of FPAR with 20.03 seconds.



Graph 2, Results of the Shuttle Run 10x5m test of FMS&FPAR students



Graph 3 shows that average agility T-Test of students according to the study courses in their respective faculties. As we see in graph 3, the students of the first course of FMS resulted with a speed value of 12.59 sec better than the students of FPAR with a speed of 14.88 sec. The students of the second year FMS had the result 14.32 sec compared to the students of FPAR with 15.21. While the students of the third course of FMS had the result 14.01 sec better than the students of FPAR with 15.63 sec.

Graph 3, Results of the T-Test agility test of FMS&FPAR students

#### 4. Discussion

As a result of this study, which was conducted to determine the most usable test students to determine the agility levels according to sports branches, the following were determined in terms of the basic characteristics of the students. In the literature, Molenaar (2009) found a significant difference according to T-test results in his strength study on female volleyball players. In their research article, Sonoda et al, (2018) concluded that there is a statistically positive relationship between agility and the T-test results they performed for agility. In their study, Schedler et al. (2020) concluded that muscle strength has a positive effect on agility. Some studies stated that the T-test is a good measure of strength, speed and agility. These studies support the results of the present research. Moreover, in the literature, contrary to the results of the present research, (Ferreira et al., 2018) found in the study he conducted that strength is not a factor directly affecting agility in ice hockey. In his master's thesis completed in Mukesh et al. (2021) concluded that there is no significant relationship between agility and strength. Kutlu et al. (2012) found a statistically significant difference between Illinois agility test values of professional amateur soccer players and university students. As a result of the present research, positive relationships were found between two agility tests of participants. The literature has works which compared speed values and agility tests. Çakmak concluded in his master's thesis in 2019 that there was a statistically significant relationship between the Illinois agility test values of speed values. Contrary to the above-mentioned results, Tatlısu et al. (2019) concluded that there is no significant relationship between the Agility T-test and speed values, in their study conducted.

#### 5. Conclusion

The results of the study showed the high practical importance of testing agility characteristics of students and show prospects for the practical use of the test

system for these components at the student level, to achieve high fitness of sports commands and successful games. The practical benefit of these results obtained lies in the ability to use them in the teaching process to develop the agility abilities of students, which has prospects for higher results.

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# The aesthetic effect of literary examples in oral discourse

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## Abstract

The use of literary similes, (parables), in oral discourse is not only an art, but also a kind of magic that transforms simple words into a plot of meaning and beauty. A small story that carries a deep message, such that it makes you think and feel like a discoverer of a great unknown. That's the power of simile! In the context of oral discourse, similes (and other stylistic figures) play a dual role.

First, they increase the aesthetic effect of communication. Visual imagination, rhythm and musicality, literary conciseness and humor, which they want to use, make the words sweet to hear.

Second, similes treasure hidden meaning and symbolism, starting with a way to convey complicated concepts in a way that is usable and accessible. The use of simile in a discussion or speech invites listeners to enter into a deeper thought process, becoming actively involved in interpreting the messages. This not only for the connection between the speaker and the listener, but also increases their value of what is said. Waves of ideas that are stored in the memory, spreading by adapting to the ground in what we sleep. The metaphors and stylistic elements in the speech so that the speaker seems more competent, creative and can also be authoritative as a speaker who knows how to use language to create art.

Moreover, these linguistic communication techniques in overcoming earthly cultural barriers, as they touch the universal base of human knowledge. Literary similes not only are, but have been found to create an aesthetic effect in oral discourse, making communication more lively and elegant, thinking and, above all, more. In a world where words often fall on deaf ears, a well-chosen parable can be the key that unlocks the doors of the heart and mind in the rapport of oral communication.

**Keywords:** Simile, communication, aesthetic effect, oral discourse, literary conciseness.

## Introduction

In discourse situations, the functions of narratives, whether direct or allegorical, are realized through example, or simile, which constitutes the basic condition of the simile. The example that comes during the discourse must contain a situation, which is beautifully described, perceived aesthetically, and contains a valid answer, a meaning or an important idea, or a conclusion as a definition on the precedent that happened. They are ready-made archetypes that are inserted in the middle of the discourse flow, naturally and when needed. Synchronically and diachronically, it applies to solving an identified problem and any situation similar to it.

The connections between the speaker and the listener increase the acquisition and retention value of what is said. The waves of ideas that are stored in the memory spread and expand and gain ground in the impression left by the discourse. Similes and similar stylistic elements in speech make the speaker appear more competent, creative and perhaps even authoritative as a speaker who knows how to use language to create art.

The figurative communication technique helps to overcome cultural and linguistic barriers, as they touch and provide the universal basis of human experience. Literary similes influence, to create an aesthetic effect in oral discourse, making communication more lively, more elegant. In a prosaic discourse, a well-chosen simile can be the key that opens the doors of the heart and mind in the rapport of oral communication.

- **Methodology**

We will discuss key theories through the method of analysis and synthesis that allows us, through theoretical findings, to discover the relationship between literary stylistics and oral discourse and to conclude on the effectiveness, necessity and perspective of using similes in enriching the communicative system in discourse situations.

- **Theoretical definition**

Allegory, from the very terminological meaning of the word, is a figure that is realized in the form of literature and syncretic arts, where there is a fusion of the values of narration, oratory, language, ethics and morality, didactics, philosophy of life. Figurative speech is a discourse feature, a special figurative style. With a concise language structure and few sentences, it presents the message and the argument.

- *In public discourse*, in gatherings, parables are given and interpreted orally. They are transformed into powerful messages in lecterns and lecterns or even in ethnographic social meetings, enriching them with parables. A verse of the Qur'an says: "Verily, We have brought examples to people in this Qur'an for everything, to listen to them." Here the function of pre-volition is described as an illustrative example.
- *In the philosophical aspect*, the retrospective that the simile brings us during the discourse serves to call the perspective, since they constitute a retrospection, connecting the past with the present, the present with the future.
- *As a need for similarity* and illustration, during oral discourse, through literary similes, the reader and listener gain a benefit of time, ambiguity, aesthetic pleasure, as well as figurative parallelism in literary writing. The use of similes as discourse models is a cultural investment, to give grace and finesse to communication, using them at the right moment.

### *The discourse aesthetics*

People accept parables as short, pleasant, beautiful stories. They are memories that turn into an image and then into a word, into a voice, into the other voice that sleeps and wakes up in the depths of man. Parable speech, as a rule : It is not obtained in an ordinary communication, but in a solemn communication, which has as a condition an audience-community, which has an interest. The power of the audience is receptive to precedent. The presence of the audience gives the parable canonizing functions. In the evangelical and Qur'anic parables, there are both models: with direct moral orders and with implied moral orders. Parable, parable and simile are the same term, but of different linguistic origin. There is no clear line between them, but they usually do not replace each other. In most cases the parable closes with implications. The parable tests the wisdom of the narrator and the listener. The parable has a codified

story, which the narrator and the audience share together.

***Parable is the basic figurative tool used in oral and literary discourse***

Endless are the examples, comparisons, symbols that build the allegorical system of the Qur'an that shows us that the simile and parable are a thing that comes from the Qur'anic literature and the Bible, as such its sources and origin should be sought precisely in those word Even the Qur'anic stories, in all cases of gatherings, are given and interpreted orally. They are transformed into powerful messages in the pulpit at religious rites and festivals, enriching them with parables.

Parables create very attractive discourse situations in public, with the strength of ideas, artistic beauty and expressive ability of language. When the simile enters the realm of allegory, it takes on a deeper meaning to absorb, and more difficult to understand. In the educational aspect, the parables convey worldview and aesthetic messages, such as the human need for discipline, inspiration and energy.

**Oratorical speech** enriched with similes and amazing episodes and beautifully interwoven with metaphors, hyperboles, metonymy and symbols, with comparisons and parallelisms that create pleasant discourse, which captures you, is preserved in memory, deeply rooted in the soul and makes reflect deeply, becoming more aware, more humane, more confident.

**“There are countless confessions in the world”** writes Roland Bart (Barthes). While Umberto Eco, considering retelling as a discourse form, says: **“The need to communicate through retelling has been a long-standing phenomenon of humanity. Telling and listening to stories is a biological function. You cannot easily break away from the allure of intrigue in its pure state. Every lecture has a deep structure, which is narrative or which may have been developed in narrative terms”**. It would be enough to single out that linguistic-literary phenomenon as “indicative-imperative present” or “imperative future”, which qualifies the ethno-legal discourse: “Whoever steals the living thing of the church, should pay two for one... (“The Canon of Lekë Dukagjini”)

**The importance of using similes not only in writing, but also in discourse.**

- The article aims to analyze the role of simile in the context of oral discourse, focusing on literary similes and observing how literary techniques and elements can be applied in everyday communication, to achieve a certain depth and nuance in obtaining the message. Through an interdisciplinary analysis that relies on data from **linguistics, psychology, history** and literary studies, we offer a detailed look at the ways in which similes, as an element of literary stylistics, influence the perception, interpretation and effectiveness of verbal communication.

**Parables are used for:**

- As a powerful tool to have a richer, more visual and deeper communication with the audience.
- Their use expands the expressive power of words.
- It creates a clearer and more understandable image for listeners.

- It has a more positive impact on language and human communication.
- It gives the audience a deeper and relevant understanding of both ideas and sensations.
- Aesthetically, they express different emotions and feelings.
- The image is remembered for a longer time, compared to a simple narrative representation.
- Parables create emotional connections with the audience. When a person feels that the communicator is the same in emotions and feelings with him, communication becomes more effective and convincing.
- **The creation of beauty and aesthetics:**
- The use of similes in poetry, prose, music and art, even in sacred books, generally gives a special and beautiful dimension to these works. Parables are a means of expressing all the beauty and complexity of the world. In conclusion, similes are an important element of human language and communication. They help express ideas, emotions and images in a powerful and sensitive way. Using similes judiciously and in the right context fosters deeper connections with the audience and creates a richer and more understandable communication. In this way, similes are added value in our communication
- **The multi-meaningful secrets** contained in the prophetic parables and their influence on the human mind throughout the ages, where man empowered his mind to use speech patterns like those of the prophets, testify to a very early connection of this discourse tradition.
- Like Rumi's *masnavis*, Sadi's poems and stories are polysemantic, due to the power of the image on which they are built. Or to Kadare *Palace of Dreams*, where the parable is the basic element of the structure of the novel, *Dante's "Hell"*, etc

## Conclusion

This concise presentation sheds light on the importance of literary stylistics in the context of oral discourse, exploring the ways in which elements of literary stylistics can be used to enrich and deepen verbal communication, with a particular focus on similes. Throughout the discourse, the simile aesthetically causes a chain reaction of morality, of pleasure, stimulates feeling, imagination, sensation, perception. Aesthetically, people want parables as short, pleasant, beautiful stories. They are memory, image, word, message that people need. Parables are quite a rich aesthetic arsenal, to feel and understand what you say, and argue in front of others.

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# Comprehensive analysis of transitional processes of property issues on immovable properties in Albania - Challenges for the Albanian state

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## Abstract

This study provides a comprehensive analysis of the transitional processes regarding property issues in Albania. It specifically focuses on the compilation of privatization process of immovable properties, the restitution and compensation process, the legalization process and the registration process. By examining the current legislation and administrative practices, the study highlights several significant economic and social impacts these processes have had on Albanian society. Additionally, it identifies and examines key challenges that have hindered their effectiveness. The conclusions drawn from this analysis aim to contribute to the development of a more efficient and equitable property management system in Albania, foreseeing and addressing the challenges for the Albanian State.

**Keywords:** property, legalization, privatization, process, compensation.

## 1. Introduction

The issue of property rights regarding immovable properties is one of the most pressing matters in Albanian society. In many cases, it has been the subject of scrutiny in various international reports on Albania. This is due to the fact that despite legal and institutional reforms undertaken in this direction, they have not managed to ensure stability and security in property rights of the immovable properties.

The chaotic situation regarding property rights of the immovable properties that accompanied Albanian society after the 1990s has its roots not only in the negative effects of the restriction on private property of the immovable properties before the 1990s, particularly regarding land, as sanctioned in the provisions of the 1976 Constitution (Constitution of the People's Socialist Republic of Albania 1976, Article 18), but also in the property legislation concerning immovable properties

In the efforts to foster the private property rights on land, the implementation of this constitutional principle in subsequent legislation aimed at regulating property relations over immovable properties. Despite its positive impact on the development of a free market economy in the country, often encountered numerous problems. These issues were addressed as legal and administrative shortcomings, as well as inadequate law enforcement.

This study aims to provide a comprehensive analysis of the transitional processes regarding property issues in Albania, specifically focuses on the compilation of privatization process of immovable properties, the restitution and compensation process, the legalization process and the registration process. This aims to crystallize the characteristics of the legal regime of immovable properties in the final phase of the transition in Albania.

To achieve this objective, the paper aims to analyze the following research questions:

- What are the characteristics of transitional processes of property that directly

impact the current regime of permanent assets in Albania?

- Which is the legal framework underpinning these processes?
- What impact have these processes had on social and economic life in Albania?
- What are the main challenges encountered during their implementation?
- Which is the influence of these processes on the property registration system?
- What is the role of international institutions in property reforms in Albania?
- What are the future prospects for resolving property issues in Albania?
- In order to answer these research questions, this work combines quantitative and qualitative methods to analyze legislation and existing doctrine regarding the regime of immovable properties. In this regard were analyzed:
- Resolutions and reports from the Council of Europe or the European Union to highlight recommendations concerning the resolution of property issues in Albania within the framework of European integration.
- Key legislation governing the privatization, restitution, and compensation processes of immovable properties, as well as the legalization process and doctrine, highlighting the impact of these processes on the stability and security of property rights on immovable properties in Albania.

