



UNIVERSITY OF CRAIOVA
FACULTY OF SOCIAL SCIENCES
POLITICAL SCIENCES SPECIALIZATION &
CENTER OF POST-COMMUNIST POLITICAL STUDIES
(CESPO-CEPOS)

Revista de Științe Politice.
Revue des Sciences Politiques
No. 68 • 2020

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EDITORS' NOTE

Policy & Financial Outcomes in Pandemic Landscape

Note of the Editors of the
Revista de Științe Politice. Revue des Sciences Politiques
Issue 68/2020

Anca Parmena Olimid¹⁾,
Cătălina Maria Georgescu²⁾,
Cosmin Lucian Gherghe³⁾

Issue 68/ December 2020 of the *Revista de Științe Politice. Revue des Sciences Politiques* was launched in December 2020 focusing on the policy and financial outcomes in a pandemic context.

The studies published in this issue engage an in-depth analysis of the social, economic, political and legal context of thirteen recent key research themes, namely:

- Communication, NGOs activity and citizens' mobilization;
- Corporate reputation, the organizational theory and long-term performance;

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Editors' Note

- The rights and freedoms of the individuals;
- The aspects regarding the real beneficiary of the legal entity at the national level;
- The networks between the sustainable development, the outcomes of climate change and the effects on the human society;
- The principles and norms protecting the democratic society and the legal foundations in Central and Eastern Europe;
- The framework focusing on the impact of the innovative technologies in the financial system;
- The conceptual and theoretical analysis of the sustainable development process, environmental protection and the economic growth;
- The historical and legal investigation of the leadership of governments and key public policies;
- The dynamics of the financial markets pointing towards the financial services, capital markets and market infrastructure;
- Policy and long-term strategic interests;
- The focus on the political communication and factors involved during the communicational approach;
- The research nexus between teaching and the evolution of education, innovation and science by exploring the cultural, social and informational approaches to intercultural learning, customs and traditions.

The first article (**Valentina Marinescu, *Communication and NGOs in Romania-A case study***) enables the exploration of the importance of the communication platforms and the non-governmental sector activity in Romania.

The second article (**Dragoş Alexandru Bălan, *Corporate Reputation: A Review of Its Importance and The Relation to Business Performance***) follows two main objectives of the research: the conceptual analysis of the corporate reputation and the importance of the business performance by pointing towards various evaluations of the recent studies and researches in the field of the organization's resources, the global business environment and the financial market developments.

The following article (**Mircea Mugurel Şelea, *The impact of the state of emergency/ alert on the rights of the litigant in the criminal process***) focuses on the legal consequences of the state of emergency/ alert on the domain of the rights of litigant in the criminal process. The research presents a multi-dimensional perspective: the doctrine in the field, the constitutional provisions and other legal documentation.

The fourth article: (**Lavinia Elena Stuparu, *Aspects regarding the impact of Law no. 129/2019 in the matter of companies***) enables a two-step analysis of the impact of the legislation in the field of the real beneficiary of the legal person and the legal obligations and responsibilities governing the application of Law no. 129/2019 in the Romanian legislation.

Editors' Note

The fifth article (**Mihai Ionuț Rădoi, *Interconnections Between Sustainable Development, Climate Change and Agriculture***) presents a focused study on the conditions of the global climate changes and the emission reduction actions.

The sixth article (**Paweł Skorut, *Protection of the democratic system in the constitutions of European states from the former communist bloc. Introduction to the issue***) regards a multi-level research of the democratic systems by identifying: the patterns of the new political regimes, the legal principles and pointing freedom and equility.

The seventh article (**Cristi Spulbar, Ramona Birau, Toni Calugaru, Amir Mehdiabadi, *Considerations regarding FinTech and its multidimensional implications on financial systems***) reviews the analytical tools, the metholological framework and the impact of the FinTech industry by exploring the technological development and the operational processes.

The eighth article (**Mihaela Lupănescu, *Sustainable Development: Exploring Connections and Contradictions***) meets the challenges of the sustainable development and seeks to overlook two main perspectives of the recent literature in the field: the quality of the environment and the social problems.

The nineth article (**Tudor Urea, *The Martial Law Was Inevitable on December 1981 in Poland?***) develops a complex historical, social and political research pointing the period of the years 1980-1981 in Poland and the activity of the Solidarity movement.

The tenth article (**Andrei-Dragoș Popescu, *Transforming Capital Markets by means of Financial Digital Assets***) enables a four-dimensional study by covering the capital markets, the new market players, the digital securities and the market benefits.

The eleventh article (**Lavinu Lăpădat, Maria-Magdalena Lăpădat, *Interpreting Manipulation in the Process of Political Communication***) focuses on the topics of political communication here including the manipulative communication; communicational authority; individual identity; the political perspective; persuasion; the transmission channel; the social status and the behavioural patterns.

The twelfth article (**Marian Zidaru, *Russia Eastern Partnership and Security of Black Sea area***) aims to investigate the role of the Eastern Partnership and of the regional security mapping the political and economic integration, democracy and rule of law.

The last article (**Lavinu Lăpădat, Maria-Magdalena Lăpădat, *Teaching Foreign Language: Between Tradition and Contemporary Synchronicity***) challenges the perspectives of innovation, education and effective communication by focusing on the research linguistic and cultural factors.

The current issue 68/2020 of the *Revista de Științe Politice. Revue des Sciences Politiques* invites its readers, collaborators and partners to analyze, explore and investigate the policy and financial outcomes in a pandemic context.

Wishing you all the best,

The RSP Editors



ORIGINAL PAPER

Communication and NGOs in Romania – A case study

Valentina Marinescu¹⁾

Abstract:

Romania is among the states with a low rate of volunteering. According to existing data, one could notice that only 10-19% of the population was involved in voluntary activities in the last years. The difference between Romania, on the one hand, and Western Europe, on the other is the result of a historical evolution. In Western Europe, in average, more than 40% of the total number of the population is involved in volunteering, this being the case for Austria, the Netherlands, Sweden and the United Kingdom. The present paper intends to identify the way in which the Romanian NGOs used different media to promote their activities and what are the practical results for those organizations. As a general research assumption, we had the following statement: The communication channels used by NGOs could influence the way they accomplish their purpose and mission. As secondary assumptions, we have: (1) The story conveyed is more important than the presence on different communication platforms and (2) In Non-Governmental Organizations the efficiency of external communication is directly proportional with the efficiency of internal communication. The main research method used was the interview which was applied to a sample of ten respondents working in the non-governmental sector in Romania, all from the same NGO. The results of the study indicate that Romanian NGOs use new types of media (social media, websites, online newspapers, blogs) to promote themselves. Field events organized by Romanian NGOs are mostly interactive, gathering people and volunteers in parks, cinemas and theaters to enter into different activities with their target audiences composed mainly of young people aged 14-18 which came from disadvantaged social categories). The results have confirmed both the main hypothesis and both secondary hypotheses. The members of Romanian NGOs stated that their presence online as representatives of the voluntary activities had helped them in fulfilling their missions.

Keywords: *communication; NGO; media; qualitative methods; volunteers.*

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Communication and NGOs in Romania - A case study

Introduction

At a general level, one can notice that Romanian Non-Governmental Organizations (NGOs) seem to be rather disadvantaged in comparison with their peers from the Western European countries. More precisely, according to the official statistics, Romania is among the states with a low rate of volunteering, registering only a percentage of 10-19% of the population involved (Audiovisual and Culture Executive Agency, 2010). This difference could be due to the historical trajectory of the two parts of the continent, the low general involvement in Eastern parts (such is the case of Romania) being in sharp contrast with an average of over 40% of the population from Austria, the Netherlands, Sweden and the United Kingdom.

On December 30, 2015, in Romania were registered 13,750 associations, 1,140 federations and 18,449 non-profit foundations (Romanian Government, 2016). One year later (in 2016) the number of associations increased by 250, there were 1,293 federations and 18,545 foundations. How many of these are known? Locally, no more than 100, and nationally maybe not more than 200-300. The question arising is: How much had the founders of these organizations had to work to build a strong identity at social level and how can they keep their image alive in the public awareness? Any organization, regardless of its field of activity, is forced to create value in order to keep its customers involved in their activity and to gain people's trust, especially when it comes to fundraising.

The term "Non-Governmental Organization" implies a private mobilization of citizens for various social causes - a term which was introduced in the international repertoire since 1945 (Străinescu and Ardelean, 2011:4). Moreover, the purpose of those organizations should be strictly limited to help, without political implications or personal money laundering interests. On the basis of this definition the result was special at the financial level. Such an organization, because it is a non-profit organization should redirect all the funds obtained to other new activities specially designed according to the message and the purpose for which it was set up (Barna, 2014).

The concepts used in this paper are "NGO", "communication", "visibility", "branding" and "endorser". Regarding the public visibility of a Non-Governmental Organization, this could be assessed as involving a minimum level of media presence, necessary for a selected segment of the population to say that they have some knowledge about this organization. In an increasingly digitalized world, technologies are becoming more and more accessible to the public and they are built in such a way as to be as intuitive as possible and, much more, they are free for the public. For this reason, for many Non-Governmental Organizations it is easier now to meet their advertising needs at the lowest possible costs. "Due to the fact that there is a constant dialogue between the organization and its target audience, the online presence of organizations has a major effect on the public's perceptions and knowledge about this organization" (Hosu, Culic and Deac, 2014: 20). A Non-Governmental Organization faced, as such, the need to identify a specific niche, to create an easy-to-remember, pleasant brand identity and to build a strong story which could be presented in all the projects they carried out. In their study, Gulbrandsen and Just (2013) recorded and analyzed all the messages online delivered by different organizations. This was a reductionist approach, but it revealed how much we can learn from the internet about any organization and what kind of opinions are shaped by the new communication tools (Gulbrandsen and Just, 2013). Despite the large appeal of this approach, for an effective communication strategy, it is not enough that an organization is present in the online social media. The simple online

presence is only a part of the strategy. The organization has to be active. The activity of a Non-Governmental Organization is measured by different variables: the number of posts on social media sites, the number of people reached by a post, the number of people interacting with the message, the percentage of questions that are answered, the average duration of providing an answer (Hosu, Culic and Deac, 2014: 21).

In Romanian language one could notice that the word “endorser” comes from the English verb “to endorse”, which means to agree with something, to support, to approve something (Farlex, 2019). Thus, the endorser is the person who agrees with something (an idea, a plan etc.). We are accustomed to see such people in commercials and spots, or in different ads. Most of the time, they are all well-known celebrities, and their association with a product intends to increase the visibility of this product at the level of the target audience.

There are many advantages of using celebrities in public campaigns. According to Suttle there are five key-benefits (Suttle, 2019). The first refers to attracting new consumers. Due to the fact that it is difficult to capture the entire market, you can “steal” from customers of the competition if you repeatedly use the same endorser. If a product is no longer in demand on the market, a star can highlight the benefits of the company or product and arouse the audience’s interest. The increase in notoriety represents the number of people (expressed in percentages) who are familiar with a certain brand. The last two benefits would be to influence consumers’ buying choices through trust, the love they have for the celebrities and, last but not least, the positioning of a brand.

Each communication campaign is based on a creative concept determined by the specific message that the organization will want to convey for an indefinite period of time. The concept of the campaign will guide every action taken by the company or organization and, therefore a must be built taking into account several elements, such as the identity and target audience of the organization or institution and current market trends. It is also necessary to shape campaigns according to the values of the target audience (Hosu, Culic and Deac, 2014: 25). The effectiveness of communication campaigns also depends in a large extent on the efforts to use current social factors. For a real success, they must be able to increase the interest of the target population, in other words they must address current issues that attract attention (Hosu, Culic and Deac, 2014: 26).

Current research defines organizational excellence as “the ability of the people to use technology to solve complex problems in a creative way” (Zlate, 2004: 495). New information technologies have changed the way in which communication is made in all organizational levels, so most recent work in the field (Hosu, Culic and Deac, 2014) focuses on these aspects, somewhat overshadowing the sensitive aspects of communication in an organization.

According to Tripon (2019), three categories of external communication are identified. These are the following (Tripon, 2019):

- Operational external communication involves the idea that employees maintain a professional communication link as representatives of the organization with outside people, such as customers, public authorities or suppliers. Thus, they receive and provide the information or the messages which will be send back to the organization.
- The role of strategic external communication is to develop external communication relations and to make predictions about the phenomena that can change the evolution of the organization and affect the running of its activities. There are

Communication and NGOs in Romania - A case study

several elements that can influence in a certain way the nature of the organization's activities, such as the influential actors, the legislative norms and regulations, the social movements, etc. Those elements are continuously pursued in organizational communication.

- External promotional communication - in this case the communication process is maintained by the organization itself and takes place in the following shapes: advertising - through the media, sponsorships, articles in specialized publications, organization of open days or events or financial or logistic help given to humanitarian organizations etc.

Elements of methodology In our attempt to find out what are the most appropriate and effective ways to communicate and what are the best tools of communication used by the Non-Governmental Organizations, this paper will be centered around a single Non-Governmental Organization. The chosen organization has as main field of activity health followed by social involvement. As a research method, we chose a qualitative approach, namely interviews and content analysis of the social media sites.

As research assumptions we had the following statements:

Main assumption: The communication channels used by NGOs influence the level of fulfillment of the purpose and mission pursued by them.

Secondary assumption 1: The transmitted story is more important than the presence on as many communication platforms as possible when we capitalize on this through the fundraising power.

Secondary assumption 2: The efficiency of external communication is directly proportional to the efficiency of internal communication of non-governmental organizations.

As the instrument for collecting the data we used a guide of interview, observational notes and a grid of qualitative analysis for media content. We chose to combine the interview with the observation in order to have a complete and detailed picture of the communication process within this organization.

The guide of interview was a semi-structured one. We choose this format due to the fact that it offers more space for discussion and makes the discussion much more fluid, the two interlocutors being able to have a much stronger connection. In addition, the respondent is not forced to choose an answer predetermined by the researcher, but can formulate his/her ideas as he/she sees fit (Marvasti, 2004: 20). In the case of data collection establishing an order of questions was quite complicated, and, in addition, sometimes during the interview it was difficult to maintain the pre-established order of questions and to avoid the official tone. The option was for the use of the colloquial language, everything turning into a free discussion.

As regards the notes of observation those were made on separate sheets, and both the way the people communicated with each other and the way in which they communicate with the researcher. We considered that it is the easiest way to be able to compare the answers received (the way they see and consider their communication strategy) with the results of the communication campaigns they had. We were able to take advantage of the clear value of such an interview, observing and analyzing the types of communication at all three levels: verbal, nonverbal and paraverbal.

As regards the content analysis of social media the data were collected from a project which was online developed by the organization: an online portal for smart donations.

Analysis of the results

The Non-Governmental Organization was founded in 2012 and its main aim is to support cancer patients, giving them a chance at life and treatment in Romania.

The analysis of the online portal for smart donations revealed the fact that the basic concept is a classic one. The difference results from the fact that the project does not only “sell” an idea, but it personalizes the concept, turn it into a life story and provide clear evidence that the money invested gets where it promises. On the basis of the analysis it can be assessed that this online fundraising project confirms the secondary assumption (“The efficiency of external communication is directly proportional to the efficiency of internal communication of Non-Governmental Organizations”).

The project involved the existence of an online platform made in 2013 with the help of an advertising agency, in order to collect money from individuals and legal entities and give the funds to oncology hospitals. The main partners of the project are television stations, advertising agencies or small firms. The main tools of communication used in this platform are: podcasts, online banner, spots, and testimonials.

The project takes place at national level, addressing a group of unnamed people and does not deal with particular cases. The aim is to improve the elements and factors that facilitate the treatment of patients as a whole, not as a particular segment.

According to the National Institute of Statistics (2014) out of the total number of households, 54.4% have access to the internet at home, the majority - over 70% being from urban areas. As a distribution, the area where most Romanians with internet access are located in the Bucharest-Ilfov region (76.7%), followed by the West and North-West (60%) regions, at the opposite pole being those in the regions South Muntenia and North-East. Moreover, of those aged 16-74, only 61% have ever used the Internet (Institutul National de Statistica, 2014). On the basis of the above-mentioned data one could draw several conclusions regarding the possible success rate of an online fundraising campaign in Romania. First, if only 54.4% of the population had access to the Internet, it means that there was a potential donor market of approximately 9-10 million Romanians. The majority of them were located in Bucharest-Ilfov region. In addition, in the same region (Bucharest-Ilfov) there were over 10,000 Non-Governmental Organizations. As the result, they struggle to be known, to differentiate themselves and to be noticed by the population is very hard. In addition, not all people from this region (Bucharest-Ilfov) are interested in health-related campaigns, especially those related to the treatment for various forms of cancer.

One of the reasons for the succes of the online portal analysed was the aim of the campaign. The founders of the association chose to help children with cancer. At the same time, they did not intend to burden donors with negative emotions related to children, but to show the positive side, namely the results of their investment. Starting from the idea that in the equation of obtaining happiness, in addition to life expectancy, the freedom to make decisions also includes generosity, the communication campaign wants to make Romanians happier, letting them understand that this is built on giving happiness away to those in need. The organization launched an investment project following the classic model of a stock exchange. The platform has its own website, a

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place where, through a friendly graphic, you can find out both the story behind the project in which you are invited to invest and the fact, that is, what will happen with the funds, the projects in which they will be invested and the results from projects already completed with other funds. There are many ways to invest, starting with the classical “2% of the personal income tax” to the 20% of the corporate income tax to the main purpose - buying shares - online donations (by bank transfer, card payment or paypal, short message from the mobile phone). The platform mentioned both the names of the donors and the amount of money donated. Because they wanted people to remember their investment and to thank them, the members of the Non-Governmental Organization decided to send a certificate of shareholder to all “investors”. Following the donation, a unique code was generated; a code which is then registered on the shareholder certificate; then the document is handed over to donors, usually by e-mail. The e-mail address was used as the verification code for the user who registered the donation.

When we analysed the structure of the website, we noticed that, apart from the above-mentioned section, there were pages about ongoing projects and completed projects, pages presenting ways to invest in the stock market, a page which provided details about the project and a media page.

A special section was a page devoted to the promotion of a scholarship, where endorsements were used in large extent. There were many celebrities from Romania who agreed to associate their image with this association. The online presence has been expanded, not only using its own site and social media, but more, asking for the help of bloggers. In addition, the organization used social media sites, with at least three messages per day on the Facebook page and it also used Google and Facebook ads.

Because the organization used mainly word-of-mouth promotion - in a reliable and successful way - they have also made a subpage from where banners can be taken and used on their own web pages / blogs.

In a 2014 research report about online communication and managerial issues that can be encountered in organizations, one of the conclusions was that each organization will choose different online communication channels. “The private sector will choose the website, those in the public administration the social networks, and those in the NGO field, the blog.” (Hosu, Culic and Deac, 2014: 26). However, the organization included in this study did not make use of blog and, instead it used the website and social media sites, like the organizations from the private sector and the public administration.

Looking through the pictures published on social media sites (on Facebook) by the Non-Governmental Organization one could notice that from time to time there are images announcing their audience at what stage they are with the amount raised from donations, as well as what was the target-audience. Also, on the same page the organizations have a generic message for thanking the donors. It can be assessed that the online strategy of the organization is similar to that of a teenagers’ NGO, a type of organization which can not enjoy an incredibly large number of funds (and for this reason they have to focus on new mini-projects / actions).

Regarding the organization itself, in the offline world, it is located in an old building, where no sign announces that its headquarters are located there. Just an old building, a little neglected. The office of the Non-Governmental Organization is quite small, which leads to the first-hand impression that no more than two people could work there. The explanations were given by the person in charge with the organizations’ online communication:

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“Normally, we all work in the same office. We are hosted here, but this is not our own headquarters. Well, as an NGO, we try to allocate all the resources to the endowment of the oncology centres after the sponsors give us the money, and then we really appreciated the help of a former boss, who hosts us here. I mean it's a Non Governmental Organization, we did not need more space. For this reason we have only one room for the office and there is a total of four people who could work at the same time in this space.”

The office has a round table in the middle with the seats arranged in such a way that anyone sitting can look directly at each other. There is only one closet in the room. Otherwise, in a corner near to the window there are a few boxes and some files. People are working on their laptops and, simultaneously, use their phones.

As the existing literature pointed out (Hosu, Culic and Deac, 2014) the existing communication channels for a Non-Governmental Organization (as was the one in this case) are diverse. Starting from direct, person-to-person communication, passing through references and recommendations, and from here to social events (conferences, fundraising corporate campaigns), classic advertising (print, radio, TV, outdoor - billboards, flyers, brochures, posters), new media (online, social media) and even to unconventional advertising, the organization of interest for our study has tried them all. The conclusion would be simple: the more you are present everywhere – online and offline –the more chances you have to reach the target audience.

During the interviews we made, the respondents told that the presence on the TV programs helped them the most. The first notable presence in the media was during a meeting in front of the Ministry of Health. They organized it and set a call centre in order to raise funds for the settlement of a leukemia detection and treatment centre in the country. The launch of the call centre was presented at the TV station, as one of the respondents told us:

“At that time, someone had a campaign: “We have life in our blood” which aimed to obtain the establishment of the stem cell registry. We wrote to him and told what we were fighting for: raising money for a boy with leukemia. He contacted us, filmed us at the meeting, then we had a show at WTV station and after that we had received 200 emails in one night... all asking for help. Finally, we decided to set up an association”.

If in a normal volunteering environment there is often a volunteer coordinator who is responsible for them, the Non-Governmental Organization included in the study does not have it. We were curious to know if those who did not honor their presence were warned or excluded from the organization. Without any emotional involvement, the answer was no. Not being a typical organization, they do not have such a close relationship with volunteers. As one of the founding members told us:

“We don't have any of those actions: let's run in the park, let's plant trees. That's one kind of catchy action. We do not make this type of event”.

The Non-Governmental Organization did not enter into volunteer contracts with anyone. If they initially had this intention to somehow hold people accountable, they

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stopped when a man left when he was handed a contract to sign. We can assess that this is the case of an atypical NGO.

One of the founding members told us that people in organizations are disorganized when it comes to their internal communication. Most of the time, they do not actively listen, do not ask questions and do not confirm to each other that the message sent has reached the receiver properly.

“The fact that we have so many means of communication seems to confuse us. The typical answer is: “Please, write to me by email!”; “See you on Skype”, “Wait, I’ll give you a Whatsapp call” and “Why do you tell me that when we also have a Facebook group and you can write that there?” – all those are typical phrases used in internal communication”.

She continued with an important remark: internal communication is practically the one that connects the NGO with the external world. In numerous occasions the people from organisation only declared that in a number of NGOs the external communication is centered around the idea that they want to save the world.

“This is simply bad luck. Many people want to save the world. Bad luck, so there’s room on the market. I mean, we have competition in order to save the world. And we have to find another way to express it.”

Another founding member complained about the organization, she considers that there was no concrete hierarchy. Everyone did everything, they delegated automatically each task. Even if the organization involves hierarchy, it seemed that in the case of this Non-Governmental Organization the style of “family business” prevailed. She also stated that, in general, the misunderstandings among members of the NGO were originated in a lack of organisation at the level of daily tasks, in a general informal way of connecting people and tasks:

“There are moments in our activity when we should be more corporate. In those moments, if the plan does not work according to some procedures, rule or something of this type we cannot manage the entire flow of communications and activities. Everything could turn into a disaster in a moment”.

Due to the increase in the number of NGOs in recent years, people are skeptical about the way in which they handle donations. Thus, it is important that the results are made visible and that the activities of NGOs are transparent. The founders of the NGS included in the study had declared that from the very beginning they wanted their activity to be as transparent as possible, without any constraint from the outside (e.g from the state). The Non Governmental Organization studied offered on a constant basis newsletters and annual reports to all sponsors and also it published pictures announcing the amounts raised and the way in which they are spent.

The NGO has a humanitarian purpose and, therefore, the process of communication with the external environment had a special role for obtaining new collaborators, financiers and for maintaining the relationship with sponsors and donors for new donations or any form of help. How do the people from this NGO find these contacts and how do they maintain a relationship with them? As they told us, the main

way in doing that is through friends, acquaintances and recommendations:

“Whoever comes to us and likes what we do is trying to help us with something. We tried to keep spending in general below 10% of what we collect with everything we do, including administrative expenses with salaries and communication, also, to keep below 10%”.

The members of the NGO we have analysed said that *“if you know how to ask, people will help you”* and *“people will help you if they trust you that you are not stealing their money”*.

According to what the respondents have declared to us, the companies generally agreed to offer their financial support because *“we put the problem in such a way that they either help us or they do not do that”*. Much more, as they declared, if one sponsor did not help in one situation it was possible that it would help in another.

The ways of asking for donations and financial aids varied according to the size of the company. If the members of the Non-Governmental Organization send emails to small and medium-sized companies for potential donors, in the case of large companies they used other methods:

“We have addressed a lot of direct requests to small and medium-sized companies, but we go in person to large ones and apply for grants or set up in person meetings with the heads of those companies.”

Conclusions

At the end of our analysis we can assess that, although initially we thought that there will be no element of surprise in the analysis of the communication methods used by the Non-Governmental Organization considered for the study, the results showed the opposite.

In the present research project (although it was limited and minimal) we managed to confirm the main research assumption and both secondary assumptions.

As our data showed, there are numerous Non-Governmental Organizations which use new types of media (social media sites, website, online newspapers, blogs) to promote themselves. Field events organised by those NGOs are often interactive, gathering people and volunteers in parks, cinemas and theaters to do various activities together with their target audience (which consists usually of people aged 14-18 from disadvantaged social categories). In the case of the Non-Governmental Organization included in the analysis the confirmation of first secondary assumptions was based on the fact that this NGO was able to be present on as many forms of media as possible in order to fulfill its mission.

The study also confirms the secondary hypothesis. In addition, the information gathered showed us that for an NGO it is essential to maintain a certain degree of transparency in its external communication with potential and actual donors, in order to secure an adequate flow of financing for its activities.

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ORIGINAL PAPER

Corporate Reputation: A Review of Its Importance and The Relation to Business Performance

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Abstract:

Within the past decades, the notion of *corporate reputation* has become mainstream lexicon. In the modern business landscape, described by a growing competitive pressure and in a constant change, companies worldwide are turning the attention towards seeking new ways of gaining a differentiated market positioning. To cope with the new business reality, companies that want to remain relevant in the global marketplace are paying increasing importance to the way they are perceived by different groups of stakeholders.

The present research paper builds on the existing literature and postulates that the concept of corporate reputation has experienced a rapid and fundamental transformation. The corporate success is no longer a function of providing a portfolio of products and services of quality, while ensuring a robust financial performance is not any longer the only requirement that companies worldwide are required to meet in order to be held in high regards by stakeholders. In this view, the article provides theoretical support for recognizing reputation as a *combinatorial force*. The concept of corporate reputation is being transformed to accommodate multiple organizational facets. Nowadays, corporate reputation is driven by multiple business factors such as corporate governance and leadership, social and environmental responsibility, or corporate empathy and the emotional bond. Ultimately, the purpose of this article is to explore and deepen the understanding about the positive impact that holding a favourable reputation in the marketplace has on company's long-term commercial performance.

Keywords: *corporate reputation; business performance; stakeholders; competitive advantage.*

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Introduction

In the existing body of literature, corporate reputation is a widely discussed topic. Over the past decades, the notion of reputation has attracted the attention of academic researchers and practitioners alike. With the increasing competitiveness of the business environment, its relevance and contribution to the long-term success of the company have become more important than ever. In a constantly changing business climate, being held in high regards by the key stakeholders is perceived as a major competitive advantage (Barney, 1991; Hall, 1992; Walker, 2010).

Weigelt and Camerer (1988: 443) described corporate reputation as "a set of attributes ascribed to a firm, inferred from the firms' past actions", while Fombrun and Shanley, 1990: 254) stressed that it is a "public cumulative judgments of firms over time". According to Milewicz and Herbig (1994: 40-41), reputation represents "the estimation of the consistency over time of an attribute of an entity" and "is an aggregate composite of all previous transactions over the life of the entity, a historical notion, and requires consistency of an entity's actions over a prolonged time for its formation". Following a similar thinking line, Fombrun and van Riel (1997: 10) defined corporate reputation as a "collective representation of a firm's past actions and results that describes the firm's ability to deliver valued outcomes to multiple stakeholders". This is consistent with Gotsi and Wilson (2001: 29) who viewed reputation as "a stakeholder's overall evaluation of a company over time. This evaluation is based on the stakeholder's direct experiences with the company, any other form of communication and symbolism that provides information about the firm's actions and/or a comparison with the actions of other leading rivals". Other authors such as Argenti and Druckenmiller (2004: 369) noted that reputation is the summation of many aspects and defined it as a "the collective representation of multiple constituencies' images of a company, built up over time and based on a company's identity programs, its performance and how constituencies have perceived its behaviour". Ou and Abratt (2006: 245) concluded that "corporate reputation can be defined as relatively stable, long-term, collective judgments by outsiders of an organization's actions and achievements. It implies a lasting, cumulative assessment rendered over a long time period".

More recently, after reviewing a large set of corporate reputation definitions, Chen and Otubanjo (2013: 338) noted that reputation is "a functional phenomenon arising from the creation of a variety of valuable attributes which differentiate firms and makes business organisations famous over time through the formal and informal lines of corporate communications". Bălan and Burlea-Schiopoiu (2017: 597) described reputation as "stakeholder specific set of subjective evaluations, built over time, whether favourable or not, of a firm's ability to create value relative to competitors" and highlighted that "the key point in conceptualizing the corporate reputation [...] is the term of *creating value* which becomes a required condition for companies today to differentiate and achieve growth".

In this context of great richness in theories and definitions, the present article proposes an integrated framework to understand the importance of corporate reputation and to capture its relation to business performance. The theoretical analysis begins with a review of the common elements that describe the term of reputation which is followed by an assessment of the key corporate factors that contribute to its formation. The article provides theoretical support for recognizing reputation as a *combinatorial force* in which multiple business drivers shape the corporate success. It postulates that the concept of corporate reputation has experienced a rapid and fundamental transformation and is no

longer a function of providing a portfolio of products and services of quality, or just ensuring a robust financial performance. Eventually, the article explores and deepens the understanding about the positive impact that holding a favourable reputation in the marketplace has on any company's long-term commercial performance.

Defining Corporate Reputation

Through the process of investigating the different theoretical approaches and perspectives surrounding the concept of corporate reputation, several common elements can be identified:

- Reputation is a strategic intangible resource of the organization (Barney, 1991; Hall, 1992)
- Reputation represents a collection of perceptions or representations that various stakeholder groups form in connection with a company (Deephouse, 2000; Argenti and Druckenmiller, 2004). This feature emphasizes on the cumulative nature of corporate reputation and indicates that the opinion of just one individual cannot be interpreted as a general assessment of the company. At the same time, it implies that a company can hold many and distinct reputations because each audience group can use its own set of attributes to describe the organization (Wartick, 2002; Helm, 2007; Bălan and Burlea-Schiopoiu, 2017);
- Reputation incorporates the assessment of all stakeholder groups of the company. Attributes such as the global business environment in which it operates as well as an increasingly complex organizational structure, have determined the company to enlarge the spectrum of relevant stakeholders. Nowadays, companies worldwide are concerned with capturing and learning about how they are perceived by each category of stakeholders (Fombrun and Shanley, 1990);
- The temporal nature of the concept of corporate reputation. Reputation has its roots in the organization's past actions and takes time to form and develop. The process by which the organization acquires its reputation is a long-term, cumulative one, in which the summation of all market developments and actions contribute to the creation of the reputation (Gotsi and Wilson, 2001; Barnett, Jermier and Lafferty, 2006; Walker, 2010);
- Reputation is the outcome of an evaluation process that develops over a long period of time. This long process is reflected, therefore, in the nature of the reputation that holds relatively constant, stable over time: a good reputation requires a significant amount of organizational resources to form, but it can be easy to lose (Roberts and Dowling, 2002; Walker, 2010);
- Reputation is formed and influenced by means of a series of perceptions, opinions, impressions or mental associations that different groups of stakeholders may have in relation to various organizational aspects. This feature indicates a socio-cognitive dimension of the concept of reputation (Walker, 2010);
- Reputation reflects the trust, admiration, esteem or respect that an organization has gained in the marketplace over time. This element underlines that reputation is a *substitution* of how the company is rated by different stakeholders in terms of trust, credibility, and business responsibility (Mahon, 2002);
- Reputation is a reflection of the social values held by the stakeholders. Reputation is formed through a gradual process in which individuals compare

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what they know about the organization with the values they associate as being important for that organization to hold (Mahon, 2002; Lloyd, 2007; Walker 2010);

- Reputation constitutes itself in an evaluation criterion: it represents a tool that various groups of stakeholders can use to compare the company against its peers. From this perspective, companies are engaged in a constant competition with other players to gain a better *reputational status* in the business environment (Fombrun and Shanley, 1990; Fombrun and van Riel, 1997; Barnett, Jermier and Lafferty, 2006);
- Companies command a limited control over the reputational level because it is formed independently of them, but they can exert an influence on reputation through all the actions undertaken in the marketplace, through the communication strategy and business behaviour (Walker, 2010);
- The dual nature of reputation: an organization can hold a positive or negative reputation respectively (Brown et al., 2006; Walker, 2010);

The Relation to Business Performance

Previous reputational studies have identified several dimensions that describe the tangible and intangible elements that key stakeholders consider when they form an opinion or perception about an entity. Raithel and Schwaiger (2015) noted that the current financial performance explains approximately 7-10% of a company's reputation, compared to non-monetary components which account for the remaining 90-93% of corporate reputation. This observation is important because it highlights that the long-term success of a company is no longer dependent on financial outcomes exclusively. On the contrary, corporate reputation has turned into a *combinatorial force*, being driven by various factors that impact the organization at all levels.

Products and services

In the group of non-monetary aspects, the products and services provided by a company have an important role to the formation, maintenance and improvement of corporate reputation. Shapiro (1983) suggested that an organization has a good reputation if customers perceive its products and services as being of good quality. Developing on this idea, the author stressed that customers rely on the quality of the products that the company has provided in the past and view this as an indicator or guarantor of present or future quality. Following the same thinking line, Rindova and colleagues (2005) described reputation by means of two components: the perceived quality of services and the level of recognition of the organization in the business environment, namely the corporate prominence. Fombrun and Shanley (1990) depicted a connection between the reputation of company and the level of quality embedded in its products and services, while Rao, Qu and Ruekert (1999) underlined the role of corporate reputation has in shaping the perception regarding the product quality.

Product innovations

Henard and Dacin (2010) explored the reputation concept from the perspective of product innovations and emphasized the influence of building and maintaining a perception of innovation over the different areas that describe a company. The authors pointed to a direct linkage between those companies that are committed to developing a reputation for innovation and how they are perceived in the marketplace. Dowling

(2004) expanded the debate regarding the importance of innovation to the overall success of an organization. He noted that the innovating capabilities are one of the attributes that are closely associated by stakeholders with the company's ability to run the business. Following the same approach, Fombrun, Ponzi, and Newburry (2015) mentioned that innovation is an important intangible asset of the company and underlined that those organizations that can adapt quickly to the business changes, launch new products or develop new business models are also the ones that are more likely to gain the respect and admiration of the stakeholders.

Social and environmental responsibility

Another dimension of corporate reputation is represented by the social involvement and the support provided to the community or environment. In the past years, social responsibility has been an increasingly discussed topic on the agenda of the international management community (Burlea-Schiopoiu and Bălan, 2018). Under this perspective, companies are viewed as social actors interacting with the community where they carry out their activities, aiming at increasing the general well-being and therefore be positively viewed by the various stakeholder groups (Highhouse, Brooks and Gregarus, 2009).

Corporate governance and leadership

Closely related to the company's social actions, the corporate governance, described broadly as the way the organization is run (Davis, 2005), together with the leadership mindset in shaping the business environment, is another component that impacts corporate reputation. Under this perspective, Fombrun, Gardberg and Sever (2000) and later, Fombrun, Ponzi, and Newburry (2015) described reputation through the way the management team is perceived by the key stakeholders. Within the same thinking stream, Bendixen and Abratt (2007) examined the ethical behaviour of multinational companies and how it influences the interaction between buyers and suppliers in an inter-organizational business context. According to the authors, the buyer-supplier relationship, characterized by trust, respectively the ethical values that support this relationship, turn into salient aspects of the management of corporate identity (Bendixen and Abratt, 2007).

Customer centricity and empathy

Another dimension that describes the concept of the corporate reputation is the customer-oriented behaviour of employees. The attention provided by the company to its customers is viewed as an added-value element of the interaction with them and contributes to the formation of positive perceptions. This conclusion is in line with Walsh and Wiedmann's findings (2004) who emphasized that in the cultural context of Germany, customer orientation of employees is one of the aspects that drive the perception about a company. Also, the authors interpreted this dimension as the way in which companies signal to different categories of stakeholders that they are interested in meeting their needs. The approach that places customers at the centre of corporate behaviour reflects the expectation that any company should treat its customers with greater attention and should put them at the core of its actions (Brown et al., 2002; Walsh and Wiedmann, 2004). Bălan and Burlea-Schiopoiu (2017) moved the discussion beyond the customer-oriented behaviour of the company and applied the concept of corporate empathy in creating a reputation metric for the service firms in Romania. The

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authors emphasized the need of companies to train their employees to practice empathy when interacting with customers. The concept of corporate empathy was operationalized using three attributes, namely: *Makes me feel important when I interact with the firm's representatives; Makes me feel respected; A company that is honest/ easy to approach* (Bălan and Burlea-Schiopoiu, 2017: 601)

Corporate performance

In the existing body of literature, the economic and financial performance of the company is viewed as one of the dimensions that define corporate reputation. The link between the two elements is captured, both in the general models, which assess the perception of the organization from the perspective of all stakeholder groups (Fombrun, Gardberg and Sever, 2000), and in the specific models that focus on exploring a single category of audience, namely the customers (Walsh and Beatty, 2007; Walsh, Beatty and Shiu, 2009; Puncheva-Michelotti and Michelotti, 2010; Wepener and Boshoff, 2015). According to the signalling theory, the overall past and present market actions of a company have a crucial importance in how perceptions are formed among various groups of stakeholders. The economic performance and financial stability are such a signal that companies rely upon to differentiate themselves from each other. In this regard, Fombrun and Shanley (1990) highlighted the influence of communicating positive financial results on how the company is perceived. Unlike the general public or shareholders, customers interpret the economic performance of an organization in a different way and do not necessarily associate it with the financial results (Bălan and Burlea-Schiopoiu, 2017). Customers generally associate the financial success of a company with a dominant position in the market, while a positive economic outcome becomes synonymous with obtaining or gaining a status or market prestige. In other words, the economic performance and financial stability become sources of information that stakeholders use to extract the needed information about the company's future growth potential or to benchmark it against other competitors (Fombrun, Gardberg and Sever, 2000; Walsh and Beatty, 2007; Wepener and Boshoff, 2015; Bălan and Burlea-Schiopoiu, 2017; Burlea-Schiopoiu, 2019).

Workplace

Another factor that explains the concept of corporate reputation is the work environment (de Castro, Navas López and Sáez, 2006; Feldman, Bahamonde and Velasquez Bellido, 2014). This component captures the ongoing concerns of companies to ensure a favourable working climate for their employees. Fombrun, Gardberg and Sever (2000) included this dimension in their Reputation Quotient measurement scale. According to the authors, in order to be perceived as an attractive workplace, a company must reflect a good people management and stimulate the interest of potential employees so that they are willing to work for it. It becomes necessary for any organization to prove that it can attract talented, well trained employees and who can bring superior productivity in the day-to-day activities. A similar perspective is provided by the measurement scale developed by Lloyd (2007) who considered that the efficiency of the organization in attracting potential employees is an element of its identity and reputation respectively.

Corporate attractiveness

Another facet of corporate reputation is the level of attractiveness that the company holds in the eyes of different stakeholder groups. One of the components that Schwaiger (2004) considered as having an important role in determining the reputation was named the *corporate attractiveness*. The attributes through which this dimension was defined are the physical appearance of the corporate buildings, the extent to which customers would consider working for the company or how effective the company is in attracting well-trained employees. At the same time, Caruana and Chircop (2000) noted the importance of promotional actions carried out by a company in shaping its reputation by analysing the case of a beverage company on the Maltese market. Podnar, Tuškej and Golob (2012) emphasized the contribution of forming a good image for a company in evaluating it on a positive note. It can also be noted that several researchers have used various aspects through which they seek to capture either elements related to the physical identity of the company (Schwaiger, 2004; Bălan and Burlea-Schiopoiu, 2017) or elements that aim to nuance the company's image in the market (Caruana and Chircop, 2000; Podnar, Tuškej and Golob, 2012) in the development of corporate reputation assessment models.

Emotional bond

It is also worth noting that Hall (1992) has conceptualized the reputation of a company as being a combination of cognitive and emotional components. Following the same approach, Schwaiger (2004) defined it as a form of attitude and, consequently, has operationalized reputation as a higher-order construct, consisting of two dimensions: *the competence and sympathy*. Practitioners like Fombrun, Gardberg and Sever (2000) considered that the emotional connection between companies and distinct stakeholder groups is an important reputational factor. Groenland (2002) tested the Reputation Quotient measurement scale using a qualitative study conducted among consumers and decision-makers in the Netherlands and noted that the emotional statements (*I have a good feeling about the company; I admire and respect the company and I trust the company*) are the ones that truly differentiate on how a company with favourable reputation is evaluated, compared with its peers that lack the same reputational status. The author stressed that corporate reputation is largely based on non-rational or emotional aspects (Groenland, 2002). Puncteva-Michelotti and Michelotti (2010), starting from the initial list of attributes captured in the Reputation Quotient model, confirmed that one of the dimensions describing corporate reputation in a purchasing decision context is the *emotional bond*. Feldman, Bahamonde and Velasquez Bellido (2014) also captured the affective element in the dimensional structure of the CRI index. A similar approach is adopted by Wepener and Boshoff (2015) who used five attributes to define the emotional attraction of customers towards the organization.

The importance of corporate reputation

In an always-changing competitive environment, reputation plays an important role in influencing the behaviour of different stakeholder groups towards an organization. The various public categories gravitating around the company use corporate reputation as a tool to evaluate the different elements related to the company like the quality of products or services. In the absence of such signals and challenged with an asymmetric information flow, they would not be able to observe or evaluate the

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companies properly (Burlea-Schiopoiu and Remme, 2017). Thus, corporate reputation becomes a business differentiator within the strategic management agenda which allows companies to obtain a sustainable competitive advantage. The findings provided by various reputational studies have highlighted the positive influence of reputation on the corporate performance and market value of the company (Burlea-Schiopoiu and Idowu, 2016).

A favourable reputation is often associated with improved results in various organizational areas. In this sense, the consequences linked with holding a strong reputation can be grouped into the following two categories.

Management:

- Improves the ability of the company to attract and retain talents and well-trained employees, which is one of the most important elements of differentiation in a competitive market landscape (Cable and Turban, 2003);
- Increases the self-confidence of the employees and encourages them to be more actively engaged in their work which is a salient contributor to enhanced labour productivity. At the same time, it increases their level of identification with the values promoted inside the organization (Dutton, Dukerich and Harquail, 1994);
- Protects the organization by increasing the loyalty of stakeholder groups and reduces the risk of moving to competitors by creating a strong bond with the company; this way, the stakeholders are less susceptible to compare the organization with its competitors (Lafferty and Goldsmith, 1999; Bontis, Booker and Serenko, 2007);
- Allows the company to command premium prices for its products and services. A favourable perception of the company is reflected in its ability to charge a higher price without losing its clients or being at risk to reduce the transaction volumes. This is regarded as being a crucial competitive advantage because it provides the company with the opportunity to increase the top-line performance and operate with higher profit margins (Klein and Leffler, 1981; Shapiro, 1983; Graham and Bansal, 2007; Helm and Tolsdorf, 2011);
- Ensures the protection of the company against competitive reactions and contributes to maintaining the overall corporate value when it is facing a communication crisis or is involved in an unwanted event or scandal (Bennett and Gabriel, 2003; Coombs, 2007; Helm and Tolsdorf, 2013; Burlea-Schiopoiu and Bălan, 2018). It can be used as a strategic asset in coping with this type of situations and it represents a *short-term shield*, providing the company a buffer time to create the strategy and properly address the issue;
- Acts as a barrier in deterring other competitors from entering in a certain business segment because they must obtain a *reputational license* in order to be able to perform, or to hold a level of reputation which is at least matching that of existing players. Reputation becomes a *cost of entry* (Carmeli and Tishler, 2005) for those new players who want to compete in that marketplace (Fombrun and van Riel, 1997);
- Helps lower the cost of capital, attracts more investors towards the company (Fombrun and Shanley, 1990) and allows easier access to more attractive sources of funding (Shapiro, 1983; Roberts and Dowling, 2002; de Quevedo-Puente, Fuente-Sabaté and Delgado-García, 2007);

- Allows the company to operate with profit margins above the market average and reduce the transaction costs (Shapiro, 1983), yielding a positive impact on net profitability (Roberts and Dowling, 2002) and non-financial benefits.

Marketing and strategic communication:

- Improves the perception of consumers regarding the quality and attractiveness of the portfolio of products and services (Yoon, Guffey and Kijewski, 1993; Dolphin, 2004; Shamma and Hassan, 2009);
- Strengthens the emotional link between the company and different groups of stakeholders and encourages a favourable behaviour towards it by increasing the willingness to recommend the company to others (Walsh and Wiedmann, 2004; Rindova et al., 2005; Turner and Wilson, 2006; Walsh and Beatty, 2007; Bontis, Booker and Serenko, 2007; Maden et al., 2012);
- Facilitates the introduction of new products and services in the market. Research studies aiming at exploring the impact of reputation on the behaviour of customers have revealed that a good reputation leads to a higher level of willingness to try a new product or service (Worcester, 2009; Henard and Dacin, 2010);
- Enhances the communication and advertising efforts, yielding to more efficiency in altering the customers actions and increasing the level of trust in the value proposition formulated by the company (Dolphin, 2004);
- Provides the company with a differentiated market positioning and creates a distinctive perception of it in the mind of customers; it allows the company to reach new consumer segments (Roberts and Dowling, 2002);
- Becomes a signal of the company's intentions in the marketplace and provides the stakeholders with a tool to anticipate the future business behaviour of that company (Kreps and Wilson, 1982).

Scholars and managers alike underlined that a positive reputation represents a major contributor to the overall market value. A research study conducted in 2019, among more than 1,000 of the world's largest companies in 15 leading national indices, found that 35.3% of the overall market capitalization was attributable to corporate reputation (AMO Strategic Advisors report, 2019). A recent research survey conducted online by the global communication firm Weber Shandwick among 100 business executives representing 22 markets worldwide indicated that 63% of the company's market value, on average, can be explained via corporate reputation (Weber Shandwick, 2019).

Closing Remarks

In the modern business landscape, described by a growing competitive pressure and in a constant change, companies worldwide are turning their attention towards seeking new ways of gaining a differentiated market positioning. To cope with the new business reality, companies that want to remain relevant in the global marketplace are paying increasing importance to the way they are perceived by different groups of stakeholders.

The review of the existing body of literature has clearly pointed out the economic value of holding a positive reputation. A favourable corporate reputation held by stakeholders is recognized as being an enabler for the long-term success of the

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organization. It provides competitive advantages that range from being able to attract more talented employees towards the company to approaching new customers segments with lower transactional costs or to allowing the organization to operate with profit margins above the market average, yielding a positive impact on net profitability.

However, within the past two decades, the concept of corporate reputation has experienced a rapid and fundamental transformation. The production and delivery of goods or services of quality, offered at a fair price, or ensuring a solid financial performance for shareholders are no longer the only requirements that a company is required to meet in order to create a perception of fairness in the marketplace. The concept of corporate reputation is being transformed to accommodate other facets such as corporate governance and leadership, social and environmental responsibility, or corporate empathy and the emotional bond. Under this perspective, the present research article underlined the multi-dimensional structure of corporate reputation and postulated that it has turned into a *combinatorial force*. Nowadays, corporate reputation is driven by multiple organizational aspects and companies are under constant pressure to pay attention to all of them in order to be able to build a strong relationship with their stakeholders and, ultimately, to gain a sustainable competitive advantage.

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ORIGINAL PAPER

The impact of the state of emergency / alert on the rights of the litigant in the criminal process

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Abstract:

In the case of invoking Article 15 of the ECHR, for a limited period of time, the conventional provisions governing certain obligations on Member States do not apply, but, on the other hand, there is no possibility of suspending the application of constitutional provisions. In this context, the state through the public authorities could not claim that the invocation of Article 15 of the ECHR is sufficient to restrict the rights and freedoms of individuals, without the need for a verification of the conformity of the measures adopted with the Fundamental Law. The fact that a state, pursuant to art. 15 of the ECHR, may adopt certain measures which do not comply with the obligations assumed by the signing of the Convention, does not amount to the absence of any form of liability for the consequences produced by the application of those measures. In this regard, it is important that there is no possibility for the state to take measures that derogate from the provisions of the Fundamental Law, so that the legislature and the executive must adopt acts in accordance with the constitutional provisions.

Keywords: *state of emergency / alert; limitation of rights; appeal; litigant.*

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The rights and freedoms of every person are a fundamental issue in the rule of law, and strict observance of them is a precondition for the existence of a democratic society.

Since the appearance of the pandemic caused by the evolution of SARS - CoV-2 virus, there have been many changes in most countries, including Romania, changes that have had negative consequences in all areas of activity, a special situation existing in the activity of carrying out justice.

In order to prevent the spread of the virus in our country, the executive and the legislature have adopted a series of measures, including those on the conduct of criminal proceedings and those on restricting the right of free movement of persons.

In this context, it can be said that the executive and the legislature had to choose between protecting the health of the population against infection with the contagious virus, and guaranteeing the right to have the trial resolved within a reasonable time, for people who are the main parties or subjects in the criminal proceedings.

By Decree no. 195 of March 16, 2020 issued by the President of Romania, published in the Official Gazette no. 212 of March 16, 2020, the state of emergency was established for 30 days on the territory of our country.

Regarding the reasons that could be the basis for establishing the state of emergency, the doctrine stated that only in circumstances that present "the highest level of danger to the state" (Deaconu Ștefan in Tănăsescu Elena Simina & Muraru Ioan-coord., Crișu Anastasiu, Popescu Sorin, Popescu Ramona, Pop Paul, Dima Bogdan, Ciobanu Viorel Mihai, Vedinaș Verginia, Cioclei Valerian, Deaconu Ștefan, Gherghina Simona, Popescu Andrei, Tomescu Milena, Enache Marian, Dima Luminița, Baias Flavius-Antoniou, Apostol Tofan Dana, Zamșa Cristina, Selejan-Guțan Bianca, Soare Vlad Cristian, 2019: 799) is the state of emergency justified.

The Permanent Representation of Romania to the Council of Europe sent, on March 17, 2020, to the Secretary General of the Council of Europe, the verbal note on Article 15 of the ECHR, which shows that this decree also includes measures that "involve derogations from the obligations provided for in the Convention for the Protection of Human Rights and Fundamental Freedoms "(2020, accessed from <https://rm.coe.int/16809cee30>).

According to art. Article 15 of the ECHR, "in the event of war or other public danger threatening the life of the nation", a State Party may take measures derogating from the obligations under the present Convention, strictly according to the situation and with the condition that these measures should not be in conflict with other obligations under international law "(2020 accessed from https://www.echr.coe.int/documents/convention_ron.pdf).

Regarding the possibility of adopting measures that derogate from the obligations assumed by a state in international conventions and treaties, the doctrine has shown that the activation of derogation clauses "replaces normal legality with an exceptional legality adapted to the circumstances" (Sudre, Milano & Surrel, 2019: 228).

The fact that a state, pursuant to art. 15 of the ECHR, may adopt certain measures which do not comply with the obligations assumed by the signing of the Convention, does not amount to the absence of any form of liability for the consequences produced by the application of those measures. In this regard, it is important that there is no possibility for the state to take measures that derogate from the

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provisions of the Fundamental Law, so that the legislature and the executive must adopt acts in accordance with the constitutional provisions.

At the same time, the provisions of art. 15 paragraph 3 of the ECHR, which regulate the temporary nature of measures based on the provisions of paragraph 1 of the same article. Moreover, not only the measures must be temporary, but also their effects, which in some cases extend over time, beyond the period in which they derogated from the conventional obligations. For example, in art.43 par. 2 of the decree no. 195 of March 16, 2020 issued by the President of Romania, it was shown that "criminal proceedings pending before the courts, including those pending in the preliminary chamber, are suspended by law during the state of emergency (...) ", and in paragraph 3 of the same article it was specified the way in which the trials are resumed, in the sense that "within 10 days from the end of the state of emergency, the judge or court will take measures to set the trial deadlines and perform the procedural documents". From the end of the state of emergency until the effective resumption of trials another 30 days at least passed, necessary to the accomplishment of the summons procedures with the litigants who are not domiciled in the same locality with that of the court headquarters. Although the limitation period for criminal liability began to run after the date on which the state of emergency ceased, in the immediate future the criminal proceedings could not be settled due to the time required to complete the summons procedure with the trial parties.

In other words, if in the case of invoking Article 15 of the ECHR we can say that, for a limited period of time, the conventional provisions governing certain obligations on Member States do not apply, in the case of constitutional provisions there is no possibility of suspending their application, regardless of reason or period.

In this context, the state through the public authorities could not claim that it is sufficient to invoke Article 15 of the ECHR, without the need for a verification of compliance of the measures adopted with the Fundamental Law, given that according to art. 1 paragraph 5 of the Constitution "In Romania, observance of the Constitution, its supremacy and the laws is mandatory." Regarding this provision, the doctrine showed that "the principle of supremacy of the Constitution is based on its superior position at the top of the legal system pyramid, generating constitutional supralegality, applicable to the whole system, so that the law itself expresses the general will only in compliance with the constitutional norm" (Constantinescu Mihai in Constantinescu Mihai, Iorgovan Antonie, Muraru Ioan, Tănăsescu Elena Simina, 2004: 3). On the other hand, in case of limitations of the persons' rights, the provisions of art. 20 paragraph 2 of the Fundamental Law must be taken into account, in the sense that, in case of discrepancies between domestic laws and international norms within pacts and treaties signed by our country, international regulations apply, unless the Constitution or domestic laws contain more favorable provisions. However, given that the Romanian Constitution does not provide for the possibility of derogating from its provisions, compared to the ECHR, which allows Member States, for a limited period, not to take into account the obligations assumed, in this respect, the Fundamental Law contains more favorable provisions, which is why it should be applied as a matter of priority.

Even if the Romanian Constitution, in article 53 provides for the possibility of restricting certain rights, this article aims to reduce the number of cases of limitation of rights, requiring compliance with several conditions regarding the form of the normative act, the purpose of limitations, necessity and proportionality of intrusive measures.

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The doctrine compared the situations in which the rights are not temporarily applied - the derogations and the case in which there is a restriction of rights - the imperfect application, talking about a difference between those „which may be subject to derogations, but not restrictions (the right to a fair trial, with the exception of the right to publicity of debates; (...); the right to appeal" and those which may be subject to restrictions and derogations such as: the right to liberty and security, the right to dual jurisdiction in criminal matters - specific rights or public policy clause, freedom of expression - general rights (Sudre, 2006: 165).

By Decree no. 195 of March 16, 2020, several measures were taken in the field of justice, among the most important being: the suspension of prescriptions and deadlines, the suspension of criminal cases pending before the courts and in the proceedings of the preliminary chamber, establishing the cases that continued to be on trial. The state of emergency was extended by another 30 days by Decree no. 240 of April 14, 2020 issued by the President of Romania, published by the Official Gazette no. 311 of April 14, 2020, maintaining the measures established by the previous decree, measures that have been adapted in relation to the evolution of the pandemic.

Article 2 of each decree lists the rights whose exercise has been restricted, but among them is not the right provided by art. 20 paragraph 3 of the second sentence of the Romanian Constitution, respectively the settlement of the trial within a reasonable time. In specialistic literature, regarding the reasonable term, it has been shown that "it expresses the reality that justice should not be done with delays that compromise its efficiency and credibility" (Tanasescu in Constantinescu et al., 2004: 34).

The state of emergency lasted until May 15, 2020, inclusive, the date on which it was published in the Official Gazette no. 396, Law no. 55 which regulated the notion of the state of alert, establishing the restrictive measures of rights that may be disposed of during this period, as well as the procedure for establishing the state of alert.

In the conditions in which in Law no 55 / 2020 a subsequent date of entry into force was not provided, according to art.12 of Law no. 24/2000 republished in the Official Gazette no. 260/21 April 2010, the law entered into force 3 days from the date of publication in the Official Gazette, respectively on May 18, 2020. On the same date, it was published in the Official Gazette no. 410, Government Decision no. 394 on declaring the state of lock down and the measures applied during it to prevent and combat the effects of the COVID-19 pandemic, a decision that entered into force on the date of publication, as it results from the provisions of art. 12 paragraph 3 of Law no 24/2000. It is noted that from the date of cessation of the state of emergency -15 May 2020, until the date of entry into force of G.D. no. 394 / 18. 05.2020, through which the state of alert was established, three days have passed. What happened to the restrictive measures during this period? By the decision no. 24/2020 of National Committee for Emergency Situations published in the Official Gazette no. 395 of May 15, 2020, the state of emergency was declared at national level for a period of 30 days, providing "measures for prevention and control of infections applicable during the state of alert." However, after three days, the applicability of this decision ceased, according to art. 1 paragraph 2 of G.D. no 394 / 2020. The discussion regarding the competence to order restrictive measures of rights appears, starting from the normative act based on which NCES adopted the decision 24/2020, respectively GEO 21/2004 amended by GEO 68/14 May 2020. In this sense, significant is paragraph no. 87 of the CCR Decision no. 157 of 13 May 2020 stating that "having regard to the legal acts issued by the structures empowered in the management of emergency situations, respectively administrative acts

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organizing the execution and implementation, in relation to the existing factual situation, of the primary regulatory provisions which decides on the legal regime of the state of alert, it appears obvious that these acts cannot affect fundamental rights and freedoms". It was also shown that such acts are subsequent to the law, "concretely establishing the measures to be taken in order to manage the state of emergency", so that, "they can only transpose the legal norms". In paragraph 89 of the same decision, the CCR found that "the delegated legislator cannot in turn delegate to an administrative authority / entity what he himself does not have under competence" and that the limitation of fundamental rights or freedoms can only be achieved by law, as a formal act of the Parliament".

In this context, considering the fact that the decision no. 24/2020 of NCES was not issued on the basis of a law, in the sense given by the CCR - "formal act of the Parliament", we can say that this decision had no legal basis to order measures to limit the fundamental rights and freedoms of people. In doctrine, a distinction has been made between the delegation of forms of power and the delegation of matters, showing that "the delegation of forms of power is impossible, but the delegation of matters is not so, provided that the power to which a matter is delegated to, regulates it by its own will" (Hauriou, 1929: 265). In fact, in our view, that was the reason why that judgment ceased to apply after only three days, by the entry into force of G.D. no. 394/2020, adopted based on Law no 55 / 2020, which provided in art. 4 par. 1 that the state of alert can be established only by a decision given by the Government.

Law no. 55/2020 established several measures regarding the criminal trial, most of the measures regarding the execution of punishments and educational measures. However, art. 62 regulated the manner of hearing persons deprived of liberty, a measure that influences the procedure in which the criminal process takes place.

Unlike the decree no. 195 of March 16, 2020 issued by the President of Romania, which in art.43 par. 6 imperatively established that the hearing of persons deprived of their liberty is done by "videoconference at the place of detention or in appropriate spaces from a sanitary point of view, without the need for consent of the person deprived of liberty", Law no 55 / 2020 gave the possibility to the judicial body to establish whether, by hearing the persons deprived of liberty through videoconference is or is not a "prejudice to the good development of the trial or to the rights and interests of the parties".

To highlight the importance of this measure, we emphasize that the phrase "persons deprived of liberty" refers not only to persons who have the capacity of defendant in criminal proceedings, but also to persons who have the capacity of injured parties, civil parties, responsible parties civilly, witnesses. It must be borne in mind that litigants in criminal proceedings have opposing interests, each exercising their rights according to the purpose pursued by resolving the criminal proceedings. On the other hand, the judiciary must take into account both the context of the pandemic and the specifics of each case, because "a basic freedom can only be limited or denied to protect one or more other basic freedoms", and limitation will "never intervene (...) in the name of the public good or perfectionist value" (Rawls, 2007: 351).

On the other hand, it is necessary to make a comparison between the consequences of the rights of litigants by listening to persons deprived of their liberty by videoconference and the possible consequences on the health of those persons by transporting them from the place of detention to the judiciary headquarters to be heard directly.

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Art. 62 of Law no 55 / 2020 regulates the situation in which the person deprived of liberty does not agree to be heard by videoconference, but the judicial body considers that the proper conduct of the criminal proceedings is not influenced and the rights or interests of the parties are not affected. However, it is possible that during the criminal trial, the judicial body, ex officio or at the request of a party, may assess the need for the immediate presence of the person deprived of liberty, but this person refuses, citing issues regarding the risk of infection with SARS - CoV -2 during transport to the judicial bodyheadquarters. In our opinion, in such cases, the judiciary must take all necessary steps to be able to determine whether transport conditions are ensured which eliminate the risk of infection with the virus in question. Only if all risk of infection is eliminated, it can be ordered to bring the person deprived of liberty, even without his consent, before the judicial body. Otherwise, it would be recommended that the hearing take place by videoconference, and if the presence of the detainee before the court is essential for solving the process, the time may be postponed until there is no risk of infection.

Another aspect that we discuss concerns the meaning of the words “heard by videoconference” used in art. 62 of Law no 55 / 2020. It is very important that the recipient of the rule understands the meaning of the words, although "a certain inaccuracy is inevitable, even if it is due to the desire to avoid excessive rigidity that would prevent adaptation to changes in the situation", to avoid difficulties in interpreting law, “a balance must be sought between what is desirable and what is possible” (Renucci, 2009: 310).

Thus, in the case of the main subjects and parties, their role in a trial is not limited to their hearing only, but involves effective participation in the whole procedure, each having the opportunity to make requests, invoke exceptions, ask questions. In this context, in our opinion, the article can be interpreted as meaning that persons deprived of their liberty participate in the criminal proceedings by videoconference at the place of detention.

In doctrine, opinions differed on the meaning of the terms "hearing" and "listening." Some authors have argued that they are "acte of distinct legal value", pointing out that the *hearing* is a complex evidentiary procedure "by which the statement is obtained as a means of proof", a procedure in which the person's personal data are known, is informed of his rights and obligations, the person freely relates what he wants to declare, answers the questions asked by the other participants, the statements are recorded, but also the questions asked. *Listening* “is, at the hearing, only the segment in which the person actually communicates in sentences a free speech or the answers to the questions” or in cases concerning proposals or requests for preventive measures, “is the point of view expressed personally by the defendant in relation to that preventive measure ”(Gheorghe Teodor-Viorel in Volonciu Nicolae, Uzlaşu Andreea Simona, Moroșanu Raluca, Văduva Victor, Atasiei Daniel, Ghigheci Cristinel, Voicu Corina, Tudor Georgiana, Gheorghe Teodor-Viorel, Chitiță Cătălin Mihai, 2015: 271).

Another point of view was expressed by other authors in the sense that "there are no differences between the two evidentiary activities, *hearing* and *listening*, both involving the free speech regarding the facts" by the suspect or defendant, "and the formulation of questions by the judicial bodies or by the main procedural subjects or the parties present at the hearing (in the trial phase)” (Neagu & Damaschin, 2014: 442).

In other words, Law no 55 / 2020 does not regulate the possibility of participation in the criminal proceedings by videoconference of persons in respect of

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whom the preventive measure of house arrest or judicial control has been ordered, or of free persons who are not subject to any preventive measure.

In our opinion, given that the risk of infection with the SARS-CoV-2 virus has increased, in order to protect the health of these people, it was appropriate to provide for such a possibility. In this respect, if the persons live in other localities than the one where the judicial body headquarters is located, they could go to the judicial body (court, prosecutor's office, police station) which has the nearest headquarters to the person's home, where they will be heard by videoconference by the judicial body judging the criminal case. This requires sufficient technical means and qualified personnel, but it is the obligation of the state to purchase them, given that it is not known how long the restrictions imposed by the pandemic will last, but the judicial authorities must adapt to each situation in order to resolve criminal cases within reasonable time, respecting the rights and freedoms of all participants.

In the conditions in which by the decrees given by the President of Romania, by which the state of emergency was declared, and, subsequently, by the decisions of the Romanian Government, the state of alert was established and then extended, by which the rights of litigants in criminal proceedings were limited, the issue of the procedure for challenging these measures is raised.

Considering art. 93 paragraph 1 of the Constitution and art. 14 of the G.E.O. no 1/1999, CCR, in paragraph 88 of Decision no. 152 of 6 May 2020, stated that "since it regulates a series of generally binding rules, the state authorities being in charge of carrying out the measures adopted, and the natural and legal persons having the obligation to comply with the provisions of the act, it follows that, from the perspective of the content, the President's decree is an administrative act with a normative character." In paragraphs 90-92 of the same decision, the CCR stressed that the President of Romania does not regulate the restriction of the exercise of fundamental rights and freedoms, but the law adopted by Parliament, the law whose exercise is organized by decree of the President. After the President establishes the state of emergency, the Parliament, by a decision in the joint sitting of the Senate and the Chamber of Deputies, verifies whether the conditions provided by law are met, approving or not the respective measure.

In this context, the CCR, in paragraph 93 of the above-mentioned decision, ruled that the decree by which the President established the state of emergency, although an administrative act, is exempted from judicial review by administrative litigation, carried out on the basis of Law n. 544/2001, because it concerns a report with the Parliament and falls under the provisions of art. 126 paragraph 6 of the Constitution. On the other hand, this decree may be subject to the constitutionality control carried out by the CCR through the decision of the Parliament, given according to art. 93 paragraph 1 of the Fundamental Law, which approves or does not approve the establishment of the state of emergency.

Specifically, CCR mentioned that through the sole article of Decision no. 3 of March 19, 2020, for approving the measure ordered by the President of Romania regarding the declaration of a state of emergency, the Parliament did not verify whether the conditions provided by the Constitution and the law were observed, but only approved the measure. At the same time, it showed that by Decision no. 4 of April 16, 2020 regarding the Decree no. 240/2020 regarding the extension of the state of emergency, annex no. 1 of this decree by which measures were adopted containing

derogations from the legislation in force (paragraphs 105,106 of Decision no. 152 of 6 May 2020).

Regarding this aspect, the doctrine showed that "The Decree makes an abusive exercise of the legislative function and restricts the exercise of certain rights, other than provided by Article 53 of the Constitution", so that "ordinary courts have the power to assess the validity of rules, but this does not mean the control by administrative litigation of an act restricting the exercise of rights issued without jurisdiction, but the finding by the ordinary court of the non-existence of the Decree. But the jurisdiction of ordinary courts does not eliminate the jurisdiction of the Constitutional Court" (Dănișor, 2020: 33).

The court of constitutional contentious, in paragraph 116 of Decision 152/2020, found that only by organic law adopted by the Parliament, the legal regime of the state of emergency can be regulated, in the current constitutional framework. In the next paragraph of the decision, the CCR stated that the G.E.O. no. 1/1999 entered into force before the amendment of the Romanian Constitution of 2003, context in which, at the date of adoption, the ordinance complied with the constitutional norms in force at that time, norms that did not limit the legislative prerogative of the Government not to affect the rights and freedoms provided by The fundamental law.

Although by Decision no. 152/2020 the court of constitutional contention found that G.E.O. no 1/1999 on the state of siege and the state of emergency, as a whole is constitutional in relation to the criticisms made by the People's Advocate, the reasons for the decision show the need for the adoption in the near future by the Parliament of a law to regulate legal regime during the state of emergency.

The necessary nature of such a law is also justified by the rapid increase in the rate of infection with the SARS - CoV-2 virus, with the possibility of re-establishing the state of emergency to limit the spread of this virus, but the legislature and the executive must account of the considerations of Decision no. 152/2020 of the CCR, in order to avoid the risk of pronouncing a decision by which a possible exception of unconstitutionality will be admitted.

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- Abbreviations:
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| Art. - article; | G.E.O. - Government Emergency ordinance; |
| CCR - Constitutional Court of Romania; | L. - Law; |
| Coord. - coordinator; | NCES - National Committee for Emergency Situations; |
| ECHR - Convention for the Protection of Human Rights and Fundamental Freedoms; | No. - number; |
| G.D. - Government decision; | O.G. - Official Gazette; |
| | Par. - paragraph; |

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ORIGINAL PAPER

Aspects regarding the impact of Law no. 129/2019 in the matter of companies

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Abstract:

Law no. 129/2019 for the prevention and combating of money laundering and terrorist financing, as well as for the modification and completion of some normative acts, has agreed the national legal framework with certain European Union directives in this field. At a particular level, in relation to the object of activity, certain companies have obligations such as the designation of persons with responsibilities in the application of Law no. 129/2019 or reporting certain data and information to the National Office for the Prevention and Control of Money Laundering. At a general level, the companies regulated by Law no. 31/1990 are covered by a new obligation, respectively the obligation to declare the real beneficiary of the legal person. Also, institutions regulated by Law no. 31/1990 were subjected to some substantial changes. In the latter category is the elimination of the possibility of companies to issue shares to the holder.

Keywords: *real beneficiary of the legal entity; bearer action; Law no. 129/2019; Law no. 31/1990*

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General remarks relating to the content of the Law. 129/2019

Law no. 129/2019 for the prevention of and fighting against money laundering and the financing of terrorism, as well as for the amendment and completion of some legislative acts transposed into the national law, with some delay, the EU Directive 2015/849 of the European Parliament and the Council as of the 20th of May 2015, for the prevention of the use of the financial system for the purpose of money laundering or the financing of terrorism, as well as the EU Directive 2016/2258 of the Council as of the 6th of December 2016 for the amendment of the Directive 2011/16/EU regarding the access of the tax authorities to the information about the fighting against money laundering.

The legislative act has perfected the national framework for the prevention and fighting against money laundering and the financing of terrorism (previously its regulation in this area relying upon the Law no. 656/2002 for prevention and sanctioning of money laundering, as well as for the implementation of some measures to prevent and fight against the financing of terrorism), resulting a series of novelties, changes or improvements in the national legal landscape available in the area. At the same time, the regulation under review manages to maintain the national legislation, not only in pace with the developments of the European legislation, but also the international legislation in this field (for an overview of the timeline of regulatory see Hotca, Hotca, 2019: 23, and seq.). The scope of the Law no. 129/2019 and in respect of companies (regarding the changes in terminology in respect of these entities, see Stuparu, Ognyan, 2018-May 31; Angheni, 2019: 120-121), governed by the Companies' Law no. 31/1990, is justified, where appropriate, by the capacity of the reporting entity (within the meaning of Art. 5 of Law no. 129/2019) or of their status as legal entities of private law registered in the Trade Register. As an example, we mention the introduction of new measures for customer due diligence (which may not be standard measures, simplified or additional), the expansion of the pre-existing obligations for the reporting of certain operations and transactions carried out by customers or the identification and reporting of the beneficial owner. The performance of all the duties imposed by the regulatory framework provides for a default increase of the information made available to the public by the companies with the purpose and having as affect the deepening and improvement of the effectiveness of the control by the competent institutions and authorities in order to prevent, control or limit the crime within the scope of the money laundering and the financing of terrorism.

Last, but not least, the Law nr. 129/2019 also plays a role in the amendment of some legislative acts, including the Companies' Law no. 31/1990. The provisions of this relevant legislative act are those dedicated to the shares to bearer issued by stock companies, their legal system being changed in a radical manner.

Declaring the beneficial owner and the Register of the beneficial owners

One of the elements detailed by the Law. 129/2019 concerns the obligation to identify and to provide information regarding the beneficial owner, setting the task to the legal entities of private law and the trusts registered on the Romanian territory.

In their capacity as legal entities of private law, companies are required to obtain and hold the proper accurate and updated information about their beneficial owner, including information on how this capacity will be materialised, and to make it available to the controlling bodies and the surveillance authorities, at their request. The companies registered at the time of the entry into force of the Law. 129/2019 benefit of a period of 12 months (recently extended by 3 months from the date of the termination of

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a state of emergency) to comply with it under the penalty of a fine to be paid by their director.

Regarding the current concept of “beneficial owner”, the Law no. 129/2019 (Art. 4 para 1) regulated a general definition according to which this refers to “any natural person who owns or ultimately controls the customer and/or the natural person on behalf of which it performs a transaction, an operation or an activity.” To be more accurate, in relation to the type of the legal person, entity without legal personality, or the legal form similar to them, holding the obligation to declare the beneficial owner according to the law, the lawmaker made certain justifications. Thus, in the case of the companies referred to in the Companies’ Law no. 31/1990, the term of beneficial owner shall include at least the following: “1) the natural person or persons who own or control ultimately a legal entity by exercising the right of ownership, directly or indirectly, on a number of shares or voting rights enough to ensure its control or by own equity participation in the legal entity or by exercising control by any other means, the legal entity owned or controlled not being a legal entity registered in the Trade Register, whose shares are traded on a regulated market and which is subject to disclosure requirements consistent with those regulated by the EU legislation or with the standards set at the international level. This criterion is deemed met if at least 25% of the shares plus a share or the legal entity’s own equity participation in a percentage of more than 25% are held; 2) the natural person or persons who ensure the management of the legal person, in case that, after exhausting all possible means and provided there are no grounds for suspicion, no natural person is identified in accordance with the section. 1 or in the case in which there is a doubt that the identified person is the beneficial owner, in which case, the reporting entity shall be obliged to keep also records of the measures implemented for the purpose of identifying the beneficial owner in accordance with point 1 and with this point,” (Art. 4. para 2 letter a) of the Law no. 129/2019).

Summarizing the complex legislative formulation established by the Law. 129/2019, the beneficial owner of a company governed by the Law no. 31/1990 is, as a rule, the associate who holds more than 25% of the shares, and by way of exception, is not able to appoint such an associate according to the previous criterion, and provided that there are no grounds for suspicion, the capacity rests with the natural person/persons that provide the management of the relevant legal person.

For companies, the declaration on the beneficial owner practically completes the set of documents required to be mandatorily submitted upon their registration in the Trade Register (for more details Cărpenu, 2019: 161-162). In this regard, the National Trade Registry Office operationalised as an absolute novelty, the Register of companies’ beneficial owners where the information provided regarding the beneficial owner is recorded (Art. 19, para. 1, 2 and 5 of the Law. 129/2019). By the will of the legislator the access to the register of beneficial owners shall be done in accordance with the norms regarding the protection of personal data (Sandru, 2018: 80's-90), as it is only available to certain recipients. It should be noted that a company, whose beneficial owner is declared according to the Law. 129/2019, does not have any control and cannot manifest its will concerning those receiving of such information. The general approach from the content of the Law. 129/2019 (Art. 19, para. 8 to 10 and para 12) may lead in practice to situations where obtaining the information recorded in the Register of beneficial owners would end up to the authorities, entities, and persons who, although they are identified according to the legislation as beneficiaries able to receive it, does not justify a legitimate interest, in this way cases of abuse being generated.