This methodological approach has served in formulating conclusions and recommendations for the efficient and sustainable development of property relations on immovable properties in Albania and the challenges for the future.

## **2. An overview on transitional processes in Albania**

Transitional processes concerning property issues in Albania post-1990 aimed to reflect the changes experienced in property relations of immovable properties during the transition from a centralized economy to a free market economy.

The process of land privatization was the initial reform undertaken in Albania to develop and expand private property on immovable properties. The fundamental law underpinning the privatization of agricultural land was Law No. 7501 dated 18.07.1991 "On land", followed by a series of subordinate acts detailing its implementation. Through self-expropriation, the state transferred property rights over agricultural land to rural families who resided in cooperative or agricultural enterprise villages, as a means to rectify injustices committed against this social category during the period from 1945 to 1990. In some respects, this reform bore similarities to the agrarian reform of 1945, reflecting lingering elements of communist ideology in legislative matters. (such as the transfer of ownership without compensation, transferring ownership to collective organizations rather than individuals, the imbalance in relation to the property rights of previous owners of land unjustly taken during the socialist period, etc)

The implementation of legislation on privatization of immovable properties brought significant changes in property rights relations, establishing private ownership of agricultural land as predominant over state ownership. These changes laid the groundwork for a new land management system under conditions of a free market economy, aimed at improving the difficult economic situation of rural families on the eve of the 1990s.

However, we must accept that the increase in the number of small private economies resulting from this process did not correspond proportionally with the growth of the

agricultural economy, as the fragmentation of agricultural land led to a decrease in production efficiency.

Regarding property rights, the process was accompanied by instability and insecurity in property rights over agricultural land, attributed to shortcomings in both the legal framework and irregularities during implementation of the law. The verification process of property titles undertaken for this purpose in 2008( Law no.9948, dated 7.7.2008) failed to ensure this stability due to several factors such as lack of cooperation with responsible institutions, lack of accurate information or misinformation regarding property titles over agricultural land, delays due to prolonged judicial processes, lack of knowledge of legislation, or lack of commitment from local authorities, etc. (Albania evaluation report on the reorganization of ownership institutions and review of the legal framework of the ownership field, June 2019, pg. 17).

Frequent changes in legislation regarding the land privatization, although an attempt to address issues during the process, had a negative impact on securing and stabilizing property rights over immovable properties in Albania.

The process of legalization aimed to formalize a social phenomenon: unauthorized constructions built without proper permits, often on third-party lands. This phenomenon is also a result of insecurity in property rights over permanent assets. Law No. 9482, dated 03.04.2006 "On Legalization of Urbanization and Integration of Illegal Constructions" provided the framework for this process. However, continuous extensions of deadlines for its completion not only failed to curb the rise of unauthorized constructions but in a way, further encouraged its expansion.

The evaluation report on the reorganization of ownership institutions and the review of the legal framework of the ownership field, underscore as key challenges that impede the progress of the legalization process, lack of inter-institutional cooperation with institutions involved in the process, such as insufficient collaboration in harmonizing cadastral maps and cartographic data between the Real Estate Registration Office (ZRPP) and the Agency of Legalization, Urbanization and Integration of Informal Zones (ALUIZNI), as well as inadequate information regarding the legal status of properties. (Albania evaluation report on the reorganization of ownership institutions and review of the legal framework of the ownership field, June 2019, pg. 17).

The process of restitution and compensation of properties aimed to rectify the injustice done by the communist system regarding the unfair expropriation of properties, foreseeing the recognition of property rights and the return or compensation of their properties. The two foundational laws supporting the process in the eve of 90's are Law No. 7698 dated 15.4.1993 and Law No. 7699 dated 21.4.1993 "On Restitution and Compensation of Property". Limitations in terms of the extent and forms of compensation, as well as the lack of financial resources for implementing compensation measures, have been distinctive features within the legal framework of 1993 concerning this process.

The subsequent law, No. 9235 dated July 29, 2004, "On Restitution and Compensation of Property", aimed to expand both the forms and extent of compensation, with specific provisions regarding methods for executing compensation in value or in kind. However, shortcomings in specific subordinate acts or delays in their approval in other cases (such as those determining the property valuation map or compensation funds) rendered inefficient the compensation schemes outlined in the law.

Efforts to address these shortcomings through frequent changes in the law (Law No.

9235/2004 underwent approximately 14 amendments) proved ineffective in concluding a prolonged process spanning nearly 30 years.

The process created a state of legal uncertainty for the expropriated subjects or their heirs, who, despite having their property rights recognized by the restitution authorities, were unable to realize them for a long time.

According to the ECtHR jurisprudence, the infringement of property rights for this category of subjects often stems from legal, administrative, and institutional shortcomings, frequent changes and fragmentation of legislation, lack of effective compensation schemes, insufficient financial and human resources, and lack of institutional cooperation. (ECtHR, *Ramadhi and others v. Albania*, 2007).

The ECtHR jurisprudence, as well as the Committee of Ministers of the Council of Europe recommendations on respect for property rights in Albania (CM/ResDH(2013)115), recommended undertaking legislative and institutional reforms by the Albanian state in the field of property rights to provide a definitive solution in guaranteeing property rights in Albania.

### **3. Legal and institutional reforms for resolving the issue of property ownership over immovable assets**

In June 2012, the Council of Ministers of the Republic of Albania approved the sectoral strategy “Reform in the Field of Property Rights, 2012-2020” and its action plan” (CM Decision No. 405, dated 27.06.2012), outlining the key points for the implementation of a significant reform in the field of property rights over immovable properties.

The first act adopted to address the issues addressed by aspects of legislation regarding restitution and compensation of properties, aiming to conclude this process, was Law No. 133/2015 “For the treatment of property and the conclusion of the property compensation process” as amended. Its drafting was assisted by the Council of Europe and consulted with the Venice Commission at the request of the Constitutional Court of Albania. Key innovations of the new law include the establishment of a new compensation scheme and a revised property valuation methodology (Law No. 133/2015, articles 6, 7), provision of guaranteed financial resources for financial compensation of expropriated subjects (Law No. 133/2015, article 11), setting specific deadlines for the review of claims for recognition or compensation of properties, or appeals (Law No. 133/2015, articles 15, 19) etc.

In the opinion of the Venice Commission (Albania - *Amicus Curiae* Brief for the Constitutional Court on the restitution of property, Venice, 14-15 October 2016), and in the assessment of ECtHR, *Beshiri and others v. Albania*, May 2020 the compensation scheme was evaluated as effective, and the methodology used was deemed appropriate for realizing property rights for this category of subjects

Two important components of property reform in Albania are reflected in two laws adopted by the Albanian Assembly: Law No. 20/2020 “On the completion of transitional processes related to property issues in the Republic of Albania” and Law No. 111/2018 “On Cadaster”. Law No. 20/2020 unifies legislation in the field of property of immovable properties by now regulating in single law aspects that were previously unfinished, such as privatization of land, legalization and inventory of public property, as well as provisions regarding registration of property titles complementary to the provisions of Law No. 111/2018 “On cadaster”.

According to its purpose, the law aims to unify legislation to conclude transitional processes for state-owned or private property, coordinate these processes with property treatment for completing property compensation processes, and standardize and unify cartographic documentation for property registration (Law No. 20/2020, Article 2). The process of approving subordinate acts to implement its provisions has been completed according to the law (Law No. 20/2020, Article 78), aiming to offer practical solutions to issues encountered during the implementation of previous legislation.

Among the innovations introduced by Law 20/2020, we mention:

1. Reorganization of the ownership institutions. The administration of transitional processes related to property ownership issues has been consolidated into a single institution, the State Cadaster Agency (ASHK). ASHK is a public institution that coordinates transitional processes as well as the registration of property ownership titles for immovable assets through their systematic treatment (Law 20/2020, Article 5).

2. Harmonization of Procedures for Issuing Property Ownership Titles: The procedures for issuing property ownership titles for immovable properties through each of the transitional processes are now harmonized, overseen by a single institution. This change addresses the problems that arose due to the lack of inter-institutional coordination among the institutions issuing property ownership titles for immovable assets, which previously resulted in delays in registration due to overlapping ownership titles for the same property.

3. Simplification of Administrative Procedures for treatment of Transitional Processes: For instance, in the case of registering AMTPs issued before the law came into effect, ASHK does not verify property ownership titles but only the fulfillment of criteria related to the beneficiary, the type, and the location of the land (Law 20/2020, Article 7/1). In the case of legalizing unauthorized constructions, the legalization permit is also considered the act of transferring ownership rights over the construction parcel (Law 20/2020, Article 22/2).

4. Simplification of Procedures for Registering Property Ownership Titles for Immovable Properties: For instance, in the case of transferring agricultural land ownership without compensation, if the location of the effectively possessed area differs from that specified in the act of acquisition but is within the territory of the former agricultural enterprise or cooperative, if it is agricultural land and does not infringe on private interests, or is a subject of strategic investments, registration is carried out according to the actual location of the possessed land (Law 20/2020, Article 13).

5. Ensuring coordination between ASHK and ATP: To coordinate the transitional processes with property treatment for the purpose of concluding the property compensation process, ensuring the sustainability of property rights arising from these processes.

6. Digitization of Data on Immovable Properties: The creation of a digital archive simplifies the process of documenting and updating data, as well as making the provision of services from the cadaster registry more transparent and less bureaucratic. In the context of the institutional reform of the cadastral service, these services have been carried out online since 2020 (based on the Prime Minister's Order No. 153 dated 25.11.2019). According to ASHK reports, *“Conducting all applications exclusively online through the Government Portal e-Albania and other systems such as the National Chamber of Notaries, etc., has eliminated queues at counters and increased the performance in service delivery to citizens, significantly reducing response times”* (ASHK, Performance indica-

tors 2006-2022, p. 5).

The digitization of immovable property records aims to digitize the cadastral data for approximately 3,187,000 properties and scan around 2,152,000 files (Decision of the Council of Ministers No. 111 dated 3.3.2023, Annex 1).

Despite the achievements, ASHK reports issues related to institutional coordination in the implementation of Law 20/2020, such as obstacles in the registration procedures of properties subject to transitional processes due to prolonged judicial processes, the non-submission of information or documentation by institutions through digital means, and the non-transmission of cartographic documentation attached to acts for registration by ASHK, etc. (ASHK, Performance indicators 2006-2022, p. 44). Additionally, it reports issues related to the certification and registration of property titles resulting from transitional processes, such as difficulties in obtaining accurate data due to the lack of records on the progress of the agricultural land privatization process by the Ministry of Agriculture or the IPRO, or in the realization of agreements between agricultural land users and neighbors for the issuance of AMTPs (ibid, p. 16).

#### 4. Conclusions and recommendations

The completion of the transitional property ownership processes, nearly three decades after they began, is considered vital for Albanian society, which is still suffering the consequences of the instability of property rights in Albania. These consequences are felt in the economic sphere through the lack of strong economic investments in Albania, as well as in the social life of society, which continuously faces social conflicts arising from this instability.

The implementation of unified legislation to complete the transitional processes of property issues, with the aim of completing the initial registration of property, is seen by Albanian legislators as a legal solution to ensure the stability of property relations for immovable properties. We believe that the completion of these processes will have positive social and economic effects on Albanian society, including:

- Increase the Investor Confidence: This will encourage economic investments in Albania, particularly foreign investments.
- Enhanced Agricultural Activity: There will be increased effectiveness in agricultural activities and investments in the agricultural sector.
- Ease the Civil Transactions: The circulation of immovable property will be facilitated after the initial registration is completed.
- Ease the Property Valuation for taxation purpose: It will simplify the evaluation of the registered property value for taxation purposes based on value rather than area, as has been done so far, resulting in positive indicators for increasing budget revenues.

However, as mentioned in the reports of the Council of Europe, Albania still faces challenges in this area( EU, Progress Report, Albania 2020-2023) The 2023 EU Progress Report for Albania states, *“The state cadaster needs to put effective measures in place to prevent corruption and, accordingly, to establish high standards of transparency and efficiency in the procedures, develop an efficient integrated land management system and proceed vigorously with the systematic digitalization and diligent reconciliation of legal titles and cadastral maps.”* (EU progress report-Albania, 2023).

In this regard, more efforts are needed to complete the transitional property ownership processes, compensate expropriated subjects, and complete the initial registration of immovable properties based on the principles of transparency and due legal process. (EU progress report-Albania, 2023).  
Lastly, in order to intensify the process of digitizing data on immovable properties, we suggest increasing human and financial resources as well as enhancing the professional capacities of employees through training.

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# Pigment identification of an icon at the Monastery of Annunciation in Vanister, Albania using XRF technique

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## Abstract

During the last years, modern analytical techniques have been used for in-situ investigation of historical artwork, such as icons or wall painting.

XRF spectroscopy is the most used, as a non-invasive technique, adopted by a large number of professionals, because of its mobile and portable implementation.

This study presents an attempt for the identification of the pigments used in painting of a post-Byzantine icon found at the Monastery of Annunciation in Vanistër, Albania. The "Mocking of Christ" is attributed to Michael of Linotopi, once a developed village in the southwestern side of Kastoria. Works of painters from this village have not been given much systematic attention until recent years.

Handheld X-Ray Fluorescence, Skyray Instruments 5<sup>th</sup> generation EXPLORER was used for in-situ measurements of 18 selected points on the icon painting. Gained spectra in combination with respective colours allowed the determination of main constituent chemical elements and consequent identification of pigments used. Mostly used colours include red/brown/ochre with Fe, Pb and Hg as their major elements, and also blue/green hues having Cu as the major identified element. Pigments used in the painting of this icon are characteristic of the period it belongs to, but one also finds elements that possibly reflect local influence.