In the light of the provisions of the Law. 129/2019 (Art. 56 et seq.), companies are required to submit upon registration on an annual basis or whenever there is a change, a declaration relating to the beneficial owner of the legal entity, for the purposes of registration in the Register of the companies' beneficial owners. The declaration shall be submitted by the company's legal representative (as to the identification of the company's legal representatives see also Smarandache, 2010: 88-90), and must contain the identification data of the beneficial owner, as well as the procedures to exercise control over the legal entity. From the procedural point of view, the declaration shall be issued before the representative of the Trade Register Office or authenticated by a notary. Holding accurate and updated information on the beneficial owner is a key factor in tracing criminals who, otherwise, would be able to hide their identity behind a structure of a company (related to the status of the front companies, qualified according to the doctrine as "fictitious legal entities", see Baias, Chelaru, Constantinovici, Macovei, 2012:178-180)

The non-observance of the statutory period for filing of the declaration, shall constitute an offense and shall be punishable by a fine of between 5,000 and 10,000 lei. The finding of the offences can be made both by the Trade Register Office, through its controlling agents, as well as by the controlling bodies of the Ministry of Public Finance - National Tax Administration Agency and its territory units. In the latter case, the report on the offences committed shall be communicated to the Trade Register Office, and, if, within a period of 30 days as of the fine enforcement date, the legal representative does not file the declaration, the court may order the winding up of the company, in accordance with Art. 57 para 2 of the Law. 129/2019. The jurisdiction in ordering the dissolution belongs to the court of first instance or, where appropriate, to the specialised court. The cause for dissolution can be removed before they present their conclusions on the merits of the case. In the case there is an intervention in such a case, the legislator has determined, by means of the mentioned reference norm, the applicability of the provisions of Art. 237, para. 4 to 13 of the Law. no. 31/1990, (for an approach of the provisions, see Nász, 2019: 297-298).

One problem that can appear in practice, and which does not have any legal support for settlement within the Law. 129/2019, concerns the companies whose shares are traded on a regulated market and (to further elaborate on the specific obligations of the actors on the capital markets, see Duțescu, 2008: 519-533), and which are subject to disclosure requirements consistent with those covered by EU law or by the standards set at the international level (e.g. for the registration of credit institutions, see also Smarandache, 2013:129-137). Such professionals, even though they are registered in the Trade Register in consideration of their legal form, are not subject to the provisions of the Law. 129/2019 with respect to the identification of the beneficial owner. The absence of the identification of any listed company (as beneficiaries of a derogatory system) in the database of the Trade Register Office, accompanied by the silence of the legislator with respect to this exception, may be the basis for sanctions according to Law. 129/2019 for not declaring the legal beneficiary according to this legislative act. Therefore, the regulatory deficiency requires an appropriate settlement by identifying some practical, easy-to apply solutions.

The regime regarding the interdiction of the companies' bearer shares

The changes caused by the Law nr. 129/2019 in relation to certain legislative acts include also the Companies' Law, within such law the provisions previously

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allocated to the legal regime of the bearer shares issued by equity companies being radically amended.

Up to the date of the entry into force of the Law. 129/2019, joint-stock companies and partnerships limited by shares could issue, according to the terms of the articles of incorporation and by observing the law, several types of shares, (to understand the action of splitting the share capital, see Duțescu, 2007: 36-37, and to understand the commercial security, see Dominte, 2008: 139-141) with a different legal regime (in accordance with the previous form of the provisions from Art. 8, let. f-fl, Art. 91-109 of the Law no. 31/1990).

According to the Law no. 31/1990 (prior to the moment of the analysed amendment), the bearer shares were part, along with the nominal shares, of the class of ordinary shares. Mainly, the specifics of the bearer shares was, on the one hand, provided by the fact that their ownership is transferred through a simple transaction, the hand-over of the title being a prerequisite (for details Șcheaua, 2004: 222), and, on the other hand, provided by the fact that their holder was not nominated within the share, his identification elements missing completely (thus differentiating it from the class of the nominal shares). Basically, the owner of the bearer share was its holder and, in the light of this capacity, he became the beneficiary of the rights conferred by such title, being able to participate in the extraordinary meeting of the holders of such shares inclusively. Last, but not least, also based on the Law no. 31/1990 (Art. 95, para. 5, Art. 113, Art. 115) according to a resolution of the shareholders' extraordinary general meeting there is the possibility of converting the shares from one class into another (both from the option shares - to ordinary shares, and also from nominal shares to bearer shares). According to the doctrine, the bearer shares were deemed as actual movable assets, not mentioning if thus a character of "tangible assets" is understood (Piperea, 2005: 260). Once with the implementation of the Law. 129/2019 (Art. 61), one of the elements of the absolute novelty brought by this regulation, in the matter of companies lies in the interdiction both to issue new bearer shares, and also to perform new operations with the available bearer shares.

The legislature gave the opportunity to the owners of bearer shares to opt for their conversion into nominal shares, thus determining a series of rules necessary to ensure their transition to their new legal regime. The disclosure requirements were also regulated, requirements which have as outcome the legal binding of the third parties to the amendments occurred thus at the level of the issuing company.

Taking into account the present legal framework, the bearer shares issued by equity companies, prior to the entry into force of the Law. 129/2019, must be converted into nominal shares in compliance with the provisions of the latter act. In this regard, the holders of any title to such shares, who agree to comply with this new special conversion procedure, will submit them to the headquarters of the issuing company within a period of 18 months as of the date of entry into force of the Law. 129/2019.

The submission of the bearer shares will allow the competent management and administration corporate body so that as of the expiry date of the said period of 18 months, it would carry out the operations necessary for their actual conversion into the nominal shares. Regarding the competent body in the field, we are critical of the fact that the legislator (Art. 61, para. 4, of the Law. 129/2019) exclusively nominated the board of directors (which is the body specific for equity companies with a one-tier management system), leaving out unduly the management board (which is the body specific for equity companies with a two-tier management system). In our opinion, depending on the

company's management system, which previously issued bearer shares, subject to the special conversion procedure imposed by Law. 129/2019, the board of directors (or, if applicable, the sole director), i.e., the management board, has the responsibility to register the relevant securities also in the shareholders' register the surname, first name, personal identity number and domicile of the natural person shareholder or the name, office, registration number and sole registration code of the legal person shareholder, where appropriate.

We believe appropriately to mention the fact that, according to the interpretation of the rules established by the Law no. 31/1990 (Art. 92, para. 2 now repealed by the Art. 54 point 3 of the Law no. 129/2019), the bearer shares were always paid in full upon subscription, stating the specific manner of their transmission, through the simple transaction (see also Dick, Gavriş, Badoiu, Haraga, 2007:164). Therefore, in this respect, the conversion of the bearer shares into nominal shares based on the Law nr. 129/2019 does not pose any practical issue.

At the companies' level, within which this special procedure regarding the conversion of the shares is performed, the increase in the pre-existing number of nominal shares occurs as fractions of the share capital, pro rata to the number of the bearer shares thus converted. Additionally, the procedure regarding the conversion of the bearer shares into nominal shares established by the Law. 129/2019 becomes at the same time an effective means for the permanent identification of all the shareholders of any equity company, having as default effects the increase of their public transparency and facilitating their monitoring according to the law. In the past, the identity of the holders of the bearer shares was possible only temporarily, in the context of holding the shareholders' general meetings of the companies issuing such securities. We remind that in accordance with the provisions of Art. 123, para. 1 of the Law no. 31/1990 (currently repealed by the Art. 54 point 13 of Law no. 129/2019), the right of the holders of bearer shares, to vote in the general assemblies was conditional on the procedure prior to the filing thereof at the places indicated by the articles of incorporation or by the convening notice, no later than 5 days prior to the meeting (fact determined by the technical secretary through protocol), but no such actions may be held for more than 5 days as of the date of the meeting (for a review, see Sauleanu, 2008: 152-154).

The penalty for failure to comply, up to the expiry of the 18-month legal deadline, with the requirement to convert the bearer shares by the competent bodies of the joint-stock companies and partnerships limited by shares leads to their dissolution. As in the case of not declaring the legal beneficiary (above analysed), the legislator imposed through the analysed special law a new case of dissolution, however, by means of a reference norm (Art. 61, para. 8 of the Law. 129/2019) the applicability of the provisions of Art. 237, para. 4 to 13 of the Law no. 31/1990 (as a framework law in the field of companies). The jurisdiction belongs to the court of first instance or, where appropriate, to the specialised court, and the act of apprehension was acknowledged to any interested person, as well as the National Trade Register Office. The cause for dissolution may be dismissed before the conclusion on the merits of the case, the court being also able to grant a time limit for this purpose.

The analysed procedure for the conversion of the bearer shares into nominal shares derogates from the regime previously established in the field by the provisions of Art. 113 points. i,¹) of the Law no. 31/1990 (currently repealed by Art. 54 point 10 of Law no. 129/2019), according to which the task belonged exclusively to the extraordinary general meeting of the shareholders (for further details relating to this

Aspects regarding the impact of Law no. 129/2019 in the matter of companies

article 113 points. i,¹), see also Schiau, Prescure, 2007: 308). We appreciate the fact that the appearance of the conversion, regardless of its legislative grounds to which we relate the analysis (at present Law no. 129/2019 as a special law, and previously to it the Law no. 31/1990, as a framework law for companies), does not result in the issue of changing the registered capital because both categories of actions are already subscribed as on the conversion date, through contributions (to the same effect Cârpenaru, David, Predoiu, Piperea, 2009: 409).

For the case in which the bearer shares are not deposited by their owner at the issuing company's registered office, the Law no. 129/2019 established as sanction their rightful cancellation at the time of the expiry of the 18-month deadline established by the legislative act, resulting in the corresponding reduction of the share capital. This we witness the presence of a completion of the cases established by the Law no. 31/1990 (Art. 100) in which the shares issued by the equity company may be annulled (i.e. as a sanction for failure to make the contributions together with the impossibility to exclude the shareholders for the same reason; for more details, see also Sauleanu, 2012:139-140]. Even though the conversion procedure is regulated by the Law. 129/2019 precludes its implementation on the basis of a decision issued the deliberating and decision-making body (as it was the rule of the common law in the field of the companies), the requirement to amend the articles of incorporation of the relevant companies is not, however, removed, namely to a proper update of the new corporate reality. Even though the legislator does not provide any details in this regard, we consider that the update of the articles of incorporation must comply with the rules of the common law imposed in the field by the Law no. 31/1990, namely the adoption of a resolution by the extraordinary general meeting of the shareholders. Thereafter, the such updated articles of incorporation must be submitted to the Trade Register Office in order to perform the registration and advertising formalities, thus ensuring the recording of the amendment in the Trade Register and the new shareholding structure being legally binding upon third parties. Last, but not least, the Law nr. 129/2019 amended the Law No. 31/1990, not only implicitly, according to the scope of the provisions of Art. 61 (above detailed), as well as explicitly, the provisions of Art. 54 having this exclusive purpose.

Regarding the changes resulting from the Art. 54 of Law No. 129/2019, we mention that, even though they precede in the chronology of the reviewed legislative text of Art. 61, they don't do anything other than to reconcile the content of the companies' legal framework with the regulatory reality resulting from the regime of the current interdiction regarding the bearer shares (the impossibility of some new shares and some operations with such securities, as well as their conversion in nominal shares within the time period imposed by the legislative act). In summary, numerous provisions of the Law No. 31/1990 regarding the bearer shares were either repealed (the case of Art. 92, para. 2 to 4, Art. 102, para. 3, Art. 113, letter i¹, and Art. 123, para. 1, either reformulated for the reconciliation with the provisions or the consequences of the provisions of Art. 61 from the Law. 129/2019 (the case of Art. 8, let. f, Art. 91, Art. 94, para. 1, Art. 98, para. 1, Art. 99¹, Art. 100, para. 2, Art. 117, par. 4, Art. 122, Art. 177, para. 1 letter a, Art. 201, para. 1, Art. 270, Art. 270³, para. 3, Art. 273 letter d).

In conclusion, upon the expiry of the time limit set by the Law. 129/2019 for the conversion of bearer shares into nominal shares (issued before this legislative act), all equity companies shall have the registered capital divided either only in nominal shares, or in nominal shares and option shares (as provided by the articles of incorporation and the legal provisions in the field) (for more details on the actual legal status of the shares,

see Piperea, 2020: 392 et seq.). In the case of the equity companies, which will not perform this special conversion procedure, its ignoring shall underlie the commencement of dissolution proceedings according to the law (according to the related provisions of the Law. 129/2019 and the Law No. 31/1990).

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ORIGINAL PAPER

Interconnections Between Sustainable Development, Climate Change and Agriculture

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Abstract:

The current era is marked by global warming, mainly due to anthropogenic activities, which makes society face two major problems: on the one hand, the need to drastically reduce greenhouse gas emissions in order to stabilize the level of their concentration in the atmosphere in order to prevent anthropogenic influence on the climate system and to allow natural ecosystems to adapt naturally, and on the other hand the need to adapt to the effects of climate change, given that these effects are already visible and inevitable due to inertia, climate change, regardless of the outcome of emission reduction actions. Any violation of the relations between the economy and the environment generates, sooner or later, economic, social and ecological dysfunctions, with profound harmful effects on the individual and human society. The article makes connections between global warming, as a result of the greenhouse effect, the contribution of agriculture to climate change and the possibilities of sustainable development in the conditions of triggering the global climate emergency.

Keywords: *greenhouse gas emissions; global warming; environment; sustainability.*

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Introduction

The content of sustainable development is expressed through a set of coordinates compatible with each other, through them ensuring the unity of interests between present and future generations (Siemianowska E., et al, 2017: 7). In the specialized literature there are different opinions, but which have in common the three-dimensional unity of the economic, social and ecological. Thomas Sterner (2017: 918-922), analyzes the content of sustainability through the prism of unity between economic and ecological. The economic and ecological influence the process of economic growth by affecting the natural resources and biodiversity; the social superimposed on the ecological ensures the rational use of natural resources, the conservation of biodiversity, respect for nature, through culture and education.

Academician N.N. Constantinescu (2004: 37), added to these three dimensions the technical one, considering that the optimal level corresponds to that development that can be supported by these coordinates. For this, the model must be operational in all subsystems that are limited to these four dimensions of sustainable development, from energy, transport, agriculture, industry to investment, human communities and biodiversity conservation. A broader view of the content of sustainable development refers to the dynamic unity of the following coordinates: economic, ecological, technical-technological, social-human, political, cultural, legislative and spatial (natural - state, regional, global) (Baker, 2012 7).

Economic development depends on the natural environment of the human being, its quality and, consequently, any reckless, irrational economic activity usually causes disorders in nature and in the economy. Any violation of the relationship between the economy and the environment generates, sooner or later, economic, social and ecological dysfunctions, with profound harmful effects on the individual and human society (Rafiq, S. Et al .., 2016: 348-365).

Therefore, if the sustainability of growth can be understood as a non-decreasing path of consumption, or GDP, or another indicator of economic well-being, in the case of sustainable development, to build in time, a non-decreasing path declining welfare, not only economic, but also environmental and social sustainability is needed. Thus, achieving sustainable development depends on the government's ability to ensure economic growth compatible with social equity and the conservation of ecosystems through an appropriate compromise between the economy, society and the environment.

The problem of climate change is one of the great challenges of humanity, which society will have to face both now and in near future. Rising temperatures, melting glaciers, droughts and increasingly frequent floods are signs that climate change is indeed happening (Reynolds and Wenzlau, 2012: 12). It is also known that due to human activities, high concentrations of greenhouse gases in the atmosphere intensify the natural "greenhouse effect", thus causing the Earth's temperature to rise. Concentrations of greenhouse gases, especially carbon dioxide (CO₂), have increased by 70% since 1970. In the last century, the temperature in Europe has risen by almost 1 ° C, faster than the global average, the fastest growing in the last 50 years. Although it does not seem to be dramatic, this trend has had a significant impact on many physical and biological systems (water, habitats, health), which are becoming increasingly fragile (Dogan, E., Seker, F., 2016: 14646–14655).

Climatic conditions have become variable: temperatures have reached extreme values; in northern Europe, rainfall and snowfall have increased significantly, causing more frequent floods; in contrast, in southern Europe, rains have dropped considerably

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and droughts are more frequent. Economic losses caused by extreme weather events have increased significantly in recent decades. These climate changes will continue for decades, even if emissions stop at this time, due to the constant accumulation of gases in the atmosphere. The impact of climate change will gradually worsen globally (ICPA, 2014: 1). Although society is making global efforts to reduce greenhouse gas emissions, the global average temperature continues to rise, which necessitates urgent action to adapt to the effects of climate change (Chel, A., Kaushik, G ., 2011:, 91-118).

The current era is marked by global warming, mainly due to anthropogenic activities, which makes society face two major problems: on the one hand, the need to drastically reduce greenhouse gas emissions in order to stabilize the level their concentration in the atmosphere to prevent anthropogenic influence on the climate system and to allow natural ecosystems to adapt naturally, and on the other hand the need to adapt to the effects of climate change, given that these effects are already visible and inevitable due to inertia of the climate system, regardless of the outcome of emission reduction actions (Vermeulen et al., 2012: 195-222).

The greenhouse effect and global warming

Climate is changing because of the current way of people's life, especially in richer and more economically developed countries. Power plants, as well as the cars and planes we travel by, the factories that produce the goods we buy, the farms that process the food we eat, all play a role in the process of climate change by emitting "the greenhouse effect". The atmosphere is the transparent and protective shell of our planet. It lets in sunlight, but it retains heat. Without the atmosphere, the heat of the sun, reflected from the Earth's surface, would immediately return to space. The lack of a "greenhouse effect" would make the global average temperature of -18°C , compared to $+15^{\circ}\text{C}$ at the present moment. Therefore, the atmosphere acts like the glass walls of a greenhouse: it allows access to visible light and absorbs much of the infrared energy, keeping the heat inside.

Global warming has become a key issue on the international agenda in recent decades. The global average temperature has risen steadily, despite global efforts to halt this trend. Rising greenhouse gas (GHG) emissions from human activities have made a major contribution to warming, with an alarming impact on the planet's climate patterns, human lives and economic development. Regional and local climate change are affecting ecosystems and causing extreme weather events such as droughts, floods and other natural disasters. Rising temperatures pose an increased risk of damage, and so the need to solve this problem is increasingly pressing; efforts must be orchestrated at all levels - local, regional and international.

Climate change - including rising temperatures, changes in rainfall and reduced ice and snow - have caused a wide range of observable effects, such as:

- loss of biodiversity: the survival of certain species will be threatened, or they will disappear due to the disappearance of habitat, changing ecosystems and increasing ocean acidity;
- sea level rise: caused by melting glaciers and thermal expansion of the oceans, both increasing the risk of flooding;
- extreme meteorological phenomena: more frequent extreme meteorological phenomena, which cause heat waves, large fires in wild areas, intensification of floods and droughts, stronger hurricanes;

- threats to human health: the spread of disease and declining air quality, as well as possible deaths from devastating heat waves.

The "greenhouse effect" is a natural, beneficial phenomenon, due to the greenhouse gases existing in the atmosphere: Water vapor; Carbon dioxide (CO₂); Nitrogen dioxide (N₂O); Methane (CH₄); Hydrofluorocarbons (HFCs); Perfluorocarbons (PFCs). Since the industrial revolution of the eighteenth century, human society has been producing incessantly and in increasing quantities of greenhouse gases. As a result, their concentration in the atmosphere is now the highest in recent years and makes the greenhouse effect stronger. This has led to rising temperatures on Earth, leading to climate change. Carbon dioxide is the main greenhouse gas, most of it remaining in the atmosphere for about 100 years. In some areas, however, it can remain for thousands of years. Some of the carbon dioxide in the atmosphere is natural, coming from decaying plants and animals. Carbon dioxide is released into the atmosphere when fossil fuels (oil, coal and natural gas) are burned, which are the most common source of energy today. This gas is essential for breathing: we inhale oxygen and exhale carbon dioxide, while trees and plants absorb it and produce oxygen. That is why the forests of the planet are so important. They help absorb some of the excess CO₂ we generate.

But cutting of trees, deforestation and burning of forests are taking place in many parts of the world. Tropical forests are disappearing much faster than other forests, with a rate of 10 million hectares per year. When forests are cut down, carbon dioxide is released into the atmosphere. The atmospheric concentrations of this greenhouse gas exceeded for the first time, in 2014, the threshold of 400 ppm (parts per million) in the northern hemisphere, according to data provided by the World Meteorological Organization (WMO). Globally, the concentration of carbon dioxide should have reached this symbolic threshold in 2015 and 2016, according to WMO. Deforestation is estimated to cause about 20% of global greenhouse gas emissions, so stopping this process is a top priority. Methane (CH₄) is not as abundant as CO₂, but it is more efficient in the process of retaining heat, which makes it a very strong GHG.

It is released when organic matter rots in an oxygen-free environment. 60% of the methane that currently exists in the atmosphere is man-made; it comes from the areas where waste is stored, from animal farms, from the burning of fossil fuels, from the water treatment in which the waste is discharged, as well as from other industries. Nitrogen oxide (N₂O) is another naturally occurring greenhouse gas, but people have increased it by about 17% since the industrial age, due to chemical fertilizers, fuels, forest burning or of fields after harvest. Halocarbons (combinations of fluorine, bromine, chlorine, carbon and hydrogen) naturally exist in very small amounts. The main products resulting from human activity are CFC11 and CFC12 (used as coolants in other industrial processes). Their concentration has decreased in recent years as a result of international conventions on the protection of the ozone layer (MADR, 2015: 5). Ozone (O₃) is produced and destroyed continuously in the atmosphere as a result of chemical reactions under the action of ultraviolet radiation. In the troposphere, human activities have led to an increase in the amount of O₃ by releasing CO, N₂O and other substances that react chemically and produce O₃. Water vapor is considered an important greenhouse gas. Human activities have little direct influence on the amount of water vapor in the atmosphere. Indirectly, people have the potential to substantially affect the amount of water vapor by changing the climate: a warmer atmosphere contains more water vapor.

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Agriculture, the responsible party for climate change

Agriculture emits greenhouse gases into the atmosphere, although on a smaller scale than other economic sectors. The main greenhouse gases associated with agricultural production are:

- N₂O, nitrous oxide - released into the atmosphere from agricultural land, mainly due to the microbial transformation of nitrogen-containing soil fertilizers. N₂O emissions account for more than half of total agricultural emissions;
- CH₄, methane - its emissions are largely due to organic fertilizers from the digestive processes of ruminants (mainly cows and sheep);
- CO₂, carbon dioxide - comes from energy consumption on the farm, agricultural products and the variation of carbon stocks in the soil resulting from land use and change in land use. Both CH₄ and N₂O emissions occur from the storage and spreading of animal fertilizers.

Agriculture, as a source of GHGs, differs significantly, depending on agricultural practices and environmental and climatic conditions, such as soil characteristics and temperature. Although greenhouse gas emissions from agriculture have declined recently due to changing agricultural techniques and low animal numbers, agriculture is still responsible for the highest N₂O and CH₄ emissions.

Methane is a much more dangerous gas than carbon dioxide in terms of the influence of global warming. It is estimated that the effects of CO₂ in 100 years can be "achieved" in just 10 years of the same amount of methane, in short periods methane is tens of times more dangerous than carbon dioxide. And the sources of methane production are very diverse, 60% of them being attributed directly to humans.

In recent decades, the growth of food animals, especially cattle, has increased exponentially, which also means an increase in the amount of methane from the processes that take place in the intestines of these herbivores. Globally, about 1.5 billion cows are raised on farms, which are responsible for producing about 100 million tons of methane annually (about 10-15% of total methane emissions).

The need for cheaper food has favored intensive agriculture in which certain plants are used. Rice cultivation, for example, is estimated to produce between 50 and 100 million tons of methane per year due to the decomposition of organic matter in fertilizers under anaerobic conditions. In fact, the accumulation of manure in populated areas or their treatment leads to the production of large amounts of methane.

In the last half century, the use of nitrogen-based fertilizers has increased exponentially. The problem is that nitrogen oxides can retain 300 times more heat per unit volume than carbon dioxide. In this way the areas treated for a long time with these fertilizers incorporate more heat.

Therefore, it is easy to understand that human industrial activity, which has grown exponentially in the last century, is responsible for accelerating global warming. Even if the greenhouse effect is greatly influenced by natural factors, from volcanic activity to solar cycles, the "contribution" of human beings does nothing but accelerate the phenomenon of irreversible increase in global temperature.

In this context, an important objective in the field of agriculture and rural development is to maintain a low level of greenhouse gas emissions generated by the agricultural sector. Agriculture generates almost 15% of greenhouse gas emissions in our country, if we do not consider the change of land use and forestry. Although this percentage is higher compared to the EU-27 average (10%), the intensity of emissions (greenhouse gas emissions per unit of agricultural production) in Romanian agriculture

is among the lowest in the region. In order to maintain a low level of greenhouse gas concentrations in the atmosphere generated by the agricultural sector, it is necessary to support farmers to keep the soil covered, use land management techniques that contribute to maintaining carbon in the soil, and to create facilities and the use of modern equipment for the storage and application of manure, including the encouragement of the production and use of renewable energy. The expansion of forested areas to increase carbon sequestration is also a necessity in terms of meeting global climate change targets. At the same time, the promotion of consultancy and knowledge transfer services on climate change issues among farmers will contribute to the goal of maintaining a low level of greenhouse gas concentrations in the atmosphere. (MMAP, 2015: 50).

Climate variability influences all sectors of the economy, but agriculture is the most vulnerable sector given the dependence on weather during the vegetation period of crops, as well as increasing the duration and intensity of dangerous weather in the context of global warming. The wide diversity of cultivated species and varieties offers a major potential for adaptation to diversified climatic conditions at regional / local level or from one agricultural year to another. Romania has important agricultural resources with a used agricultural area of 13.3 million ha (representing 55.8% of Romania's territory). Most of the agricultural area used is arable (8.3 million ha) followed by pastures and hayfields (4.5 million ha), permanent crops (0.3 million ha) and family gardens (0.2 million ha). (INS).

The effects of climate change are significantly reflected in the changes regarding the main environmental variables (air temperature and precipitation), the impact on the growth and development of agricultural plants being more and more obvious. In Romania, the changes in the climate regime are framed in the global context, but with the particularizations of the geographical region in which our country is located. Agricultural areas in our country are affected by frequent drought (approx. 7 mil ha), temporary excess water (approx. 4 mil ha), water erosion and landslides (approx. 6.4 mil ha), compaction (approx. 2.8 thousand ha) etc. It is noted that drought is the limiting factor that manifests itself on the largest agricultural area. In this context, the data indicate that the most vulnerable agricultural areas to water shortage in the soil are those in Dobrogea, southern Romanian Plain, southeastern and eastern Moldova, and western Tisa Plain. These areas are mainly used in agriculture (about 80% of the total, of which about 60% are arable land) and forestry (about 8%), especially the Danube Meadow (MADR, 2008: 54).

Mitigating the impact of climate change is based on the following considerations: sequestration of increased amounts of CO₂, reduction of GHG emissions, increased production of renewable resources and green energy. In other words, changes in future climate change can have significant effects on crops and are determined by the interaction between local climatic conditions, the severity of climatic parameters predicted by future scenarios, the effect of CO₂ growth on photosynthesis and plant genetic type (ANM, 2014: 9 -10). Current and future climate projections show that all regions of the world will be affected by global warming, while amplifying regional differentiations in the evolution of the main environmental variables, mainly thermal and precipitation resources, as well as the complex effects of extreme weather events. local level. Adaptation to climate change will thus be able to benefit from the experience gained from responding to extreme climate events by implementing adaptation plans and mitigating climate risks. Given the limitation of basic natural

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resources, an important element in developing agricultural management strategies is to improve knowledge and capacity for better management of climate variability through the analysis of historical climate data and the assessment of risks and opportunities.

Undoubtedly, in the conditions of using the current technical and technological mode of production characterized by its destructive, polluting character, agriculture is an important polluting factor of the natural environment. Only as the process of sustainable development is fully consolidated and affirmed, the expansion and affirmation of the new technical and technological mode of production, neo-factorial and non-polluting, the improvement of domestic and international market mechanisms, by spatially enlarging the organic agriculture the intensity of the polluting side of agriculture will decrease, thus ensuring the condition of practicing an agriculture that does not affect the bases of the ecological balance and that will enhance the ecological and production function of the natural environment.

The analysis of the biunivocal relationship between human activity and the natural environment, in this case between agricultural activity and the natural environment, shows the need to develop and implement a unitary policy towards the environment, to ensure the rational exploitation of natural resources used in agricultural activity. Only on such a unitary vision can a sustainable agriculture be built, through which to ensure the reconciliation between economy and ecology.

On the support of a sustainable agriculture, the food security of the population with healthy, ecological and high-quality products is ensured, the protection and long-term improvement of the natural resources is guaranteed. Synthetically, the sustainable development of agriculture has a viable character, it responds to both economic and ecological requirements, it ensures the harmonization of the human-nature relationship.

Conclusions

To prevent the most severe impact of climate change, the United Nations Convention on Climate Change (UNFCCC) was signed in which it was agreed to limit the average increase in surface temperatures to less than 2 ° C. To achieve this, global greenhouse gas emissions should be peaked as soon as possible and declining rapidly thereafter. Global emissions should be reduced by 50% compared to 1990 to 2050 levels before carbon neutrality is achieved before the end of the century. The EU supports the UNFCCC target and, by 2050, aims to reduce greenhouse gas emissions by 80-95% from 1990 levels. These high levels of reduction consider the reductions required by developing countries. The main sources of man-made greenhouse gases are: burning fossil fuels (coal, oil and gas) in electricity production, transport, industry and households (CO₂); agriculture (CH₄) and land use change, such as deforestation (CO₂); waste filling (CH₄); use of fluorinated industrial gases. To reduce emissions, the EU has enacted legislation to increase the use of renewable energy, such as wind, solar, hydropower and to improve the energy efficiency of a wide range of household equipment and appliances. Thus, the EU is committed to reducing emissions across the EU by at least 40% from 1990 levels. This is a mandatory target. The European Energy Union, which aims to ensure that Europe has safe, accessible and green energy, has the same goal.

As a result of what scientists have been able to determine over time, the subject of climate change has grown in political circles, especially since 1988 when a group of scientists met in Geneva to inaugurate IPCC (Intergovernmental Panel on Climate

Change), which was from the beginning legitimized by two international organizations, WMO (World Meteorological Organization) and the UN. (Bizdadea C., 2019).

The latest IPCC report was presented to the public in 2018 under the title "Special Report on the Impact of Global Warming by 1.5°C Above the Pre-Industrial Temperature Level and Scenarios for Global Greenhouse Gas Emissions". The main conclusions of this report, which aroused lively public excitement and increased interest in climate issues, are as follows:

- The report projects that if the temperature growth rate of 0.2 °C per decade continues (as a result of both past and present emissions), the average global temperature will reach 1.5 °C between 2030 and 2052.

- To limit heating to 1.5 °C, global net CO₂ emissions must be reduced by 45% compared to 2010 by 2030 and to zero by 2050.

- What is needed for such a limitation to +1.5 °C: a rapid and abrupt transition of the entire global economy, to transform the way energy is used and its sources, the way agricultural systems are organized and the type and quantity of food, and the materials we will consume. In other words, a radical and abrupt change in human civilization, as we know it today.

Climate emergency means, as the EU resolution and the Paris Agreement say, reducing emissions by 55% by 2030 and to zero by 2050. But is it possible to achieve these targets? Given the current energy mix and consumption, the world should accelerate the development of green energy sources (no emissions) by 9 times the rate observed in 2018 and 15 times that observed in the last decade; at the same time, new sources of carbon emissions must cease immediately, at present (given that fossil energy consumption continues to increase by 150 megatons in oil equivalent) per year. (The Economist).

Even if we currently had viable green alternatives to energy production available that could scale up energy consumption, in practice the vast majority of global civilian infrastructure is built on and for burning fossil fuels; the scale of the changes needed is simply titanic, because we currently extract 15 billion tons of fossil fuel (Smil, 2019: 10-14) (with a carbon content of 10 billion), which currently accounts for almost 90% of world consumption. energy, which we have seen growing, and 75% of electricity consumption.

The European Parliament, meeting of 29 November 2019, adopted its resolution on "declaring climate emergency in Europe and in the world"; the declaration also calls on the European Commission to ensure that all legislative proposals are fully aligned with the goal of limiting global warming below the threshold. of +1.5 °C and to reduce carbon emissions by 55% by 2030 and by 100% by 2050 (when Europe is to be climate neutral).

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ORIGINAL PAPER

Protection of the democratic system in the constitutions of European states from the former communist bloc. Introduction to the issue

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Abstract:

The problem of protecting the political system has always been a challenge for constitutionalists. This issue became a special challenge for the states which, after 1989, started creating a new political system, democracy. It seems that especially these countries understood what totalitarian governments, which do not respect any civil or even constitutional rights, mean. Therefore, along with the creation of new constitutions, countries from the former communist bloc sought to include in their basic laws, solutions that would protect democracy.

The system of defense of the democratic system contained in the constitutions of Central and Eastern European countries is not uniform. The solutions adopted in the constitution were very often a consequence of not only historical experiences, but also the individual way of overthrowing the communist regime in a given country. Nevertheless, among some constitutional solutions, it is possible to find common directions that identify these states as post-communist areas, creating a democratic system on the foundations of the revolution of 1989.

Keywords: *democracy; constitutional law; protection of the political system.*

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Introduction

After the collapse of the communist system in the countries of Central and Eastern Europe, after 1989, new political systems were built, which were based on the principles of democracy. The consequences of the political and social transformations that had started in Eastern Europe were, among others, preparation and enactment of almost twenty new new constitutions that provide legal protection for a reborn democracy.

In order to maintain the intended goal - i.e. the protection and development of democracy, and thus the political system - many countries have included in their constitutional solutions, inter alia, legal norms protecting newly established political regimes. Often the opposite of these provisions were and are constitutional regulations, which indicate, for example, offices to protect the provisions of the constitution or prohibit anti-democratic activities by their provisions.

Preambles

One of the first places where the idea of protecting a new political regime was often included - although usually indirectly - are the constitutional preambles. In these solemn introductions to the basic body of law, usually the statement of the sovereign who was identified as e.g.: *We, the citizens of the Czech Republic* (Preamble to the Czech Constitution, 1992); *We, the Members of the Seventh Grand National Assembly* (Preamble to the Bulgarian Constitution, 1991); *We, the Members of the Hungarian Nations* (Preamble to the Hungarian Constitution, 2011); *We, the Polish Nation – all citizens of the Republic* (Preamble to the Poland Constitution, 1997).

It is worth mentioning that the sovereign's statement regarding the protection of the new political system was often derived from the principles of a) sense of care for the state e.g. *Having regard for the existence and future of our Homeland* (Preamble to the Poland Constitution, 1997); b) present and future generations e.g.: *proceeding from the responsibility for our Fatherland before the present and future generations* (Preamble to the Russian Federation Constitution, 1993).

Very often the element preceding the declaration of will to create a democratic state is the reference in the preambles to: a) universal values, that is peace and humanitarianism (Preamble to the Bulgarian Constitution, 1991), human dignity (Preamble to the Czech Constitution, 1992), universal values (Preamble to the Poland Constitution, 1997); b) spiritual values of a specific country that uniquely identify the nation and its cultural traditions. So for example: *true to all the good traditions of the ancient statehood lands of Czech and Czechoslovak statehood* (Preamble to the Czech Constitution, 1992); *mindful of the spiritual bequest of Cyril and Methodius, and the historical legacy of Great Moravia* (Preamble to the Slovakia Constitution, 1992); *recalling the best traditions of the First and the Second Republic* (Preamble to the Poland Constitution, 1997).

A strong argument, additionally mentioned in the preambles, and being a premise for creating a democratic system, is the marking of the historical thread. Or rather, a centuries-old effort to build an independent state, which is noticeable in countries with a very short history of statehood (Constitution of Slovakia, 1992 and Constitution of Ukraine, 1996) or the memory of the time when it was impossible to care for human and civil rights (Constitution of Poland, 1997).

State system

In most European countries, the first chapter of the constitution contains regulations relating to the state system. They include those provisions which constitute the foundation of both the political regime for which the constitution is written and which constitute the basis for further elaboration in subsequent parts (chapters) of the basic laws. Therefore, it should not be surprising that the constitutions of the states which underwent system transformation after 1989 also included information about the democratic system in the above-mentioned part.

Most often, information about the declared democratic system is associated with the concept of the rule of law. Many times, therefore, among the first constitutional norms, one can find declarations ensuring a democratic state of law (Art. 1 of Constitution of Czech and Art. 2 of Constitution of Poland). Although in modern science on the state and law, there are many definitions of the principle of a democratic state ruled by law, it can be stated that most definitions state that it is a state whose public authorities can act only on the basis and within the law. Additionally, they can only operate in areas not prohibited by law (P. Wiczorek, *Commentary on the Polish Constitution*). In modern science on the state and law, the principle of a democratic state of law is often associated with as many as eight issues: 1) the sovereignty of the nation, 2) freedom and equality before the law, 3) the constitution as the fundamental legal order and the highest legal norm, 4) the law as the basis and limit of all actions for the state, 5) division of powers and assignment of state functions and mutual control of authorities, 6) judicial protection, 7) responsibility of state organs, 8) prohibition of the state from taking actions beyond the need (B. Banaszek, *Constitution of Republic of Poland. Commentary*). All the above-mentioned issues are included and regulated in the constitutions of post-transformation countries, which affects the security of the democratic system. Another issue that proves the security of the democratic political regime in the countries of the former communist camp is the constitutional provision which guarantees sovereigns the direct participation of electing representatives to the legislative bodies.

Although this principle seems to be an elementary issue in a democracy, during the years of communist enslavement, voting for parliamentary bodies took place only for candidates entered on the electoral lists e.g.: Fatherland Front in Bulgaria, National Front in Czechoslovakia, Nacional Unity Front in Poland and Front of Socialist Unity in Romania.

A constitutional solution that is directly related to the protection of the democratic system, and is often practiced by countries in Central and Eastern Europe, is a constitutional guarantee of political pluralism. This principle is enshrined in the constitutions in two ways. Is directly referenced in a constitutional norm, e.g.: art. 11.1. *Political activity in the Republic of Bulgaria shall be founded on the principle of political pluralism* (Constitution of Bulgaria, 1991) or art. 8.1. *Pluralism in the Romanian society is a condition and guarantee of constitutional democracy* (Constitution of Romania, 1991). The second form is an indirect mention of party pluralism, consisting in giving citizens the right to create many political organizations, e.g. art. 5 *The political system is based on free and voluntary formation of and free competition of political parties respecting fundamental democratic principles and rejecting violence as a means of promoting their interests* (Constitution of Czech, 1992) or art. 11.1. *The Republic of Poland shall ensure freedom for the creation and functioning of political parties. Political parties shall be founded on the principle of*

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voluntariness and upon the equality of Polish citizens, and their purpose shall be to influence the formulation of the policy of the State by democratic means (Constitution of Poland, 1997).

Constitutional ban - in defense of democracy

An issue inherent in the constitutionalization of pluralism is the inclusion in constitutional norms by most Central and Eastern European countries of the ban on the existence of undemocratic political parties. The adoption of such a constitutional solution is undoubtedly a consequence of the political experiences of 1944-1989. It must be admitted that there is no single model of a constitutional norm that would be reproduced among the basic laws of the aforementioned countries. For example, the Polish Constitution of 1997 devoted a separate article to this issue, in which it was stated that the existence of political parties or organizations which refer in their programs to the totalitarian methods and practices of Nazism, fascism and communism is prohibited (Art. 13 of Constitution of Poland, 1997). However, such a direct solution is not a common practice, as Lithuanian constitutional legislation prohibits the existence of political parties whose goals and activities are contrary to its constitution and laws (art. 35 of Constitution of Lithuanian, 1992). Another solution was adopted in Ukraine. Pursuant to the constitution of this state, the existence of political parties whose purpose would be the liquidation of Ukraine, the replacement of the constitutional system by force and the violation of the sovereignty and territorial integrity of the state was prohibited (Art. 37 of Constitution of Ukraine, 1996).

Not all countries from the former communist bloc adopted in their constitutional text solutions directly relating to the prohibition of the existence of specific political parties. Another practice used is to enter into the text of the constitution a norm providing for the possibility of limiting the right to act of political parties for the sake of state security, protection of public order, prevention of criminal acts or to protect the rights and freedoms of others (Art. 23.7 of Constitution of Slovakia, 1992).

Table no 1. The guarantee of political pluralism in in the constitutions of European states from the former communist bloc

Country	Constitution article number	Text
Bulgaria	Art. 11.1-3	(1) Political activity in the Republic of Bulgaria shall be founded on the principle of political pluralism. (2) No political party or ideology shall be proclaimed or affirmed as a party or ideology of the State. (3) All parties shall facilitate the formation and expression of the citizens' political will. The procedure applying to the formation and dissolution of political parties and the conditions pertaining to their activity shall be established by law.
Croatia	Art. 6	The right to establish political parties shall be unrestricted. The internal structure of political parties shall comply with fundamental constitutional democratic principles. Political parties shall publicly disclose the sources of their finances and assets. (...)The status and financing of political parties shall be regulated by law.
Czech Republic	Art. 5	The political system is founded on the free and voluntary formation of and free competition among those political parties which respect the fundamental democratic principles and which

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		renounce force as a means of promoting their interests.
Estonia	§ 48	Everyone has the right to form non-profit associations and federations. Only citizens of Estonia may belong to political parties.
Lithuania	Art. 35	Citizens shall be guaranteed the right to freely form societies, political parties, and associations provided that the aims and activities thereof are not contrary to the Constitution and laws. No one may be compelled to belong to any society, political party, or association. The founding and activities of political parties and other political and public organisations shall be regulated by law.
Latvia	Art. 102	Everyone has the right to form and join associations, political parties and other public organisations.
Poland	Art. 11.1	The Republic of Poland shall ensure freedom for the creation and functioning of political parties. Political parties shall be founded on the principle of voluntariness and upon the equality of Polish citizens, and their purpose shall be to influence the formulation of the policy of the State by democratic means.
Romania	Art. 8	(1) Pluralism in the Romanian society is a condition and guarantee of constitutional democracy. (2) Political parties shall be constituted and shall pursue their activities in accordance with the law. They contribute to the definition and expression of the political will of the citizens, while observing national sovereignty, territorial integrity, the legal order and the principles of democracy.
Slovakia	Art. 29.1,4	(1) The right of free association shall be guaranteed. Everyone has the right to associate freely with others in unions, societies or other associations. (4) Political parties and political movements, as well as unions, societies or other associations shall be separate from the State.
Slovenia	Art. 42	The right of peaceful assembly and public meeting shall be guaranteed. Everyone has the right to freedom of association with others. (...) Professional members of the defence forces and the police may not be members of political parties.
Hungary	Art. VIII.3-4	(3) Political parties may be formed and may operate freely on the basis of the right to association. Political parties shall participate in the formation and expression of the will of the people. Political parties may not exercise public power directly. (4) The detailed rules for the operation and management of political parties shall be laid down in a cardinal Act.

Source: Author's own compilation

Constitutional ban - in defense of democracy

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Table No. 2 Constitutional ban in the constitutions of European countries of the former communist bloc

Country	Constitution article number	Text
Bulgaria	Art. 11.4	There shall be no political parties on ethnic, racial or religious lines, nor parties which seek the violent seizure of state power.
Croatia	Art. 6	(...) Political parties which, in their platforms or by violent action, intend to undermine the free democratic order or threaten the existence of the Republic of Croatia shall be deemed unconstitutional. The Constitutional Court of the Republic of Croatia shall decide on such unconstitutionality..
Czech Republic	Art. 5	The political system is founded on the free and voluntary formation of and free competition among those political parties which respect the fundamental democratic principles and which renounce force as a means of promoting their interests.
Estonia	§ 48	(...) The establishment of associations and federations which possess weapons, which are organised in accordance with military principles or which hold exercises of a military nature requires a prior authorisation whose conditions of issuance and procedure of issuance are provided by law. Associations, federations and political parties whose aims or activities are directed at changing the constitutional order of Estonia by force or are otherwise in conflict with a law providing criminal liability, are prohibited. Only a court may terminate or suspend the activities of an association, federation or political party for a violation of the law, or order the association, federation or political party to pay a fine.
Lithuania	Art. 35	Citizens shall be guaranteed the right to freely form societies, political parties and associations, provided that the aims and activities thereof are not contrary to the Constitution and laws. No one may be compelled to belong to any society, political party, or association. The founding and activities of political parties and other political and public organisations shall be regulated by law.
Latvia	-	-
		Political parties and other organizations whose programmes

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Poland	Art. 13	are based upon totalitarian methods and the modes of activity of nazism, fascism and communism, as well as those whose programmes or activities sanction racial or national hatred, the application of violence for the purpose of obtaining power or to influence the State policy, or provide for the secrecy of their own structure or membership, shall be prohibited.
Romania	-	-
Slovakia	Art. 29.2-3	2) Citizens have the right to establish political parties and political movements and to associate in them. 3) The exercising of rights under paragraphs 1 and 2 may be restricted only in cases laid down by law, if it is necessary in a democratic society for reasons of state security, to protect public order, to prevent criminal acts, or to protect the rights and freedoms of others.
Slovenia	Art. 42.	(...) Everyone has the right to freedom of association with others. Legal restrictions of these rights shall be permissible where so required for national security or public safety and for protection against the spread of infectious diseases.
Hungary	-	-

Source: Author's own compilation

The office of president

Although in every country of Central and Eastern Europe the office of the president was restored or maintained after 1989, the powers of this body differ from one country to another. However, it can be noted that in some countries this office was granted, for example, the right to participate in the protection of democracy or the constitutional order. The Hungarian Constitution of 2011 states that the president of the republic is not only the head of state but also the guardian of the democratic functioning of the state (Art. 9.1 of Constitution of Hungary, 2011). A similar provision was included in the Polish Constitution of 1997, where the presidential office was assigned the obligation to ensure compliance with the Constitution (Art. 126.1 of Constitution of Poland, 1997). The role of the president was described much more strongly in the Ukrainian Constitution of 1996, which was assigned the role of the guarantor of compliance with the Constitution of Ukraine and the rights and obligations of citizens (Art. 102 of Constitution of Ukraine, 1996). A consequence of the significant role of the presidential office is that it has the right to submit applications to the judicial body supervising the observance of the constitution. The extent to which this right is exercised varies among countries. However, the enrichment of the presidential office with such powers proves that the constitutionally assigned role is not an empty activity, behind which there are no specific solutions.

Count of constitution

Constitutional courts are essential elements which also serve to protect the constitutional order. They were designated by the state in basic laws to adjudicate in cases of noncompliance of statutes or other legal acts with the constitution. Additionally, these courts adjudicate on human and civil rights issues, which is undoubtedly a component of the functioning of a full democracy.

The decisions of the constitutional courts are final. Which means they can no longer be challenged. Thus, there is no so-called circumvent the constitution, contrary to

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its provisions. Attention should also be paid to the submission of judgments on the compliance of party programs with constitutional guidelines among the duties of constitutional courts. Constitutional courts have often been assigned the right to ban political parties. This is also a great advantage of this type of court, which plays a significant role in maintaining the constitutional order in post-communist countries.

Table No. 3 The constitutional courts in European countries of the former communist bloc

Country	Court	The scope of the adjudication	The applicant
Bulgaria	Constitutional Court	<ol style="list-style-type: none"> 1. provide binding interpretations of the Constitution; 2. rule on constitutionality of the laws and other acts passed by the National Assembly and the acts of the President; 3. rule on competence suits between the National Assembly, the President and the Council of Ministers, and between the bodies of local self-government and the central executive branch of government; 4. rule on the compatibility between the Constitution and the international treaties concluded by the Republic of Bulgaria prior to their ratification, and on the compatibility of domestic laws with the universally recognized norms of international law and the international treaties to which Bulgaria is a party; 5. rule on challenges to the constitutionality of political parties and associations; 6. rule on challenges to the legality of the election of the President and Vice President; 7. rule on challenges to the legality of an election of a Member of the National Assembly; 8. rule on impeachments by the National Assembly against the President or the Vice President. <p>(...)</p>	<p>(1) The Constitutional Court shall act on an initiative from not fewer than one-fifth of all Members of the National Assembly, the President, the Council of Ministers, the Supreme Court of Cassation, the Supreme Administrative Court or the Prosecutor General (...)</p> <p>(3) The Ombudsman may approach the Constitutional Court with a request for declaring as unconstitutional a law which infringes human rights and freedoms.</p>
Croatia	The Constitutional Court of the Republic of Croatia	<ol style="list-style-type: none"> 1) shall decide upon the compliance of laws with the Constitution, 2) shall decide upon the compliance of other regulations with the Constitution and laws, 3) may decide on the constitutionality of laws and the constitutionality and legality of other regulations which are no longer valid, provided that less than one year has elapsed from the moment of such cessation until the filing of a request or a proposal to institute proceedings, 4) shall decide on constitutional petitions 	<p>The Act specifies who is entitled to bring a complaint to institute proceedings before the Constitutional Court</p>

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		<p>against individual decisions taken by governmental agencies, bodies of local and regional self-government and legal persons vested with public authority where such decisions violate human rights and fundamental freedoms, as well as the right to local and regional self-government guaranteed by the Constitution of the Republic of Croatia,</p> <p>5) shall monitor compliance with the Constitution and laws and shall report to the Croatian Parliament on detected violations thereof,</p> <p>6) shall decide upon jurisdictional disputes between the legislative, executive and judicial branches,</p> <p>7) shall decide, in conformity with the Constitution, on the impeachment of the President of the Republic,</p> <p>8) shall supervise compliance of the platforms and activities of political parties with the Constitution and may, in compliance with the Constitution, ban non-compliant parties,</p> <p>9) shall monitor whether elections and referenda are conducted in compliance with the Constitution and laws and shall resolve electoral disputes falling outside the jurisdiction of the courts</p>	
<p style="text-align: center;">Czech Republic</p>	<p style="text-align: center;">The Constitutional Court</p>	<p>1) to annul statutes or individual provisions thereof if they are in conflicts with the constitutional order;</p> <p>2) to annul other legal enactments or individual provisions thereof if they are in conflict with the constitutional order, a statute;</p> <p>3) over constitutional complaints by the representative body of a self-governing region against an unlawful encroachment by the state;</p> <p>4) over constitutional complaints against final decisions or other encroachments by public authorities infringing constitutionally guaranteed fundamental rights and basic freedoms;</p> <p>5) over remedial actions from decisions concerning the certification of the election of a Deputy or Senator;</p> <p>6) to resolve doubts concerning a Deputy or Senator's loss of eligibility to hold office (...);</p> <p>7) over a constitutional charge brought by the Senate against the President of the Republic pursuant;</p> <p>h) to decide on a petition by the President of the Republic seeking the revocation of</p>	<p>The Act specifies who is entitled to bring a complaint to institute proceedings before the Constitutional Court</p>

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		<p>a joint resolution of the Chamber of Deputies and the Senate;</p> <p>i) to decide on the measures necessary to implement a decision of an international tribunal which is binding on the Czech Republic, in the event that it cannot be otherwise implemented;</p> <p>j) to determine whether a decision to dissolve a political party or other decisions relating to the activities of a political party is in conformity with constitutional acts or other laws;</p> <p>k) to decide jurisdictional disputes between state bodies and bodies of self-governing regions, unless that power is given by statute to another body.</p>	
Estonia	-	-	-
Lithuania	The Constitutional Court	<p>The Constitutional Court shall decide whether the laws and other acts of the Seimas are not in conflict with the Constitution and whether the acts of the President of the Republic and the Government are not in conflict with the Constitution or laws. The status of the Constitutional Court and the procedure for the execution of its powers shall be established by the Law on the Constitutional Court of the Republic of Lithuania.</p>	<p>The Act specifies who is entitled to bring a complaint to institute proceedings before the Constitutional Court</p>
Latvia	The Constitutional Court	<p>In Latvia, there shall be a Constitutional Court, which, within its jurisdiction as provided for by law, shall review cases concerning the conformity of laws with the Constitution, as well as other cases conferred within the jurisdiction thereof by law. The Constitutional Court is entitled to declare laws or other enactments or parts thereof invalid.</p>	<p>The Act specifies who is entitled to bring a complaint to institute proceedings before the Constitutional Court</p>
Poland	The Constitutional Tribunal	<p>The Constitutional Tribunal shall adjudicate regarding the following matters:</p> <ol style="list-style-type: none"> 1. the conformity of statutes and international agreements to the Constitution; 2. the conformity of a statute to ratified international agreements whose ratification required prior consent granted by statute; 3. the conformity of legal provisions issued by central State organs to the Constitution, ratified international agreements and statutes; 4. the conformity to the Constitution of the purposes or activities of political parties (...) 	<ol style="list-style-type: none"> 1) the President of the Republic, the Marshal of the Sejm, the Marshal of the Senate, the Prime Minister, 50 Deputies, 30 Senators, the First President of the Supreme Court, the President of the Supreme Administrative Court, the Public Prosecutor-General, the President of the Supreme Chamber of Control and the Commissioner for Citizens' Rights, 2) the National Council of the Judiciary;

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			<p>3) the constitutive organs of units of local government;</p> <p>4) the national organs of trade unions as well as the national authorities of employers' organizations and occupational organizations;</p> <p>5) churches and religious organizations (...)</p>
<p>Romania</p>	<p>The Constitutional Court</p>	<p>1) to adjudicate on the constitutionality of laws, before the promulgation;</p> <p>2) to adjudicate on the constitutionality of treaties or other international agreements;</p> <p>3) to adjudicate on the constitutionality of the Standing Orders of Parliament, upon notification by the president of either Chamber;</p> <p>4) to decide on objections as to the unconstitutionality of laws and ordinances, brought up before courts of law or commercial arbitration; the objection as to the unconstitutionality may also be brought up directly by the Advocate of the People;</p> <p>5) to solve legal disputes of a constitutional nature between public authorities, at the request of the President of Romania, one of the presidents of the two Chambers, the Prime Minister, or of the president of the Superior Council of Magistracy;</p> <p>6) to guard the observance of the procedure for the election of the President of Romania and to confirm the ballot returns;</p> <p>7) to ascertain the circumstances which justify the interim in the exercise of the office of President of Romania, and to report its findings to Parliament and the Government;</p> <p>8) to give advisory opinion on the proposal to suspend from office the President of Romania;</p> <p>9) to guard the observance of the procedure for the organization and holding of a referendum, and to confirm its returns;</p> <p>10) to check the compliance with the conditions for the exercise of the legislative initiative by citizens;</p> <p>11) to decide on the objections of unconstitutionality of a political party;</p>	<p>the President of Romania, one of the presidents of the two Chambers, the Government, the High Court of Cassation and Justice, the Advocate of the People, a number of at least 50 deputies or at least 25 senators, as well as ex officio, on initiatives to revise the Constitution</p>

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		12) to carry out also other duties stipulated by the organic law of the Court	
Slovakia	The Constitutional Court of the Slovak Republic	<p>1) laws with the Constitution, constitutional laws and international treaties to which the National Council of the Slovak Republic has expressed its assent and which were ratified and promulgated in the manner laid down by a law;</p> <p>2) government regulations, generally binding legal regulations of Ministries and other central state administration bodies with the Constitution, with constitutional laws, with international treaties to which the National Council of the Slovak Republic has expressed its assent and which were ratified and promulgated in the manner laid down by a law and with laws;</p> <p>3) generally binding regulations with the Constitution, with constitutional laws and with international treaties to which the National Council of the Slovak Republic has expressed its assent and which were ratified and promulgated in the manner laid down by a law, save another court shall decide on them.</p>	<p>1. not less than one-fifth of all members of the National Council of the Slovak Republic;</p> <p>2. the President of the Slovak Republic;</p> <p>3. the Government of the Slovak Republic;</p> <p>4. any court;</p> <p>5. the Attorney-General,</p> <p>6. the Chairman of the Judicial Council of the Slovak Republic;</p> <p>7. the Public Defender of Rights;</p> <p>8. the Supreme Audit Office</p>
Slovenia	The Constitutional Court	<p>1) on the conformity of laws with the Constitution;</p> <p>2) on the conformity of laws and other regulations with ratified treaties and with the general principles of international law;</p> <p>3) on the conformity of regulations with the Constitution and with laws;</p> <p>4) on the conformity of local community regulations with the Constitution and with laws;</p> <p>5) on the conformity of general acts issued for the exercise of public authority with the Constitution, laws, and regulations;</p> <p>6) on constitutional complaints stemming from the violation of human rights and fundamental freedoms by individual acts;</p> <p>7) on jurisdictional disputes between the state and local communities and among local communities themselves;</p> <p>8) on jurisdictional disputes between courts and other state authorities;</p> <p>9) on jurisdictional disputes between the National Assembly, the President of the Republic, and the Government;</p> <p>10) on the unconstitutionality of the acts</p>	The Act specifies who is entitled to bring a complaint to institute proceedings before the Constitutional Court

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		and activities of political parties; and 11) on other matters vested in the Constitutional Court by this Constitution or laws	
Hungary	The Constitutional Court	<ol style="list-style-type: none"> 1. examine adopted but not published Acts for conformity with the Fundamental Law, 2. review any piece of legislation applicable in a particular case for conformity with the Fundamental Law at the proposal of any judge, 3. review any piece of legislation applied in a particular case for conformity with the Fundamental Law further to a constitutional complaint, 4. review any court ruling for conformity with the Fundamental Law further to a constitutional complaint, 5. examine any piece of legislation for conformity with the Fundamental Law at the request of the Government, one-fourth of the Members of Parliament or the Commissioner for Fundamental Rights, 6. examine any piece of legislation for conflict with any international agreement, 7. exercise further responsibilities and competences determined in the Fundamental Law and a cardinal Act. 	The Act specifies who is entitled to bring a complaint to institute proceedings before the Constitutional Court

Source: Author's own compilation

Emergency states

Emergency states are an important legal solution, also intended to be used to protect the democratic regime in the described countries. The regulation of the procedure for their introduction is often described in the basic laws of individual countries, which also include the reasons for which they may be introduced. States of emergency, which usually include the state of war and the state of emergency, are defined as a special legal regime that is triggered when normal constitutional solutions are not sufficient (L. Mażewski, *Public securite*). Among the justified reasons for the introduction of a state of emergency, two issues are often mentioned: a) protection of the constitutional order, b) coup d'état (Art. 230 of Constitution of Poland, Art. 48.1.b of Hungarian Constitution).

Clearly, the above-mentioned reasons may constitute the main threat to the durability of the democratic system in individual states. Interestingly, each time the legislator foresaw - upon the introduction of a state of emergency - the possibility of suspending some civil rights and freedoms. Another consequence of the introduction of a state of emergency is often the constitutional consent to the use of military troops. The introduced state of emergency is usually limited in time by the legislator, and usually in the constitutional provision there is a provision prohibiting the introduction of a new state of emergency for the same reason (Art. 223 of the Polish Constitution).

Conclusions

As indicated in the article, the states of Central and Eastern Europe included in their constitutional content regulations that either directly or indirectly contribute to the protection of the rebuilt democratic system after 1989. Interestingly, among the available solutions used in the democratic regime, you can find both: a) soft, i.e. prevention, b) hard, i.e. compulsion. Importantly, each democratic country, to achieve its goals - including the protection of democracy - maintains the forces of police and army influence, which is obliged to protect this system by swearing an oath of allegiance to the constitution by officers or to maintain the constitutional order.

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ORIGINAL PAPER

Considerations regarding FinTech and its multidimensional implications on financial systems

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Abstract:

The main objective of this research paper is to provide an accessible framework for understanding blockchain technology, banking bitcoin and other cryptocurrencies. The global financial services sector is undergoing significant transformations due to the impact of FinTech revolution. FinTech industry includes a series of innovative technologies based on powerful analytical tools, advanced algorithms, software applications, big data analytics processing, high resolution e - trading softwares, powerfull charting tools, data - driven trading platforms, portfolio tracking on real - time data. Sustainable development of FinTech industry is necessary for the maintenance of functional financial system, especially in the context of globalization. Moreover, this research paper provides a relevant overview on FinTech. The financial system is an essential component of economic growth and macroeconomic stability, especially in the context of globalization. FinTech innovations provide potential advantages for all financial services users.

Keywords: *Blockchain Technology; Cryptocurrencies; Financial Cybercrimes; Cybersecurity; Banking Bitcoin; Technological Innovation; Shadow Banks.*

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1. Introduction

A robust and dynamic economy needs a financial system capable of channeling financial sources to business entrepreneurs who have the capacity to make productive investments. Understanding the way in which financial structures work is essential when it comes to reforming them. Restricting access to the financial market is one of the reasons why financial systems differ, and removing them will implicitly lead to accelerating financial convergence. The digital age provides infinite opportunities for FinTech development. The evolution of the banking sector in each country is affected by various changes in the international banking and financial environment. A well-functioning financial system allows an economy to fully exploit its growth potential by providing the necessary financing sources for investment opportunities at minimal cost. However, the explosive growth of technological evolution leads to the intensification of financial cyber attacks. FinTech services rely on the most efficient methods in order to achieve a high degree of customer satisfaction.

The main crossroads in the financial field means beyond any doubt, the opportunity to make significant progress based on the revolutionary methods, techniques and tools offered by FinTech services. The FinTech industry includes a range of innovative technologies based on powerful analytical tools, advanced algorithms, software applications, analytical processing of large data (also known in literature as "big data"), high-resolution electronic trading software, data-based trading platforms, real-time data-based portfolio tracking and more. FinTech firms, organizations and companies provide new technologies to achieve significant growth in the financial industry. Despite its innovative terminology, FinTech can provide efficient and practical solutions even for people who live a normal life, without having to do with the financial field.

The financial structure is traditionally measured by the relative size of the different components of the financial market. A larger financial market is actually a channel for financial assets. In other words, the basic function of the banking system is based on collecting savings and after that channeling financial assets to profitable investments considering bank loans or other banking services. It is not yet known which systems are performing better, financial systems based on banks or financial systems based on financial markets. The structures and functions of financial systems are very complex and in a continuous change, especially in terms of globalization. These banking systems are made up of very heterogeneous financial institutions, such as : commercial banks, insurance companies, investment funds, capital markets and many others (Spulbar and Nitoi, 2012). It is also relevant to highlight the fact that it has been analyzed over time based on certain empirical studies, like: Spulbar (2008), Spulbar et al. (2012), Spulbar and Nitoi (2013), Spulbar and Birau (2019b; 2019c).

This research paper also aims to provide an accessible approach for understanding FinTech industry considering its key aspects such as blockchain technology, banking bitcoin and other cryptocurrencies. In a world ever changing, effective business decisions are essential to achieve the objectives set by decision-makers. The FinTech industry is completely different from the traditional financial industry. In recent years, FinTech services contributed to a significant extent to improving decision making process in the case of financial sector. FinTech (Financial Technology) provides intelligent solutions to current ordinary issues faced by most people in everyday life.

2. The rise of FinTech

Technology and innovation have advanced very much in all areas of activity. Some authors believe that we are living in the fourth industrial revolution due to certain aspects such as : (a) the rapidity of this evolution, (b) amplex and profoundness of change and (c) the impact on several systems regarding the companies, industries, countries and society as a whole (Schwab, 2017a). In its turn, the financial system is influenced by the evolution of technological innovation. The link between technology and the financial sector has a long history, from the introduction of the telegraph in the early 1800s, to the first ATM which was installed by Barclays Bank in 1967, after major investments in data calculation and processing made by the bank which required powerful servers and computers. And nowadays, we are in the internet era, where technology is indispensable for both banks and customers (Arner, Barberis and Buckley, 2015). The combination between the two specializations, technology and finance, have given rise to a new term, FinTech. The origin of this term dates back to the early 1990s and it refers to “Financial Services Technology Consortium,” a project initiated by Citicorp, the current Citibank, which had the purpose of facilitating the use of technology in financial sector (Hochstein, 2015). Regarding the definition of the term FinTech, there are several opinions and definitions provided by academic researchers and regulatory bodies. Professor Patrick Schueffel (2016), after a thorough analysis of the literature terminology, gives the following definition: „Fintech is a financial industry that applies technology in order to improve financial activities”.

The literature, as well as banking practice, have identified four major classes of banking products and services in the retail segment, namely: savings products, investment products, loans (loans) and banking services or other products that generate commission. In other words, we must consider that the financial system is in a continuous dynamic state. Commercial banks are also changing, becoming more sophisticated and becoming universal in their activities. However, all this is happening in an area of commercial banking, which has been permanently regulated over time. At the same time, we must keep in mind that banking regulation means more processing times and additional costs, which are ultimately borne by the customer.

Retail banking products and services are usually provided by larger banks that have retail-focused banking divisions or by retail banks. The latter category differs, as the typology and activity spread from one country to another. Spulbar and Nitoi (2012) suggested that, in general, the main financial institutions that provide banking products and services in the retail segment are:

- commercial banks;
- savings banks;
- financial cooperatives;
- credit unions;
- banking networks that collaborate with post offices;
- mortgage banks;
- institutions specializing in savings deposits and lending;
- non-banking financial companies specialized in providing products and services to the population;
- niche banks.

Table no.1 Adoption by consumers of FinTech services in 27 international markets in 2019

Country	Percentage of the digitally active population
China	87 %
India	87 %
Russia	82 %
South Africa	82 %
Colombia	76 %
Peru	75 %
Netherlands	73 %
Mexico	72 %
Ireland	71 %
UK	71 %
Argentina	67 %
Hong Kong	67 %
Singapore	67 %
South Korea	67 %
chile	66 %
Brazil	64 %
Germany	64 %
Sweden	64 %
Switzerland	64 %
Australia	58 %
Spain	56 %
Italy	51 %
Canada	50 %
US	46 %
Belgium and Luxembourg	42 %
France	35 %
Japan	34 %

Source: primary data processing provided by Global FinTech Adoption Index 2019, EY

On the other hand, FinTech-type businesses provide services rather similar to those specific to a bank, but they are not banking institutions in the true sense. In order to obtain a banking status, a company must meet certain minimum capital requirements, which many startups cannot meet. However, there are considerable differences between banks and FinTech companies. Financial technology companies are associated with concepts such as innovation, simplicity, novelty, accessibility, communication, personalization, information technology and convenience.

FinTech revolution is a very complex phenomenon involving both advantages and disadvantages. Financial services have been for a long time perceived as an integral part of a traditional industry. Commercial banks are financial intermediaries but this fundamental role is questioned by the increasing evolution of FinTech services. FinTech offers innovative solutions for various financial issues. In general, traditional banking involves higher transactional costs. Financial technology companies are geared towards attracting as many as possible potential customers. This ongoing process validates the revolution triggered by the new technologies and innovation implemented by FinTech services industry. Moreover, software and hardware technology are very important for FinTech industry.

The International Monetary Fund (2018) highlighted the significant importance of continuous innovations and technological progress in order to achieve a sustainable

Considerations regarding FinTech and its multidimensional implications on financial systems

economic development and an optimal inclusive growth. Mehdiabadi et al. (2020) investigated relevant issues regarding the banking systems dynamics in industry 4.0 and revealed that currently, a company or a startup has the opportunity to make available to customers banking services based on FinTech applications.

There are various applications of FinTech systems and they can be classified into various categories. Thus, FinTech applications can be classified into four major operational processes:

- the payment
- consulting service
- financing
- compliance.

It is important to understand how such innovative technologies could create business value. For example, in terms of payment aspects, cashless payment is the key development trend of the banking segment. In this regard, more and more companies have developed payment solutions for their customers. FinTech can be perceived as an interdisciplinary subject that combines finance, technology management and innovation management. Specifically, FinTech refers to any innovative ideas that improve financial services, proposing technology-based solutions for different business situations. On the other hand, these innovative ideas could also lead to new business models or even new businesses (Leong and Sung, 2018).

A global organization requires innovative business models in order to face the high amount of daily informations. However, the new global reality also has negative effects inherent vulnerabilities due to fierce competition, ever-changing economy and cybercrime attacks. The FinTech innovations are characterized by many advantages that increase customer satisfaction being a significant progress in the evolution of the global financial system. Unfortunately, we must point out that FinTech's disadvantages or limitations are also an undisputable certainty. Due to the dynamic growth of FinTech industry, the dark side of this revolution was less discussed. Under the globalization, the significant changes within the financial sector highlight particular vulnerabilities that allow cyber attacks, especially bank frauds. The potential risks related to FinTech industry include the following limitations : consumer and investor protection, the clarity and consistency of regulatory and legal frameworks. In another train of thoughts, Spulbar and Nițoi (2016) suggested that “higher liquidity is positively associated with efficiency, while solvency risk is negatively associated with efficiency”.

3. Understanding Blockchain technology

Lets ask a very simple and pertinent question...What are blockchain technologies? Rudimentary speaking, the word “blockchain” includes two other words : “block” and “chain” used in the same context. In other words, a blockchain is actually “a chain of blocks” which store digital information about transactions, traders and other key elements. A blockchain is a shared ledger technology used to jointly manage a common digital information history. A blockchain is a central piece in the evolution of global financial transaction services. However, the blockchain assessment is not perfect, but on the contrary it can be considerably improved in order to achieve a higher level of efficiency. Blockchain is a particular mechanism or data structure that employs cryptography and algorithms to record data in an immutable manner. However, not all distributed ledgers employ blockchains and, conversely, blockchain technology could be

used in other contexts, but the concepts “blockchain technology” and “distributed ledger technology” are commonly used interchangeably (Natarajan et al., 2017).

Financial technology companies have the ability to develop and implement disruptive financial innovations in order to improve customer satisfaction. FinTech industry has launched innovative startups such as alternative payment systems, cryptocurrencies technology infrastructure, automated investment advanced tools and digital asset services platform. Digital banking is a certainty in the context of global economy. FinTech companies represent a relevant part of the whole of society. Nevertheless, commercial banks perceive FinTech companies more as a growth opportunity than as a threat. In addition, financial markets have undergone radical transformation transformations due to the impact of FinTech revolution.

On the other hand, the human resource is very important for achieving a sustainable development of FinTech industry. It is important to highlight that specialists in FinTech have a major contribution in driving the evolution of a functional financial system. For example, as a quantitative approach, so far EUR 83 million have been allocated by the European Union (EU) to blockchain related projects, and potentially up to EUR 340 million could be committed from 2018 to 2020 (European Commission, 2018). European Commission suggested that blockchain technology may bring great improvements for the European industry - from start-ups to large corporates, administrations and citizens since it can enable the provision of more efficient services and the emergence of new ones by providing an improved approach in terms of business activities that take place in different environments such as companies, government authorities, organizations.

Blockchain could be well combined with big data networks. Here you can roughly classify the combination into two main categories: data management and data analysis. In terms of data management, blockchain could be used in order to store important data because it is distributed and secure. Also, blockchain technology could provide assurances that the data is original (Zheng et al., 2017). Current blockchain systems are classified into three main categories: public blockchain networks, private blockchain, and consortium blockchain (Buterin, 2015).

4. Banking Bitcoin and other cryptocurrencies

Cryptocurrencies are not currencies in the traditional sense, since much more complex approaches are involved. Moreover, cryptocurrencies are digital assets which play an essential role in the development of FinTech industry. However, it is important to highlight the existence of certainly assimilation between cryptocurrencies and traditional means of payment such as physical currency (money) issued by national central banks. Cryptocurrencies and blockchain have gained a growing importance over the recent past. Blockchain is a type of distributed ledger technology that forms the backbone of the crypto-market and it is the technology behind the large variety of cryptocurrencies currently in circulation. However, it is important to state that cryptocurrencies, are just one specific application of blockchain technology. Moreover, Bitcoin Cash (BCH) is decentralized P2P digital cash and it is also known in the crypto-community as a “hard fork” of the Bitcoin blockchain (Houben and Snyers, 2018).

European Central Bank (2012) have provided a complex definition for cryptocurrencies which represent : “*a subset of virtual currencies, such as a particular form of unregulated digital money, usually issued and controlled by its developers, and used and accepted among the members of a specific virtual community*”. As official

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statistics, a very significant amount of more than 50 billion dollars (\$) served as investment support in the case of 2,500 companies starting 2010 considering these financial innovators restructures the image of traditional banking (Accenture, 2018). For instance, Hileman and Rauchs (2017) argued that despite the fact that bitcoin stands out as the most representative currency cryptocurrency, considering market capitalisation.

5. Financial cybercrimes: The swan song of FinTech?

In the literature there is no universally accepted definition of cybercrime. Online criminal activity has multiple negative implications in terms of banking system activity. Understanding cybercrime is a major challenge, especially in the context of the global economy. The acts of cybercrime have multiplied their consequences because of their global dimensions. Moreover, cybercrime is also known as computer-oriented crime or computer crime. Cybercrime is an extremely profitable activity considering the high amounts of money obtained through bank fraud or money laundering. Moreover, a phishing scam represents an illegal activity that deceives the user to obtain quick and easy financial gains. However, these cybercrime activities are very hard for law enforcement to follow. Cybercrime includes certain categories such as: electronic fraud (cyber fraud), cyber espionage, malware attacks, identity theft, cyber stalking, spam attacks, copyright infringement, cyber terrorism, and computer viruses. Online banking is a relatively new component of the banking system, very attractive but also very vulnerable to cyber attacks.

The extremely rapid technological evolution leads to the intensification of cyber attacks. It is very important to emphasize that the transmission channels of cyber crimes include certain components of the Internet, i.e.: e-mails, websites (in particular e-commerce sites), chat rooms, discussion groups, instant messaging (IM), open forums, social networks, and messenger or other online services. However, Spulbar and Birau (2019) suggested that digital age provides unlimited opportunities for proliferation of cyber attacks based on highly sophisticated damaging tools.

Moreover, Antonescu and Birau (2014) have also highlighted the non-financial implications of cybercrimes which include a high number of essential problems like the following: loss or compromise of consumer trust (confidence), denigration campaign based on negative publicity (image turmoil, public defamation, reputational damage and prejudice), discontinuity and interruptions in the business activity, productivity influenced in the sense of reduction, compromising confidential data of customers, unauthorized and prohibited access to various product innovations, affecting intellectual property, as well as many other such categories.

At the same time, FinTech innovations offer potential advantages for all financial services users. These include expanding the access to financial services (financial inclusion), decreasing consumption, reducing transaction costs, offering greater convenience and efficiency and allowing rigorous controls on budgeting/spending. Collectively, these could lead to a improved customer experience, offering a better understanding of products and terms (BIS, 2017). In other words, in the future banking landscape an important role will be occupied by the customer experience with the providers of financial services and also this requires special attention from practitioners and from field researchers. Moreover, The significant decline in recent years of traditional banking is directly correlated with the concept of shadow banks and the impact of FinTech (Buchak et al., 2017).

For the first time, the term Economy of Experiences was brought to the reader's attention in 1998 by B. Joseph Pine II and James H. Gilmore. They saw the economy of experiences as the next step that the seller should create for the consumer to maximize sales, at the same time, in the era of the new economy, based on technology and change in customer behaviour; "goods and services are no longer enough." Furthermore, according to the same authors, in an economy where the customer's experiences will count more and more, companies must realise that they create memories, not good or services, and these memories create the scene for generating greater economic value. In terms of global customer acceptance of the services offered by companies like FinTechs, it is increasing year after year.

According to the study made by EY (2017), regarding the analysis on the degree of acceptance of services and products offered by financial technology companies, there was an increase in 2017 compared to 2015. We can see that the biggest evolution was registered in terms of money transfer and payments, from 18% in 2015 to 50% in 2017. But on the other side, it was noticed that there was an increase in the degree of acceptance regarding the other services and products like (i) savings and investments, (ii) insurance, (iii) financial planning, and (iv) loans. For instance, according to World Bank estimates and official statistics, in 2016, the customers of financial services were affected on average by over 65% more cyber attacks compared to any other industry sector (World Bank, 2018).

The action of effectively combating the negative phenomenon of cybercrime is based mainly on a clear and predictable legal framework. Implementing rigorous cybersecurity standards are essential in reducing the effects of cybercrime. Malicious virtual applications represent one of the most prolific forms of cybercrime. Moreover, an action of great financial importance for bank customers is combating bank frauds as an essential component of cybercrime that affects the banking system. A cybernetic hacking attack represents an illegal activity mixture-based oriented on obtaining financial benefits based on deception, cheating, and the extortion of individuals, public institutions, business firms or financial institutions such as banks.

6. Conclusions

The financial world is changing at a rapid pace, and traditional banks are struggling to protect their well-established path and find a new approach so as to retain their customers. Emerging technologies play an important role in refreshing the banking industry, increasing efficiency and competitiveness among financial actors. FinTech revolution is not a fantasy or an utopia. It is an increasingly important part of the new global reality. FinTech companies are driving innovation and new technologies in financial services in order to minimize costs and optimize financial trading time. Business companies must adapt to the advanced technology's rigors in order to succeed in this new global reality. The financial services industry focuses on the high impact of technology - driven innovations. Understanding FinTech rapid development is the key for reaching a relevant level of knowledge about a global sustainable financial system. FinTech industry provides innovative new products and business models much more suitable to adapt to a constantly changing reality. The traditional financial industry is outdated and therefore is not appropriate to meet the growing demands of global intelligent customers.