**Keywords:** XRF spectroscopy, Linotopi, pigment identification, Albanian icons.

## Introduction

Albania is rich in numerous artistic treasures, especially in the Byzantine and post-Byzantine wall paintings and icons. In the last years, several studies on Albanian Byzantine and post-Byzantine icons have been done, but these are only a negligible number of studies compared to the large amount of not yet studied artworks (Franceschi et al, 2018).

Today a deserted place with ruins at the northern foot of the mountain of Gramos, once Linotopi was a village in the southwestern side of Kastoria. The village was inhabited by Vlachs and was prosperous during the 16<sup>th</sup> to 18<sup>th</sup> centuries, certified by the artistic activity of painters who, in their inscriptions, referred to Linotopi as a town. It was founded during the period when the Christians sought refuge in the mountains after the ottoman conquer. The town declined probably at the same period Voskopoja did, when traffic routes changed at the end of the 18<sup>th</sup> century and islamized people were onslaughted. Life in these areas did not recover in its former scale. (Giakoumis, 2005; Bulgarian Project).

Artists from Linotopi constitute the most known artistic workshop of the mountainous region. Researchers have distinguished more than twenty masters from Linotopi, Zerma and Gramosta, with more than one hundred works preserved in the today's territories of Albania, Greece and North Macedonia. Painters from Linotopi have been

of peasant origin, often organized in family ateliers, had the privilege of traveling freely through a vast region and were often invited to paint icons in churches, monasteries and even Muslim mosques. Their activity took place during a long period, from the last three decades of the 16<sup>th</sup> century, through the 17<sup>th</sup> one and until the end of it and the beginning of the 18<sup>th</sup> century, mostly in the districts of the Orthodox church of Albania. Eight monuments, three other works and two icons of two iconostasis have been attributed to painters from Linotopi. Their work has not been studied systematically and is only recently given attention (Giakoumis, 2005; Bulgarian Project). In their iconography and style, painters from Linotopi use a variety of sources: archaic elements, elements from the time of Palaeologues, influence of the Kastoria's workshop, or direct or indirect inspiration by the painting developed locally at the end of the 15<sup>th</sup> century and the beginning of the 16<sup>th</sup>. Some elements of inspiration from the Monastery of Dilion in Ioannina are found in Michael's painting in Vanistër, as well as elements of everyday life were used as models, such as ornaments of Dropulli women dresses or details of cobbled streets as in Jorgucat. The Cretan school of painting did not influence painters from Linotopi very often, while a number of western art have been found in their paintings, even islamic elements have sometimes been detected. (Giakoumis, 2005; Llukani, 2019). There are also conclusions that their iconography shows a somehow primitive approach, lack of a homogenous style and sometimes failure to convey volumes or movement of figures (Bulgarian Project). The study of the materials and techniques employed in icon paintings, together with historical data, provide useful information for their restoration. During the last years, modern analytical techniques are used for investigation either in-situ or in laboratory conditions, when sampling is permitted. In the application of XRF techniques to conclude about used pigments, one or more specific elements are identified from the spectrum, as the main constituents of the pigment. The combination of color and these elements lead to effective inorganic pigment identification. Moreover, X-rays penetrate significantly deeper into the matter compared to visible light photons; therefore, XRF analysis may often extract information that pertains not only to the (visible) surface but to the invisible substrate(s) as well. In case of paintings, the radiation penetration depth depends on various factors such as the paint layer composition, the radiation photon energy, incident photon direction, etc. However, X-rays penetrate significantly deeper into paint layers (up to tens of microns) in comparison to visible light photons. The technique is insufficient for low Z elements, leading to its inability to identify organic pigments. XRF spectroscopy is the most used as a non-invasive tool to investigate art and its adoption by a large number of art professionals and institutions is due to its mobile and portable implementation (Merkaj et al, 2019; Civici et al, 2005; Larsen et al, 2016; Mastrotheodoros et al, 2023). However, for a more detailed pigment identification, the use of RAMAN spectroscopy, is required. This technique can be used both in giving additional information and to confirm the results obtained by means of XRF (Buoso et al, LNL Report). The main objective of the study was the collection of data on the materials used that on one hand can help to understand the painting technique and on the other hand can be used for conservation purposes.

## Materials and methods

Michael from Linotopi was inspired to unfold his artistic talent in the catholicon of the Monastery of Annunciation in Vanistër (Figure 1), also because it was a large and cross-shaped monastery. This monastery lays upon the village of Vanistër, the church is in the center and celebrates on the 25<sup>th</sup> of march (Llukani, 2020).



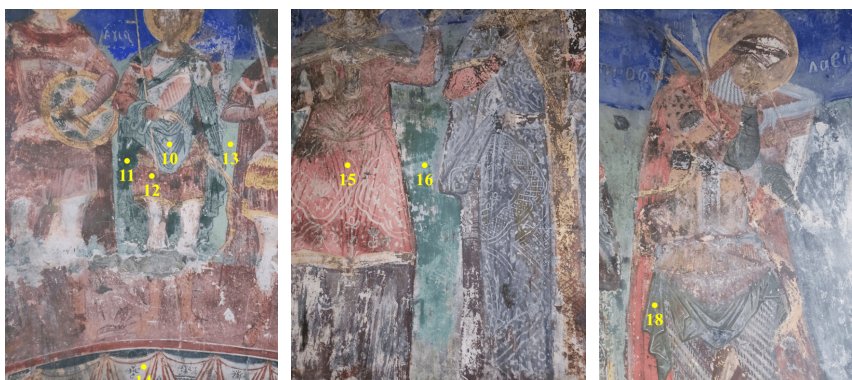
**Figure 1:** Monastery of Annunciation, Vanistër, Gjirokastra

“The mocking of Christ” represents one of the main parts of the sanctuary, with Christ as the central figure, wearing a mantle and featuring a stoic expression, while Jews, musicians and dancers stay on the sides. The icon is important for the presentation of local instruments and the evidence that a group of painters should have worked under the guidance of Michael. His drawing is less schematic and conservative than previous work, but he lacks representation of spirituality and this somehow shows the painter did not have much experience (Giakoumis, 2005).

Photos of the studied icon and the investigated points are shown in **Figure 2**. Skyray Instruments 5<sup>th</sup> generation EXPLORER handheld XRF which was used during the icon pigment investigation delivers results in less than 2 seconds and makes benchtop XRF accuracy possible. Some selected characteristics of this detector are shown in **Figure 3**.



**Figure 2:** The studied icon and investigated points



**Figure 2:** The studied icon and investigated points

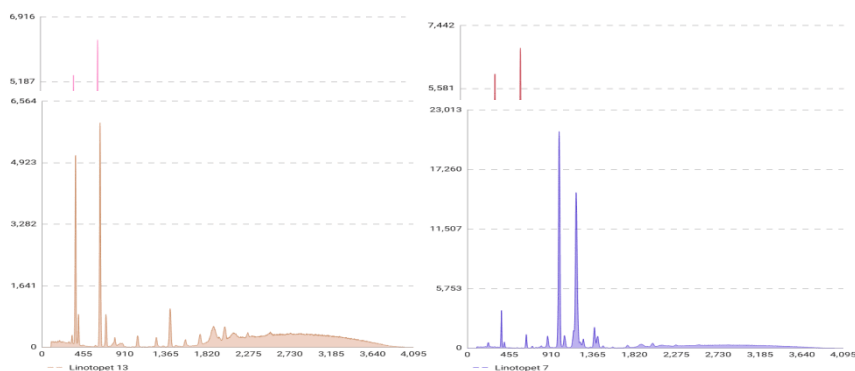
Detector	SDD detector or Fast-SDD detector (optional)
Detector resolution	128eV
Excitation source	50KV/200uA– silver target end window integrated miniature X ray tube and high voltage power supply
Collimator and filter	Collimator diameters are 4.0mm and 2.0mm, 6 filters with automatic switching function
Video system	500W pixel high resolution camera
Display screen	5 inch transfective LCD touch screen
Detection limit	The minimum detection limits ~ 5 ppm

**Figure 3:** Some selected characteristics of the XRF detector used

## Results and discussion

A number of authors have used XRF technique to identify elements that constitute pigments used in historical icon paintings, such as Civici et al (2005), Franceschi et al (2018), Chistopoulo et al, (2020), Mastrotheodoros et al (2023), Merkaj and civici (2019), etc.

Four spectra gained at points 3, 6, 13 and 7 respectively are shown in **Figure 3**, while **Table 1** summarizes results for all elements detected at the eighteen investigated points.



**Figure 4:** Some of the spectra (randomly selected)

**Table 1:** Percentages of elements detected and respective standard deviations

Element	Point 1	St. dev	Point 2	St. dev	Point 3	St. dev	Point 4	St. dev	Point 5	St. dev	Point 6	St. dev
Fe(%)	64.04	0.27	80.51	0.22	76.87	0.25	64.49	0.31	79.77	0.33	76.74	0.25
Ni(%)	0.92	0.02	6.32	0.07	2.82	0.04	0.22	0.00	2.07	0.05	4.17	0.06
Cu(%)	1.34	0.02	1.27	0.02	1.57	0.02	1.61	0.02	3.12	0.04	1.41	0.02
Zn(%)	1.03	0.01	1.11	0.02	1.11	0.02	1.52	0.01	1.32	0.02	1.71	0.02
Ag(%)	3.06	0.02	1.88	0.01	2.31	0.01	3.53	0.02	3.48	0.02	2.53	0.01
Cd(%)	0.50	0.00	0.06	0.00	0.17	0.00	0.36	0.00	0.16	0.00	0.35	0.00
In(%)	0.37	0.00	0.13	0.00	0.09	0.00	0.23	0.00	0.04	0.00	0.22	0.00
Sn(%)	2.54	0.01	2.93	0.01	5.36	0.02	3.19	0.01	3.68	0.02	2.00	0.01
Sb(%)	3.32	0.01	2.37	0.01	2.89	0.01	4.08	0.02	4.53	0.02	2.81	0.01
Hg(%)	8.29	0.02	0.02	0.00	0.15	0.00	7.50	0.02	0.04	0.00	1.96	0.01
Pb(%)	14.21	0.08	3.14	0.03	6.48	0.05	12.98	0.08	1.36	0.02	5.93	0.05
Bi(%)	0.27	0.00	0.16	0.00	0.08	0.00	0.19	0.00	0.33	0.01	0.06	0.00

Element	Point 7	St. dev	Point 8	St. dev	Point 9	St. dev	Point 10	St. dev	Point 11	St. dev	Point 12	St. dev
Fe(%)	48.56	0.35	80.07	0.33	62.82	1.37	62.06	0.37	21.05	0.12	51.23	0.18
Ni(%)	0.68	0.01	2.23	0.06	3.69	0.10	12.11	0.12	0.22	0.00	1.23	0.02
Cu(%)	1.52	0.02	2.67	0.04	4.36	0.06	3.22	0.04	59.20	0.10	0.95	0.01
Zn(%)	0.00	0.00	1.10	0.02	1.92	0.03	1.94	0.03	7.94	0.04	0.00	0.00
Ag(%)	3.97	0.02	4.04	0.02	7.67	0.04	4.01	0.02	2.19	0.01	1.84	0.01
Cd(%)	1.43	0.01	0.30	0.00	0.69	0.00	0.39	0.00	0.41	0.00	0.67	0.00
In(%)	1.32	0.01	0.03	0.00	0.47	0.00	0.36	0.00	0.47	0.00	0.68	0.00
Sn(%)	2.07	0.01	3.06	0.01	5.45	0.02	4.24	0.02	2.01	0.01	1.27	0.01
Sb(%)	3.50	0.02	4.45	0.02	10.64	0.05	5.22	0.02	3.05	0.01	1.65	0.01
Hg(%)	23.52	0.04	0.06	0.00	0.06	0.00	0.06	0.00	0.05	0.00	5.81	0.01
Pb(%)	12.80	0.07	1.56	0.02	1.37	0.05	1.34	0.02	3.25	0.04	34.56	0.09
Bi(%)	0.54	0.01	0.31	0.01	0.76	0.03	4.95	0.05	0.07	0.00	0.00	0.00

Element	Point 13	St. dev	Point 14	St. dev	Point 15	St. dev	Point 16	St. dev	Point 17	St. dev	Point 18	St. dev
Fe(%)	81.96	0.28	64.01	1.23	45.60	0.42	12.80	0.16	50.18	0.38	41.48	0.19
Ni(%)	2.13	0.06	3.60	0.09	1.41	0.03	0.44	0.01	1.19	0.03	0.61	0.01
Cu(%)	2.53	0.03	4.21	0.06	1.53	0.02	72.27	0.11	2.09	0.03	38.68	0.10
Zn(%)	1.28	0.02	1.94	0.03	1.59	0.02	0.07	0.00	0.09	0.00	5.28	0.04
Ag(%)	2.96	0.02	5.99	0.03	3.82	0.02	2.54	0.02	3.93	0.02	2.64	0.01
Cd(%)	0.32	0.00	0.57	0.00	1.02	0.01	0.98	0.01	1.27	0.01	0.48	0.00
In(%)	0.26	0.00	0.68	0.00	1.01	0.01	1.05	0.01	1.26	0.01	0.40	0.00
Sn(%)	2.29	0.01	7.42	0.03	4.26	0.02	1.63	0.01	2.76	0.01	2.40	0.01
Sb(%)	3.25	0.01	8.91	0.04	4.33	0.02	2.04	0.01	3.99	0.02	3.23	0.01
Hg(%)	0.04	0.00	0.06	0.00	4.88	0.02	0.10	0.00	15.49	0.03	0.07	0.00
Pb(%)	2.66	0.03	1.74	0.07	30.46	0.13	5.97	0.06	17.14	0.09	4.55	0.05
Bi(%)	0.21	0.00	0.76	0.03	0.00	0.00	0.01	0.00	0.51	0.00	0.09	0.00

**Point 1** on the mantle of Christ appears to be a red/brown hue. The major detected elements are Fe, Pb and Hg, while minor elements Sb, Sn, and Ag. The major el-

ements suggest the application of a mixture of red/white lead (Pb), cinnabar (Hg) and red ochre (Fe), so this is typically not a single traditional pigment, but rather a combination of different pigments. Red lead (minium –  $Pb_3O_4$ ) may be mixed with other pigments. A mixture of minium and cinnabar can produce a range of red hues. Minor elements like tin (Sn) and antimony (Sb) might come from the production process or raw materials used. The use of Ag in historical paintings is not common and may indicate the presence of silver leaf or powder for embellishments or, when other metals are present (Zn, Cu, Ni), it might indicate the use of composite metallic pigments. **Point 2** represents a more brownish hue on the picture. Elements detected are the same as those previously mentioned for the mantle, but in somehow different proportions, with the higher Fe percentage and the very low presence of Hg making the main difference. With almost no use of the bright red cinnabar, one expects the colour to be brownish, as mentioned.