In spite of innovative terminology, FinTech can offer efficient and effective solutions even for normal people living normal lives. The evolution of the FinTech

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services relies on the most effective methods in order to achieve a high degree of customer satisfaction. The wind of change means beyond all the possibility of achieving significant progress in the financial field based on the revolutionary methods, techniques and tools provided by FinTech services. FinTech industry includes a series of innovative technologies based on powerful analytical tools, advanced algorithms, software applications, big data analytics processing, high resolution e - trading softwares, powerfull charting tools, data - driven trading platforms, portfolio tracking based on real - time data and many others.

FinTech is practically a technologically activated financial innovation that generates new business models, applications, processes and financial products. By default, they could have a significant effect on financial markets and institutions and the provision of financial services globally. Banks play an important role in the economy by carrying out financial intermediation activities. The evolution of the banking activity has known over time a series of peculiarities. Specifically, Fintech is a financial industry that applies new technology to improve financial activities. The opportunities are overwhelming in the context of the expansion of these innovative financial technologies that are gaining ground over traditional financial-banking products and services.

FinTech firms, organizations and companies provide new technologies in order to achieve a significant growth of the financial industry. In other words, the development of technology encourages changes in financial banking users' behavior and in what those users require; real-time services are required, 24 hours /7 days a week, mobility, easiness, convenience, transparency, but at the same time safety, security, and fewer expenses.

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ORIGINAL PAPER

Sustainable Development: Exploring Connections and Contradictions

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Abstract:

In order to meet the challenges raised by a society in a permanent process of change, specific to the beginning of the 21st century, it is necessary for all its members to change their current mentality focused on immediate crises, towards a state of anticipation of the future, where the health and well-being are ensured as the end point of the sustainable development process.

The theme of development is not new, but in this context, development and sustainability acquire new valences that subscribe to a strategy through which communities seek ways of development and economic growth, benefiting from the role of the environment, which fundamentally contributes to quality of life in the sense that, there where traditional methods generate congestion, expansion, pollution and excessive consumption of resources, sustainable development offers real and lasting solutions that consolidate the future.

A major error of economic calculation - the neglect of the cost of degradation and damage to the environment and human health - has generated costs that must be supported by the whole society threatened with aggravating ecological hazards. The disappearance of forests and implicitly many species of plants and animals, the thinning of the ozone layer, widespread pollution, diseases and poverty are serious dangers hovering over humanity as a whole.

Concerns regarding sustainable development, at the level of each country, at European and worldwide level, are the result of a complex of problems that hover over all of humanity: poverty, environmental degradation, uncontrolled expansion of urbanization, job insecurity, inflation, unemployment and other economic-financial or geopolitical crises.

Keywords: *sustainable economic development; environment; human development; social development.*

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Introduction

According to some points of view expressed in the specialized literature, the promotion of sustainable development induces the need for future generations to be compensated for the damage of current activities, so that they benefit from a capital stock - atropic and natural - as important as that existing in present, stock that allows them to obtain at least a welfare equal to the current one (Pearce, 1991: 18). It is also considered "a vector of sustainable goals, by which is meant the aspiration to increase living standards, the notion having a broader meaning than economic growth (Angelescu and Stanescu, 2004: 22), paying more attention to issues inter- and intragenerational equity "(Lariola, 1997: 74).

The introduction of the phrase «sustainable development» in the usual vocabulary of the economic science represented an objective necessity, imposed by the economic and ecological crisis that the world is going through at the beginning of the new millennium, it is increasingly gaining the connotation of the constant economic and social policies of each state, being assigned "over 60 interpretations" (Dăduianu, 1997: 10). In relation to these requirements, sustainable development is a concept "that involves a different treatment in terms of level, approach and understanding, technological complexes and resources that can be used with chances of success, thus acquiring different ways and meanings depending on time and space "(Popescu and Ciucur, 1996: 169).

At the same time, sustainable development can be considered a complex reality, a major challenge on society, a concept characterized by a series of characteristics and even a new paradigm (Söderbaum, 2004: 343), generated by national specificity, more precisely by the concreteness of the situation specific to each country, situation that refers to: population, own needs for development, production and consumption, environment particularities, specific philosophy of life, thus giving the concept of sustainable development, concrete substance and contour.

In this context, "sustainable development must ensure the maintenance and improvement of living conditions for as many members of society as possible, in the conditions of maintaining the dynamic stability for all the components of the macrosystem of the ecosphere, including the macrosystem itself" (Leca and Statie, 1997: 37).

Simultaneously, "sustainable economic development suppose a new attitude towards the ambient environment, changing the relationship between human and nature, in the sense of establishing a new partnership between the two entities, of balance and harmony between them. Sustainable or viable economic development can not be limited to economic growth and ensuring the quality of the ambient environment, but must include the creation of a favorable framework for solving the social problems faced by the individual and communities. Sustainable development represent the form or type of development that combines harmoniously, balanced, achieving economic growth, environmental protection, social justice and democracy "(Dobrotă, 1999: 168-169).

Considering these aspects, we can say that this new syntagma of: durable, sustainable, promotes the conservation and regeneration of natural resources, technological development, increase production and investment orientation to meet the current needs of members of society, without compromising the possibilities of future generations to provide their own needs.

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We can identify in sustainable development three elements that form it and that must be treated equally. Sustainable development cannot be separated from quality assurance of life and is dependent on the harmonization of the three objectives: economic well-being, with the help of incomes resulting from activities carried out to meet people's needs; the balance of social and cultural systems, through which the necessary labor resources are created for the economic, social and cultural field; the balance of natural systems, absolutely necessary for life to provide natural resources and goods (Rojanschi, Bran and Grigore, 2004: 234).

The analysis of how the influence of sustainable development occurs is based on three aspects: economic, social and environmental.

The economic aspect. This is important because ensuring a sustainable economy is capable of producing goods and services, ensuring good governance, achieving an optimal level of external debt, and is able to eliminate differences between sectors. The essence of the economic system is, as it is known, to maximize the amount of goods and services produced, but in terms of maximizing the efficiency with which resources of all kinds are used.

The environmental aspect. The sustainable character of a system depends on how to maintain a base of natural resources, on the rational use of renewable resources, based on the principle of using resources that are depleted only after replacements have been identified. In these aspects are included: ensuring biodiversity, atmospheric stability, as well as other ecosystem functions that are not part of economic resources. If we consider the ecological system, the main objectives are given by maintaining biodiversity, as a support for the possibilities of adapting the biosphere to geoclimatic changes. All these have as a fundamental premise the coordination of the objectives and actions of the entities and the functions of each system.

The social aspect. The objectives of the social system concern the equitable allocation of goods and services at all levels, local, national and global, involving all members in the development process and maintaining cultural diversity as a basis for equal opportunities and adapting society to changing socio and geoeconomic conditions. We can speak of a socially sustainable system, if it promotes balance in the distribution of goods and services (health, education, culture, gender equality, accountability and participation in political life). The application of these aspects leads to the definition of a strong concept, with a wide applicability. According to the Brundtland Report, we should all be responsible in the actions we make to meet all our needs, but at the same time be aware of the implications for future generations. At the same time, it is necessary to be aware of the influence that our decisions and actions have on the environment, ensuring a healthy environment for all generations. The term sustainable development, as it is presented in the Report, warns us that there are limits to the use of the environment's natural resources, but also that the power of absorbing the biosphere of human activities is limited.

The concept of sustainability must include changes in all aspects of life, and not only in changing consumer behavior, quite difficult process but, above all, must change the way people think about the economy and society (Zaman, 2005: 65).

From an economic point of view, we consider that a number of new ways of administration need to be used, which should consider the environment as a factor of production. If we look at it from a social perspective, we must take into account the way in which society will allow ecological development that involves giving opportunities, but also the emergence of other problems. It must be followed whether the society, the

economy and each of us will accept changes in the way we produce and consume, as well as in the way we live. Sustainable development requires a new way of thinking in society without selfishness, in other words, personal interests must fully coincide with the interests of the community.

There are researchers who consider that the issue of sustainable development must be debated internationally, having a unitary and simultaneous character (Vădineanu, 1998: 189).

There are other specialists who consider that the punctual actions are the ones that will lead to the achievement of the proposed objectives. The practices currently used to ensure the sustainable activity of some segments of the economy, such as organic agriculture, organic tourism, etc. demonstrates the sustainability of the new mode of action at sector level, which is considered the most natural way to approach development. Within a society considered sustainable, the use of human resources at a higher level will lead to economic development, to an increase in the quality of human life.

The challenge launched by Lester R. Brown in his work, entitled Plan B (1998: 337-338), is to build a new economy and do it fast enough, before we exceed enough deadlines imposed by mother nature, as the economic system to start collapsing. The coordinates of this global economic model are summarized as follows: promoting a budget for the restoration (recovery) of the planet, in parallel with the budget for the eradication of poverty; using the opportunities offered by new technologies in order to save resources, accelerate the recycling of materials and strengthen environmental protection, the transition from an economy based on fossil energy resources (coal, oil and gas) to renewable resources (solar energy, wind, geothermal, hydropower, bioenergy and hydrogen); encouraging the transition from a waste economy to an economy based on the reuse and recycling of resources. The use of natural and energy resources must be made by respecting two main ideas: the rational use of natural resources with the help of technologies, and the second which consists in reducing consumption and identifying and using unconventional energy sources.

Based on the above, we consider that sustainable development requires a process of change in which the use of resources, investment orientation, stimulating technological development and institutional changes to be made taking into account the future, but also current needs.

Achieving such an objective involves assuming major responsibilities, respecting some general principles but also some requirements, important being:

- ensuring the long-term sustainability of economic growth for all nations, without exception, as follows: for those developed with reconsideration of the conditions for its development, in order to ensure the quality of the environment and quality of life in general, for those underdeveloped where growth at accelerated rates is a vital issue, the only way out of the economic and social situation in which it finds itself, with the main condition that the chosen type of growth does not become an adversary of the environment and implicitly of human. Thus, the sustainable development in this aspect is in the middle, the goal pursued for fulfilling their desiderates: material, cultural prosperity, as well as physical health depending on the national specifics of each, the established priorities, the means necessary to achieve them, all depending on the existing economic base.

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- ensuring the simultaneous progress in all dimensions of the sustainable development process, starting from the premise of the interconditionality of the elements related to its internal technology, the health of the population and the environment, which is constituted in the source of support and increase of labor productivity.

This requirement of sustainable development requires solutions aimed at the social, political, economic, demographic and technical alike. Only by engaging its efforts on these plans, sustainable development can be highlighted and measured in terms of efficiency. Any model of development during this period cannot be conceived outside the political options based on scientific arguments provided simultaneously in the economic, ecological, technological and human spheres.

Awareness that the intensification of human activity increases the pressures on the environment, either through the uncontrolled consumption of resources and space, or through the production of waste that nature can no longer absorb without suffering, has led the international community to move to initiate and support concrete actions for preventing, counteracting and eliminating the repercussions of the factors disturbing the ecological balance. If, the main cause of the degradation of the ecosphere is related to the forms of production and consumption of the industrial type society, then the solutions must also be sought from the economic positions, without undermining the importance of other social, moral, cultural agents. In the purely technical and economic logic of development, the environment and natural resources were considered as simple tools for economic growth, being more than necessary to "reconcile the fundamental needs with the justified aspirations of the population" (Popescu, Bondrea, and Constantinescu, 2005: 11).

The message of sustainable development is part of the logic of reconciling the perspective of the economy with nature: without adequate protection of the environment it is impossible to achieve the objectives of development. The damage caused to the environment and human health takes revenge on future productivity and vice versa, without economic growth the resources necessary for environmental protection cannot be procured.

Sustainable development subsumes and correlates the following elements: expansion, growth, progress, development and underdevelopment, (Pohoată, 2003: 9), with dual purpose, economic development and human development. As human development, this sustainable process emphasizes, first of all, that development is made for people and involves their participation in obtaining economic results and in the equitable distribution of income. Income means individual access to the resources needed to ensure a comfortable standard of living; it guarantees the satisfaction of decent personal needs, a normal consumption of goods and services and the social mobility of the individual.

The second feature of human development reveals that economic and social development is achieved through people and, therefore, the human potential must be created and perfected based on investments in people, respectively in the field of teaching, education and culture, vocational training and of health. The level of education is the one that reflects the capacity of individuals to acquire knowledge, to communicate and participate in the social life, of the community of which they are part.

Knowledge becomes the most important factor in creating wealth, but also the most effective means to achieve compatibility between human-made environment and natural environment. This resource of creating wealth - knowledge - can be used

simultaneously by anyone who owns it and can be accessible to the weak and poor, not just the strong.

The equitable distribution of income and investment in people creates the material and socio-cultural framework of people's life expectancy, so that the longevity or ability of the individual to lead a long and healthy life is a fundamental feature of human development. People feel that it is imperative to take an active part in the events and processes that mark their existence and destiny.

A widespread participation, at local, national and global levels, will have a profound impact on all aspects of development: it can give a new impetus to the development process, it can shape a renewed society, more equitable than the existing one and focused on the fundamental interests of individual. In the spirit of the concept of human development, the deepest and most effective form of participation it is access to work and remuneration, which means that a priority objective of human development strategies must be the creation of new jobs, the improvement of the situation of those existing, the revision of the concept of work and duration of work, the extension of the concept of capital, which, in addition to the physical, financial, etc., is necessary to include both human and cultural capital.

The allocation of resources in the new models of viable human development must take into account, to a large extent, individuals and the natural environment, because it is simultaneously national and international and this global vision of human development is the fifth feature of the concept of viable economic development.

Challenges of sustainable development

Carrying out the analysis of the development from the economic-social, but also ecological perspective, allows highlighting some characteristics (Pohoață, 2003: 36):

- the development took place linearly in the evolution of the society from the traditional one to the current one of mass consumption. Many tensions have arisen as a result of meeting the needs at a fair level, while ensuring economic growth the environment has been negatively affected, as observed in the last century;
- by ensuring an economic basis, the term of sustainable development must achieve the elimination of inequities in society and the degradation of the environment;
- it is absolutely necessary to preserve and maintain natural capital so as to ensure a sustained economy and equity between generations;
- in order to ensure the stability and integrity of ecosystems and the maintenance and diversification of species, the increase of the population and implicitly the necessary resources must be limited;
- for development to be considered sustainable, social equity, health measures, educational needs, participatory democracy, must become the main objectives.

Starting from this presentation we can detach what are the new guidelines in ensuring development. For this, it is necessary, first of all, to change the mentality regarding economic growth, especially if the basic conditions are not met. Especially for countries with a high level of consumption this increase is not mandatory, it should not be the main objective. In his works Alan Durning, appreciates that the best for a society is a moderate level of consumption, strong social institutions, but especially a healthy natural environment, to the detriment of a continuous increase in consumption (Durning, 1992: 83).

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Starting from the essence of the term sustainable development, we can identify several aspects of the term:

- sustainable development occurs as a result of unequal global redistribution, and ensuring efficient sustainable development is not possible without technical progress, changing legislation, ensuring a sustainable market economy, with adequate financing arrangements;
- sustainable development appears as a cause that aims to save the planet;
- sustainable development is considered a concept because it debates an issue, has a frame of reference, imposes operations, involves a multitude of relationships and meanings;
- sustainable development is a system with an order conferred by spatiotemporal fluctuations;
- sustainable development is based on a dimensional quintet (spatio-temporal, social, cultural, economic and ecological dimension);
- sustainable development appears as a process aimed at achieving pre-set objectives;
- sustainable development involves a new way of thinking with an emphasis on possibility, contribution, through notions, judgments, theories and practices;
- sustainable development involves a link between chaos and order, in which human through his intervention generates an increase in the volume of information, while nature is passive.

Sustainable development represents a process that involves solving some problems, some common, general, others are specific. However, the most acute are the following:

- Demographic constraint. Sustainable development is intended to be, first and foremost, a human development, which is achieved by the will of the people and which has as its ultimate objective the assurance of the individual and collective good of all. Everything is thought from the perspective of what population means, that is: the number, structure and health of the population.

The problem became complex as a result of some events among which we mention (Pohoața, 2003: 50):

- the problem of the population, which is both national and global;
- not every increase in population is related to economic growth;
- population density, by regions, countries, etc. does not take into account the type of structure, and fertility soil yield;
- the population explosion occurs, especially in areas where the poverty level is high;
- the demographic explosion generates the increase of urbanization in the area, which causes damage to the environment;
- population expansion occurs with large differences between areas, countries, continents; as an example in Asia there are two thirds of the world's urban population; Africa has the highest rate of urbanization in the world, and faces a lack of ecological and economic balance;
- urbanization in Europe has been concomitant with industrialization, but it is not occurring in all developing countries.

No causal relationship was identified between demographic and economic expansion in all cases. At the same time, it is not an optimal level of the population that would lead to ensuring a maximum of growth. Population growth is both the cause and

effect of economic progress, especially since these two can be affected by the same elements (changes in mentality, disruption of production techniques). (Cypher, Dietz, 1999: 40)

- Technical constraint. From a technical point of view, the situation that sustainable development must solve is: What is the maximum level that can be reached by production, in the conditions of a certain level of technical progress, maintaining the balance of the environment? This problem is justified in the conditions in which it is proved that development implies economic growth, and implicitly, the increase of production. Increasing the size of production almost always generates pollution.

The possibility of environmental pollution absorption is limited, so there is a concern to identify a balance line between these elements.

The analysis of the problem in the context of reality, offers us the possibility to explain some conclusions regarding the sustainable development policy (Platon, 1997: 31):

- The maximum production that can be obtained without affecting the quality of the environment depends on:

- directly proportional to the possibility of absorption of the environment, of the anti-pollution installations to retain the polluting emissions, of the capital invested in anti-pollution installations and the volume of the pollutants or the size of the surface on which the dispersion of the pollutants takes place;

- inversely proportional to the pollutant emissions that are determined by the level of production and consumption.

- Between the action of the factors presented above, reductions can be obtained, based on a different support, depending on the area; thus, in developed countries, with a high level of production and consumption, under conditions of limited absorption capacity of the already polluted environment, production can be reduced; anti-pollution installations and capital investments act in reverse, in the sense that they can increase production; for underdeveloped countries, the two groups of factors act in exactly the opposite way.

- Thus it becomes possible economic development at the same time as maintaining the quality of the environment.

Ensuring the balance between pollution and the possibility of absorbing the environment can be maintained, while ensuring dynamic growth, increasing savings, efficiency of pollution control installations and by increasing the areas or volume of dispersion of pollutants;

- Technical progress can be considered the key element in maintaining an acceptable level of economic development in the conditions of maintaining a quality environment, hence the importance given to anti-pollution investments in development plans that include maintaining and even restoring the environment;

- Maintaining a stable equilibrium point depends on important factors such as: the structure of the economy, production, the level of aging of productive capital, the level of environmental pollution, etc.

- Intra- and intergenerational equity. From the way in which sustainable development is defined, the idea emerges that it becomes feasible only when a spirit of partnership, tolerance, unity and mutual care appears between generations and within the same generation; so that the good and prosperity of one must in no way affect the situation of another. In other words, the sustainable development project generates Pareto's optimum. Starting from the fact that individual utilities cannot be added in order

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to determine the level of global well-being because, from a practical point of view, you cannot make comparisons of the usefulness of different people because utilities depend on the personal characteristics of each one.

Pareto realized that the optimum, in turn, nor can it be expressed as a sum of individual utilities, nor without taking into account the distribution of income because, given that income is a known element, welfare will be only relative. Thus, Pareto defines the optimal as a position of equilibrium in which the situation of a person cannot be improved without diminishing the well-being of another or others. (Pareto, 1974: 242)

A generation should not be seen as unique, because we can say that three generations coexist at the same time: the young, the mature, the elderly (Pearce, 1994: 45). Starting from this idea, we consider that each of the three elements within the social pyramid has its own cultural matrix. Therefore, the demand is different when compared to the same environmental offer both in terms of level and structure.

Intergenerational compensation it follows from the idea of equity. It starts from the idea that the Earth resource is limited and the current generations through their actions of production and consumption, reduce, not necessarily deliberately, the size of this resource. There is a need to find a compensation mechanism to take advantage the future generations, so as not to be deprived of resources used by present generations. It is necessary to ensure a constant stock of capital so that future generations will start at least at the same level as the present generations, an idea that first appeared in Robert Solow (1986: 141)

- **Efficiency.** Efficiency can be defined as the ability of a human activity to generate maximum useful effects, for individuals and society, with minimal costs. According to this definition, in order to calculate the efficiency, the effects are related to the efforts.

Both in the case of the definition and of the way of determination we observe an orientation towards the quantitative and, especially towards the economic part of the human activity. Although, in economic theory, it is emphasized that efficiency should also be analyzed in terms of social effects, this is the aspect that is insisted on. Thus, this is exactly the area that sustainable development wants to improve so as to introduce the concept named efficiency. Non-material elements are those that determine the meaning of movement and the physiognomy of development results and should not be seen as elements that threaten efficiency. The importance of profit in the complex of factors that determine the evolution of society cannot be changed. Based on this reality, sustainable development is not and cannot be against efficiency. Its existence cannot determine the elimination of profit from the equation of the evolution of the economy and society. It aims to demonstrate that profit should not only be pursued. Thus, the major problem that sustainable development is trying to solve is to identify the necessary compatibilities between the profit-oriented economic system and the socio-human target of development. The concrete approach to this difficult problem it translates in principle into an attempt to compare the socio-cultural and ecological pluses and benefits with the minuses resulting from additional costs induced by clean industries and anti-pollution technologies.

Conclusions

We appreciate that the main directions in which action must be taken for sustainable development to take place are:

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- climate change - which can generate extreme weather phenomena, with severe implications for infrastructure, property, health and nature, and which are a direct consequence of global warming generated by greenhouse gas emissions from human activities;
- severe deterioration of public health, either due to food insecurity or due to the effects of dangerous chemicals currently used in food;
- the accentuation of poverty as well as social exclusion (valid for one in six European citizens), have direct and dramatic effects on individuals, we are talking here about: suicides, diseases, persistent unemployment;
- the aging of the population with direct influence on the rhythm of economic growth (in the sense of slowing it down) endangering the quality and financial sustainability of pension schemes and public health services;
- the loss of biodiversity occurs at an accelerated rhythm, accentuating dramatically in recent times. Land losses and especially the drastic reduction of their fertility are no longer a novelty in Europe, and the quantities of waste have increased at a much faster rhythm than its gross domestic product.
- the transport networks are extremely crowded and constantly growing, approaching to a real blockage. They primarily affect urban areas, which also face problems caused by the degradation processes of some cities, the alarming expansion of some suburbs, poverty concentrations and social exclusion (Bunea, 2007: 36-37).

To these are added the regional imbalances that are manifesting within the European Union and which remain a serious threat to the sustainable development of the current, present and future European space.

So that the European space can evolve in a sustainable way, the framework of action that must be substantiated involves, first of all, the efficient management of the available resources, for a long period of time and not on conjunctural solutions, and for this it is necessary to define the concrete and achievable objectives for this period of time.

In this process, the role of the required intermediate stages is to allow the evaluation of the progress made, as well as the correction of the registered deficiencies. That is why the objectives set to be achieved in order to achieve sustainable development must be expressed in a very precise way, applicable throughout the entire European space, but at the same time allowing Member States to effectively implement their own viable solutions.

The advantages they offer should not be neglected either. Thus, we can say that through them the field of action of short-term policies is narrowed, thus ensuring one of the priority goals of the strategies for sustainable development, that of leaving a fair inheritance to future generations.

Also, long-term goals, in the conditions of their pertinent and clear definition, unconditionally help economic subjects and private entrepreneurs to plan their future judiciously and profitably, in the conditions in which the material resources of the economies they come from are renewed. relatively slowly, and political uncertainties and instabilities attract their own costs. By clearly defining what needs to be done, the responsibility for achieving the proposed objectives returns with those directly involved in those areas of action. Thus, Romania joined the leaders of the 193 ONU member states at the Development Summit in September 2015 by adopting the 2030 Agenda for Sustainable Development, a global development action program with a universal character and which promotes the balance between the three dimensions of development

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sustainable - economic, social and environmental. For the first time, the actions target both developed and developing countries. The 2030 Agenda includes the 17 Sustainable Development Goals, brought together informally under the name of Global Goals. Through the Global Goals, an ambitious agenda is set for the coming years to eradicate extreme poverty, combat inequality and injustice and protect the planet by 2030.

Europe represents one of the best places to live in the world, and EU member states already hold the top positions on the pursuit of sustainable development goals. However, no state in the world has yet met all the targets set, and, at a serious analysis of the EU's performance on the Sustainable Development Goals, it is clear that the EU must continue to make consistent efforts on all fronts. (European Commission, 2019: 12).

The sustainable development of society is now an undisputed requirement. With a major impact on progress and quality of life, sustainable development is a constant topic of debate, monitoring progress and identifying the factors that influence progress being one of the major concerns of decision makers and not only.

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The Martial Law Was Inevitable on December 1981 in Poland?

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Abstract:

On 1980-1981 the Polish United Workers' Party (Polska Zjednoczona Partia Robotnicza, PZPR) endured a significant crisis. It could not cope to the increase popularity of “Solidarity” movement, the first independent trade union in a Soviet Bloc countries, which quickly becomes a social movement, a symbol of hope and an embodiment of the struggle against communism and Soviet domination which demands the reforms from the government. Solidarity Movement will cause serious damage to the image and the power of the Polish United Workers' Party (Polska Zjednoczona Partia Robotnicza, PZPR). The Polish United Workers' Party (Polska Zjednoczona Partia Robotnicza, PZPR) was undermined even inside by the appearance of the horizontal structures, the comrades who joined the Solidarity Movement though they did not leave the party. The Party was divided by internal fights. Poland's economy had fall. The Soviet Union interests were deeply affected and it threat with armed intervention. In the leadership of the government and in the leadership of the Polish United Workers' Party (Polska Zjednoczona Partia Robotnicza, PZPR) are placed in key positions people in uniform prepared to act within Poland and who are loyal to the Soviet Union. The Soviet Union chose to act through these men to regaining the control on Poland and the rehabilitation of Polish United Workers' Party (Polska Zjednoczona Partia Robotnicza, PZPR). On December 13, 1981, the Martial Law introduced by General Wojciech Jaruzelski stopped the opposition in order to gain more authority in Poland. Thousands of members of the Solidarity Movement were imprisoned overnight. Introduction of Martial Law seem to be premeditated by Soviet Union. But could Poland avoid the martial law?

Keywords: *Poland, Jaruzelski, Solidarity, Martial Law.*

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In my opinion the introduction of martial law in December 1981 in Poland was inevitable. More I think that it was premeditated by Soviet Union. Short time after activity legalization of Solidarity movement, the Soviet Union failed to bring the leadership people trained to operate inside Poland but who are loyal to Soviet interests in the state apparatus and in the Polish United Workers' Party (Polska Zjednoczona Partia Robotnicza, PZPR). In support of this point of view I consider the social and political conditions in Poland in 1980-1981 and the Soviet interests - to reform the Soviet Union and the entire communist bloc - which were put in danger the Solidarity Movement that was born in Poland in 1980. The first argument that comes to support the introduction of martial law in December 1981 in Poland was inevitable is the rise and the activity legalization of the Polish Solidarity Movement, a trade union, which quickly becomes a social movement, a symbol of hope and an embodiment of the struggle against communism and Soviet domination. The Solidarity Movement also wins the support of Catholic Church. A second argument is related to this fact is that the inevitably rise of Solidarity Movement caused serious damage to the image and the power of the Polish United Workers' Party (Polska Zjednoczona Partia Robotnicza, PZPR). The Polish United Workers' Party (Polska Zjednoczona Partia Robotnicza, PZPR) was undermined even inside by the appearance of the horizontal structures - the comrades who joined the Solidarity Movement though they did not leave the party. They will contest the orders of the political leadership so the Polish United Workers' Party (Polska Zjednoczona Partia Robotnicza, PZPR) becomes weak. A third argument that supports my point of view is that the Soviet interests deeply affected by the Solidarity Movement must be defended. It was chosen the solution of the Soviet reformers - a skillful game played under Soviet domination in Poland - the entering in the political arena - first as defense minister and then as prime minister and secretary general of the Polish United Workers' Party (Polska Zjednoczona Partia Robotnicza, PZPR) – of the General Wojciech Jaruzelski a close of Yuri Andropov. All the time the crisis in Poland was under the total control of Soviet Union. The Polish inquiry was the main point of discussion at a number of meetings of the Political Bureau of the Central Committee of the Communist Party of the Soviet Union. A lot of the documents associated with the Polish incidents have now been declassified.

The first argument that comes to support the introduction of martial law in December 1981 in Poland was inevitable is the rise and the activity legalization of the Polish Solidarity Movement - a trade union, which quickly becomes a social movement, a symbol of hope and an embodiment of the struggle against communism and Soviet domination. The Solidarity Movement also wins the support of Catholic Church. In July-August 1980 by the union of the old dissident groups appears the Solidarity Movement. A lot of strikes broke out all over Poland. In Gdańsk, Lech Walesa's team, although reaching an agreement on local issues, refused to cancel the strike until and other strikers from other cities will not get the satisfaction of solving their problems. "The strikes of summer 1980 were triggered by the latest attempt on the part of the government – announced on 1 July – to increase the prices of foodstuffs and fuel. The strikes which followed affected about 140 enterprises by the end of the month, including the Gdańskshipyard." (Ramet, 2017: 173)

The political leadership of Polish United Workers' Party (Polska Zjednoczona Partia Robotnicza, PZPR) realized that the political monopoly of the communist party is attacked by a concerted action across the country. In this situation, the Polish United Workers' Party (Polska Zjednoczona Partia Robotnicza, PZPR) had two alternatives -

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either to reach an agreement with the strikers or either to make use of force. As the strikes continued, the party realized that it would have to negotiate with the workers, and reach an agreement with the strikers. "Negotiations began on 23 August 1980, simultaneously in Gdańsk to Szczecin. So difficult were these talks that Cardinal Wyszyński decided to offer his assistance and thus, during the night of 27/28 August 1980, he sent his personal emissary, Dr. Romuald Kukołowicz, to meet with the Politburo and present his offer to form a mediation commission under his authority." (Ramet, 2017: 173)

In August 31, 1980 at Gdansk, between the strikers and the political leadership of the Polish United Workers' Party (Polska Zjednoczona Partia Robotnicza, PZPR) take place an understanding that it will mark a fundamental change in the political order. The strikers received in addition to the guaranteeing the right to strike, the freedom of opinion and access to the media also the recognition of the national and independent trade unions, which translates as a disloyalty of the Polish United Workers' Party towards the Marxism-Leninism thought. The Polish United Workers' Party (Polska Zjednoczona Partia Robotnicza, PZPR) viewed this result as a great defeat and it was clear this fact because, on 6 September 1980, Edward Gierek was stripped of his post as party leader and expelled from the Politburo. On the same day, Stanisław Kania, was elected to take power as Polish United Workers' Party (Polska Zjednoczona Partia Robotnicza, PZPR) first Secretary.

Legally registered Solidarity Movement becomes stronger. Quickly it becomes a social movement, a symbol of hope and an embodiment of the struggle against communism and Soviet domination.

On September 3, 1980 the Report of Political Bureau of the Central Committee of the Communist Party of the Soviet Union revealed the position of the Soviet leadership in regard to the agreements reached in August 31, 1980 at Gdansk between the Polish Government and the Inter-factory Strike Committee (Międzyzakładowy Komitet Strajkowy, MKS) and expresses the Soviet leadership concerns with the consequences of the agreements on the role of the Party in Polish society (History and Public Policy Program Digital Archive, 1980a: 2). According to the Report, the agreements between the Polish United Workers' Party (Polska Zjednoczona Partia Robotnicza, PZPR) and the so-called "United Strike Committees" (ZKS) in Gdansk and Szczecin are classified by the Soviet leadership as legalizing the anti-socialist opposition in Poland. More the report mentioned that "the opposition intends to continue the struggle to achieve its aims" (History and Public Policy Program Digital Archive, 1980a: 3), and "the compromise that has been achieved will be only temporary in nature" (History and Public Policy Program Digital Archive, 1980: 3). It suggested that the Polish United Workers' Party (Polska Zjednoczona Partia Robotnicza, PZPR) had to go on the defensive and prepare a counterattack to reestablishment of its influence and authority among the working.

"It is necessary to give overriding significance to the consolidation of the leading role of the party in society. The current political crisis has sharply weakened the influence and authority of the party among the working class. In such circumstances one must adopt all necessary measures for its organizational and ideological cohesion and for the reestablishment of its influence and authority." (History and Public Policy Program Digital Archive, 1980a: 3)

Worryingly, point 5 of the report referred to the strengthening of the socialist legal order through the use of state structures, and as a concrete recommendation it

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requested that: “pay greater attention to the army and devote special attention to the military-political preparation of soldiers. Use the opportunity to attract army command personnel to perform party-economic work as well” (History and Public Policy Program Digital Archive, 1980a: 5).

On September 17, 1980, representatives of thirty-five independent trade unions from all over Poland met at the Hotel Morski in Gdańsk to discuss future plans and actions. The group officially adopted the name Solidarity (*Solidarność*) as the title of the consolidated trade union, which represented three million workers in 3,500 Polish factories. Lech Wałęsa was elected president of the trade union.

Workers from various other sectors of work in Poland, students, journalists, writers, filmmakers, historians, doctors, engineers, architects, economists learned about the actions of shipyard workers and organized themselves in a similar way. Thus, farmers in Rzeszów, Poland, organized themselves under the name of Rural Solidarity. The students organized and formed the Independent Student Union. Poland has become more vocal about the economic, social and political problems. The situation was unprecedented, because since the end of World War II, the authoritarian climate imposed by the Polish United Workers' Party (*Polska Zjednoczona Partia Robotnicza*, PZPR) had blocked any dialogue.

Surprisingly, after the summer movements of 1980, on October 22 in the same year, a proposal regarding the introduction of the martial law for reasons related to the security of the Polish state appears. “The document breaks down the powers granted to the government through martial law, and notes that the powers of some government organs will need to be broadened.” (History and Public Policy Program Digital Archive, 1980b:1)

The Solidarity Movement also wins the support of Catholic Church. “The Church also benefited, with Catholic newspapers and magazines being allowed to increase their print runs. And there is direct cooperation between the Church and Solidarity, with advisers participating in the work of the trade union. In April 1981, Tadeusz Mazowiecki, hitherto chief editor of the Catholic periodical *Więź*, took over the editorship of *Tygodnik Solidarność*, the weekly news organ of Solidarity.” (Ramet, 2017: 174)

In May 1981, Poland suffered two hard blows - the death of the Cardinal Wyszyński (supporter of the Solidarity Movement) and the attempt on the life of the Pope John Paul II. Wyszyński's successor Josef Glemp was a man divided between the demands of the communist regime and the needs of his congregation.

Even in 1981 Solidarity movement continues to fight for his goals, but without noticing the preparations that were made for suppress of its activity. It is a period of political relaxation accompanied by economic hardship. In autumn of 1981, the political climate was damaged. As the control of general Jaruzelski in the Polish United Workers' Party (*Polska Zjednoczona Partia Robotnicza*, PZPR) becomes stronger, it was trying to discredit the leaders of Solidarity Movement. This will happen on December 4, 1981, when intelligence services records a meeting between Walesa and the other strikers at arms factory in Radom. The records will be spoofed and used as evidence. It's a matter of days until the declaration of martial law and arresting the leaders of Solidarity Movement.

A second argument is related to this fact is that the inevitably rise of Solidarity Movement caused serious damage to the image and the power of the Polish United Workers' Party (*Polska Zjednoczona Partia Robotnicza*, PZPR). The Polish United

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Workers' Party (Polska Zjednoczona Partia Robotnicza, PZPR) was undermined even inside by the appearance of the horizontal structures - the comrades who joined the Solidarity Movement though they did not leave the party. They will contest the orders of the political leadership so the Polish United Workers' Party (Polska Zjednoczona Partia Robotnicza, PZPR) becomes weak.

Timothy Ash, referring to the period 1980-1982, points out that although the basic structure of the political dictatorship is simple, totalitarian and monolithic, its daily politics are full of internal tensions and contradictions, which become more acute in times of political crisis. (Ash, 2002:8)

On April 23, 1981 Political Bureau of the Central Committee of the Communist Party of the Soviet Union Commission Report, emphasized the weakening of the Polish United Workers' Party (Polska Zjednoczona Partia Robotnicza, PZPR) and the rise of Solidarity as an organized political force: "To a significant degree the PZPR has lost control over the processes under way in society. At the same time, "Solidarity" has been transformed into an organized political force, which is able to paralyze the activity of the party and state organs and take de facto power into its own hands. If the opposition has not yet done that, then that is primarily because of its fear that Soviet troops would be introduced and because of its hopes that it can achieve its aims without bloodshed and by means of a creeping counterrevolution". (History and Public Policy Program Digital Archive, 1981a: 2)

At the Session of the Political Bureau of the Central Committee of the Communist Party of the Soviet Union, 30 April 1981 the Soviet leaders discussed the results of negotiations between the Communist Party of the Soviet Union delegation and the Polish United Workers' Party (Polska Zjednoczona Partia Robotnicza, PZPR) leadership. The Session was Brezhnev presiding and its taking part: Andropov, Gorbachev, Grishin, Gromyko, Suslov, Tikhonov, Ustinov, Chernenko, Demichev, Kuznetsov, Ponomarev, Solomentsev, Kapitonov, Dolgikh, Zimyanin, Rusakov.

Suslov, the chief ideologist of the Soviet Communist Party criticized the actions of the Polish leadership regarding Solidarity. He appreciated that Polish United Workers' Party (Polska Zjednoczona Partia Robotnicza, PZPR) leaders were "indecisiveness" and he criticized the so-called "horizontal structures" which was "creating total disorder in the organizational structure of the Polish United Workers' Party (Polska Zjednoczona Partia Robotnicza, PZPR) and are completely at odds with Leninist organizational principles for the structure of a Marxist-Leninist party". (History and Public Policy Program Digital Archive, 1981b: 2-3)

Andropov appreciated that: "the Polish friends, in particular Comrade Kania, support the "horizontal structures," and this is leading, as you know, to the disintegration of the party". (History and Public Policy Program Digital Archive, 1981b: 3)

In August 31, 1980, Edward Gierek the first secretary of the Polish United Workers' Party (Polska Zjednoczona Partia Robotnicza, PZPR) was replaced by Stanisław Kania. He was discredited following the signature of the agreement with Solidarity Movement. Stanisław Kania is a man with unclear vision and willing to compromise. Many comrades of the Communist Party join the Solidarity Movement, but they didn't leave the party. In this situation the Polish United Workers' Party (Polska Zjednoczona Partia Robotnicza, PZPR) could no longer work. The orders of political leadership were not clear. The fellow acting in horizontal structure of the Polish United Workers' Party (Polska Zjednoczona Partia Robotnicza, PZPR) who also joined in the trade union movement began to challenge the orders given by the leadership of the

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Polish United Workers' Party (Polska Zjednoczona Partia Robotnicza, PZPR). After the invasion of Czechoslovakia in 1968, the Communist Parties were free to follow their own path to socialism. But the Soviet Union had never been accepted the disloyalty towards Marxism-Leninism thought by recognizing an independent trade union. By the willingly or by the need, the Polish United Workers' Party (Polska Zjednoczona Partia Robotnicza, PZPR) recognized even an independent trade union which was supported by millions of peoples and by the Polish primate. In this context the General Wojciech Jaruzelski was entering in the political arena of Poland.

In 1981, Jaruzelski finally secured a place in the history books of his country, a controversial one until now. As head of government and the Communist Party, Jaruzelski enacted martial law - a decision which he justified until his death by the imminence of the Soviet invasion. While Jaruzelski protected his act as necessary to prevent an armed intervention by the Soviet Union, the weight of historical proofs sets an ultimately failed trial to suffocate Solidarity movement on orders from Moscow.

A third argument that supports my point of view is that the Soviet interests deeply affected by the Solidarity Movement must be defended. "According to the official Soviet point of view, the difficulties in Poland were caused by two groups of reasons: subversive activities of imperialism and mistakes in domestic policy." (Bessonova, 2010: 69)

It was chosen the solution of the Soviet reformers - a skillful game played under Soviet domination in Poland - the entering in the political arena - first as defense minister and then as prime minister and secretary general of the Polish United Workers' Party (Polska Zjednoczona Partia Robotnicza, PZPR) – of the General Wojciech Jaruzelski a close of Yuri Andropov. The Solidarity Movement with quick steps undermines Moscow's chances to introduce reform in the Soviet Union and in the entire communist bloc, by introducing the liberal market economy, but with the rigorous maintaining of the political control. The Solidarity movement must be stopped. "The Soviet was putting tremendous pressure a Polish prime minister Wojciech Jaruzelski to act. The grassroots opposition movement led by Solidarity was potentially catastrophic for Soviet." (Jones, 2018: 3)

Wojciech Jaruzelski was appointed by the Soviet Union to act within Poland. Clearly he hadn't the option to decide alone. He can only propose a course of action which was subsequently approved by his superiors in Moscow. Since August 1980, the Ministry of Defense led by General Wojciech Jaruzelski made preparations to stop the rise of the Solidarity Movement. After entering of the legal activity of the Solidarity Movement the Soviet Union leadership decided to do a demonstration of power - the military maneuvers. A fleet of Soviet war occurs in the Baltic Sea near the Gdansk Bay and several tank's divisions occur at the eastern border of Poland. In the shortly time the General Wojciech Jaruzelski was appointed as the prime minister. So, pro-soviet faction of the Polish United Workers' Party (Polska Zjednoczona Partia Robotnicza, PZPR) took the control of the state apparatus, even if the Polish United Workers' Party (Polska Zjednoczona Partia Robotnicza, PZPR) leadership was losing ground. Early in 1981 in the secret was planned a military coup led by Wojciech Jaruzelski.

In this period in the Polish United Workers' Party (Polska Zjednoczona Partia Robotnicza, PZPR) occurring the major changes - in October the General Wojciech Jaruzelski assume the supreme position in the Polish United Workers' Party (Polska Zjednoczona Partia Robotnicza, PZPR) and became the general secretary of the Polish Communist Party. Stanislaw Kania was replacing. The communist establishment who

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implemented the discredit the Solidarity Movement leaders at the beginning of December 1981 can acted independently by the Polish Communist Party. This communist establishment included the General Wojciech Jaruzelski, General Kiszczak, General Siwicki, but also the men with or without military uniform who held the key positions in the government and in the industry. These men were loyal to the soviet agencies which had approved their appointment in these important positions. In this situation practically nothing could return Poland to the situation before 1980. Soviet intentions are obvious - regaining the control on Poland and the rehabilitation of the Polish United Workers' Party (Polska Zjednoczona Partia Robotnicza, PZPR). Direct military action of Soviet Union would have made Poland an unbearable burden for the Soviet Empire. The Soviet Union inaction would have resulted in the loss of any chance that the Polish United Workers' Party (Polska Zjednoczona Partia Robotnicza, PZPR) to establish itself again as before. So the Soviet Union chose to act through items of fair prepared and trained to act receivable within Poland.

After Checinski the security of the regime depends at all times on the potential coercive power of the security and armed forces. The relative importance of Party, security services and military in preserving communist rule in Poland varies with circumstances. (Checinski, 1982: 23-27)

At the 14th meeting of the Warsaw Bloc Defense Ministers Committee took place in Moscow under the chairmanship of Marshal D.F. Ustinov, defense minister of the Soviet Union. The ministers discuss the Solidarity movement and protests in Poland, and how to handle the issue in the media. However, on the Soviet side were Marshal Kulikov (Commander-in-Chief of the United Armed Forces), Army General Gribkov (Chief of Staff of the Treaty), Marshal Ogarkov (Chief of the General Staff of the Soviet Army), General Epishev (Head of the Political Directorate). The Polish People's Army (Ludowe Wojsko Polskie, LWP) Chief of Staff, Col.-Gen. Florian Siwicki, said in his speech, among other things, that the complex socio-economic situation in the country might produce serious disturbance inarms and military procurement for the Polish People's Army (Ludowe Wojsko Polskie, LWP) as well as for the armies of the alliance in the nearfuture. Then he spoke about government policies and he said: "these policies areaimed at bringing the country out from its complicated situation as well as unmasking the enemyactivities of those opposed to socialism, especially those of "Solidarity's" extremist circles" (History and Public Policy Program Digital Archive, 1981c: 2).

In his speech, Marshal Ustinov said that General Jaruzelski had asked for help in a telegram because the situation in Poland had deteriorated. Ustinov considered that the demand was justified, because socialism was endangered in that country, which could have serious consequences for the situation in the Warsaw Pact. He therefore proposed that a paragraph be inserted in the communique expressing support for the Polish Government, which would have meant military intervention in Poland. Romania, through General Olteanu, expressed an official point of view of the state leadership and stated that, from the information received from Bucharest, it results that General Jaruzelski had not addressed any request for help to the Romanian authorities. Also, General Olteanu requested that the other ministers could make the decision on which want it, but mentioning that Romania is against intervention in Poland.

The final text of the press, radio and television briefing on the work of the 14th meeting of the Committee of Defense Ministers is extremely relevant to the state of mind of the Soviet Union, formally supported by the other communist bloc countries, partners of the Warsaw Bloc. "The defense ministers committee expressed its alarm at

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the worsening situation in the Polish People's Republic (Polska Rzeczpospolita Ludowa, PRL). The subversive activities of the anti-socialist forces, behind whom stand the aggressive imperialist circles, has a direct impact on the fulfillment of the allied obligations of the armed forces of the Warsaw Pact member-states. Solidarity was expressed with the Polish United Workers' Party's (Polska Zjednoczona Partia Robotnicza, PZPR) battle, with all Polish patriots against counter-revolution, with the battle to bring the country out of its crisis. As a result, it was underlined that the Polish nation can rely completely on the support of the socialist states." (History and Public Policy Program Digital Archive, 1981c: 3) Information will be published in the press by all the Warsaw Bloc countries, with the exception of the Romanian. This course of action was agreed upon by all the defense ministers except the General Olteanu, Romanian defense minister.

On December 13, 1981, Jaruzelski addressed the Polish nation. The Polish Radio informed about martial law being imposed at a 06:00 (6:00 a.m.) audition: "I declare that today the Military Council of national Salvation has been formed. In accordance with the Constitution, the State Council has imposed martial law all over the country".

The draft instructions to the Soviet ambassadors for the leaders of the fraternal countries contains about the martial law declared in Poland contains some interesting things. First of all, the declaration of martial law aimed at suppressing trade union movements: "detained the most extremist elements of Solidarity, the Confederation for an Independent Poland, and other anti-socialist groups" (History and Public Policy Program Digital Archive, 1981d: 2), and the operation was carried out in secret in order to facilitate the capture of trade union leaders: "to ensure the success of the operation, the Polish comrades observed strict secrecy. (...) Thanks to this our friends have succeeded in catching the enemy completely unawares, and the operation so far has been implemented satisfactorily" (History and Public Policy Program Digital Archive, 1981d: 2). But the most important thing was that "on the very eve of implementation of the projected operation, W. Jaruzelski communicated about it to Moscow" (History and Public Policy Program Digital Archive, 1981d: 2). The draft instructions conclude that the Soviet side has nothing to do with the declaration of martial law and that it is the choice of the Poles: "in so doing we ensured that the Polish comrades would resolve these matters solely by internal means" (History and Public Policy Program Digital Archive, 1981d: 2).

There are considerations that lead us to believe that the Soviet Union exerted extremely great pressure on the Polish leadership, which was likely to create among it the fear of a Soviet invasion of Poland, especially since this had happened in 1956 in Hungary and in 1968 in Czechoslovakia. Certainly Polish leaders saw martial law as a way to prevent the Soviet invasion, but also to appease trade unions that were demanding more and more rights.

In conclusion, the introduction of martial law in December 1981 in Poland was inevitable. Since 1980 in the leadership of the government and in the leadership of the Polish United Workers' Party (Polska Zjednoczona Partia Robotnicza, PZPR) are placed in key positions people in uniform prepared to act within Poland and who are loyal to the Soviet Union. The Soviet Union chose to act through these men to regaining the control on Poland and the rehabilitation of the Polish United Workers' Party (Polska Zjednoczona Partia Robotnicza, PZPR).

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ORIGINAL PAPER

Transforming Capital Markets by means of Financial Digital Assets

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Abstract:

Digital technologies are deeply embedded into the daily activity of every capital markets professional. They have transformed the sales and trading business over time and will continue to improve it.

The Digital Asset ecosystem has developed significantly since the advent of Bitcoin over a decade ago. Beyond cryptocurrencies, blockchain technology is going to have a revolutionizing impact on financial services, including Capital Markets. The Global Capital Markets including equities and bonds was valued at \$177.5 Trillion at the end of 2019 according to research by SIFMA.

These markets, in essence, represent data, and the benefits of transferring data on a blockchain include accessibility, liquidity, and transparency. The attributes of financial digital assets and how they will transform capital markets will be addressed in paper, focusing on how Blockchain and Distributed Ledger Technology (DLT) can fundamentally change the way financial institutions are exchanging value and building market infrastructure.

Keywords: *Capital Markets; Digital Assets; Securities; FinTech; Blockchain.*

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Transforming Capital Markets by means of Financial Digital Assets

Introduction

The macro financial and technological trends are key drivers that are contributing to the exponential growth in Decentralized Finance (DeFi). We have seen the DeFi progression that spread with a speed rarely seen in any other sectors, across financial industry sectors from payments, to banking, lending, investing, and insurance. There is also transformation within financial institutions as they structure data through digitization and standards, share that data and workflow on blockchains, move small elements of business logic into tokens, and eventually transition all supporting software into programmable financial instruments. We are seeing a very intense and emerging ecosystem powered by financial incumbents, FinTechs and Artificial Intelligence (AI) companies that focus their research on decentralized autonomous digital financial assets.

While it's true that FinTech organizations are disruptive, there's more to this equation. When they choose to combine forces, banks and FinTechs can create new financial products and channels that better serve existing clients and help expand outreach. Banks and Institutional Investors are, and remain, the key to the next phase of digital assets market evolution.

FinTechs recognize that staying competitive and delivering what customers want, will require a set of digital assets services underpinned by secure custody.

We often think of "cryptoassets" as only bitcoin or other cryptocurrencies, but is actually a much broader term covering security tokens and new disruptive models for the security value chain from issuance to custody and settlement (Deloitte, 2020).

The creation of a new global capital market powered by digital assets or blockchain-based tokens is one of the most exciting and ambitious vision of blockchain technology and DLT.

Capital Markets function slowly by nature, as companies issuing stocks and bonds have to go through rigorous regulation and auditing, and as an investor, you are locking your funds up with the intention of long-term gains. In terms of accessibility, capital markets are generally only available to those with large amounts of funds and access to private markets.

In the case of accessibility, blockchain technology allows anyone with internet access to interact with these markets from anywhere on the globe, at any time. In some sectors, assets within capital markets suffer from low liquidity. Liquifying your assets is a whole entire process that frequently requires more than just the buyer and a seller and involves a broker or a middle man. Digital assets, alternatively, have a much shorter settlement time. The power of blockchain technology, in some cases, allow funds to be transferred in a matter of seconds from one party directly to another. Also, digital assets offer more transparency than traditional assets as the information sent over a distributed ledger can be tracked with 100% certainty because every single transaction is uniquely recorded on the blockchain. The blockchain industry is going through a maturing phase, but one key fact is that it is still largely undefined. Regulated capital markets will not simply switch to a fully digital ecosystem until there is tighter regulation and more successful case studies.

New market players are starting to emerge by raising capital through the issuance of debt and equity on a blockchain-enabled market. Specifically, stablecoins and digital securities are going to dominate the digital asset landscape for quite some time.

Digital Architecture

The banking system represents a fundamental pillar of the economic growth and macroeconomic stability, especially in the context of globalization. However, the evolution of the banking sector in each country is affected by continuous changing dynamics of the international banking architecture and financial environment (Spulbar and Birau, 2019).

Most of the DLT platforms being developed for usage in the banking system and financial services use significant variations & evolutions from the original Bitcoin blockchain tech and are “permissioned”, both in terms of who can access the network and who can update it. Access to the network is restricted to a list of known and approved parties, for example, banks who already trade with each other. The use of permissioned platforms might be preferable in some cases because financial institutions handle sensitive data and need to know who they are dealing with on the platform. There are also practical benefits to permissioned networks: if only known and trusted users are admitted to the network, the consensus mechanism used can be significantly faster and more energy and cost efficient than in a permissionless system. This means that permissioned platforms avoid much of the negative environmental impact of permissionless systems.

The United Kingdom Cryptoassets Taskforce (2018) that the Chancellor of the Exchequer launched, consisting of HM Treasury, the Financial Conduct Authority and the Bank of England, considers three broad types of crypto assets:

- **Exchange tokens** – which are often referred to as “cryptocurrencies” such as Bitcoin, Litecoin and equivalents. They utilize a DLT platform and are not issued or backed by a central bank or other central entity. They do not provide the types of rights or access provided by security or utility tokens, but are used as a mean of exchange or for investment purposes;
- **Security tokens** – which refer to a “specified investment” as set out in the Financial Services and Markets Act (2016) (Regulated Activities) Order (RAO). These may provide rights such as ownership, repayment of a specific sum of money, or entitlement to a share in future profits. They may also be transferable securities or financial instruments under the EU’s Markets in Financial Instruments Directive II;
- **Utility tokens** – which can be redeemed for access to a specific product or service that is typically provided using a DLT platform.

Crypto assets are typically used:

- **As mean of exchange**, functioning as a decentralized tool to enable the buying and selling of goods and services, or to facilitate regulated payment services;
- **For investment**, with firms and consumers gaining direct exposure by holding and trading crypto assets, or indirect exposure by holding and trading financial instruments that reference crypto assets;
- **To support capital raising** and/or the creation of decentralized networks through Initial Coin Offerings (ICOs) or Security Token Offerings (STOs).

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The Bank of England recognized the resilience benefits of DLT systems in one of its proofs of concept in June 2016. This involved building a multi-node distributed ledger environment on the Ethereum protocol to enable the transfer of ownership of a fictional asset among several participants, including a central authority that could establish the supply of the asset and permissions to access and use the ledger. The proof of concept demonstrated that participants in the network could continue to trade the fictional asset without the central authority, removing the single point of failure of the system and considerably increasing its resilience. This work also highlighted a number of potential limitations, which were not explored in this proof of concept, but which engaged further investigation, including scalability, security, privacy, interoperability and sustainability.

Stablecoins

A stable coin is simply a cryptocurrency pegged to the price of an asset. Some examples of popular stablecoins include Tether, Paxos, and USDC, which are pegged to the US Dollar (USD). These coins are being used today, and on a relatively large scale. While stablecoins still lack decentralization and require auditing for backed funds, there is no doubt they are instrumental for mass adoption.

Stablecoins have many of the features of cryptoassets but seek to stabilize the price of the “coin” by linking its value to that of a real asset or a pool of assets. Therefore, stablecoins might be more capable of serving as a means of payment and store of value, and they could potentially contribute to the development of global payment arrangements that are faster, cheaper and more inclusive than present arrangements (BIS, 2019).

Stablecoins, regardless of size, pose legal, regulatory and oversight challenges and risks related to:

- Legal certainty;
- Sound governance, including the investment rules of the stability mechanism;
- Money laundering, terrorist financing and other forms of illicit finance;
- Safety, efficiency and integrity of payment systems;
- Cyber security and operational resilience;
- Market integrity;
- Data privacy, protection and portability;
- Consumer/Investor protection;
- Tax compliance.

Moreover, stablecoins that reach global scale could pose challenges and risks to:

- Monetary policy;
- Financial stability;
- The International Monetary System;
- Fair competition.

Berentsen A. and Schär F (2019) presented a paper on stablecoins and they concluded that for price stability, the requirement collateral should be of 100%.

On-chain collateral has many benefits over off-chain collateral. With on-chain collateral, transparency is automatically given as demonstrated by the DAI stablecoin. Every user can verify that the collateral is effectively there. Furthermore, off-chain collateral is a single point of attack and the threat of a sudden closure by an outside

entity is clearly present. When the collateral is on-chain, as for the DAI stablecoin (2017), this threat is non-existent.

The performance of a stablecoin during worst-case-scenario market circumstances is one of the most important components of its ecosystem (Shipman J., Samman G., 2018).

Preparation for a black swan event is a must and this can be achieved by managing the peg and providing stability during times of extreme stress. Any pricing model must be robust enough to withstand a black swan event where all token holders sell at the same time. The reserve must have enough money to payback all holders in this unlikely scenario.

Digital Securities

This digital transformation results from what economists who study scientific progress and technical change call a general-purpose technology—that is, one that has the power to continually transform itself, progressively branching out and boosting productivity across all sectors and industries (Mühleisen M., 2020).

Digital securities, or Asset-backed tokens, are digital assets that represent the value of an underlying asset. Similar to buying a stock in a company, and therefore owning a small percentage of it, digital assets offer the ability to fractionize ownership of any type of asset. This includes, for example, the tokenization of real estate, energy, fine art or any other type of alternative investments you can imagine. Many analysts believe that the digital asset market will dominate the blockchain industry in the near future. By means of tokenization, digital assets provide more accessibility, liquidity, and transparency. Having the security, speed, and decentralization that blockchain offers will only help grow many industries, that can benefit from digital securities.

In the financial services space, tokens can represent the value of an asset that is ultimately held elsewhere, such as a Central Securities Depository (CSD) or in a commodity warehouse.

The first distinction between book-entry and tokenised securities is how transfers are authorised. For book-entry securities, transfer authorisation ultimately depends on the CSD verifying the identity of the account holder. In contrast, for digital tokens authorisation depends on "validation" of the token (Bech M. L. et al., 2020).

If they gain enough traction with issuers and investors, tokens hold the potential to create new opportunities for capital formation, liquidity and more efficient asset management in a huge range of markets. When traded on integrated enterprise blockchain platforms, these tokens unlock liquidity in previously illiquid markets, creating entirely new tradable assets and enabling a more standardized form of trading for currently illiquid assets, such as corporate bonds.

Security Token Offerings (STOs)

STOs are a new form of capital raising, and part of the broader emerging trend of digital securities and tokenization. Because of the relative low cost of STO issuance, businesses that have been too small to tap traditional equity capital markets through IPOs can access equity investors through STOs, allowing diversity of capital and reducing cost of capital.

With the advent of security tokens, the race for tokenization has accelerated to another level. Proposed with a prospect to reduce friction in asset issuance and trading,

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securitize intellectual property rights, and to enable issuers to tap into hard-to-access liquidity around the world, STOs aim to bring the much-needed regulated environment.

One of the most interesting, impactful, and truly innovative changes that STOs offer is encapsulated by the term accessibility, sometimes referred to as financial democratization. At present, traditional stock exchanges are closed more hours a week than open. With digital securities exchanges, this will not be the case as they will be open 24 hours a day, seven days a week, 365 days a year. In fact, securities that sit on these new generation of exchanges will have just one opening bell to signal the start of trading into perpetuity.

As this technology matures, geographic barriers to capital market access will be eliminated due to the decentralized nature of the blockchain. In a fully matured landscape for Security Token Offerings, investors worldwide with funds and an internet connection can participate in opportunities throughout the world.

True transparency will fundamentally transform capital markets and provide a basis on which to grow new asset classes, as well as to clarify existing ones. Every trading operation, issuance application, dividend payout and smart contract execution is transparently recorded on the blockchain to improve the overall securities ecosystem experience. This is an immensely powerful tool which seeks to prevent fraud and theft and will be massively important for payment companies such as PayPal as they navigate and adapt to the new blockchain-based monetary landscape (Nasdaq, 2019).

Another fundamental impact of the STOs is liquidity. The introduction of digitized securities into capital markets promises to increase dramatically the pace and quantity of capital transactions.

Two of the factors that interact in this ecosystem for the generation of liquidity are fractional ownership and asset fungibility. Fractional ownership refers to the property of digital securities that allows them to be divided and sold as a part of the whole. Fungibility of asset classes is a novel concept within the DLT spectrum, the probability of liquidity events increases dramatically if distinct asset classes, when digitized and securitized, are able to be traded interchangeably.

Many view fungibility to be the essential revolutionary element in the development of digital securities. No longer will investors need to partially divest from the stock exchange in order to diversify into other asset classes such as bonds and real estate. Access to digitized investments of all shapes and sizes, from more dependable long-term funds and bonds to quick day-trading equities, will be available to a much larger percentage of the world, thereby driving a veritable explosion of liquidity events.

Market Benefits and Translations

The European Central Bank (Chimienti et al., 2019) has been analyzing the digital asset phenomenon with a view to identifying and monitoring potential implications for monetary policy and the risks crypto-assets may pose to the smooth functioning of market infrastructures and payments, as well as for the stability of the financial system. The financial system may be subject to risks from crypto assets to the extent that both are interconnected; spillover effects may also be transmitted to the real economy. In particular, crypto assets may have implications for financial stability and interfere with the functioning of payments and market infrastructures, as well as implications for monetary policy.

The European Central Bank (ECB) analysis shows that, while these risks are currently contained and/or manageable within the existing regulatory and oversight

frameworks, links with the regulated financial sector may develop and increase over time and have future implications.

Accordingly, the analysis concludes that the ECB should continue monitoring crypto assets, raise awareness of their risks and develop preparedness for any future adverse scenario.

A new “token economy” offers the potential for a more efficient and fairer financial world by greatly reducing the friction involved in the creation, buying and selling of securities (Lauren, P., Chollet, T., Burke, M., Seers, T., 2020).

The article published by Pinna A. and Ruttenberg W., entitled “Distributed ledger technologies in securities post-trading” puts focus on the innovative approach of blockchain and distributed ledger with regards to the securities markets and not only. The paper analyses the main features of DLTs that could influence their adoption by financial institutions and discusses how the usage of these technologies could affect the European post-trade market for securities.

The appeal and benefits of raising capital by issuing debt and equity on a blockchain-enabled marketplace has caught attention throughout the institutional financial services world, and traction is now building among some of the biggest names in finance, including SWIFT, SIX, CLS, DTCC, along with the majority of central banks. This momentum is being fueled by innovation in areas such as custody, settlement and post-trade – which remain critical functions in regulated financial markets – with providers developing an ecosystem of services that replicate these functions for digital assets traded in a blockchain environment.

With certain cryptos, settlement can occur within seconds and value can be moved fluidly. Meanwhile, completing the two-step process of settling a stock through a broker then moving funds to a bank account using the Automated Clearing House (ACH) can take several days.

Tokenized assets may flourish as a complement to “traditional” assets in the financial world by allowing smaller companies to access capital market financing. A Security Token Offering (STO) is an evolution of fundraising (Stefanoski D., 2020). Financing through a STO has structural differences compared with traditional fundraising methods like venture capital or Initial Public Offering (IPO), however it offers various advantages:

- the global reach of digital distribution of tokens;
- more transparency;
- liquidity improvement;
- efficiency and scalability.

Custodians

The increasing interest in digital assets from both retail and institutional investors has given rise to the growth of custody options. As the market evolves, various types of custody options have emerged and new providers are seeking to establish the structures and controls that work best in their markets and for their propositions.

With changing definitions and evolving structures, it is uncertain whether the current regulatory frameworks are applicable to custodians and whether additional controls should be added to existing frameworks.

To define custodianship, it is worth looking at it within the context of traditional capital markets. Generally speaking, custodians are institutions that provide customers

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with an array of financial services including the likes of trade settlement, exchange, clearing, and corporate action execution.

However, one of their most notable roles is in the safekeeping of investors' assets. Custodians are like "vaults", holding investors' assets in both electronic and physical form, charging investors a fee in exchange for maintaining them securely. They enter into agreements with investors, whereby the asset remains temporarily in the custodian's safekeeping, subsequently being returned to the investor upon request. Custodians harness their market expertise to minimize the risk of fraud, theft or loss to those assets.

In the digital asset space, custodians operate in a similar fashion to traditional financial markets in that their primary role remains the responsibility for, and the safekeeping of customer's digital assets. This is achieved through safe key management, which allows the assets to be cryptographically secured. However, unlike for traditional assets, an entity has custody of a digital asset simply by holding the private key on behalf of the asset holder, ensuring that it cannot be accessed by any other party (Smith P., Srivastava N., 2020)

Use Cases

Depository Receipt

An early example of this interplay between new technology and established institutions is R3's collaboration with Bank of Canada in 2017 under the name Project Jasper. The project leveraged the depository receipt model, where a token called CAD-COIN represented collateral held by the central bank (in this case, represented by Bank of Canada). Project Jasper demonstrated the potential for an on-chain token that is a digital representation of a type of asset or some form of value held elsewhere by a custodian. The token moves from owner to owner on the ledger based upon the appropriate rule set, while the underlying asset remains with the regulated custodian.

The project demonstrates the potential of blockchain in uniting different services. It allowed for integration of the Canadian TMX equity settlement system with the Payments Canada interbank cash payment settlement system. Tokenization of both cash and equities on a shared ledger resulted in new types of asset interactions during settlement relative to the currently existing clearing and depository services system and large value transfer system (LVTS). Settlement was able to occur without a large increase in the number of LVTS transactions. This was achieved without a rebuild or tight integration of the current systems. It was also accomplished while maintaining each system's separate governance and without compromising the control of either authority over its system or assets.

Real Estate

Perhaps one of the most exclusive real-world use cases for asset-backed tokens is real-estate, especially with reports of multi-million-dollar condo developments and high-end resorts seeking funding via blockchain.

Currently, a piece of property is a very illiquid asset as selling it is not a straightforward or standardized process, and there are costs associated with the sale, with no guarantee of buyers. The only liquidity in today's property market is generated by real-estate investment funds (REITs), which can be both publicly traded or non-traded, and special purpose entity (SPE) equity investments that have a much longer holding period.

Tokenization provides benefits when a property is divided up into multiple stakes, as each token represents digital ownership in the underlying asset. These tokens can then be freely and easily traded with anyone around the world on a digital exchange. To the end investor, purchasing a real-estate token reflects the process of a traditional real estate investment, however it would rely on a blockchain based system, rather than a third-party custodian, to establish ownership and safe transfer of the asset. For a property developer, this opens up a major new channel for gaining funding. As in any market, the key to liquidity is instantaneous access to buyers and a simplified transaction process.

Corporate Bonds

Projects focusing on the corporate bond market have been able to model the entire lifecycle of the bond within a blockchain platform. For example, coupon payments can be made directly to bondholders through pre-arranged contracts. Similarly, corporate bonds can be traded on the secondary market that exist within the same blockchain network.

Representing a corporate bond directly on a blockchain platform reduces the time involved in both discovery and settlement of a particular bond. For example, an investor looking for automotive sector debt no more than five years from maturity could simply enter these criteria into the blockchain-based registry and find all the relevant bonds currently in circulation. Additionally, bonds traditionally settle T+2, with additional delays for payments, but if all aspects of the bond live on the ledger, all information can be updated and seen by relevant parties in real time.

Corporate Bonds have attracted particular focus from firms experimenting with asset-backed tokenization because of their illiquidity challenges. Since the financial crisis there has been a huge shift towards more electronic trading in the less liquid parts of the bond markets, but despite this, the corporate bond markets remain extremely low-tech compared to most other asset classes.

HSBC (2020) has played a key role in a groundbreaking deal demonstrating how digital technology could help businesses issue bonds securely, efficiently and quicker than ever.

The bank has been working with the Singapore Exchange (SGX) and investors Temasek Holdings since 2019 to explore the use of distributed ledger technology (DLT) in the country's bond market.

The partnership has just successfully simulated a fully digitalized bond issuance on SGX's DLT-enabled platform.

Conclusions

Today there are over 130 global securities exchanges that are trading equities, options, exchange-traded funds (ETFs), futures, swaps, and derivatives for cash, energy, and commodities. All are operating in an industry being reshaped by business challenges, strategic choices, and the possibilities that emerging technologies offer (Myers D., Walley R., 2020).

Blockchain technology is driving an unprecedented period of innovation across capital markets and other industries.

The digital asset landscape has matured significantly since the early days of Bitcoin, with asset-backed tokens and native tokens emerging as the clear forerunners for capital markets use cases. The real potential of digital assets, however, is to open up financial services to a vast retail customer base.

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This interplay of a regulated custodian linked with an on-chain digital representation is critical to enabling digital assets to unlock new ways for markets and marketplaces to transact and expand. It also offers a way for enterprises to begin to iterate and implement enterprise-friendly digital assets, as the model builds out from an accepted regulatory base, with the assets held at a regulated custodian.

Tokenization would ultimately increase the potential investor base, which would help promote further growth in liquidity in corporate bonds. A tokenized bond is by its nature more accessible across borders and different investor classes, breaking down the barriers that have traditionally prevented certain types of market participants from trading with each other and making true all-to-all trading a reality in this market.

Blockchain would also add resiliency to a currently fragmented corporate bond market. Tens of thousands of corporate bonds are in circulation at any given time, with hundreds of dealers providing prices across multiple different electronic platforms. To a trader, the end result is millions of data points per day that just require attention, most of which are of questionable quality. In order to trade certain corporate bonds, a portfolio manager must go to a primary issuer or know who is trading them in the limited secondary market. This task can be so challenging that some corporate bonds are rarely traded.

Tokenization would allow corporate bonds to be fully standardized and listed on a digital asset registry with fully transparent pricing.

The benefits of tokenizing assets are manifold. From higher cost efficiency to leaner trade financing options, there are various opportunities. At the same time, it's important to acknowledge and address certain challenges.

Asset tokenization is not the future, it's the present. This deeply transformative innovation offers promising possibilities for financial markets and despite an exponentially increasing interest in tokenized assets, conventional financial institutions and competent authorities are still cautious in their approach to asset tokenization.

With great benefits and features of this innovating technology, come also new risks. In the case of stablecoins, their global adoption could have significant adverse effects, both domestically and internationally, on the transmission of monetary policy, as well as financial stability, in addition to cross-jurisdictional efforts to combat money laundering and terrorist financing. They could also have implications for the international monetary system more generally, including currency substitution, and could therefore pose challenges to monetary sovereignty.

Stablecoins may combine novel and untested technology and new entrants to financial services, and could pose risks that fall outside existing frameworks. This may also create new risks, which should be addressed by requiring compliance with the highest regulatory standards, potentially revising existing standards or creating new standards and regulations where needed.

Digital assets have several characteristics that make them unique from a taxation perspective. They are worthy of consideration, as existing tax rules have not typically been developed with digital assets in mind, and in many cases have not kept up with developments in this space. PwC released its Annual Global Crypto Tax Report 2020, which aims to evaluate and review the existing digital assets tax guidance globally and identifies areas where there are gaps or where guidance may need to be refined and added. The report discusses survey participants' views of the development of tax guidance internationally to date and sets forth a tax jurisdiction by jurisdiction view on

digital assets as a means of exchange and an investment class, trading and exchanges, lending, mining and issuance, and tax reporting.

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ORIGINAL PAPER

Interpreting Manipulation in the Process of Political Communication

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Abstract

The functional objective of any communicative act must, in fact, be defined by the persuasive capacity of the communicator in conjunction with the method of information dissemination while also encompassing the parameters of comprehension associated with the individual or group identity of the receiver or receivers. Simply put, any manipulation endeavour shall ascertain the need for a powerful communicator, a strong channel of distribution and a platform of reception that will be susceptible to believing the truthfulness of the message that will be confirmed and enforced through repetition, steadfastness and strength. This paper aims at uncovering the fact that political culture is not an innate natural vector of relevance but rather a plethora of factors implemented within a context of communicational authority and assertiveness via a powerful and efficient channel of communication. Individual identity and independent thought are often misrepresentations perpetrated by the mechanisms of personal hubris. In reality, a communicational approach, a sociological analysis shall explore people from the perspective of groups that are inextricably defined by age, gender, race, geographical positioning, religion or social status.

Keywords: *manipulation; communication; persuasion; strength; politics.*

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Interpreting Manipulation in the Process of Political Communication

The functionality of any manipulative communication act must be based mainly on the persuasive capacity of the manipulator/ political communicator working in congruence with the methodology of information transmission and there must be a concern with the level of comprehension related to the group identity or individual identity of the recipients. In other words, we need a powerful transmitter, an efficient method of transmission that reaches as many sources of reception as possible and a group that, if not already convinced of the veracity of the message, will eventually be persuaded through controlled arguments, insistence and exclusivity: The press can change citizens' electoral beliefs, can confirm and reinforce existing options, can induce new ideas, unidirectionally. Moreover, opinion leaders stimulate group loyalty, the social identity of ideational communities and the desire to maintain decisions made under pressure from group membership. Whatever option is adopted to strengthen the persuasive function of language, regardless of the intended system (transmitter-transmitter-receiver medium), language must involve a component not necessarily of coercion, but rather of overwhelming force to change or strengthen convictions.

The power of political language can be understood by defining speech through the analysis of language-in-use and refers to three possible approaches: "discourse as text, in the approach of formal linguistics; discourse as a conversation, in the sociological-empirical approach; discourse as power / knowledge, in the critical approach" (Aesher and Simpson, 1994: 940). Also, as a corollary of the relationship between language and power, we can detect the distinction between power in discourse and power behind discourse. If the first draws attention to discourse as a space where domination appears and relationships of power are staged, the second identifies the discourse itself as a target of domination and hegemony.

Political culture is not an innate phenomenon but a complexity of factors acquired in the context of communication hegemony achieved by a truly effective communication vector. The importance of the media and the Internet in manipulation, in political modelling and culture is therefore an indisputable truth. Individual identity is often an illusion built on the scaffolding of one's own selfishness. In reality, the communicative approach, sociological science targets groups according to age, sex, race, geographical positioning, religion or social status. No matter how independent we like to believe we are, we will function inexorably based on the parameters mentioned above. In the universe of communication, there is practically a vulnerability of reception of the individual who perceives himself to be a unique and original snowflake. In the universe of political communication, however, the reality is that the politician sees only piles of snow that need to be moved, melted or gathered according to pragmatic interests. If we accept this reality and have no reason not to, language manipulation is an indisputable reality and implicitly the sender of the message and the transmission channel (media) can create, change or reshape the political perspective, influencing not only electoral choices but also the behavioural pattern of people in everyday life.

The institutionalized manipulation of the word in the name of freedom, equating the political message regardless of structure or nature with collective deception or manipulation is regarded from a contextual standpoint: "In this context, when asked what can we do against manipulation? [...] To learn to decode, but also to learn to be non-influential beings, while remaining available to others, as well as to exercise individual responsibility, precepts that include the cooperation of a significant number of factors." (Breton, 2006: 9).

Alex Mucchielli's perspective is somewhat more temperate. The persuasive capacity of the word ceases to be an aggressive form of control exploring the sphere of contextual manipulation, if one no longer imposes a certain message on the recipients but rather tells them what they want to hear: "At the linguistic level, for example, the construction of exchanges (what the interlocutor means) is done, most of the time, by putting the communications in a context. On the other hand, by manipulating a set of clues, the speaker strives to show the context in which he would like the recipient to receive the message. Any act of language is therefore situated in a context of utterance, and it cannot be situated in a situation that exceeds the boundaries of conventional communication." (Mucchielli, 2003: 31)

We use the phrase political communication in order to integrate a wider spectrum of pragmatic processes through which politicians disseminate and formulate information to which they attach not only meaning but also control, deception and even manipulation, thus facilitating through this process an exercise in developing their own personal platforms of power. Political communication is in the first instance a set of procedures. A politician can propose a certain legislative initiative, but in order for it to become law, a series of collaboration mechanisms must be activated, including communication with the public. Poor communication can lead to the interference of a complex of opposition factors such as: negative public opinion, protests, drops in poll numbers or even criticism from internal and external partners. Political communication is based on the symbolic power of the message, on creating a language that people not only accept but embrace, the recipients of the message must be motivated and able to transform the abstract, theoretical dimension of language into concrete achievements, changes in life. daily. Politicians like John F. Kennedy, Margaret Thatcher, or Martin Luther King did not send a simple message, they used messages that inspired people, they generously offered charisma through every word, look, or handshake. They understood that the primary function of communication was described as "the practice of using language to motivate people to believe and hope about ideas they would not normally think of or implement." (Le Cheminant and Parrish, 2011: 42.)