**Point 3** shows almost the same colour and elemental composition as point 2, while **point 4**, on the mantle as point 1, seems to have the same hue and elemental composition with it. Except for the already mentioned elements, **point 5** represents a more yellowish colour on the picture, and detected elements like lead (Pb) and antimony (Sb) might suggest the presence of Naples Yellow, a warm yellow, in the mixture, while Merkaj and Civici (2019) affirm that the presence of Fe in the spectra of yellow areas confirms the use of yellow ochre ( $FeO(OH) \cdot nH_2O$ ).

**Point 6** seems to be part of the same family of red/orange/brown colours, but it presents a somehow paler version.

One finds **point 7** as part of the mantle in the picture, but the colour presents as a darker and somehow blackened hue. When a pigment mixture contains iron, mercury, lead, tin and antimony, it suggests a complex mixture that could undergo various alterations over time, due to chemical interactions and environmental exposure. Hg is sensitive to light and can undergo reactions that change its colour to dark brown or black.

**Point 8** appears similar to point 2 composition, without the bright red colour (very low presence of Hg), but a higher percentage of Ag, which probably explains the presence of a somehow grayish hue, as part of decoration purposes. One also notices the presence of Cu among detected elements, which could explain the tendency toward a somehow greenish element in the mixture.

Based on detected elements, **point 9** composition suggests a complex mixture rather than a single pigment. Additional information about the chemical structure would help in pinpointing the precise name or colour, which appears greyish in the picture. These elements could potentially exhibit a greyish appearance depending on the crystalline structure and surface characteristics. Silver and antimony are present in significant amounts and such a mixture could be used to achieve specific visual effects or colours.

**Point 10** is found on a part of the icon that appears to be a light blue/grey mixture. It contains iron, nickel, copper, zinc, silver, tin, antimony, lead and bismuth in varying proportions. This composition can have diverse properties depending on the exact structure. It is likely that the presence of tin, nickel and silver in significant amounts contribute to the greyish hue present. One could even suggest that nickel, evidently,

have to be connected with the type of ochre used by the artist, if any, given Fe is the most abundant detected (Franceschi et al, 2018).

The predominant high presence of copper at **point 11** would suggest a coppery appearance. The addition of iron as the second abundant element at 21.05% would likely darken the overall colour. The result one can see probably depends on the manufacturing process, surface treatments or oxidation.

As for **point 12**, two major elements, Fe and Pb have been detected. The area appears red/brownish and the composition suggests a mixture of Red Lead (minium) which would have a higher percentage of lead on its own, and an iron oxide  $\text{Fe}_2\text{O}_3$  (hematite) to achieve the desired colour.

The predominant element for measurements at **point 13** is iron Fe, while other elements are more or less present at almost the same percentages, making this a complex mixture. The high percentage of Fe would suggest the presence of iron oxides, like hematite or magnetite  $\text{Fe}_3\text{O}_4$  which is known for its black colour. There is also Cu present, known to create blues and greens in pigments like azurite and verdigris, but the actual percentage seems low compared to that of Fe present.

**Point 14** appears a light grey hue, while Fe is the major element detected. There is also a significant percentage of Ag present, probably delivering its metallic decorative colour. Tin (Sn) and antimony (Sb) are also detected at 7.42 % and 8.91%, probably pointing towards the use of a metallic mixture.

Elements detected at **point 15** are predominated by iron and lead percentages, 45.6% and 30.46% respectively and the area appears red/brown in colour, and these suggest the use of red ochre and red lead. The present significant Hg percentage suggests the use of cinnabar as a strong red pigment, while Ag could be added for decoration purposes. Other metals are present and could indicate the presence of a metallic pigment, or they can be part of the preparation process of pigments. Merkaj and Civici (2019) also affirm that mixtures of different pigments were also used for obtaining the desired different hues of the colors in their investigation of the pigments used in two 16<sup>th</sup> century icons attributed to Onufri.

The high percentage of Cu with 72.27% detected at **point 16** is a clear indication of the presence of the blue and green pigments, which have delivered the light blue to green colour to that area. The presence of lead could suggest also the use of white lead ( $2\text{PbCO}_3\text{Pb}(\text{OH})_2$ ) to achieve the desired hue. It is known for its bright white colour and is usually available as a fine powder that can be mixed with oil other medium to create paint.

Iron, lead and mercury are the dominant elements detected at **point 17**, suggesting a brown and somehow red colour of the area. Red ochre, red lead and cinnabar seem to have been mixed in proportions that create the desired hue.

A green blue hue is seen at **point 18**, and iron and copper are the main elements detected. The presence of Cu strongly suggests the green blue colour, while the iron presence is somehow difficult to explain. For the blue hues, Christopoulou et al (2020) affirms also results of previous similar works that copper (Cu) is certainly detected, but other microstructural examinations are needed to identify the pigment, whether as Azurite ( $\text{Cu}_3(\text{OH})_2(\text{CO}_3)_2$ ), or natural malachite ( $\text{Cu}_2(\text{OH})_2(\text{CO}_3)$ ) from micromorphological examination for green pigments. The iron presence could suggest the use

of brown ochre in the mixture, to get a desired dull hue, while lead white gives its final touch. Kostomitsopoulou Marketou et al (2019) have presented a complete study of Hellenistic iron containing pigments and conclude that the brown samples share a similar elemental composition, with a significantly lower iron content compared to the red samples. The complexity of pigment treatment, pointing to different sources and/or variations in their production processes create a variance that reflects on the final colour and properties of the materials. These authors have identified various colours of their studied pigments. In our case, the percentage is only 41.48, among the lowest of iron containing pigments. Merkaj and Civici (2019) also affirm that the green colour is widely indicated by the presence of high amounts of Cu in the spectra. There are two different Cu based green pigments used during the middle ages, malachite (as already above mentioned) and verdigris, an artificially produced basic copper acetate ( $\text{Cu}(\text{CH}_3\text{COO})_2 \cdot n\text{Cu}(\text{OH})_2$ ), which can't be distinguished by XRF.



**Figure 4:** Histograms of percentages of a) iron, points 1-9, b) iron, points 10-18, c) lead, points 1-9, d) lead, points 10-18, e) copper, points 1-9, f) copper, points 10-18

**Figure 4** presents percentage histograms of iron, lead and copper. One notices Fe as the most detected element in each investigated point, as part of the red, brown or yellow ochres, according to respective percentages and other elements present. Lead is detected to a minimum of 1.34% and a maximum of 34.56%. This element is used as red or white lead, mixed with other colours.

Cooper is the base in blue/green hues, but the painter creates mixtures to achieve the desired shades and colours.

The painter has used pigments characteristic of the period, but one can also suggest the use of local elements (e.g. Ni, Sn, Sb), or elements which are present because of contamination or change of pigments over time. In some cases, a mixture of metallic pigments is present. Ag is often used in grayish metallic hues or as a decorative element, while Au has not been detected in yellow hues or as decoration. This probably comes because of economic reasons, or could be a choice of the author. Another feature of the icon painting is the absence of strong colours or contrast. One does not find a pure red colour or a strong deep blue or green. This could also be the result of colours change over time, or expresses a personal style feature.

Xrf technique cannot detect organic elements, that could shed light to a better understanding of techniques used. As an example, bone black could be used to create dark areas that create shade and give the impression of volume to the painting.

A group of painters is supposed to have worked for this painting (as mentioned above) under the guidance of Michael of Linotopi, and this could explain differences in the elemental composition of like colours and hues present. Giakoumis (2002) analysis the icon at Vanistër and the style of Michael of Linotopi. He affirms that here his style exhibits higher emancipation than his earlier works, an essential feature of his art. His originality shows in the choice of colours and in expressing light and shade. Merkaj and Civici (2019) explain that the "line scan" measurements could enable the identification of preparation and pigment layers of the samples. This allows a better understanding the painting technique used, and might clearly demonstrate the existence of over paintings. This might serve as an element of further investigation of the "Mocking of Christ) in the future. Also, a combination of techniques is used in icon pigment identification together with the XRF method. These could also provide further and important information.

## **Conclusion**

XRF technique proved successful in the identification of the pigments used by Michael of Linotopi in the icon "The mocking of Christ" at the Monastery of Annunciation in Vanistër, Gjirokastër.

The author used known historical pigments of the time, mostly iron based, like red, brown and yellow ochres, cinnabar, Cu based blue/green pigments, white and red lead, and argent based embellishment and grayish hues. It seems that a mixture of pigments is characteristic to his work to achieve the desired colour, especially metallic pigment mixtures in some cases. This could reflect also local influence in the pigment preparation process or possible contamination or weathering with time of the

pigment compositional elements.

One notices lack of use of gold as decoration or in yellow hues, and usually not strong clear red or deep blues or green.

Further future investigation with combined appropriate techniques will help in exact pigment identification and a multidisciplinary collaboration will help in affirming painting techniques used and help with possible restorations or preservation as needed.

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# AI integration in IT Project Management: Trends and Opportunities for smarter projects

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## **Abstract**

The landscape of IT project management is undergoing a significant transformation driven by Artificial Intelligence (AI). This article explores the emerging trends in IT project management, highlighting the integration of AI technologies to enhance efficiency, decision-making, and collaboration. By automating routine tasks, providing predictive analytics, and offering data-driven insights, AI is revolutionizing traditional project management methodologies to streamline project workflows, improve resource allocation, and mitigate risks. Despite the numerous benefits, the adoption of AI in project management also presents challenges, including ethical considerations, data privacy concerns, and the need for specialized skills. By examining the potential and limitations of AI in IT project management, this paper aims to provide a comprehensive overview of how organizations can use AI to drive innovation and remain competitive in the rapidly evolving technological landscape.

**Keywords:** Artificial Intelligence, project management, decision-making, automation.

## **1. IT Project Management – A (very) brief history**

We could say that project management methodology is closely linked to the complexity and nature of the projects themselves and they have obviously transformed quite significantly since the mid-20th century. The Waterfall model, developed during this time, as the name somehow implies, was a linear and sequential approach to software development, characterized by distinct phases: requirements, design, implementation, verification, and maintenance. Each phase had to be completed before the next one began. This approach made the model rigid and inflexible to changes during the development process (Royce, 1970).

In the early 2000s, Agile methodologies emerged to address these limitations. Agile emphasizes iterative development, customer collaboration, and responsiveness to change. These characteristics allow projects to be broken down into smaller, manageable iterations and facilitate continuous feedback and improvement (Beck et al., 2001). Scrum, a popular Agile framework, introduced specific roles and ceremonies to enhance team collaboration and productivity (Schwaber & Sutherland, 2011).

As IT projects became more complex, the pace of technological change accelerated at the same time. In these circumstances, even more dynamic and adaptive environments were needed. Lean methodologies for instance focus on maximizing value by minimizing waste, while Kanban, which uses visual boards to manage workflow gained some traction for its ability to streamline processes and improve efficiency (Poppendieck & Poppendieck, 2003).

These methodologies support continuous delivery and integration, making them well-suited for environments where requirements change frequently, and projects must adapt quickly to new information. These methods allow the development teams to deliver substantial value and respond fluidly to development feedback (Anderson, 2010).

In today's (as of 2024) IT landscape, the need for flexibility and efficiency is even more critical. As project managers face pressure to deliver more value with fewer resources and shorter timelines, the demand for more sophisticated and advanced project management tools and techniques that leverage data analytics, automation, and Artificial Intelligence (AI) has gone up as well.

AI, is of particular interest because it offers significant optimization by automating routine tasks, provides "free" predictive analytics, and delivers vastly superior data-driven insights. This new tool enables project managers to make more informed decisions, allocate resources more effectively, and in theory, helps them mitigate risks (Davenport & Ronanki, 2018).

## **2. Understanding Artificial Intelligence**

Artificial Intelligence (AI) is the field of computer science that aims to create computer systems and/or machines capable of performing tasks that typically require human intelligence, obviously with the goal of radically improving said tasks. From problem-solving to learning, reasoning, perception or language understanding, all is fair game. As with humans, before AI can perform anything, it first has to learn. Machine learning (ML) is one of the key concepts here, it is the process which allows systems to learn and improve their capabilities from collected data, without being explicitly programmed. Natural language processing (NLP), which enables machines to understand and respond to human language; and robotics, which involves design, construction, and operation of robots are only a few examples of leveraging ML (Russell & Norvig, 2016).

### **2.1. Overview of AI Technologies**

As mentioned before, machine learning is the branch of AI that focuses on the development of algorithms that allow computers to learn from and make predictions based on data. It is widely used in applications such as recommendation systems, fraud detection, and image recognition (Jordan & Mitchell, 2015). Natural language processing is another critical area of AI as it enables computers to understand, interpret, and generate human language, facilitating applications like chatbots, language translators, and, related to all this, sentiment analysis (Young et al., 2018). Robotics, the third major area of application, intertwines AI with mechanical engineering to create machines capable of performing autonomous, independent tasks. The results of this field range from manufacturing robots or autonomous vehicles to medical surgery assistants and anything in-between (Murphy, 2019).

### **2.2. Relevance and Applications of AI in Various Industries**

It is no secret that AI technologies are finding applications across a wide range of industries, significantly enhancing processes, quality and operational efficiency. In

healthcare AI has proved particularly suitable for diagnostic assistance, personalized treatment plans, and predictive analytics for patient outcomes (Esteva et al., 2017). Also, it is no revelation that the finance industry utilizes AI in areas such as algorithmic trading, risk management, fraud detection and more, providing insights and financial tools that were virtually impossible before (Bhardwaj et al., 2020). In manufacturing, AI-driven robots are a quantum leap over the vanilla assembly line robots, doing more and doing everything else better. Among the new tasks, they predict maintenance needs and optimize their operation, improving overall productivity and cost-effectiveness. (Wang et al., 2016). These applications underscore AI's transformative potential across diverse sectors.

### **3. Integrating AI in project management**

Leveraging Artificial Intelligence (AI) has become increasingly essential for enhancing various facets of project execution and delivery in today's hyper-dynamic project management landscape, AI technologies, machine learning and big data analytics in particular, offer transformative capabilities that go beyond the traditional approaches. These revolutionary systems provide project managers with new powerful tools to optimize resource management, assist risk mitigation, streamline collaboration, and why not, enhance decision-making processes. The following overview will explore the significant impact of AI in these critical areas, attempting to explain how its solutions can lead to more efficient, cost-effective, and overall more successful project outcomes.

#### **3.1. Resource management**

AI can use historical data to predict future resource needs, identify patterns and trends that no previous approach could highlight or help in forecasting demand for obscure resources no one would dream of. By analyzing past project performances, AI-generated models can predict potential resource bottlenecks, suggest eventual adjustments and prevent delays and cost overruns. A comprehensive literature review by Taboada et al. (2023) highlights the significant role of AI, particularly machine learning, in enhancing forecasting and decision-making capabilities in project management. The study also shows that AI can substantially improve planning and uncertainty management by providing more accurate predictions and optimizing resource utilization.

Machine learning algorithms analyze vast amounts of project data to provide recommendations on resource distribution. These algorithms often target factors such as project complexity, team skill sets, and task dependencies to suggest optimal resource assignments. They also handle multiple constraints and objectives, such as minimizing costs, meeting deadlines, and balancing workloads. According to a detailed review by Joloudari et al. (2022), ML-based approaches, including supervised and reinforcement learning, can be effectively used for resource allocation optimization across different computational paradigms. These methods can dynamically adjust resource assignments to enhance efficiency and project outcomes.

The optimization of task scheduling is a particularly tricky bit, because it has to take into account project complexity, task dependencies, and overall team availability.

The AI approach ensures the most efficient scheduling plans in this case. Research by Dahmani et al. (2021) demonstrates how AI-enabled predictive and prescriptive analytics can help in project scheduling and result in improved efficiency and accuracy in project timelines.

### **3.2. AI in Risk Management**

One of the areas where Artificial Intelligence shines is Risk Management. Because it can poll huge amounts of data and identify obscure potential risks scenarios, it can suggest proactive mitigation strategies that are more comprehensive and detailed than ever before. Combining machine learning and big data analytics, managers are able to instantly poll vast amounts of historical and real-time events to identify potential risks far more effectively than traditional methods. (Li *et al.*, 2024, Aziz & Dowling, 2019)

For example, AI can process patterns and anomalies in project data to forecast risks related to factors such as cost, schedule, or scope. This in turn provides insights that may result in life-saving decision-making. While most research indicates that AI can significantly enhance risk assessment by offering rapid and detailed insights, it also recognizes the importance of combining this technological approach with domain-specific expertise for contextual interpretation (Yazdi et al., 2024) These predictive capabilities allow for the development of more robust risk mitigation strategies, thereby reducing the likelihood of project delays and cost overruns.

### **3.3. Communication and Collaboration**

While humans are naturally driven towards communication and sharing information, their track record of forgetting, neglecting or just overlooking important information is not irrelevant. Chatbots and Virtual assistants can be used to improve human interaction in project management handling routine communications, scheduling meetings, sending reminders, or providing real-time updates. These AI-driven tools can ensure that team members are always informed and can easily access important information without missing the important bits. Such AI assistants help maintain a smooth workflow by ensuring that project timelines are adhered to and that team members are aware of their responsibilities and deadlines. Because they transcend time zones and country barriers, virtual assistants also facilitate remote collaboration, making it easier for distributed teams to work together effectively. By automating these tasks, chatbots and virtual assistants can reduce the administrative burden on project managers and allow them to focus on more strategic aspects of their projects. (Agarwal et al., 2022).

### **3.4. Decision making in a project**

AI can significantly enhance decision-making in project management. It better identifies trends and patterns within large datasets and thus helps managers improve performance metrics and key performance indicators or KPIs. Data-Driven Decisions is the keyword here; AI-powered tools use machine learning algorithms to analyze historical and real-time data which enables project managers to make Data-Driven Decisions that lead to improved project performance. This capability allows

for the anticipation of unforeseen potential risks and the identification of hidden opportunities, which sounds good. (El Khatib & Al Falasi., 2021).

The integration of AI in project management facilitates quick and accurate analysis of complex project data, providing actionable insights crucial for effective decision-making. Machine learning algorithms can detect deviations from project plans early, allowing for proactive adjustments and reducing the likelihood of project failures. AI applications also automate routine tasks, enabling managers to focus on strategic decision-making and resource allocation. This automation not only increases efficiency but also enhances the quality of decisions by offering real-time data analysis and insights, which are essential for maintaining project timelines and budgets (Shamim, 2024).

Additionally, AI improves the ability to predict project success rates by analyzing past project data and current project conditions. These predictive analytics tools help in making informed decisions that enhance project outcomes and ensure successful project delivery (El Khatib & Al Falasi., 2021)

#### **4. Challenges of Using Artificial Intelligence (AI) in Project Management**

While the integration of Artificial Intelligence in project management brings unprecedented opportunities, it also presents significant challenges in more than one aspect and some of these challenges may not even be obvious at this point of writing:

##### **4.1. End-User Participation and Acceptance**

Effective implementation of Artificial Intelligence in project management hinges on the active participation and acceptance of end-users; in the end, any implementation is as strong as its weakest link. Employees may resist adopting AI tools for various reasons; sheer inertia, mistrust of new technology or the classic fear of job displacement. Furthermore, lack of understanding how AI operates and the benefits it can bring can lead to skepticism and reluctance to embrace these tools. Overcoming these barriers requires extensive integration training and educational programs designed to familiarize all actors with AI technologies and illustrate their practical advantages. Without this buy-in from end-users, the potential benefits of AI in project management cannot even start to be fully realized.

##### **4.2. Ethical and Bias Concerns**

The use of AI in project management brings to light serious ethical concerns and for good reasons; the potential for bias in AI algorithms and data exploitation are only the tip of the iceberg here and as with real icebergs, no one really knows how deep and what shape the ramifications go beneath the surface. AI systems learn from data, which can inherently contain biases, mistakes or false premises. These biases, if not properly addressed, can lead to unfair treatment or decisions, perpetuating existing inequalities and introducing new ones. Additionally, decisions made by AI can raise complex ethical questions, especially in sensitive areas such as hiring, promotions, and project assignments. Ensuring transparency and fairness in AI algorithms and their decision-making processes is crucial to mitigating bias and building trust among users.

Throughout history, one of the constants of humankind has been our tendency to use and exploit any and every tool at our disposal both for positive and less benign purposes. It would be naive in this case to assume that AI is in Project Management, as in any other field, some kind of silver bullet or miracle cure that will make everyone win and remove all biases

### **4.3. Technical and Integration Challenges**

Integrating AI technologies with existing project management systems will often present some degree of technical challenge. Ensuring full compatibility between new AI tools and legacy systems often requires massive overhauls of said systems. Moreover, the process of data integration (combining data from various sources and formats to feed into AI systems) can be both time-consuming and technically demanding. Interoperability issues may also arise, as different AI tools and platforms may not work seamlessly together, necessitating additional tweaks to ensure full communication and data flow between systems.

### **4.4. Data Quality and Availability**

The total effectiveness of AI is highly dependent on the quality and availability of data. Poor data quality can lead to inaccurate predictions and unreliable insights, totally voiding the benefits of this implementation. Another challenge in this area is ensuring that relevant data is available and accessible for AI applications, particularly in organizations with siloed data systems. Managing and protecting sensitive data while using it for AI applications requires robust data governance frameworks to ensure privacy and compliance with regulations. Without addressing these data-related challenges, the benefits of AI in project management may be totally nullified or worse.

### **4.5. Human-Centered Design**

Designing AI systems that align with human needs and behaviors is one of, if not the most important aspect of designing such systems. A deep understanding of user requirements, areas of interest and specific workflows will ensure that AI tools add real value to the management process. Intuitive design and seamless integration are other pieces of the puzzle that are better not forgotten. Transparency on the other hand is critical in building and maintaining user trust in AI decision-making. All involved parties must be sure that AI systems can be overridden by human judgment when necessary. These human-centered design principles can help create AI systems that are not only functional but also correctly used and endorsed by their users (Calvano, 2024).

### **4.6. Training and Skill Development**

Significant training and skill development is required for project managers and team members. Many competent professionals even today may lack the technical skills required to effectively use AI tools, showcasing a persistent need for comprehensive training programs. As AI technologies continue to evolve, ongoing learning and professional development are essential to keep up with new tools and methodologies.

Furthermore, transitioning to AI-driven project management may involve tinkering with cultural and/or organizational aspects and not merely providing technical training.

#### **4.7. Cost and Resource Allocation**

There's no saying this mildly; the initial cost of implementing AI solutions can be high. Depending on their profile, organizations must allocate sufficient resources for AI projects, including the necessary infrastructure, training, and ongoing maintenance. The costs associated with purchasing, developing, and integrating AI technologies can be a significant chunk of the whole budget and maintaining these systems requires continuous updates and support. Demonstrating a return on investment (ROI) of AI projects can be challenging, especially in the early stages of implementation and/or in smaller projects. Despite the huge potential, organizations need to carefully plan and budget for these costs to ensure that their AI initiatives are sustainable and deliver long-term value, because it might not always be the case.

#### **4.8. Security and Privacy Issues**

As is the case with other fields, the use of AI in project management inevitably raises concerns about data security and privacy. Protecting AI systems from cyber-attacks and data breaches is essential to safeguard sensitive information. AI applications often require access to personal or sensitive data, which again, raises privacy concerns. These concerns must be addressed as top priorities, through robust data protection measures to ensure a solid relationship between the business and data providers. Ensuring that AI applications comply with relevant data protection regulations and standards is critical to avoid legal and reputational risks. Organizations must prioritize security and privacy to build trust and ensure the safe and ethical use of AI in project management.

### **5. Conclusion**

The integration of Artificial Intelligence (AI) into IT project management is a quantum-leap type of advancement, with the potential to drastically uplift the sheer performance of any business. By automating routine tasks in communication on other areas, providing predictive analytics, and offering data-driven insights, AI technologies can enable project managers to basically do much more and do what they did before much better. This brief overview has showcased some of the main facets of this ongoing AI revolution in the field of Project Management, demonstrating unequivocally the qualitative and quantitative advantages this new approach has to offer.

As with any new tool set, challenges and problems have already arisen and many of the solutions are yet in the future; From ethical conundrums to privacy and bias concerns, no easy fix is in sight for now. On the other hand, the challenges of integration with existing systems or the need for specialized skills are significant hurdles, but nothing that can not be solved with careful planning. Skill development through extensive training as well as preparing your company for the smoothest

transition possible are the best investments to leverage AI technologies in the future. In conclusion, the benefit and innovative advantage of AI is quite obvious and undisputed, in IT Project Management as in many other areas. While AI presents some substantial technical challenges, its transformative potential in enhancing IT project management is undeniable. Carefully addressing the more delicate ethical, bias and human-related issues is the real key to make it all work as it should.

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# Completion of investigations by the preliminary hearing judge, problems in practice

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## Abstract

The Prosecutor's Office is the only constitutional and procedural body, which, in addition to other functions, also carries out criminal prosecution. The prosecution carries out the criminal prosecution, taking evidence with the aim of attributing the criminal offense to the person under investigation. The investigation by the prosecution must be complete and exhaustive, so that at the end of this investigation the prosecutor, depending on the results of the investigation, among others, decides to dismiss the charge or the case or sent it to trial. The reasons for dismissing the case are related to the lack of a criminal fact, its non-prescription as a criminal offense, the statute of limitations for criminal prosecution, the reasons for the impunity of the criminal offense and the author, the defendant dies, gives up the appeal, the offense was not committed criminal offense by the defendant or it is not proven that he has committed the criminal offense and other cases provided for in the law.

In the event that the prosecutor, at the end of the investigation, concludes that there is a criminal offense, he makes a request for the case to go to trial. Both of these requests are examined by the preliminary hearing judge, as a new procedural figure. In both cases, the judge of the preliminary hearing first checks whether the investigation is complete, whether there is a need for additional investigations, whether there are invalid acts, unusable evidences, and then decides to approve the request for dismissal of charges or the request for sending the case to trial case by case.