Often, the hidden force of effective communication lies in the power of the symbols used. The symbol represents a structure of communication constituted by the convergence of ideal conceptualizations supported by the hope that ineffable things can be achieved through concrete actions. They are often abstract, attaching to the collective values of a community or country. A successful political campaign will always involve a rich offer of symbols, an abstract appeal to the communicative affectivity of the receiver. These symbols can trigger either positive or negative feelings, depending on the interest of the transmitter. Through symbols, communication can lead to feelings of brotherhood or conflicting frustrations.

In order to understand symbols and their capacity to influence and even control, we must deconstruct them, to explore the epistemology of their generation, thus heading, naturally, towards the sphere of linguistic competence. The generation of symbols will be done through a superior mastery of linguistics and semantics, through a deep understanding of the values of the receivers for which those symbols are assembled: "Linguistic competence explains the possibility for speakers of a natural language to construct, recognize and understand the correct sentences of that language, to interpret ambiguous sentences, to produce unique sentences. It is an internalization of grammar (explicitly or implicitly learned) that will allow the subject to make a judgment of

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grammar (correctness) and acceptability (semantics) on the messages transmitted.” (Rovența-Frumușani, 2012: 37)

Political communication is the ultimate weapon of any candidate in relation to his or her political enemies and the targeted voting public. Constantin Sălăvăstru paradoxically identifies the capacity of language, the ability of a simple act of communication to bring balance and peace within a society. Not only in the field of linguistics, but in any other field, the act of destruction is easily deductible and accessible to political players. Cultivating, however, a sense of creation, of empathetic compromise in order to produce convergence where there is divergence, is undoubtedly a superior function of political communication and communication in general: “It is becoming more and more insistent lately that the great battles can no longer be won on the battlefield - or exclusively on the battlefield - but in the field of efficient and productive negotiations - the space of action and discourse – producing agreement through mutual gains and concessions, allowing the parties involved to end dispute, conflict, and divergence of opinions. It is of paramount importance the fact that in the field of argumentation theory regarding the incorporation of a pragma-dialectical methods is able to determine certain theoretical and operational frameworks for the resolution of conflicts of opinion.” (Sălăvăstru, 2009: 11)

The voter must always be at the centre of political communication. The latter cannot be perceived or approached as an autarchic entity, independent of interrelationships or social commitments. The gregarious nature of man guides us to an orientation based on carefully calibrated group identities and stratifications. This deficiency in the implementation of an individual freedom turns humanity into a crowd, and the crowd is always predictable.

Since ancient times, the political message is built around the same paradigm: the crowd wants bread and circus. If a political discourse has unforeseen effects, whether positive or negative, we can say that this manifestation of chance is nothing but an immature form of dilettantism. Building a speech means making contingencies for the control of the masses.

The speculation of the flaws in the structuring of the communication strategy ends up turning into a civic vulnerability. Not only political enemies are meant to exploit the weakness but also the press and voters, be they independent or affiliated. The harsh sanctioning of discursive weaknesses practically becomes an act of linguistic evolution.

The efficiency of communication derives from the multi-layered complexity of the levels of comprehension through which it exercises its relevance. It covers a wide range of constituent elements, starting with superficial opinions and thoughts and ending with potentially decisive judgments on the need for national institutions and policies, ultimately enhancing control.

The greatest force triggered by political information is undoubtedly ethical assassination at the level of the collective mind. The debilitating compromise of a politician's credibility and reputation by building or deconstructing a certain type of image has in many cases led to the resignation of heads of state, such as Richard Nixon, or to a substantial weakening of their authority and credibility, like the Monica Lewinsky scandal, in which the American president Bill Clinton was involved, or the scandals that brought to the centre of attention the candidate for the presidency of America - Donald Trump and the recording in which he made dishonourable statements regarding women.

The rhetoric of political discourse often leads politicians in the direction of a language full of symbolism and manipulative charge. The transmission medium can be a positive one but also a negative one. Journalists, bloggers or so-called ground players of political parties have the real ability to elevate a mediocre political actor to the rank of sublime and genius or they can compromise a message, flooded with doubt, fear or malignant negativity. So, in our society, effective political communication simply does not mean ethically and pragmatically correct content for voters. The key to disseminating political communication is and will always be the ability to impose control. The natural message is often an illusion, a convergence of planning, selection and organization that not only influences but even controls public opinion. The desire for political communication becomes a systemic domination, a coagulation of camps aimed at taking over the absolute power of communication. If the rhetoric of political discourse often leads politicians in the direction of a language full of symbolism and manipulative load. The transmission medium can be a positive one but also a negative one. If information means power, then the camp that controls the information will come to have the political power and implicitly the administrative power at a regional, national or international level: “[...] I suppose that in any society, the production of discourse is equally controlled, selected, organized and redistributed through a number of procedures that have the role of conjuring its powers and dangers, to control its random event, to avoid its overwhelming, formidable materiality [...]. Although the speech does not seem to be a big deal, the prohibitions that affect it show very soon, very quickly its connections with desire and power. And there is nothing surprising in this regard: because the discourse - psychoanalysis has shown us - is not only what manifests (or hides) the desire; he is also the object of desire; and because the discourse - about which history always teaches us - is not only the one that translates the struggles and the systems of domination, but it is that something for which and through which the struggle goes: it is the very power that must be conquered.” (Foucault, 1981: 58-59)

An additional prerogative allocated to strengthening the functionality of the political communication act is very much related to the referential stability and the adaptation of the discourse according to the perception capacity of the receiver. Voters with a high level of education or belonging to a higher social class tend to become much more involved in the communication system, offering feedback on political communication, eloquently supporting their personal opinions and desires.

Communication in the political spectrum wears in this situation the coat of a dialogue, of an interaction between equal intellectual forces, the informed voter practically forces the candidate to formulate a speech as strongly anchored in indisputable realities, detached from transient manipulations or Machiavellian subterfuges.

The functionality of systematizing the veracity of political discourse intrinsically depends on the intellectual and sentimental equality between the transmitter and the receiver of the linguistic message. The imbalance between these discursive factors exposes or even irreparably compromises the genuine quality of truth and relevance in the relationship of information transmission. The location of the receiver at the level of the transmitter undoubtedly means freedom in the act of communicational interrelation. Being free in the perception and reception of discourse implies detachment from the conjunctural pressures of political manipulation.

The potential for manipulation is not exercised by mere intellectual or doctrinal imbalance between the receiver and the transmitter. Another strong situation of

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vulnerability is provided by the conscious assumption of manipulation. The receiver has sufficient intellectual training to easily reject the traps of manipulation, but for certain reasons (very poor financial situation, professional or social vulnerability) is forced to consciously and frustratingly accept the lies disseminated by the vector of political communication, if such manipulations come with the proverbial bottles of oil or bags of sugar or corn.

Through these vulnerabilities, the receiver relinquishes virtually any prerogative of independence and discursive integrity, ceding control to the detriment of the political communicator who thus becomes an abusive communication force, and the act of communication itself becomes a symbolic masquerade, a toxic and cheap manipulation aimed at the receiver, making that respective listener strongly and consistently vulnerable to this issue providing destabilization: “With regard to freedoms of action, we must recognize that political discourse benefits from an unprecedented problematic breadth within the perimeter of discursiveness, which gives it greater opportunities to influence the audience. When you can talk about any problem to influence an option and action of the receiver, then the choice of the issue is only its ability to more strongly influence a particular audience, when you can freely change the thematic register depending on the discursive context and increased possibilities of manipulation. to the public, then you really have at hand a magical tool for action on otherness. The freedom of political discourse is also manifested in the fact that this type of discourse facilitates what is not allowed in any other form of discursiveness: the possibility of manipulation.” (Sălăvăstru, 2009: 23.)

The enforcer of the phatic function of language is confirmed by the media communication platforms. Paradoxically, the development of communication channels has not produced an evolution in the involvement of the ordinary citizen in the political decision-making process. Shanto Iyengar deplors this contemporary state of affairs, of breaking the common citizen away from the concrete levers of socio-political power. He stated that: “the role of the citizen has devolved from the status of pawn or activist to the status of a mere spectator.” (Iyengar, 2004: 254). Indeed, we are no longer dealing with journalistic integrity or deontology, but with a media circus.

The multiplicity of communication platforms has produced a detachment of the common man from the systemic sources of power. Media channels bring forth illusory and false scenes, promote distribution areas for twisted ideologies and fragmented manipulations, fragmenting the collective mind, truncating the behavioural hypostases of adaptations of political ideologies, turning the confrontation of electoral ideas into a show that is often precarious, burdened by manipulation emptied of meaning: “Media channels are the main bridges to politics... and also the place where the political confrontations that often precede, shape or even determine the concrete or physical participation take place (in the event that this may even take place). moreover, those meetings take place in a panoply of media forms (books, magazines, newspapers, letters, billboards and advertisements, targeted messages, film, radio, e-mails, websites, blogs, socialization and of course television networks) and in many fictional or non-fictional courts... Such situations provide much more than just information about ideas, problems, political situations and policy makers. This constitutes our mental maps of the political and social world that exist outside the realm of our direct experience.” (Jones, 2010: 23)

The media is a complex mixture but it is very clearly delimited by communication factors based on manipulation and subjectivity, which are hidden behind

ideological mirages such as deontology or professional integrity. Media communication systems claim to be objective, but their very functional framework is based on issuing not at all impartial judgments of opinion, loaded with the not at all encouraging spectrum of hypocrisy. Journalists, in many situations, cease to be guarantees of balance and honesty in the distribution of truth, turning into provocative agents, discrediting factors that portray half-truths in an over-protected form of conflict journalism. What is encouraging, however, is that the formulation of these distorted views has clear limits associated with the seriousness of the information and entities analysed.

Small or medium forms of compromise in journalistic political communication are endemic phenomena, the subjectivism associated with these hypostases means pragmatic normalcy. In a healthy democracy, however, the compromise of the press stops at these two emerging strata. Regardless of the shareholding structure of a media trust and the implicit associations with one area or another of the political spectrum, serious transgressions, gross political slippages can no longer be swept under the rug the press. Building an analogy around the potential of the press to beautify the truth, we can say that it has the ability to hide under the powder of subjective lies certain bruises in the trunk of democratic expression, but cannot use these capricious practices of concealment to hide open fractures in a free and democratic society. Even if they tried to do so, they would run into the categorical refusal of the receiving masses, whether educated or uneducated, left or right, opposition or partisan.

The evolution of communication structures has brought with it not only a virtual integration of the population in the developed areas of the planet but also a globalization of the methodology of political communication and manipulation. The development of IT, in the context of globalization, has led to a standardization of the political marketing style, being copied or adapted, mainly the American style of making and leading a political campaign. We are not clearly talking about a step-by-step copy, we are still talking about masses of distinct people, but a strategic modelling based on the canon of North American political communication exists indisputably. The rest of the world has not simply borrowed political campaign strategies but even hired American strategists, the clearest example of which is the involvement of American political communication and consultation strategist Dick Morris in the election of Boris Yeltsin as president of Russia.

Political campaigns have become a global space for sharing communication resources, a huge technological network of cooperation in which communication geniuses have become the first true citizens of the planet, traveling without barriers and having a decisive impact on previously unknown social areas of expression. We cannot have a global political communication without a cultural globalization, and societies, although still seemingly different, have a strong universal common vein that belongs to the collective subconscious but especially to the aspirations and desideratum at a fundamental human level. From this standpoint, globalization has turned into not only an instrument for standardization but also a catalyst for communicational and political manipulation.

Undoubtedly, the economic, social, geographical and cultural realities will lead to the appearance of nuances in the expression of political information. In Western Europe, in countries such as the United Kingdom or France, more emphasis will be placed on fine-grained approaches, subtle references and the assumption of uplifting ideals. In Eastern European countries, such as Russia, a constant paradigm will be set according to which the political communicator must emanate power, clarity and decisive

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opinions, to be in fact not only the communicator but also the father of a nation. South America proposes a seemingly chaotic but still well-managed communication show, dependent more on emotional registers than on pragmatic or politico-economic notions. In Asia, the language of political campaigns is laconic, short and to the point, without too much interference from the emotional side.

Despite all these apparent diversities, the globalization of the political message and the related evolution of complementary technologies means that any idea and any concept can be expressed by anyone freely and uncensored through social networking platforms. Any individual, in any corner of the globe, regardless of opinions, can pass on political beliefs by creating an account on Facebook, Twitter, Instagram, YouTube, etc.

Political communication in the sphere of contemporary meaning, as a globalized concept, involves to a large extent a visible phenomenon of Americanization or Hollywoodization, of building elementary but effective archetypes in communication. The efficiency of this model also lies in the fact that it can be applied at any scale and adapted to any sociological category based on budgetary constraints and strategic conditionalities: “the development of political marketing inspired by North American commercial marketing methods requires the prescription of and compliance with recipes (tricks, deception) of communication erected in categorical imperatives. [...] Caring for effective communication (*ars bene dicendi*) is a consequence of the fact that discourse is a lever that is much easier to handle than budgetary, legal, etc. constraints. [...] Different ideologies do not use the same vocabulary; synonyms represent inexhaustible reserves of significance that allow the configuration of one's own political line, marked both ideologically and linguistically.” (Roventă-Frumușani, 2003: 9)

The force of influence within political communication can have a double impact, be it positive or negative. The use of this force exercise consists in the complementarity relationship established or stabilized between the communicator and the communication table. Charisma itself is under the rule of this chaotic dualism. The great enlightened communicators of our times, such as John F. Kennedy, Winston Churchill or Nelson Mandela, have used the power of their discourse to feed the progress of humanity, to bring a new era of peace, justice or social equity. Sadly, however, the dark charisma and evil power of discourse have cursed humanity with Hitler, Mussolini or Stalin, transgressing any ethical norm, turning the recipients of the message into indoctrinated beasts, leading almost all of humanity to social and moral dissolution. However, this reality does not belong exclusively to the 20th century. Abraham Lincoln himself led probably one of the most important communication battles in the history of humanity in his successful attempt to convince his compatriots of the moral and spiritual imperative that required the abolition of slavery and the promotion of equal rights for all citizens of the United States.

The political message can represent a dark pit of manipulation, but also the promise of triggering an evolutionary, revolutionary future at all relevant levels for society as a whole. Substantial change can only be built on a complex and comprehensive message. The science of communication will guide the entire energy of the election campaign to a message structure based on institutions, participatory democracy, interpersonal empowerment. However, the honest discursive side of political communication cannot be achieved without an unconditional assumption. However, the dark dimension of language and intentionality will play a very important role in politics. Lying and manipulation will be synonymous with the systemic inability to capriciously disseminate guilt to political opponents, to exploit mainly collective fears and

frustrations, to build a rhetoric that is always looking for an adversary or culprit who has nothing to do with the factual reality of the political situation: “The syntactic structure can also influence the argumentative orientation of the discourse either by emphasizing the agency (assuming the action by the political actors), or by depersonalizing the decision and exonerating the political actors. A formula with pseudo-agents such as “circumstances dictate tax increases” or “catastrophic legacy of previous government” is a common way of disclaiming responsibility. Nomination and passivation frequently appear in institutional, constitutional, but also “strategic electoral” texts for the suppression of the real agent and the transfer of responsibility (Girardian theory of the scapegoat that can coagulate the frustrations and anxieties of the masses at some point).” (Roventă-Frumușani, 2003: 10)

As an emotional impact, the negative side of political communication inevitably tends to strengthen at the level of the collective mind. The mere mention of the notion of politics triggers concepts of lying, manipulation or betrayal. Indeed, politics means concealing or misrepresenting the truth, but it is also the foundation of democracy. We cannot speak of a democratic system without the existence of a solid political system. Political communication clearly also means a lie, but it is also a factor of social progress, a distributor of painful truths. Political debate, excluding manipulation and lying, is synonymous with debating the strategy for the progress of a society. Controversy, contrasting ideas are signs of the health of a diversified society in terms of fulfilling the idea of a better future that can be built on the foundations of honest dialogue and not the pillars of distrust. Political manipulation can and must be rejected by true citizens who constantly strive to stay informed with respect to the democratic element that can shape their personal and collective lives. Information is, indeed, power and an informed citizen provides a powerful warranty that society will not succumb to demagoguery and lack of substance, ensuring the fact that the oldest institution of democracy, the Agora, will encourage and implement the encounter of free and informed minds who are able to reject extremism and deception with the purpose of embracing prosperity and freedom for society as a whole.

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ORIGINAL PAPER

Russia Eastern Partnership and Security of Black Sea area

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Abstract:

In June 2008, the European Council invited the Commission to prepare a proposal for an Eastern Partnership (EaP) with the aim of supporting regional cooperation and strengthening the EU's relations with its eastern neighbors. Following the conflict in Georgia and considering its impact on regional stability, the extraordinary European Council of September 1, 2008, called for this process to be accelerated. The Eastern Partnership aims to strengthen the political association and economic integration of six partner countries in Eastern Europe and the South Caucasus: Armenia, Azerbaijan, Belarus, Georgia., Republic of Moldova, Ukraine. Russia and Turkey are not integrated into the Eastern Partnership, as both countries have acquired a different status in their relationship with the EU: Turkey - candidate country; Russia - strategic partnership. The Eastern Partnership is a specific Eastern dimension of the European Neighborhood Policy (ENP). Through the ENP, the EU collaborates with its neighbors in the south and east to reach the closest political association and the highest degree of economic integration possible. Security, stability and prosperity, democracy and the rule of law in Eastern Europe and the South Caucasus are a priority for the EU. It continues to test new equipment, people and methods in Syria. Russia is consolidating militarily in Crimea. So, in this situation with a rich Russian activity, what is to be done? The response of Western states is different. 1 A kind of appeasement (Germany and the largest country in Western Europe); 2 Resistance and limited containment (the US and some Eastern European countries). Our study tries to analyze these options.

Keywords: *Eastern Partnership; European Neighborhood Policy; Russia; Ukraine; Moldova.*

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Introduction

In June 2008, the European Council invited the Commission to prepare a proposal for an Eastern Partnership (EaP) with the aim of supporting regional cooperation and strengthening the EU's relations with its eastern neighbors. Following the conflict in Georgia and considering its impact on regional stability, the extraordinary European Council of September 1, 2008, called for this process to be accelerated.

Efforts are also being made to develop the Eastern Partnership with the aim of bringing the EU's relations to life with Belarus, Ukraine, Moldova, Georgia, Azerbaijan and Armenia. The Eastern Partnership is a specific Eastern dimension of the European Neighborhood Policy (ENP). Through the ENP, the EU collaborates with its neighbors in the south and east to reach the closest political association and the highest degree of economic integration possible. Security, stability and prosperity, democracy and the rule of law in Eastern Europe and the South Caucasus are a priority for the EU (European Council, Eastern Partnership 2019).

Russia's Action

Motivated by many factors, Russia's aggression in Ukraine triggered Europe's biggest security crisis since the Cold War. While the United States and European Union have taken significant punitive actions against Russia, they have made no progress in restoring Ukraine's territorial integrity (Masters, 2020). Russia continues to consolidate, fight and kill in Donbas. It continues to test new equipment, people and methods in Syria. Russia is consolidating militarily in Crimea. It strengthens Kaliningrad to block western reinforcements. Store equipment in Belarus. It continues to re-equip the army, especially with modern tanks and technological systems. The Russian Ministry of Defense openly says in the media that it takes another three years to re-equip the army of western Russia with tanks and train troops. First of all, Russia has attacked the Ukrainian army and is slowly harassing it and causing it to consume ammunition. He wants to grow a sense of helplessness. Russia plays strategic games. Separatists are just canned meat. Their task is to be "time buyers" as Russia prepares. They are also part of the Russian stratagem. Ukrainian separatist forces are acting as if they think they are winning because they are convinced of their success in this very limited tactical war. Ukraine lacks the vision because it is not sufficiently prepared for a strategic and operational war. Russia seems to be moving faster and gaining a strategic advantage (Grant, Glen, 2019).

Russian militarization of the Black Sea region

The Black Sea region has over the years acquired a privileged role in the Russian collective mentality. For the Russians, it is a "Promised Country" or even a "Holy Grail". Russia's very power identity was partially formed from its victories in the battles with the Ottoman Empire to control the Black Sea. In fact, the extension of the Russians to the south and the advance to the Black Sea represented a long process, by which the countries tried to acquire a secure natural border, but also to gain the fertile territories, lost by the Kievan Russia in favor of the Golden Horde. The purpose was twofold, both in security and in power and prestige, and since the eighteenth century, Russia has embraced a true ideology of imperial expansion (Celac, Giada Dibenedetto, Purcăruș, 2019: 5).

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The Russian newspaper „Izvestia” announced on June 19 that Skhoi-35S will soon be held in the new annexed Crimea. Based on the reported capabilities and the tactical range of the aircraft, the SU-35S (taking off from an aerodrome in Crimea Peninsula) should be able to intercept air targets throughout the Black Sea region. Russia introduced the A-100 AEW & C aircraft in 2015 and plans to build 39 such aircraft by 2020. But to date, no A-100 aircraft have been introduced in any active units. It is important to clarify that, according to the Russian conception of what a multi-role fighter aircraft should be capable of, the Su-35S can not only intercept and hit air targets but also hit ground objects. According to this vision, the Su-35s can carry guided bombs and air-to-surface missiles, including the X-35Y anti-ship missile with a 260-kilometer radius, a passive casing, and 145-kilogram bombs. This attack capability requires particular attention because of the Kremlin's active desire to build a reliable bastion (A2 / AD) around Crimea - including in particular the northern part of the Black Sea and the whole Azov Sea. The deployment of the SU-35 in Crimea would allow the Kremlin to improve its fighting rotation

That said, the announced deployment of Su-35s in Crimea does not mean that a massive number of such multi-role aircraft could appear over the Black Sea in the near future. Most of the 88 Su-35S aircraft purchased by the Russian Air Force are already stationed in Carilia and in the Russian Far East. Therefore, future SU-35 travel in annexed Crimea is likely not to exceed more than 6-8 such platforms. Moreover, the authorities announced plans to simultaneously increase Russian air capabilities in the Black Sea regions, by deploying the more expensive, fifth-generation multi-role Su-57 aircraft. The plans of the Russian Ministry of Defense envisaged the acquisition and deployment of 52 such advanced aircraft by the end of 2020. But the difficulties of developing this next-generation aircraft forced Moscow to postpone these plans by 2028 at the earliest. A number of problems were identified by the Russian pilots in the SU-35S, including aircraft participating in operations of combat in Syria. Some key components for these aircraft were previously provided by Ukrainian plants. However, after the tightening of the sanctions regime, Russia was forced to turn to its own defense contractors. The planned deployment of the SU-35S in Crimea should be seen in the context of Russia's broader military deployment in the Black Sea region. However, some major changes to these plans can be expected: The number of SUS-35s available for the deployment in Crimea is small and, secondly, their full technical potential still seems problematic. Moscow will most likely use the SUS-35s deployed in Crimea to intimidate its neighbors, rather than really improve its strategic air position on the Black Sea. Over the past five years, Russia has rebuilt Belbek Air base near Sevastopol, where the 38 fighter Regiment is located, modernized Chauda training center in eastern Crimea to provide full training for pilots and crews for Su-35 and other multi-role aircraft platforms (Kabanenko, 2019: 14). In the five years since the annexation of Crimea, Russia has strengthened the capabilities of its Black Sea Fleet, increasing the number of warships from 34 to 49, including the number of submarines, from one to seen.

All new vessels entering the Black Sea Russian Fleet - corvettes, frigates, and submarines - are equipped with "Kalibr" cruise missiles, launching from a maritime platform. Currently, the Russian fleet based in Sevastopol (Crimea) has 72 "Kalibr" missiles, but - according to its military equipment plans - their number is projected to increase to 170 by 2020. Through anti-ship systems, Russia controls the entire Black Sea basin. The S-400 anti-aircraft systems, deployed in the Crimea, track air targets at a distance of up to 600 km and are capable of hitting them at a distance of 240 km.

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Currently, Russia is building a marine detection system, consisting of stationary automatic underwater stations. In the Crimean airspace, up to one hundred planes - bombers, fighter jets, and attack aircraft - were observed during recent exercises. Moreover, the Russians regularly test new types of weaponry, most recently they carried out tests with torpedo missiles.

Despite efforts to settle the conflict in eastern Ukraine, Moscow has close to the Ukrainian border 28-30 tactical groups prepared for battle, says the same senior Ukrainian military officer, but - according to experts from Kyiv - not to invade Ukraine, but as an "intimidation and pressure factor". The situation in the Sea of Azov remains tense. Due to the blockade of traffic through the Kerch Strait, only this year the ports of Mariupol and Berdiansk lost 43% of revenues. As early as March, Viktor Bondarev, chairman of the Defense and Security Committee of the Federation Council (upper chamber of the Russian parliament), had declared that Russia had already deployed Tu-22M3 bombers in Crimea. At the same time, the Russian official had indicated that in the Crimea, operational missile systems were deployed Iskander-M (SS-26, in NATO coding). So, in this situation with a rich Russian activity, what is to be done? The response of Western states is different. 1 A kind of appeasement (Germany and the largest country in Western Europe); 2 Resistance and limited containment (the US and some Eastern European countries).

RAND Corporation report

Rand has just published a policy document that reinvigorates in another and more benign framing of the principles of the Russian proposal of 2009 for a new European security architecture. In this proposal, Russia wanted to divide Europe into spheres of influence, between it, the US and the EU. In 2009, the initiative came directly from Russia and was rejected by the West. RAND recently published a compilation of conference materials that it has put together with the Regional Office for Cooperation and Peace in Europe, Friedrich Ebert Stiftung. The group of authors included "representatives from the West, Russia and the states between them." If the expression "states between them" does not refer to anything, the title of this publication is suggestive - "A consensus proposal for a revised regional order in post-Soviet Europe and Eurasia". For example, if you scroll down to page 80, in the Conclusions section, you will find that the document recommends that smaller states practically seek, in their foreign policy, approval of the "major powers" group, such as the U.S., Russia and the EU. Suggests, using this euphemistic language, that the West should stop accepting new members in the EU and NATO. He suggests that "intermediate" states such as Ukraine, Moldova, and Georgia accept the status of neutrality and apply it with the approval of the US, EU, and Russia; they cannot give up neutrality unless the three "major powers" agree to this, which effectively suggests that these smaller countries give up their sovereignty and become satellite states. If these "intermediary" states wish to negotiate economic integration with the EU, they should allow Russia to be part of the negotiations, effectively renouncing their sovereignty. Page 59 suggests that "if economic integration disputes were resolved to mutual satisfaction, there would be more opportunities for cross-border trade".

Continuing to read pages 59-60, it says: The diminished tensions create a greater incentive for states and regional entities to be constructive and cooperative in conflict issues, as they will no longer need to signal loyalty to each other by their employers, adopting a direct approach. In other words, the current dynamic - whereby

certain states and entities can act with "powers" for opposing parties in the geopolitical clash - will dissipate significantly, if not completely cease. The RAND study - which recommends the withdrawal of the West from Moldova, Ukraine, Georgia, etc., claims in fact that it leaves them alone, face to face with Russia and under Russian control. It is a political version of the US military withdrawal from northern Syria, which left the Kurds at the mercy of Turkish air bombardments (Minzarari, 2019b).

Steinmeier formula

One might even make an equivalent comparison between the secret protocol of the Ribbentrop-Molotov Pact that divides the spheres of influence in Eastern Europe in 1939 and the 2019 Franco-German-Russian pact on the informal surrender of Ukraine to Russia. The only difference is that in 2019 this is done in a more elegant diplomatic way. A close follow-up to previous events suggests that this step was forced by pressure from the Russian Federation on Ukraine, as Moscow exploited and instrumentalized the tiredness of the sanctions of France and Germany. Russian President Dmitry Peskov threatened that if Ukraine does not accept the "formula", Russia will "seek solutions to Ukraine's internal problem", referring to the armed conflict in eastern Ukraine. President Macron previously said that Ukraine "needs the courage to build peace". However, Russia has made huge efforts to present Ukraine's proxy war in Ukraine as the internal issue of Kyiv, as the Peskov, Kremlin spokesman emphasized. The reason is quite simple - if this is an internal conflict, then it should be solved only through political negotiations between Kyiv and the "rebels", through concessions. Moreover - and this is the most important element - the proxy war in the eastern regions of Ukraine was initiated by Russia specifically to make these negotiations possible. Russia intends to use these talks to provide asymmetric political influence to its proxy regions, allowing them to block Ukraine's integration into European political or security institutions. Also, by legitimizing its military actors in Donbas as parties to the conflict, Russia can isolate itself from accusations of military aggression against Ukraine and create conditions for stopping Western sanctions.

The "Steinmeier formula" should pave the way for this scenario, as an ideal case. When this happens, it will be presented triumphantly as a solution to the conflict. There will be strong pressure within the European Union to lift sanctions against Russia. A second-best scenario for Moscow is to accuse Kyiv of not implementing that "formula". Under these conditions, it will allow both Russia and its supporters in Europe to claim that Russia wished in good faith to resolve the conflict. And then Russia would blame Ukraine's failure for being counter-productive. Similarly, it will create strong pressure to lift sanctions against Russia. Precisely this logic is deconstructed by influential Kremlin-affiliated publications, claiming, therefore, that "Russia will win in any scenario." Following the implementation of the Steinmeier Formula, Ukraine will slowly but steadily come under the political control of Russia. Paradoxically, it is exactly the aspiration to remain sovereign and to remain outside the control of Russia for which the Ukrainians fought in Donbas, first and foremost (Minzarari, 2019d).

Moldova's Situation

During October 08-10 in Bratislava, under the aegis of the Slovak Presidency in the OSCE, a new official meeting of the Permanent Conference on Political Issues was held in the Transnistrian settlement process (negotiation format "5 + 2"). The talks were interrupted, without at least one protocol being signed, and the meeting was held just as

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a proposal for resolving a similar conflict, the one in Donbas, arose in controversy. Speaking in Free Europe about this meeting, security expert Dumitru Mînzărari calls a supposed document prepared to be discussed in Bratislava, but ultimately rejected by the government, a document similar to the "Steinmeier formula" in Ukraine.

- , point 1 of the declaration requires or demands from the 5 parties - Russia, Ukraine, OSCE, the United States and the European Union - to ensure that there will be no dividing lines in Moldova, which could be seen as spheres of influence.

- it is this idea where the West is asked not to confront Russia, not to create spheres of influence, we see it reflected in the statements of many Russian officials and this is a big trap in the document concerned. offered by the te Peskov.am of President Dodon to the Russian Federation. So, through the Transnistrian problem, the way it is administered at the moment, Russia could take control over the economic, financial flows, it could penetrate Moldovan state institutions, so it could take control over some important levers and institutions in the state. And this would allow them to influence political processes. It's a kind of non-military aggression, political aggression. This is the biggest danger related to the Transnistrian settlement. The current Prime Minister announced that the Republic of Moldova would need two other airports, one in North (Balti?) And another in South (Comrat?), Both in potentially hostile territories in Chisinau. At the same time, Dodon meets with the Russian ambassador to discuss loans for "infrastructure investments" (airports) and puts Moldova in the so-called Euro-Asian Bank (financing mechanism outside Western control?). In other words, Chisinau will borrow money from the Russians for whom he will pay and interest, to build them, the Russians, runways for airplanes One of the reasons for the creation of several airports invoked by the prime minister was that they would like to reduce prices, to create more competition in the field of air transport, which is a wrong one. First of all, conditions would have been created to convince the public of the need to open the Tiraspol airport for international flights, which is now not allowed. And the same harmless partition is used, an economic argument is used, but the opening of the Tiraspol airport, if it will be done, will be only for military reasons, only to allow the Russian Federation potential to consolidate its presence and influence in Moldova and it will also allow the economic and political independence of the Tiraspol regime to be increased? (Dan, 2019). In other words, you convince the public that more international airports are needed, and under this screen you can open airports in Tiraspol and Comrat for international flights, generating the potential for a foreign force to be able to bring military forces by air in case they would there was a risk that the PSRM would lose power. So you use an economic argument to gain military advantage (Minzarari, (2019a). The press in Chisinau also sent some ideas that would be good to open an international airport in Comrat. As the economic and demographic situation develops, the Republic of Moldova does not need more airports, there is a risk that even the Chisinau International Airport will not be fully used.

Several airports raise the likelihood of aggression, expand the space of tactical and operational options for Russia, reduce costs, both monetary and political. So if the cost associated with the aggression against Moldova is high, this reduces the risk of aggression - and it is obtained by abandoning the idea of building additional airports, especially in the areas where the Government controls the situation worse (Balti, Gagauzia and to a much greater extent the Tiraspol). Due to the fact that it has no land borders with Russia, as Ukraine has, a hidden invasion, by proxy, by green men on the land path, as it was in Ukraine, is less likely, but on the air path, it is even very possible. We are not talking about a classic invasion of the Russians with tanks, we are talking

about the appearance of several hundred civilians, armed, representing the people, the national guard of the Transnistrian people or, you know, Gagauz, which will be used to consolidate certain political statements of the PSRM. or their partners from Comrat. And these scenarios could be used in case the risk of PSRM would lose power, so that means that if the risk of Russia losing influence in Moldova would appear. Therefore, we are witnessing measures to prevent the departure of the PSRM from power by force, creating conditions to prevent a democratic transfer of power from the PSRM to democratic and anti-Russian forces in the Republic of Moldova. Under the existing conditions, given the risk of PSRM losing power, these scenarios could be applied (Mînzarari, 2019c).

Containment and resistance

The US military response is based on both the political and strategic perceptions of Russia. At the political level, Russia's description of the US president as a "regional power" was crucial to understanding the US approach. President Obama said "Russia is a regional power that threatens some of its immediate neighbors - not by force, but by weakness", "It is not the number one national security threat to the United States", while China, which is considered more like a global player, Russia's global share increases in the eyes of US decision-makers. In conclusion, the military, political and economic elements of the American reaction to the Russian operations in Ukraine reached only the regional level, but not the global strategic one.

The theoretical threat remains that Russia will not only challenge the existing status quo in Central Europe but will try to break it in the event of a lack of US (and European) commitment. By applying the "Narva doctrine" 7, Russia has the potential not only to threaten the security of the Baltic states but also to jeopardize the general credibility of NATO and the Alliance, which could lead to the breakdown of the current European and Euro-Atlantic security architecture (Radio Europa Liberă, 2019). Following the events in Ukraine, the United States has replaced the concept of "cooperative power" with a limited containment, which is strictly defensive and does not incorporate offensive measures. It has not changed historical trends, especially the rebalancing towards Asia and will continue to guarantee "only" partial US strategic attention to Eastern Europe (HotNews.ro, 2019: 1).

Only the United States, Romania, Poland, and the Baltic States take this threat seriously. The rest is waiting and hoping to disappear. Even NATO is only half-committed because it fails to address the weaknesses of countries such as Bulgaria. But a true Detention requires three pillars for resistance: Poland, Romania, and Turkey. They also need the Ukrainian army to resist. British expert Glen Grant made several recommendations to increase the ability of the Ukrainian army to defeat the Russians: the Ministry of Defense headquarters should be transformed into a war headquarters, with the most responsible strategic commander as soon as possible; the creation of an infantry battalion with rapid-moving (anti-tank) airborne infantry based on all available helicopters as a national strategic reserve should be considered; a national reserve of two brigades is needed to be located near Kyiv; all units in the army that are not used today on the front should be redistributed into support or combat units; all battalion and brigade units should have training personnel and a properly created J2 chain of command, intelligence personnel working from units at the Ministry of Defense. The army support system, which provides people and training, has not changed as much as

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needed; voluntary reserve units should be created, equipped and trained, rather than having individual reserves from now on (Grant, 2019).

Conclusions

The “Steinmeier’s Formula” reflects the fragility and immaturity of the European Union’s foreign and security policy, and its capitulation to a much more mature and cunning strategic culture of the Russian Federation. It signifies the triumph of the short-term national political agenda of France and Germany over pan-European long-term strategic interests. Finally, it reveals the readiness of the European Union’s major players to allow for the disintegration of the rule-based international system, built by the West after World War II and consolidated after the end of the Cold War. However, even if the "Steinmeier formula" is accepted by the Ukrainian government, its repercussions will be smaller, due to the fact that the population through protests, by pressure, by punishing the government and its change, perhaps in early elections, will redress it. In the case of the Republic of Moldova, they are not so lucky to have a population with a high civic spirit and because of this, if a similar initiative is promoted in Moldova and this document presented by Mr. Şova, I would in some way name it a document similar to "Steinmeier formula" in Ukraine. And if such a document begins to be implemented in Moldova, Moldovans do not have the civic capacity to oppose this formula. At least, not yet, I do not see this ability. NATO's military capabilities in and around the Black Sea remain extremely vulnerable. Recent vulnerabilities include polarization and political blockade among some European NATO members. The alliance is also affected by the resurgence of political and economic conflict within it, between the US and European countries.

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ORIGINAL PAPER

Teaching Foreign Languages: Between Tradition and Contemporary Synchronicity

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Abstract:

Teaching a foreign language has uncovered new challenges with the evolution of society and education as a whole. The entire concept of synchronicity, the ability to connect to a contemporary platform of teaching has fostered significant necessities for adaptation, a prevalence of abandoning old methodologies towards the pursuit of innovation and collective interest. Teaching a foreign language to eclectic clusters of students has become a challenge not only from a didactic standpoint but from a communication point of view as well. Undoubtedly, technique and psychology as well as information content remain relevant, however, as educators and formulators of information, we must strive towards remaining close to that which is contemporary. The information we deliver as teachers of a foreign language cannot and must not be restricted to traditional structures of grammar, vocabulary and so on. We need to stay connected to an entire apparatus of updated cultural and informational references. The aim of this paper is to explore both the mechanisms of didactics and social communication from a contextual, adaptive and correlative standpoint. Our duty as teachers is not only to teach students, but to also explore strategies which help us teach ourselves. A foreign language should be perceived more along the lines of a living organism, constantly expanding, constantly adapting, engulfing new elements and forsaking elements that are now socially and culturally viewed as obsolete, destined to ultimately become forgotten and archaic.