This control of the judge of the preliminary hearing in both cases is very important, since only after a full and exhaustive investigation should the requests for dismissal or transfer to trial be approved. At the same time, the judge of the preliminary hearing also checks whether the acts are valid and whether there is unusable evidence. Even in this case, he must again express himself with a decision to complete investigations. The decision to complete the investigation is a decision that is given in the consideration of both requests, even for dismissal and when the case goes to court. Completing the investigations in cases of consideration of leave requests seems like legal nonsense, but it is the opposite, while completing the investigations when there is a request for the case to go to trial takes on special importance, since the defendant has a direct interest in the investigations who are complete and he can request abbreviated trial. The decision to complete investigations taken by the court had problems in practice, regarding the deadlines set by the court, what will they be? Will the judge adhere to the deadlines of the preliminary investigation? If the prosecutor performs investigative actions outside the deadline set by the court, will they be usable? Should the party be familiar with the results of the preliminary investigation? Can the parties bring new evidence, which has emerged during this period? These and more will be part of this paper.

**Keywords:** prosecution, completion of investigations, preliminary hearing judge, dismissal of charges.

## 1. The Prosecutor's Office as a body for the exercise of criminal prosecution

As we said above, the prosecutor's office is the body that carries out the criminal prosecution<sup>1</sup>, in simple words it is the institution that investigates whether there

<sup>1</sup>Article 148 of the Constitution of the Republic of Albania provides that: "1. The prosecution exer-

is a criminal offense and, if so, who committed it. It is precisely the exercise of criminal prosecution that results in the application of the principle of presumption of innocence<sup>2</sup> and transfers the burden of proof to the body that exercises criminal prosecution, to prove the existence of the criminal fact and the perpetrator. In order to prove these two essential elements, without question there is a need for evidence collected by this prosecuting body<sup>3</sup>, therefore in this perspective we have a phase, that of the preliminary investigation, where the prosecution collects evidence to prove the criminal offense and find the author.

The prosecution is the only entity that collects evidence during the preliminary investigation phase<sup>4</sup>. Because the legislator has left this right exclusively to this constitutional body, it must show due care so that the investigation is complete, exhaustive, fair and equal, in accordance with the principles of criminal proceedings<sup>5</sup>. The prosecution must not receive evidence that proves not only guilt but also innocence. The obligation to gather evidence even for innocence becomes very important in the conditions of this legal regulation, when it is the only subject that receives evidence during the preliminary investigation phase.

Based on the principles of criminal proceedings, which must be fair and equal and must guarantee the freedoms and rights of the person to whom this proceeding is directed, the Code of Criminal Procedure also provides a procedural tool for the subjects of criminal proceedings, such as the memo, which aims to obtain evidence from the prosecution. In the following, we will talk about the memo, as an effective procedural tool in asking and completing the preliminary investigation.

## **2. Memo as an effective tool in the completion and completeness of the investigation**

The person against whom the criminal proceedings are directed is presumed innocent. This principle, both constitutional and procedural<sup>6</sup>, results in an indifference or

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*cises the criminal prosecution, as well as represents the accusation in court on behalf of the state."*

<sup>2</sup> Article 30 of the Constitution of the Republic of Albania provides that: "*Everyone is considered innocent until proven guilty by a final court decision.*"

<sup>3</sup> Article 8/ai of the Code of Criminal Procedure provides that: "*Evidence - 1. The facts in the criminal process are proven with any evidence, provided that they do not infringe on basic human rights and freedoms.*" 2. *The prosecuting body must collect and examine both the evidence that incriminates the defendant and those that are in his favor.*"

<sup>4</sup> Article 24 of the Code of Criminal Procedure provides that: "*Prosecutor's functions - 1. The prosecutor carries out the criminal*

*prosecution and represents the charge in the court on behalf of the state, directs and controls the preliminary investigations and the activity of the judicial police, as well as performs any investigative action that necessary.*"

<sup>5</sup> Article 1 of the Code of Criminal Procedure provides that: "*Duties of criminal procedural legislation - 1. Criminal procedural legislation has the duty to ensure a fair, equal and orderly legal proceeding, to protect personal freedoms and legal rights and interests of citizens, to help strengthen the legal order and the implementation of the Constitution and state laws.*"

<sup>6</sup> Article 4 of the Code of Criminal Procedure provides that: "*Presumption of innocence - 1. The defendant is presumed innocent until his guilt is proven by a final court decision.*" *Any doubt about the charge shall be evaluated in favor of the defendant.* 2. *The court issues a verdict of guilty when the defendant is found guilty of the criminal fact attributed to him beyond any reasonable doubt.*"

a passivity of this person, since he does not have the obligation to prove himself through evidence. As we said above, to prove guilt, the prosecution body will collect evidence. But the code, in guaranteeing a fair criminal procedure, has recognized the subjects of the criminal procedure, a very effective tool such as the memo<sup>7</sup>. Memo as a procedural tool is addressed to the prosecutor during the preliminary investigation phase. There is no clear and precise regulation, in which the right of the subjects to ask the prosecutor to obtain evidence to prove his innocence during the preliminary investigation phase is also determined. But being a general arrangement, it was without question in practice used by the person under investigation and not only, as an effective tool, where the parties also requested the completion of investigations or obtaining evidence of their innocence.

This memo throughout the preliminary investigation phase, until they are notified of the end of the investigation. The necessity of using this tool may arise at any moment of the preliminary investigation, when the parties feel that they need to lead evidence in the sense of the Code of Criminal Procedure. Thus, from practice, we have noticed that the most frequently requested investigative actions through memos are: obtaining documents that provide information, asking to be taken and heard a witness, making confrontations, taking evidence with an expert or asking additional questions about experts, to seize material evidence, etc.

The purpose of the memo is to carry out investigative actions in the direction of proving innocence, but not only in the direction of a complete and exhaustive investigation. The prosecutor, on the request to carry out additional investigative actions, must express a reasoned decision, where in the content of this decision it must be expressed about the acceptance or not of the memo for completing the investigations. The prosecutor is obliged in this decision to respond to all the requests of the parties regarding the receipt of evidence requested by the parties, in the sense that he must justify that the investigative actions requested by the party have been carried out, there is no need to be carried out, the investigative actions are complete and that there are no contradictions, the investigative actions requested by the party are not evidence in the sense of the legal regulation provided for in Article 149-226 of the Code of Criminal Procedure or that these investigative actions requested by the party are not related to the criminal fact that the prosecution is investigating and that they are clearly unnecessary.

The parties, in addition to making requests for evidence during the preliminary investigation phase, they have the right at the end of the preliminary investigation to make a memo regarding the completion of the investigations and their result.

### **3. Memo as an effective control tool at the end of the preliminary investigation**

The prosecutor, at the end of the preliminary investigation, notifies the subjects of the criminal proceedings regarding the results of this investigation<sup>8</sup>. Briefly notifying the

<sup>7</sup> Article 110 of the Code of Criminal Procedure provides that: “*Memorials and demands of the parties - 1. The parties and their representatives have the right, in any state and degree of the proceedings, to submit written memories and demands.*” 2. *The proceeding body expresses its decision within fifteen days.*”

<sup>8</sup> Article 327 of the Code of Criminal Procedure provides that: “*Actions of the judicial police and the prosecutor - 2. Within the deadline provided by Article 324 of this Code, the prosecutor shall*

criminal fact for which the proceedings are being carried out, the time and place of the commission, the legal qualification of the criminal fact. After the announcement of the end of the investigation, the defendant is also notified that he has the right to submit a memorandum and documents within ten days, to ask the prosecutor to conduct additional investigations, to make statements or to request to be interrogated. When the defendant asks to be questioned, the prosecutor is obliged to proceed with his interrogation.

So, the code, at the end of the preliminary investigations, has left the person under investigation an effective tool, memo so that he can control the preliminary investigation, this is because at this procedural moment he becomes aware of all the investigative actions carried out, because that there is no more investigative secrecy. By effectively learning about the completion of the investigations, the legislator has given him the opportunity to check the completeness of the investigations, but not only. As the person under investigation/the defendant has the right to check the validity of the investigations and the usability of the evidence. The use of the memo takes on essential importance at this procedural moment, as it can serve as an effective tool to correct incomplete, invalid investigations and unusable evidence. The prosecutor should not consider the memo as a means of control over his work for subjective reasons, but he should be fair and guarantee the parties a fair and equal procedure and when additional actions need to be carried out, let them be carried out.

Therefore, in this perspective, the defendant has the right to ask the prosecutor through the memo conducting additional investigations, making statements or requesting to be questioned. It is important at this procedural moment that the defendant or the person under investigation requests additional investigative actions that are related to the process of investigating and proving, that is, they are not abusive and/or that must be carried out due to the invalidity of the acts and or uselessness of evidence. Even in this case, the prosecutor must issue a decision on the full or partial acceptance of the memo for the performance of additional investigative actions.

Meanwhile, the code obliges the prosecutor that he must take the statements of the defendant when he is asked to give them. This is in accordance with Article 166 of the Code of Criminal Procedure<sup>9</sup>. When the prosecutor accepts the memo of the person under investigation, it is not necessary to ask the judge of the preliminary session to complete the investigations because they are incomplete, have invalid acts and unusable evidence, otherwise this request will be made to this judge.

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*notify the defendant, his defense counsel, and the victim of the completion of preliminary investigations or her heirs, when their identity and residence result from the proceedings. 3. The notice contains the summary description of the criminal fact for which the proceedings are being carried out, the time and place of the commission, the legal designation, the notification for the filing of the acts in the secretariat and the right to be familiar with the acts and to receive copies. 4. The defendant is also informed that he has the right to submit a memorandum and documents within ten days, to ask the prosecutor to conduct additional investigations, to make statements or to request to be questioned. When the defendant asks to be questioned, the prosecutor is obliged to proceed with his questioning.”*

<sup>9</sup> Article 166 of the Code of Criminal Procedure provides that: “Request for the question - 1. The defendant and the civil respondent are asked if they make a request or when they are asked and they give their consent. The same goes for the civil plaintiff, unless he has to be questioned as a witness.”

#### **4. The preliminary hearing judge, as a new procedural figure in the control of preliminary investigations.**

The judge of the preliminary hearing is a new procedural figure specified by law no. 37/2017<sup>10</sup>. This new procedural figure was created with the main function of controlling the preliminary investigation, considering that this figure takes the competences of the head of the prosecution. The latter was responsible for the completion of the investigations, the manner of completion and the completeness of the preliminary investigation. With the new reform of the preliminary investigation phase, the effective control of this phase is now done by this new procedural figure, the judge of the preliminary hearing.

So, one of the very important powers of this judge is the effective control of the completeness at the end of the investigations, which he exercises either directly, by verifying whether the investigation is complete, exhaustive, or by announcing acts absolutely or partially invalid, as well as unusable evidence. Precisely the declaration of invalid acts and unusable evidence brought as an inevitable consequence the decision-making of the judge to complete investigations. In the decision-making of the judge of the preliminary hearing, this decision-making is one of the most important, but problems have been observed in practice, because the application of these provisions was a novelty. We will see some of these problems in the future.

#### **5. Decision-making by the judge of the preliminary hearing to complete investigations**

The judge of the preliminary hearing is set in motion by examining two requests, the one for the case to go to trial and the one for dismissing the accusation and the case brought by the prosecutor<sup>11</sup>. The defendant, but also the person under investigation, have the right to make a memo or request during the examination of these requests where they claim for the completion of the investigations when they are incomplete in terms of proof of the criminal offense and the author, as well as in the clarification of the accusation, its clarity, its validity and its support in the investigative actions carried out. Also, he has the right to request the court to declare or declare invalid the procedural acts carried out during the preliminary investigation phase, as well as unusable evidence<sup>12</sup>. Even in this case, when the court concludes that there is invalidity of acts and non-usability of evidence, it must take a decision to complete investigations,

<sup>10</sup> Article 332 of the Code of Criminal Procedure provides that: “*Scheduling the preliminary hearing - 1. The request to send the case to trial is examined in the preliminary hearing by a single judge. Requests for sending separate cases from the same criminal proceeding to trial are reviewed by the same judge of the preliminary hearing.*”

<sup>11</sup> Article 329/ai of the Code of Criminal Procedure provides that: “*Request for dismissal of the accusation or case - 1. At the end of the preliminary investigations, when proceeding for crimes and when it is one of the cases provided by paragraph 1, of article 328, of this Code, the prosecutor asks the judge of the preliminary session to dismiss the charge or case.*”

<sup>12</sup> Article 332/ci of the Code of Criminal Procedure stipulates that: “*Conducting the hearing - 1. The defendant may submit requests for the invalidity of preliminary investigation acts, the non-usability of evidence, the need to obtain other evidence, a request for summary judgment, and can make the statements it considers necessary or ask to be asked, applying the rules provided by articles 38 and 39 of this Code.*”

at least ordering the prosecution to redo those acts that are absolutely or partially invalid, as well as those evidences that are unusable<sup>13</sup>.

The request for completion of investigations is also made by the person under investigation, when the prosecutor has brought the request for dismissal of charges or cases. Although this request looks like legal nonsense, without question the person under investigation has the right to request completion of the investigation, when the prosecutor has requested the dismissal of the charge or the case with the legal reason that the commission of the criminal offense is not proven to the standard beyond reasonable doubt, based on evidence. Meanwhile, the person under investigation can request a more favorable legal cause, claiming that he did not commit the criminal offense and for this legal reason, additional investigative actions are needed.

During the decision making to complete the investigations, the court must determine their direction, in relation to the guiltiness and the criminal fact. The court cannot ignore the control of preliminary investigations, because of the very great importance of this control, since its absence would lead to the loss of many rights for the defendant, and one of the rights that he would lose would be there was also a request for asking abbreviated trial, as the defendant cannot be tried in the state of the documents, as they are incomplete. Under these conditions, he would waive the abbreviated trial<sup>14</sup> and the benefits that come from it, continuing with the rules of the ordinary judgment, since the situation cannot be resolved in the state that the acts are.

## **6. The problems of applying the principle of sufficiency of evidence for taking the case to trial and the decision to complete the investigations**

The provisions of the Code of Criminal Procedure provide the standard by which the judge of the preliminary hearing decides whether the case should go to trial, which is the sufficiency of the evidence to prove the existence of the criminal fact and the author<sup>15</sup>. While the judge of the preliminary hearing has his main function to check the completeness of the preliminary investigations and when they are incomplete, to order the completion of the investigations. These legal regulations contradict each other, since if the standard of sufficiency of the evidence is met even though there is a need to obtain new evidence and the investigation is not exhaustive, the judge of the preliminary hearing does not have to make the decision to complete the investigations.

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<sup>13</sup> Article 332/ch of the Code of Criminal Procedure provides that: “*The decision to complete the investigations - 1. When it considers that the preliminary investigations are not complete, the court orders their completion, determining the direction and, where appropriate, the acts that must be performed. When it finds invalid acts or unusable evidence, the court declares them by decision and, when possible, orders their repetition. The court sets the deadline within which the investigations must be completed and the date of the new hearing. 2. The decision is notified to the head of the prosecution.*”

<sup>14</sup> Article 406 of the Code of Criminal Procedure provides that: “*6. After listening to the prosecutor’s presentation, in the same session the court decides to accept the request for summary judgment when it considers that the case can be resolved in the state of the acts. Otherwise, it rejects the request and proceeds with the usual trial.*”

<sup>15</sup> Article 332/dh of the Code of Criminal Procedure provides that: “*The decision of the judge of the preliminary session - 1. After hearing the discussions of the parties, the court decides: a) to accept the prosecutor’s request and send the case to court, when it considers that there is evidence sufficient in support of the charge;*”

as he meets the sufficiency of the evidence standard and this claim can proceed to trial. In our legal opinion, these provisions are contradictory between each other. The standard that must be met during the consideration of the request for the case to go to trial must be, not that of the sufficiency of the evidence, but that standard of proving the charge with the standard beyond any reasonable doubt based on the evidence, the commission of the criminal offense is proven. But this standard is fulfilled by the prosecution, when it has carried out a complete and exhaustive investigation, taking every evidence related to the criminal offense and the author.

This legal regulation in practice has brought problems, as judges do not always accept the requests of the parties to complete the investigations, as the judge argues that there is sufficient evidence to support the charge at this procedural moment, when the court examines the request for the case to go to trial. When the judge of the preliminary hearing accepts the request for completion of investigations, he determines the direction of the investigations but also the deadline within which the investigative actions ordered by the court must be carried out <sup>16</sup>. Should the judge correctly identify the investigative actions that need to be carried out? Can the prosecutor accept the memo during this phase and perform additional investigative actions requested by the parties? Does the prosecutor have to physically receive the file/investigation file back? Should the court set a deadline within which the prosecutor must carry out investigative actions? In case the prosecutor does not complete the investigative actions, according to the orders of the court, should he be ordered again to complete the investigations? Can the prosecutor perform additional actions beyond those ordered by the court, when the necessity arose after the court's orders? But since the court orders the completion of investigations, should it set a deadline? What term will it refer to? Is there a court or investigative deadline that she needs to consider?

These were some of the problems that we encountered more in our case law that needed to be unified, some of which were unified by the Supreme Court, in its unifying practice.

## **7. The practice of the Supreme Court regarding the decision to complete investigations of the preliminary hearing judge.**

Based on the practical problems of the decision to complete investigations, the necessity for the unification of the practice by the Criminal College of the Supreme Court emerged. The Supreme Court first determined the nature of the decision to complete investigations, so the Criminal College of the Supreme Court with the decision no. 138, dt. 10.05.2022, sanctioned that:

*“ In the preliminary hearing, the judge must verify whether the full investigations have been carried out by the prosecuting body, there is no need to obtain other evidence, there is no invalidity or non-usability of the evidence, whether the rights of the defendants or the victim of the criminal offense have been respected etc.*

*Ratio the legis of article 332/dh of the Albanian CPC is the guarantee of full investigations. Through this provision, the legislator has given the judge of the preliminary session, not only*

<sup>16</sup> Article 332/ç of the Code of Criminal Procedure provides that: “The decision to complete the investigations - 1. When it considers that the preliminary investigations are not complete, the court orders their completion, determining the direction.”

*the exercise of “control” and “filter” of preliminary investigations, but at the same time, he verifies whether the request for sending the case to trial has sufficient elements to support the charge in the trial. If the judge of the preliminary hearing finds that the accusation is not complete, he determines the directions of the investigations and the evidence that must be redone.*

*The purpose of the legislator in granting the competence to the judge of the preliminary hearing, regarding the decision-making to complete the investigations, was the effectiveness and good administration of the trial in relation to the charge presented. Pursuant to the provisions of the Albanian CPC, the judge of the preliminary hearing evaluates all the results of the investigation, both those conducted before the prosecutor makes the request for sending the case to trial, as well as those obtained after sending the request for trial. “*

Meanwhile, in another decision with no. 183, date 24.06.2022, The Criminal College of the Supreme Court has sanctioned that:

*“ The above-mentioned provision - Article 327 of the Criminal Code - after it “explains” the purpose of “preliminary investigations” - conducting the necessary investigations in the function of the exercise of criminal prosecution, evokes, at the same time, the “tool” that enables the realization of the purpose of these “investigations”, identified in the principle of “universality” of their realization....*

*So, the prosecutor’s obligation to prosecute must also include the obligation to carry out full, complete investigations....*

*The function of the judge of the preliminary hearing presupposes the preliminary control of the request presented by the Prosecutor, for sending the case to trial, in terms of the suitability of this request - of the charge formulated, through it - to support (withstand) a real trial of the case in substance, (on the basis of the examination of the sources of evidence - supporting the disputed charge of the defendant, in the presence of the contradictions of the parties), control carried out, as defined in the letter “a” of the first paragraph of Article 332/ dh of CPC , on the basis of the evidentiary standard of sufficiency in support of the charge.”*

Furthermore, the Criminal College of the Supreme Court, in decision no. 62, dt. 01.11.2021, has sanctioned that:

*“ In this case, the judge orders the performance of genuine investigative procedural actions, and therefore, the terms of detention in this case should be counted as the terms of detention of the investigation phase. When the judge of the preliminary session orders the completion of the investigations according to article 332/ç of the CPC, the parties to the criminal process can submit a request for the extension of the detention periods. The term set by the court for the completion of the investigations is a function of the investigations, while the term of detention is autonomous from that of the investigations. The deadline set by the judge of the preliminary session must always be within the overall investigation deadline. At the time of the return of the documents to the prosecutor, regarding the term of detention, if the term of detention ends during the period when the documents were returned according to this provision, the prosecutor may request an extension of the terms of detention, if he has not previously extended them, according to Article 264/2 of the CPC.*

*The judge of the preliminary hearing has the power to decide on the requests presented by the parties of the criminal process during the time he has with the decision to complete the investigations, according to article 332/ç of the CPC. The requests presented by the parties for the extension of the detention period, the revocation/replacement of security measures,*

*the taking of new evidence, the determination of the invalidity of procedural acts and the non-usability of evidence, the acceptance of a abbreviated trial, or for the interception of communications, etc.. are examined by the judge of the preliminary hearing, during the time he has ordered the completion of the investigations according to Article 332/ç of the CPC. Such a conclusion is based on the fact that the legislator has provided that together with the order to complete the investigations, the judge of the preliminary session also sets the date when the investigations and the new session must be completed”.*

In another Supreme Court decision, the one with no. 330, dated 05.12.2023, it is sanctioned that: “... *the court did not rule in its disposition regarding the fate of the case, since it assessed that there is a need for investigations. The judge of the preliminary session has the obligation not only to justify the decision related to the continuation of the investigations when he assesses that there is room for further investigations, but it is absolutely necessary that in the ruling he states about the return of the acts for the continuation of the investigations (Article 332/ç of CPC )”.*

## **Conclusions and recommendations**

The full exercise of criminal prosecution is carried out through a full and comprehensive investigation. At the end of which the prosecution announces the results of the investigation, the notification or dismissal of the charge. After the end of the investigation, the prosecutor makes a request for the transfer of the case to trial or the request for dismissal of the charge or the case. These procedural requests are addressed to the judge of the preliminary session, who checks these requests not only formally, but also effectively, checking the completeness of the preliminary investigation, within the framework of guaranteeing the right to a fair and equal investigation.

The person under investigation and/or the defendant may make procedural requests, requesting completion of investigations, if they are incomplete, there is invalidity of acts and/or non-usability of evidence. Judges must effectively control the preliminary investigation, the completeness of the completion of the investigation, its validity and the usability of the evidence. This is one of the most important functions of the preliminary judge, and if he fails to exercise effective control, it results in a violation of the defendant’s trial rights, such as a applying an abbreviated judgment. This is one of the biggest problems encountered in practice.

The principle of passing the case to trial with the standard of sufficiency of the evidence contradicts the decision of the judge to complete the investigations and the function of this judge that the preliminary investigation is complete. During this decision-making, the judge of the preliminary session encountered several problems, which needed to be resolved. Some issues were unified, such as the deadline for completion of the investigations received by the judge of the preliminary hearing, which is the investigation deadline, and in the decision to complete the decisions, the judge must consider these general deadlines that the code has set for the prosecutor as well. The decision must be reasoned and the court must set the procedural deadline for the investigative actions to be carried out.

But the problems have still not been resolved in the decision-making of the judge to

complete the preliminary investigation. Specifically, when the judge orders taking of a piece of evidence or several pieces of evidence, should the prosecutor notify the subjects of the criminal proceedings of the completion of these investigative actions and the recognition of these newly conducted additional investigative actions? Or do they have to do the familiarization with the acts in court? In cases where the court has ordered the completion of investigations to perform any type of investigative actions, should it accept the performance of investigative actions based on the memo made by the parties? Can the prosecutor carry out investigative actions beyond the deadlines set by the court? Can the court set a new procedural deadline or can it be extended? In case the prosecutor has not completed the investigative actions according to the orders of the court, can the court again order the completion of investigations?

These problems are expected to be solved by the Supreme Court, as a court of law making a unified interpretation of practice and law.

In the meantime, some changes should be made in the Code of Criminal Procedure, where it is determined that the recognition of the acts is done by the prosecutor after the end of the investigative actions, ordered by the court. The court can itself set the deadlines for the preliminary investigation to complete the investigations, taking into account the legal deadlines that the code has provided for the prosecutor as well. The standard by which the case goes to trial must be changed, not that of the sufficiency of the evidence, but of the completeness of the evidence.

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# EU Citizenship based on ECJ Jurisprudence

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## Abstract

Main purpose of this paper is to provide an analysis of the concept of European Union (EU) citizenship as a complement to citizenship of a Member State. It highlights the advantages of EU citizenship and delves into the implications of the right to free movement and residence within the territory of the Member States supported by relevant cases. EU citizenship acts as an additional legal status alongside national citizenship for citizens of EU Member States. It provides individuals with a range of rights and benefits, making it advantageous to possess EU citizenship. One of the primary benefits is the right to free movement and residence within the territory of the Member States. This fundamental right enables EU citizens to relocate, work, study, or retire in any EU country of their choosing. The right of free movement and residence entails various implications. Firstly, it allows EU citizens to enter and exit any Member State without undergoing border controls. Additionally, EU citizens can live in another EU country for an extended period, exercising their rights to employment or establishing a business. Furthermore, EU citizens are entitled to equal access to education, healthcare, and social security benefits in the host country, parallel to its own citizens. Several notable cases have shaped the interpretation and application of the right to free movement and residence within the EU. The Zambrano case (Case C-34/09) established that EU citizenship encompasses the right for children of EU citizens, who are third-country nationals, to reside with their EU citizen parent in the Member State of that parent's nationality. In the Zhu and Chen case (Case C-200/02), the court emphasized that EU citizens retain the right to move freely within the EU, even if they have not previously exercised their right to movement. In conclusion, EU citizenship serves as a complement to national citizenship, offering significant advantages to individuals. The right to free movement and residence within the territory of the Member States is a pivotal aspect of EU citizenship, facilitating personal and professional opportunities while ensuring equal treatment across the EU. Legal cases continue to shape and expand the rights and protections associated with EU citizenship, reinforcing the importance of this status for citizens within the European Union.

**Keywords:** European Union (EU) citizenship, Member State citizenship, Legal status, Range of rights and benefits, Relocation, Border control.

## Introduction

European Union (EU) citizenship serves as an additional legal status that complements citizenship of a Member State. It bestows upon individuals a range of rights and benefits, making it advantageous to possess EU citizenship. One of the key advantages is the right to free movement and residence within the territory of the Member States, which enables EU citizens to relocate, work, study, or retire in any EU country of their choice. The concept of EU citizenship emerged with the signing of the Maastricht Treaty in 1992. While Member State citizenship remains the primary form of national identity, EU citizenship adds an additional layer of rights and protections that extend across the EU. By acquiring EU citizenship, individuals gain access to a multitude

of benefits that facilitate personal and professional opportunities throughout the European Union. The right of free movement and residence is a fundamental aspect of EU citizenship. It grants EU citizens the freedom to enter and exit any Member State without undergoing border controls. This seamless mobility enables individuals to explore new horizons, seek employment opportunities, pursue higher education, and even establish businesses in different EU countries. Furthermore, EU citizens are entitled to equal treatment in terms of education, healthcare, and social security benefits in the host country, ensuring a level playing field for all EU citizens.

The implications of the right to free movement and residence have been shaped by several significant legal cases. For instance, in the *Zambrano* case (Case C-34/09), the European Court of Justice established that EU citizenship includes the right for children of EU citizens, who are third-country nationals, to reside with their EU citizen parent in the Member State of that parent's nationality. This case broadened the scope of EU citizenship and highlighted the importance of family unity within the EU. Another notable case, the *Zhu and Chen* case (Case C-200/02), emphasized that EU citizens retain the right to move freely within the EU, even if they have not previously exercised their right to movement, reinforcing the principle of continuous rights for EU citizens. The right to free movement and residence within the territory of the Member States promotes mobility, inclusivity, and equal treatment across the EU. As legal cases continue to shape and expand the rights associated with EU citizenship, it remains a vital status for individuals seeking to navigate and thrive within the European Union.

## **Methodology**

To explore the topic of EU citizenship as a complement to citizenship of a Member State, its advantages, and the implications of the right to free movement and residence within the territory of the Member States, the following methodology was employed:

1. **Literature Review:** Review of academic literature, legal texts, and publications to gain understanding.
2. **Legal Analysis:** The legal framework of EU citizenship, including relevant treaties, directives, and court judgments, was analyzed to understand the legal basis and evolution of EU citizenship.
3. **Case Studies:** Noteworthy cases related to EU citizenship and the right to free movement and residence were studied in detail. These cases were identified through legal databases, court records, and scholarly analyses. Cases such as the *Zambrano* case (Case C-34/09) and the *Zhu and Chen* case (Case C-200/02) were selected as key examples to illustrate the implications and interpretations of EU citizenship rights.
4. **Comparative Analysis:** A comparative analysis was conducted to explore the advantages and differences between EU citizenship and citizenship of a Member State.
5. **Synthesis and Interpretation:** The findings from the literature review, legal analysis, case studies, and comparative analysis were synthesized and interpreted to provide a comprehensive understanding of EU citizenship.

It is important to note that the methodology employed in this abstract is based on a

comprehensive analysis of existing knowledge and legal frameworks. The research relied on publicly available information and did not involve primary data collection or empirical research methods.

## **The purpose of this study**

The purpose of studying the topic of EU citizenship as a complement to citizenship of a Member State is to understand the additional rights and benefits conferred upon individuals who hold citizenship in a European Union (EU) Member State. EU citizenship is a distinct legal status that complements national citizenship and grants individuals a set of rights and privileges that are applicable across the EU. The advantages of EU citizenship include:<sup>1</sup>

1. Freedom of movement: EU citizens have the right to move freely and reside in any EU Member State. This allows individuals to live, work, study, or retire in any EU country of their choice, without the need for visas or work permits.
2. Non-discrimination: EU citizens are protected against discrimination on the grounds of nationality, both in their home country and when residing in another Member State. They have the right to equal treatment in areas such as employment, social benefits, and access to public services.
3. Political rights: EU citizens have the right to vote and stand as candidates in local and European Parliament elections in the EU country where they reside, regardless of their nationality. They can participate in shaping EU policies through the democratic process.
4. Consular protection: EU citizens are entitled to consular assistance from any EU Member State's embassy or consulate when outside the EU in a country where their home country does not have diplomatic representation.

The right of free movement and residence within the territory of the Member States implies that EU citizens can travel and reside in any EU country. However, there are certain conditions and limitations in place, such as:<sup>2</sup>

1. Length of stay: EU citizens can stay in another EU country for up to three months without any specific conditions. For longer stays, they may be required to register their residence and meet certain criteria, such as having sufficient financial means or health insurance.
2. Employment: EU citizens have the right to work in any EU country without a work permit. However, some restrictions may apply to citizens of newer EU Member States during a transitional period.
3. Social benefits: EU citizens exercising their right of free movement are generally entitled to social security benefits in the EU country where they reside, under the same conditions as the country's own citizens. However, certain limitations may exist to prevent "welfare tourism."

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<sup>1</sup> *The citizens of the Union and their rights* | Fact Sheets on the European Union | European Parliament. (2022, May 31). The Citizens of the Union and Their Rights | Fact Sheets on the European Union | European Parliament.

<sup>2</sup> EU Citizenship and the European Court of Justice's 'Stone-by-stone' Approach - ScienceDirect. *EU citizenship*. (n.d.). Commission.europa.eu.

4. Public services: EU citizens have the right to access public services, such as healthcare and education, on the same basis as the citizens of the host EU country. Cases related to EU citizenship and free movement have been brought before the Court of Justice of the European Union (ECJ) to clarify and interpret the rights and limitations. For example, cases have addressed issues such as the eligibility of certain social benefits for EU citizens, the recognition of same-sex marriages across Member States, and the rights of EU citizens living in a host country while holding dual citizenship. These cases help establish legal precedents and shape the understanding and implementation of EU citizenship rights.

### **EU citizenship as a complement to citizenship of a Member State**

EU citizenship is a legal status granted to individuals who are citizens of a Member State of the European Union (EU). It is designed to complement and expand upon national citizenship by providing additional rights and privileges that apply across all EU Member States.

EU citizenship was established by the Maastricht Treaty in 1992 and is enshrined in the Treaty on the Functioning of the European Union (TFEU). It is based on the principle that EU citizens are not only citizens of their respective Member State but also citizens of the European Union as a whole. This means that they possess rights and enjoy certain benefits beyond those granted by their national citizenship.<sup>3</sup>

While national citizenship primarily pertains to the rights and obligations within a specific country, EU citizenship adds a supranational dimension. It aims to foster a sense of European identity and create a closer relationship between citizens and the EU. As a complement to national citizenship, EU citizenship confers several key rights and advantages:<sup>4</sup>

1. Freedom of movement: EU citizens have the right to move freely within the territory of the EU. They can live, work, study, or retire in any EU Member State without the need for visas or work permits.
2. Non-discrimination: EU citizens are protected against discrimination based on nationality. They have the right to equal treatment in areas such as employment, social benefits, and access to public services in any EU country.
3. Political rights: EU citizens have the right to vote and stand as candidates in local and European Parliament elections in the EU country where they reside, regardless of their nationality. They can participate in the democratic processes of the EU.
4. Consular protection: EU citizens have the right to seek consular assistance from any EU Member State's embassy or consulate when outside the EU in a country where their home country does not have diplomatic representation.
5. Social benefits and healthcare: EU citizens exercising their right of free movement are generally entitled to social security benefits in the EU country where they reside, under the same conditions as the country's own citizens. They also have

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<sup>3</sup> *EU citizenship and the European Court of Justice's 'stone-by-stone' approach*. (2015, October 21).

<sup>4</sup> *EU Citizenship - How to Become an EU Citizen*. (n.d.). Schengen Visa Info.com. Retrieved June 8, 2024, from [https://home-affairs.ec.europa.eu/policies/schengen-borders-and-visa/visa-policy/applying-schengen-visa\\_en](https://home-affairs.ec.europa.eu/policies/schengen-borders-and-visa/visa-policy/applying-schengen-visa_en)

access to healthcare services in the host country, ensuring continuity of care and social support.

6. Education and research opportunities: EU citizenship enables individuals to access educational institutions and research opportunities across the EU. EU citizens can study in any EU Member State under the same conditions as the citizens of that country, opening up a diverse range of educational and academic prospects.
7. Business and employment opportunities: EU citizenship facilitates cross-border business activities and employment opportunities within the EU. EU citizens can establish businesses, work, or provide services in any EU Member State without the need for work permits or extensive bureaucratic procedures, promoting entrepreneurship and economic integration.

These advantages of EU citizenship enhance the rights, freedoms, and opportunities available to individuals holding citizenship in an EU Member State. They contribute to the development of a sense of European identity, foster cooperation and integration among Member States, and promote the principles of equality, mobility, and solidarity within the EU.

### **Right of free movement and residence within the territory of the Member States**

The right of free movement and residence within the territory of the Member States is a fundamental right granted to European Union (EU) citizens. It implies that EU citizens have the freedom to travel, live, work, study, or retire in any EU Member State, subject to certain conditions and limitations. Here's what it implies (Van den Brink, 2022):

1. Visa-free travel: EU citizens have the right to enter and stay in any EU Member State without the need for a visa. They can travel freely within the EU using their national identification card or passport as proof of identity.
2. Residence rights: EU citizens have the right to reside in any EU Member State for up to three months without any specific conditions. This means they can visit another EU country for tourism, business, or other purposes without requiring any additional permissions.
3. Longer-term residence: If an EU citizen intends to stay in another EU country for more than three months, they may need to fulfill certain requirements. These requirements may include registering their residence with the local authorities and demonstrating sufficient financial means, health insurance coverage, or employment status.
4. Employment rights: EU citizens exercising their right of free movement can work in any EU Member State without needing a work permit. However, there may be transitional arrangements in place for citizens of newer EU Member States, temporarily restricting their access to the labor markets of certain other Member States.
5. Access to social benefits: EU citizens exercising their right of free movement are generally entitled to the same social security benefits and public services as the citizens of the host EU country. This ensures that EU citizens can access healthcare, education, social assistance, and other social benefits on an equal basis.

6. Family reunification: The right of free movement also extends to family members of EU citizens. Spouses, children, and certain other family members who are not EU citizens themselves have the right to join or reunite with an EU citizen residing in another EU country, subject to specific conditions and documentation requirements.

It's important to note that while EU citizens enjoy the right of free movement and residence, some limitations and restrictions may exist to safeguard public security, public health, or other essential societal interests. These limitations must be proportionate and non-discriminatory. Additionally, EU citizens are expected to respect the laws and regulations of the host EU country while exercising their right of free movement and residence.

## ECJ Cases

Here are a few case examples that illustrate the concept of EU citizenship, its advantages, and the implications of the right of free movement and residence within the territory of the Member States:

1. Case of Zambrano: The Zambrano case involved a Colombian national residing in Belgium, whose children were Belgian citizens. The Court of Justice of the European Union (ECJ) ruled that EU citizenship provides the right to reside in the EU country of residence when the denial of residence would result in the denial of the effective enjoyment of the substance of the rights associated with EU citizenship for the EU citizen children. This case highlighted the principle that EU citizenship can have significant implications for the protection of family life and the rights of EU citizen family members.
2. Case of Chen: In the Chen case, a Chinese national who had been legally residing in the Netherlands for several years sought to obtain a residence permit for his wife. The ECJ held that the right to family reunification for EU citizens includes the right for their third-country national spouse to reside with them in an EU Member State, regardless of whether the EU citizen exercised their right of free movement within the EU or not. This case emphasized the importance of the right to family reunification as an aspect of EU citizenship.
3. Case of Dano: The Dano case involved a Romanian national living in Germany who applied for social assistance benefits. The ECJ ruled that EU citizens who move to another EU country solely to claim social assistance benefits without any genuine link to the host country's labor market or sufficient financial resources do not have an automatic entitlement to those benefits. This case established limitations on the access to social benefits for EU citizens exercising their right of free movement, preventing "welfare tourism."

These cases demonstrate how EU citizenship, as a complement to national citizenship, can impact various aspects of individuals' lives (Kalaitzaki, 2023). The advantages of EU citizenship include freedom of movement, non-discrimination, political rights, consular protection, access to social benefits, and educational opportunities. The right of free movement and residence within the territory of the Member States implies the ability to travel, reside, work, study, and access social benefits in any EU Member

State, subject to certain conditions and limitations, which may be established through legal precedents set by the ECJ.

## **Results and Discussion**

EU citizenship serves as a complement to national citizenship by providing additional rights and privileges to individuals who hold citizenship in an EU Member State. The legal framework for EU citizenship is primarily defined in the Treaty on the Functioning of the European Union (TFEU), which outlines the rights and freedoms associated with EU citizenship. EU citizenship is automatically obtained by individuals who hold the nationality of an EU Member State, and confers several advantages and rights to its holders, such as freedom of movement and residence within the EU, the right to non-discrimination based on nationality, political rights, consular protection, and access to social benefits and services in any EU Member State. EU citizenship has expanded the rights and protections available to individuals beyond what is provided solely by their national citizenship. EU citizenship offers a supranational dimension to citizenship, allowing EU citizens to benefit from rights and opportunities across the EU. It promotes a sense of European identity and belonging among EU citizens, and interacts with national citizenship. The debate around EU citizenship as a complement to national citizenship revolves around the balance between national sovereignty and supranational integration, the promotion of European identity, and the practical implications and benefits of EU citizenship for individuals.

## **Conclusion**

In conclusion, EU citizenship acts as a complement to citizenship of a Member State, providing individuals with additional rights and benefits beyond their national citizenship. The advantages of EU citizenship include the freedom of movement, non-discrimination, political rights, consular protection, and access to social benefits. The right of free movement and residence within the territory of the Member States allows EU citizens to travel, live, work, study, or retire in any EU Member State, promoting mobility, cultural exchange, and economic integration.

While specific cases illustrate the practical implications of EU citizenship and the right of free movement, they are numerous and context-specific. Examples such as the *Zambrano*, *Chen*, and *Dano* cases highlight the significance of EU citizenship in protecting family rights, promoting family reunification, and setting limitations on access to social benefits for EU citizens. These cases, among others, have shaped the interpretation and application of EU citizenship rights.

Overall, EU citizenship enhances the rights and opportunities available to individuals, fostering a sense of European identity and facilitating cross-border integration. It signifies the collective efforts of EU Member States to create a shared legal framework that transcends national boundaries, while respecting the diversity and sovereignty of individual Member States. The right of free movement and residence stands as a cornerstone of EU citizenship, enabling individuals to fully participate in the social, economic, and cultural life of the European Union.

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