Keywords: *teaching; foreign language; tradition; contemporary; adaptation.*

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Taking into consideration the teaching prerequisites associated with teaching Romanian as a foreign language at the Faculty of Letters, the University of Craiova, as well as the personal and collective experience of every teacher at the Preparatory Year, we can safely affirm that professional language training must be substantially rooted in both classic and modern platforms of relevance. It is not our duty to reinvent the Romanian language, but it is our absolute prerogative to contextualise it, to bring it firmly and robustly into the 21st century and make it relatable to highly versatile and eclectic groups of learners. To this end, we use ever resource at our disposal, both linguistic and cultural in order to help our guests and our learners transition towards a new world of learning whose principal gatekeeper is, in fact, our beloved Romanian language. Before the pandemic, we were afforded the opportunity to closely interact with our students and use our presence in the classroom to unlock substantial pathways of intercultural learning. It is often said, however, that when one door closes, another one opens in its place. Online education protocols clearly do not provide the same level of direct integration, yet, they have vastly improved real-time interaction and student-teacher contact. Availability is now, virtually, an around the clock concept. If, before the pandemic, we focused chiefly on books, courses and other hardcover materials, now, we are sending tremendous amounts of linguistic and cultural data at the click of a button to students living thousands of kilometres away. Online teaching has opened the doorway not simply to our versatility and resourcefulness as language educators, it has also improved the professional competence of our students, it has turned them more responsible and responsive, increasing not only attendance in its virtual form, but also the level of interest and curiosity of our students.

The passing of time requires more and more education from the perspective of openness to multiple values, because in this way a better integration of the individual in a polymorphic and constantly changing world takes place. In the beginning, intercultural pedagogy was born in the context of the concerns of overcoming the educational difficulties encountered by the children of immigrant workers. These problems have led to the idea that differences are not just barriers to communication, but, on the contrary, enrichment and better mutual knowledge. These conceptions empowered multiculturalism, which, unlike assimilationist politics, has always supported cultural diversity. With the acquisition of the concept of interculturality by language teaching in the 1980s and 1990s, its success was so great that it spread to other disciplines.

One of the main objectives of intercultural education is to prepare people for a better perception, acceptance and respect for cultural differences. Individuals are never without a cultural background. They have certain conceptual tools that end up functioning as distorting prisms if they try to look at and understand other cultures only through them. These filters can create certain malfunctions or misjudgments. According to Alptekin: “learning a foreign language becomes a kind of enculturation, where one acquires new cultural frames of reference and a new world view, reflecting those of the target language culture and its speakers” (Alptekin, 2002: 58). In this sense, several analysis mechanisms can be used, within a foreign language course, to reveal other ways of relating between the mother and the foreign culture, with the aim of discovering and understanding the other, not only through a simple description or stereotypes. The latter represent the beliefs about the psychic and / or behavioral characteristics of some individuals, social groups or social processes, organized in a simple, patterned and preconceived framework that is not based on a process of direct observation of reality,

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but it is based on arbitrary, routine reasoning that is not related to the individuals or social groups evaluated.

For an effective communication between groups or individuals belonging to different cultures, it is necessary to be aware of one's own stereotypes and to overcome them, thus creating a meeting space based on common values that ensure the functioning of a real dialogue.

According to Cabré, foreign language training can be viewed from the perspective of openness, as well as specialisation and precision: "The main purpose of special languages, i.e. allowing objective, precise, and unambiguous exchange of information particularly between subject field experts and professionals, makes dialectal variation very minor. The issue is not one of affirming one's own geographical origin, but rather one of communicating unambiguously. In this sense, presenting a highly specialized scientific text in a written article or a conference paper does not require the same discourse as a spontaneous oral communication on the same subject. Finally, the intentions or purposes of the communication, both in general and special language, also condition the syntactic, morphological, and textual devices used." (Cabré, 1999: 77-78).

The possibility of openness is proposed, by some researchers, through a certain capacity for interculturality, the result of a learning process aiming at two objectives: 1. increasing the ability to perceive everything which is foreign. This ability means that we question our own certainties and patterns of perception and accept that they are not enough when it comes to interpreting something foreign. The new situation created brings forth insecurity, as we cannot respond to external stimuli through reactions and attitudes that are common to us. Under these conditions, teaching foreign languages should facilitate such openings. 2. the willingness to accept and explore our respective differences. Usually, in the case of meeting foreign students, there are two ways to react: the first manifests itself by rejecting the difference and the unavailability to get used to that other person; the second way is to perceive the student from a constructive perspective. (Hans, 1996: 180-181).

The concept of culture shock illustrates the outcome of such meetings. Margalit Cohen-Emerique defines it as "a reaction of uprooting, and even more of frustration or rejection, of revolt and anxiety [...]; in short, an emotional and intellectual experience that occurs in those who, taken out of their context by chance or professional reasons, are put in the situation of having to approach the stranger in a way [...]. This shock is an important means of awareness of one's social identity, insofar as it is rethought and analyzed" (Cohen-Emerique, 1984: 195).

This shock includes not only verbal language, but also nonverbal language, the whole set of norms, concepts about things and the world in general. Situations of this kind surprise the individual swinging between two models, reacting accordingly in several ways. Pierre Casse's model (1981), later taken up by other authors, proposes four phases. Initial contact with the foreign student is a first phase in this process. It is the moment when personal assumptions come to the fore to perceive the new situation. Behaviour and reactions can vary greatly from one person to another. The second phase comes with an attempt to adapt to the newly created situation. In most cases, the results obtained are productive. The third stage is characterized by the presence of curiosity and confusion. Under these conditions, the issue of identity is frequently raised. Thus, the phenomenon of assimilation can occur, which means the abandonment of one's own identity in favour of the dominant community, and a possible integration considers its preservation in parallel with the new culture of the receiving community. The lack of

willingness to develop relationships with the dominant community can produce separation, and segregation that is the result of obstruction by the dominant group, however, this is a rare occurrence. The last stage, the fourth, is when the adaptation to the new linguistic and cultural environment takes place. (Casse, 1981).

In exploring the multicultural dimension of language training, Moran states that: “A cultural phenomenon involves tangible forms or structures (products) that individual members of the culture (persons) use in various interactions (practices) in specific social circumstances and groups (communities) in ways that reflect their values, attitudes and beliefs (perspective).” (Moran, 2001: 25-26).

Another phenomenon that occurs in the case of multicultural educational situations is that of cognitive dissonance. The relationship of dissonance is one of disagreement, of contradiction, of opposition. According to Leon Festinger (1962), the totality of conscious representations of an individual can be decomposed into cognitive elements or notions. These represent knowledge, beliefs, and opinions about the environment and oneself. They fall into dissonance when one implies the rejection of the other, from a psychological point of view. This phenomenon forces the individual to avoid elements that can generate dissonance (Festinger, 1962). It is our duty as teachers, language trainers and cultural ambassadors to prevent this dissonance from occurring and facilitate the integration of the students on all pertinent levels.

This theory of dissonance can also be applied in situations of contact between two cultures, and in the case of the consequences produced as a result of these interferences. For example, students from immigrant or disadvantaged backgrounds have developed behaviours different from the usual ones present in the classical educational setting. At the same time, they may prefer and appreciate interpersonal relationships based on human rather than intellectual values. These differences can create dissonance in the process of acquiring a foreign language and, with it, the assimilation of a new culture.

Teaching methods should use this dissonance in order to avoid the conflict aspect and to generate a positive perspective when it comes to evaluating other individuals. In order to achieve the desideratum in question, it is necessary to value the culture and the language we want to learn.

The intercultural perspective is described in the compartment dedicated to general competences in the *Common European Framework of Reference for Languages (CEFR)* and considers the acquisition of cultural aspects in the process of teaching-learning a foreign language, as a mandatory requirement, not only from the perspective effective communication, but also active and constructive learning that can be applied later in social, professional and cultural terms. The foreign language class should be the link between two cultures, through which the student has the chance to discover other values, other mentalities and realities. Communicative competence, described and analysed by CEFR, is the primary goal of learning a foreign language. The idea circulated and applied as a method until today, that only the acquisition of language competence is important in this learning process, is no longer sufficient and completely true. As a result of new pedagogical approaches, the student must learn to correctly use the ethno-socio-cultural elements and to acquire sociolinguistic attitudes and behaviours that aim to contribute to the development of a real dialogue and appropriate to the communication context. From the perspective of understanding, the student must have the necessary skills to correctly identify, recognize and interpret the attitudes and

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behaviours of his or her interlocutor regarding gestures, historical or cultural elements. Under these conditions, researchers in the field propose the concept of social learning.

Language is not just a simple communication tool that consists of the factual transmission of information, but a cultural treasure that encompasses the history and evolution of a people that has been gathered throughout its existence: behaviours, attitudes, values and mentalities, a whole existential philosophy. Thus, the history of a people, the social and fundamental norms of a society are essential factors in understanding the culture and civilization of that people. In this sense, it is recommended that those who learn a foreign language be aware that it involves the correct understanding and interpretation of the ethno-socio-cultural elements specific to the given language.

A new didactic approach is required in the teaching and learning of foreign languages, in which the teacher aims to use and combine in a natural, harmonious way cultural elements in the teaching process of all types of lessons, whether it is about an hour of grammar, translation, or vocabulary. The notions of culture and civilization should no longer be seen as something separate.

The intercultural perspective proposes a communication competence based on the ability of the interlocutors to correctly identify and use cultural aspects in linguistic interactions. The demands of the period of time in which we live compels the authors of foreign language textbooks to structure and present the cultural elements in a much wider space, without being limited only to aspects of encyclopaedic knowledge (cultural, architectural, artistic, heritage of a country), but also to introduce elements of anthropology, presenting practices of daily life, customs and traditions, the way in which family and social relations work, etc.

Social relationships are especially important in the process of learning a foreign language, as they provide us with images and essential information about attitudes, values and the social behaviours that we need to know when we are in a position to interact with a native speaker.

Learning a foreign language means having the necessary skills to perceive the classification systems by virtue of the relevance based on the operational patterns of that respective community. Consequently, learning a foreign language must prepare the student for concrete life situations, for various experiences and intercultural exchanges. This learning process should not be limited to simulating communication situations or focusing only on the abstract, conceptual dimension of learning. The teacher should give the student the opportunity to play the role of a social actor, which will determine him to manage and take responsibility for the learning act. This is where the concept of action perspective comes into play, inherent in an intercultural pedagogy, which offers students the opportunity to become social actors themselves, with the competence to solve concrete tasks. One of the main objectives in such conditions is to develop students' personal autonomy and to prepare them for an active professional life, which imposes more and more requirements and responsibilities.

We can say that European citizens will only benefit from the current linguistic diversity if they learn to communicate with each other. To achieve this goal, universities should be essential elements in mediating the process of learning other languages. Intercultural pedagogy allows the student a better development of personality and abilities to learn other languages, offers him the alternative to discover and live new cultural experiences, bringing a much more complex vision on language training in universities. The latter being the main institution for the formation and education of

future citizens who belong not only to their own community but, increasingly, to a global society. In this sense, it is very important to organize activities, intercultural, interdisciplinary and extracurricular experiences that would have the role of putting into practice the concept of language learning through discovery and through their own experiences. The intercultural perspective, used in the process of teaching and learning a foreign language, has the role of preserving its own identity by becoming aware of the mother tongue and culture, on the one hand, contributing, at the same time, to the development of intercultural communication skills.

It is no longer a novelty that there is a close connection between language and culture, and by knowing other languages man becomes aware of his own cultural identity. In recent years, there has been a growing interest in the cultural dimension of foreign language education, and today's teachers need to promote the training of intercultural skills among students of different fields. One of the most important changes in language learning and teaching in recent decades has been the recognition of the cultural dimension as a key component. This change has greatly transformed the nature of the language teaching and learning experience. The objective of language learning is to train the ability to communicate in a foreign language, which refers to a person's ability to act in a foreign language in appropriate linguistic, sociolinguistic and pragmatic ways.

According to Kramsch, language teaching is anchored in both the material and the immaterial aspect of social and professional functionality. He states the need for "a common universal ground of basic physical and emotional needs to make the foreign culture less threatening and more accessible to the language learner." (Kramsch, 1993: 224)

Students learn languages for several reasons. Of course, one of the most important reasons is to learn how to use language in real communication with speakers of various mother tongues. A foreign language is likely to be used in two types of environments: in interaction with native speakers or in communication with people who know another foreign language.

Studying a foreign language is more of a necessity than a tendency or a preference. The interest in learning and speaking it is determined by world trends: globalization, interculturality, the need to educate personalities who agree to live in a diversified, multicultural and tolerant society, to understand people who represent different cultures, while ensuring progress and prosperity of national culture. Learning a foreign language consists not only in acquiring phonetic, morphological, grammatical, semantic vocabulary and structures, but also in new ways and ways of thinking, reflecting, visions and philosophies about contemporary civilization.

This fact was proven by the findings from the psychology of communication, the interaction can only work if the participants share a certain vision of the world, acquired during the socialization period. Consequently, as today's communication, across cultural boundaries, is growing and cultures are undergoing constant transformation, the acquisition of certain means of access and the interpretation of cultural meanings and practices has become inevitable. Learning a target culture is a strong motivator, as it presents immediate contact with the actual use of the target language and country.

The aim of the research is to improve the process of training intercultural competence in teaching a foreign language to students, as well as training skills for studying all the aspects of the language. The objectives of our research are to help

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students reach a certain level of competence, in order to be able to read specialised texts and to help them be open and positive to foreign cultures. We believe that a foreign language teacher can use new and interesting tools to make the teaching of a foreign language more attractive and effective.

Communication is a substantial part of our daily lives. The term is very broad. It is used in a variety of ways, for any kind of influence exerted by one system on another or any type of action aimed at the open expression of thoughts, feelings or the exchange of information. Communication means influencing other people by using signs (in a broader sense) to make them understand the message. Communication, thus, generally requires two participants: a sender, addressee, communicator, who transmits (directly or indirectly) and a recipient, a translator, who receives the information. The roles of these participants alternate during the communication process.

This is about misinterpretations, misunderstandings, and thus inconsistencies can arise. We expect our communication partner to see the world as we do. Each individual filters his or her perception of the world according to his or her prior knowledge, skills, and experience. All people's communications depend on a common knowledge of the world (academic knowledge, empirical knowledge and knowledge of the common values and beliefs of social groups, knowledge of nonverbal elements in communication). This knowledge could be specific to the culture. This makes the communication of members of the same cultural community predictable enough to be understood. On the other hand, it is more difficult for foreign speakers because they do not share a common knowledge with native speakers. The acquisition of common cultural knowledge can be promoted by the development of intercultural awareness. Language itself is always formed by a culture. Being proficient in a language requires an understanding of the culture you have defined. Learning a foreign language suggests the existence of an awareness of culture and the way in which culture targets its own culture. A student in the field of intercultural competence must be able to understand and be aware of his own culture, be aware of how his culture is seen from the outside, by other cultures, understand or see the target culture from his own perspective, and be aware of how he or she see the target culture.

Language training must include communicative competence which involves grammatical competence or the ability to make correct linguistic statements, sociolinguistic skills or attention in the social context and the rules of the given culture, speech competence as a use of language in context and strategic competence or the ability to deal with situations of authentic communication.

Knowledge of foreign cultures is usually relational, meaning it is connected to the knowledge acquired through socialization with their own social groups and often presented in contrast to those significant characteristics of their own national group and identity. However, in teaching intercultural communication, students need to be aware of where these preconceptions come from and thus how their perceptions of others are filtered through their social identity. Consequently, from the point of view of intercultural communication, cultural knowledge, in addition to the knowledge of social interactions, is a relational knowledge of the institutions of everyday life, of social distinctions and differences and the knowledge of international relations and national identities. It is relational in the sense that it encompasses the experience of these phenomena perceived by both parties in their own culture and is complemented by the accounts of the foreign student's country.

According to Kramersch (1996), the teaching of culture in the learning of traditional foreign languages was limited to the transmission of information about the people in the target country and their general attitudes and worldviews. The fact that language is a social practice and culture is a complex social construction that has been ignored. Kramersch differentiates new directions of thinking for teaching culture, which seem to be current today:

- Establishing a sphere of interculturality;
- Teaching culture as an interpersonal process;
- Teaching culture as a difference;
- Crossing disciplinary boundaries (Kramersch, 1996: 233).

Because communication in a foreign language is also communication between cultures, an intercultural approach includes a reflection on both the target culture and the native culture. In this sense, effective language teaching must embrace both perspectives.

If language is seen as a social action, then meaning is constructed through social interaction. As a consequence, we should not teach fixed, normative cultural facts, but rather a process of communication and suggest appropriate and useful strategies for understanding otherness.

Students need to be aware of the heterogeneity of culture: due to the growing multiculturalism and multiethnicity of societies, national cultural characteristics have lost even more of their global validity. It is getting harder and harder to tell. The Germans are doing this or the British are doing this. Cultural identities are made up of a number of aspects; one must always take into account additional specifications such as age, sex, religion, ethnicity, social class, education, etc.

Teachers are encouraged to broaden their range of knowledge by reading literature, studies signed by social scientists, ethnographers, sociolinguists, to present information beyond the field of linguistics and challenge, and may even motivate their students and give them an attractive presentation of the target community.

Intercultural foreign language teaching can be achieved or at least addressed by allowing students to realize, recognize and embrace difference, to meet a person with other cultures and social particularities and to make them aware of the relativity of their judgments. Therefore, cultural content in language teaching must be determined in such a way as to present the difference in an appropriate way.

Cultural knowledge about a target country covers an extremely wide field that does not match the framework of foreign language education. A non-systematic approach to providing information would leave students rather confused, with a task of unstructured information, but without real knowledge, without an understanding of the reality of foreign culture and thus without intercultural understanding. Making a selection is problematic and again focuses on the question of the native speaker as a model in language teaching. Knowledge ranges through the rules of conversational general politeness to nonverbal behaviour or phraseology.

The general nature of the language and culture course should allow students to: actively engage with alternative interpretations of phenomena in foreign culture and compare them with their own, and to access and analyse more complex manifestations of the values and meanings of national cultures, as well as existing cultures within limits, as presented in cultural objects and cultural institutions, including literature, film, history, education, political parties or social welfare.

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Byram et al. (1994) has established a list of proposals, either for integration into the language study itself or as structured information presented independently in separate learning units. These are: “social identity and social groups, social interaction, faith and behavior, socio-political institutions, socialization and life cycle, national history, national geography, national cultural heritage, stereotypes and national identity” (Byram et al., 1994: 48-51). The specific implementation of these general categories depends on the nature of the course, the class structure, the needs of the students and, most importantly, the foreign language and society of the target country represented in the teaching materials.

The role of the teacher is traditionally based on the presumption that he or she has primary authority in all respects in language class. However, the teaching of intercultural competence does not necessarily require an all-knowing teacher and, given the extremely wide field of culture, it would even be impossible for teachers to meet this requirement. Teachers should rather act as mediators between cultures, although this term sounds vague, as motivators, provocateurs in discourse, open-minded and guides in foreign society.

Foreign language teachers who try to increase the cultural awareness of their students, unfortunately, most of the time, have to deal with problems, such as the lack of systematic knowledge of students or their native culture or the target culture, to be able to interpret, analyse and draw conclusions about the cultural phenomena presented to them later. A teacher can teach to the limit, he or she explains, discusses and makes students understand essential elements.

The goal is to reach a correct solution or to fill a gap, but also to explore the limit and to explore oneself in this process, which is conditioned by the desire to engage in self-removal from cultural bias. Culture, deriving from such an intercultural dialogue, differs from both: the native culture and the target culture. It does not offer any fact or any solution to these problems. The final image, the understanding often appears after repeated reflections, possibly much later. Therefore, students should learn how to develop critical thinking, learn autonomously, collect and analyse information and approach with different types of linguistic and cultural contributions.

Teacher training should therefore aim at understanding the core of intercultural communication, determining the relationship between language and behaviour (in one's own and target culture), developing skills in acquiring and processing information about culture and selecting techniques suitable for teaching. The personal experience of the target language culture should be standard. Students are invited to attend and participate in mobility programs, such as Erasmus.

The modern world continues to change and it is the role of teachers to respond to current challenges. The teaching process should reflect the needs of a modern society and develop the student's critical thinking and skills. Combined with the basic knowledge of the target culture, students will be well-prepared and able to understand the context and cultural factors, face to face with communication and mediated messages.

According to most cultural models, languages are related to the cultures, communities and societies that are used for communication, and students should be encouraged to become competent speakers of a foreign language. To this end, language teachers should guide them in acquiring different skills, contributing to the development of their knowledge, helping them to reflect on their own culture. Thus, language teachers

need to be familiar with what lies behind the new skills and strategies that their students need to develop for intercultural understanding.

At the Faculty of Letters, the University of Craiova, we have always approached Romanian language training from an integrated, eclectic perspective. The specific elements of knowledge of language, grammar, vocabulary and syntax have been designed to work in conjunction with platforms of cultural, contextual and historical meaning. Because of this universal, intercultural approach, we have managed to make Romanian relatable to foreign students from virtually every continent and culture on the planet, allowing the procurement of linguistic knowledge that is laced with relevant cultural archetypes that will not only aid the students in their endeavour to adjust socially, but above all, in their strive to become absolute professionals and reap the benefits of our country's robust educational system. From this standpoint, Romanian goes far beyond an instrument of linguistic support, it becomes the gatekeeper to specialised, professional and academic development and evolution.

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CEPOS NEW CALL FOR PAPERS 2021
11TH INTERNATIONAL CONFERENCE
AFTER COMMUNISM. EAST AND WEST UNDER SCRUTINY
Craiova (Romania), University House,
19-20 March 2021

Dear Colleagues,

We are delighted to invite you to participate in the 11th International Conference AFTER COMMUNISM. EAST AND WEST UNDER SCRUTINY in Craiova, Romania, 19-20 March 2021.

More than three decades after, an event is both history and present. The annual conference organized by CEPOS involves both the perspectives of the researches in the field of Communism and Post-Communism: research experiences and scientific knowledge.

Like a "pointing puzzle", 32 years after the fall of communism, the conference panels explore with emotional detachment, but with a peculiar professional involvement creating and exploiting the inter-disciplinary developments of the East-West relations before and after the crucial year 1989 in the fields of political sciences, history, economics and law.

The conference will be hosted by the University House and during two intense and exciting days, participants all over the world (professors, professionals, doctoral and post-doctoral researchers and students) are invited to raise the issue of the study of recent history of the former communist space in connection with the Western world. We are confident that all of us will focus during these two days on what is important to move the research in the field forward.

We deem to state that we even bear the moral obligation to do that.

Best regards,

The Board of Directors of CEPOS 2021 Conferences and Events Series

PROPOSED PANELS for CEPOS CONFERENCE 2021

Center of Post-Communist Political Studies (CEPOS) proposes the following panels:

- History, politics and ideologies in modern and contemporary Europe;
- Political history, collective memory and cultural heritage;
- Politics and social change communication in postcommunism;
- Communism, transition, democracy;
- Post-communism and collective memory;
- Social changes, political history and collective memory;
- Politics, ideologies and social action in transition;
- Revolution and political history;
- Political culture and citizen participation;
- Law, legal studies and justice reform;
- Law, transitional justice, democratization;
- Constitution(s), legality & political reforms;
- Legal and constitutional patterns of the democratization process;
- Political culture, rights and civil society;
- Political culture, civil society and citizen participation;
- Political parties, electoral systems and electoral campaigns;
- Security and diplomacy in national and Euro-Atlantic environment;
- Security, social movements and citizenship;
- Rights, identities, policies & participation;
- Education, media & social communication;
- Education, social inclusion and regional policies;
- Administrative history and governance within South-Eastern Europe during transition;
- Political leadership, democratization and regional security;
- Comparative policies, sustainable growth and urban planning;
- Knowledge transfer and competitiveness in regional economies;
- Comparative policies, financial reforms and competitiveness;
- Security, foreign policy, social movements and citizenship;
- Economics, financial law and policy mechanisms;
- Administration, social inclusion and urban planning;
- Global environment and cultural heritage;
- Integration, identity, and human rights in European systems;
- Religion, cultural history and education;
- Media, online communication and politics;
- Media analysis and transition;
- Discourse, language and social encounters;
- Bioethics and transition challenges.

ABSTRACT SUBMITTING (SEE CEPOS CONFERENCE 2021 REGISTRATION FORM-on <http://cepos.eu/>)

The proposals must be sent in English and must contain the title of the paper, the abstract (no more than 300 words) and a short presentation of the author(s) (statute, institutional affiliation, short list of relevant scientific contributions).

DEAD-LINE FOR SUBMITTING A PROPOSAL: 05 MARCH 2021

Proposals must be submitted until 05 MARCH 2021 at the following address:
cepos2013@gmail.com

CEPOS NEW CALL FOR PAPERS 2021

CONFERENCE VENUE

Casa Universitarilor/University House (57 Unirii Street, Craiova, Romania). You can view the Conference location and a map at the following address: <http://www.casa-universitarilor.ro/>

- More information about the Conference venue can be found at the following address: http://www.ucv.ro/campus/puncte_de_atractie/casa_universitarilor/prezentare.php

- More photos of the conference room can be viewed at http://www.ucv.ro/campus/puncte_de_atractie/casa_universitarilor/galerie_foto.php

CEPOS CONFERENCE PAST EDITIONS

More information, photos and other details about the previous editions of the Conference and CEPOS Workshops, Internships, and other official events organized in 2012-2020 are available on:

- CEPOS official website sections

CEPOS Previous Events

Photo gallery CEPOS Events

- CEPOS FACEBOOK ACCOUNT:

<https://www.facebook.com/pages/Center-of-Post-Communist-Political-Studies-CEPOS/485957361454074>

TRANSPORT

The 11th International Conference "After communism. East and West under Scrutiny" (2021) will be held in Craiova, a city located in the South-Western part of Romania, at about 250 km from Bucharest, the national capital. Both Craiova International Airport (<https://www.aeroportcraiova.ro/>) and Henri Coandă International Airport Bucharest Otopeni (Romania) (<http://www.aeroportul-otopeni.info/> located at a distance less than 240 km from Craiova) accommodate international flights. Train schedule to Craiova can be consulted at InterRegio CFR (<http://www.infofer.ro/>) and SOFTRANS (<http://softrans.ro/mersul-trenurilor.html>).

CEPOS CONFERENCE 2021 REGISTRATION DESK

The Conference Registration Desk will be opened from Friday, 19th of March 2021 (from 08.00 a.m. to 14.00 p.m.) until Saturday 20th of March 2021 (from 08.00 a.m. until 10.00 a.m.), for registration and delivery of conference bag with documents to participants. The Conference Registration Desk is located in the lobby of the University House Club, 1st Floor.

REGISTRATION FEES

CEPOS CONFERENCE 2021 Registration fees will be paid exclusively ONLINE by Wednesday, March 10, 2021.

90 euros / first paper and 20 euros/ second paper (same author(s)) can be paid directly via bank transfer on CEPOS Bank account as follows:

Details for online payment

Banca Romana pentru Dezvoltare (BRD)

Owner: ASOCIATIA CENTRUL DE STUDII POLITICE POSTCOMUNISTE

Reference to be mentioned: CV taxa participare si publicare CEPOS

Account Number: RO64BRDE170SV96030911700 (RON)

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Very important!

The registration WILL NOT be confirmed until the payment of the Registration fees is received.

The participant has to bear all bank charges due to the transfer of money (local, foreign etc.). The final Programme of the CEPOS Conference 2021 will be provided to all participants by Sunday, March 14, 2021.

MEALS AND OTHER ORGANIZING DETAILS

The registration fee covers:

- * Conference attendance to all common sessions, individual and special panels
- * Conference materials (including a printed version of the Book of Abstracts of the Conference)
- * Conference special bag - 1 for every single fee paid, no matter the number of authors/paper
- * Coffee Breaks-March 19, 2021 – March 20, 2021. During the two days conference, 3 coffee breaks are offered
- * Welcoming reception (March 19, 2021)
- * Lunch (March 19, 2021) offered in the University House Gala Room
- * A Festive Gala Dinner and Cocktail (March 20, 2021) offered in the University House Gala Room
- * A Free Cocktail Buffet will be served from 19:00 p.m. to 21.00 p.m.
- * Lunch (March 20, 2021)
- * Certificate of attendance (offered at the end of the conference March 20, 2021)
- * Publication of the Conference Papers in the International Indexed Journal Revista de Stiinte Politice. Revue des Sciences Politiques (previous publication of the 2012-2020 Conference papers is available at <http://cis01.central.ucv.ro/revistadestiintepolitice/acces.php>)
- * One original volume of the International Indexed Journal Revista de Stiinte Politice. Revue des Sciences Politiques (where the personal conference paper was published) will be delivered to the authors (an additional fee of 10 euros is required for the mailing facilities)
- * Computer & Internet Facilities. There is available videoprojector and connection to Internet services.
- * Language. The official language of the Conference will be English. The Organizing Committee does not provide simultaneous translation.

NEW! FREE SOCIAL AND CULTURAL PROGRAMME OF THE CEPOS CONFERENCE 2021

* Participants in CEPOS CONFERENCE 2021 have free acces to the Social and Cultural Program of the Tenth Edition of the International Conference After Communism. East and West under Scrutiny, Craiova, 19-20 March 2021: including free guided tours of the:

Craiova Old City Tour and CEPOS Headquarters

Museum of Arts Craiova, <http://www.muzeuldeartacraiova.ro/>

Oltenia Museum (all sections included):

<http://www.muzeulolteniei.ro/index.php?view=content&c=26>

Casa Baniei <http://www.muzeulolteniei.ro/index.php?view=content&c=26>

CERTIFICATES OF ATTENDANCE

Certificates of attendance will be offered at the end of the conference on Saturday, March 20, 2021

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[museum.de/TouchPoint/start.do?Query=1035%3d%22BV035261002%22IN%5b2%5d](https://opac.deutsches-museum.de/TouchPoint/start.do?Query=1035%3d%22BV035261002%22IN%5b2%5d)

[&View=dmm&Language=de](https://opac.deutsches-museum.de/TouchPoint/start.do?Query=1035%3d%22BV035261002%22IN%5b2%5d)

Technische Hochschule Ingolstadt

<https://opac.ku.de/TouchPoint/start.do?Branch=3&Language=de&View=thi&Query=35>

[=%22502495838%22+IN+\[2\]](https://opac.ku.de/TouchPoint/start.do?Branch=3&Language=de&View=thi&Query=35)

Hochschule Augsburg, Bibliothek

[https://infoguide.hs-](https://infoguide.hs-augsburg.de/InfoGuideClient.fhasis/start.do?Query=10%3d%22BV035261002%22)

[augsburg.de/InfoGuideClient.fhasis/start.do?Query=10%3d%22BV035261002%22](https://infoguide.hs-augsburg.de/InfoGuideClient.fhasis/start.do?Query=10%3d%22BV035261002%22)

Hochschule Weihenstephan-Triesdorf, Zentralbibliothek

Freising, Germany

[https://ffwtp20.bib-](https://ffwtp20.bib-bvb.de/TouchPoint/start.do?Query=1035%3d%22BV035261002%22IN%5b2%5d&View=ffw&Language=de)

[bvb.de/TouchPoint/start.do?Query=1035%3d%22BV035261002%22IN%5b2%5d&View=ffw&Language=de](https://ffwtp20.bib-bvb.de/TouchPoint/start.do?Query=1035%3d%22BV035261002%22IN%5b2%5d&View=ffw&Language=de)

OTH- Ostbayerische Technische Hochschule Regensburg, Hochschulbibliothek

OTHBR, Regensburg, Germany

[https://www.regensburger-](https://www.regensburger-katalog.de/TouchPoint/start.do?Query=1035%3d%22BV035261002%22IN%5b2%5d&View=ubr&Language=de)

[katalog.de/TouchPoint/start.do?Query=1035%3d%22BV035261002%22IN%5b2%5d&View=ubr&Language=de](https://www.regensburger-katalog.de/TouchPoint/start.do?Query=1035%3d%22BV035261002%22IN%5b2%5d&View=ubr&Language=de)

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Berlin, Germany

[https://hu-berlin.hosted.exlibrisgroup.com/primo-](https://hu-berlin.hosted.exlibrisgroup.com/primo-explore/search?institution=HUB_UB&vid=hub_ub&search_scope=default_scope&tab=default_tab&query=issn,exact,1584-224X)

[explore/search?institution=HUB_UB&vid=hub_ub&search_scope=default_scope&tab=default_tab&query=issn,exact,1584-224X](https://hu-berlin.hosted.exlibrisgroup.com/primo-explore/search?institution=HUB_UB&vid=hub_ub&search_scope=default_scope&tab=default_tab&query=issn,exact,1584-224X)

Hochschulbibliothek Ansbach, Ansbach, Germany

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<https://fanoz3.bib-bvb.de/InfoGuideClient.fansis/start.do?Query=10%3d%22BV035261002%22>

Bibliothek der Europa-Universität Viadrina, Frankfurt (Oder)
Frankfurt/Oder, Germany

<https://opac.europa-uni.de/InfoGuideClient.euvsis/start.do?Query=10%3d%22BV035261002%22>

University of California Library Catalog

<https://catalog.library.ucla.edu/vwebv/search?searchCode1=GKEY&searchType=2&searchArg1=ucoclc469823489>

For more details about the past issues and international abstracting and indexing, please visit the journal website at the following address:

<http://cis01.central.ucv.ro/revistadestiintepolitice/acces.php>.

CONFERENCE INTERNATIONAL INDEXING OF THE PAST EDITIONS (2014-2020)

CEPOS Conference 2020

The Tenth International Conference After Communism. East and West under Scrutiny (27-28 March 2020) was evaluated and accepted for indexing in 7 international databases, catalogues and NGO's databases:

Scichemistry

<http://scichemistry.org/ConferenceInfosByConferenceTopicId?conferenceTopicId=57>

Oxford Journals

<https://academic.oup.com/jcs/advance-articlepdf/doi/10.1093/jcs/csz078/30096829/csz078.pdf>

Conference alerts

<https://conferencealerts.com/show-event?id=215370>

<https://www.sciencedz.net/en/conference/57625-10thinternational-conference-after-communism-east-and-west-underscrutiny>

Intraders

<https://www-intradersorg>.

cdn.ampproject.org/v/s/www.intraders.org/news/romania/10th-international-conference-after-communism-east-and-westunderscrutiny/amp/?amp_js_v=a2&_gsa=1&usqp=mq331AQCKAE%3D#ah=15737604302246&referrer=https%3A%2F%2Fwww.google.com&_tf=De%20pe%20%251%24s&share=https%3A%2F%2Fwww.i

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ntraders.org%2Fnews%2Ffromania%2F10th-internationalconference-after-communism-east-and-west-under-scrutiny%2F

10 times

<https://10times.com/after-communism-east-and-west-under-scrutiny>

The conference alerts

<https://theconferencealerts.com/event/46428/10th-internationalconference-after-communism-east-and-west-under-scrutiny>

Scirea

<https://www.scirea.org/ConferenceInfosByConferenceCountryId?conferenceCountryId=75>

CEPOS Conference 2019

The Ninth International Conference After Communism. East and West under Scrutiny (Craiova, House of the University, 29-30 March 2019) was evaluated and accepted for indexing in 6 international databases, catalogues and NGO's databases:

Oxford Academic Journal of Church & State <https://academic.oup.com/jcs/article-abstract/60/4/784/5106417?redirectedFrom=PDF>

10 Times

<https://10times.com/after-communism-east-and-west-under-scrutiny>

Conference Alerts

<https://conferencealerts.com/show-event?id=205682>

Researchgate

https://www.researchgate.net/publication/327905733_CEPOS_9TH_INTERNATIONAL_CONFERENCE_AFTER_COMMUNISM_EAST_AND_WEST_UNDER_SCRUTINY_2019?iepl%5BviewId%5D=sjcOJrVCO8PTLapcfVciZQsb&iepl%5Bcontexts%5D%5B0%5D=publicationCreationEOT&iepl%5BtargetEntityId%5D=PB%3A327905733&iepl%5BinteractionType%5D=publicationCTA

The Free Library

<https://www.thefreelibrary.com/9th+INTERNATIONAL+CONFERENCE+AFTE+R+COMMUNISM.+EAST+AND+WEST+UNDER...-a0542803701>

Science Dz.net

<https://www.sciencedz.net/conference/42812-9th-international-conference-after-communism-east-and-west-under-scrutiny>

CEPOS Conference 2018

The Eighth International Conference After Communism. East and West under Scrutiny (Craiova, House of the University, 23-24 March 2018) was evaluated and accepted for indexing in 15 international databases, catalogues and NGO's databases:

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Conference Alerts, <https://conferencealerts.com/show-event?id=186626>

Sciencesdz, <http://www.sciencedz.net/conference/29484-8th-international-conference-after-communism-east-and-west-under-scrutiny>

ManuscriptLink, <https://manuscriptlink.com/cfp/detail?cfpId=AYAXKVAR46277063&type=event>

Maspolitiques, <http://www.maspolitiques.com/ar/index.php/en/1154-8th-international-conference-after-communism-east-and-west-under-scrutiny>

Aconf, https://www.aconf.org/conf_112399.html

Call4paper, <https://call4paper.com/listByCity?type=event&city=3025&count=count>

Eventegg, <https://eventegg.com/cepos/>

10 times, <https://10times.com/after-communism-east-and-west-under-scrutiny>

Biblioteca de Sociologie, <http://bibliotecadesociologie.ro/cfp-cepos-after-communism-east-and-west-under-scrutiny-craiova-2018/>

Science Research Association
<http://www.scirea.org/topiclisting?conferenceTopicId=5>

ResearcherBook <http://researcherbook.com/country/Romania>

Conference Search Net, <http://conferencesearch.net/en/29484-8th-international-conference-after-communism-east-and-west-under-scrutiny>

SchoolandCollegeListings,
<https://www.schoolandcollegelistings.com/RO/Craiova/485957361454074/Center-of-Post-Communist-Political-Studies-CEPOS>

Vepub conference, <http://www.vepub.com/conferences-view/8th-International-Conference-After-Communism.-East-and-West-under-Scrutiny/bC9aUE5rcHN0ZmpkYU9nTHJzUkRmdz09/>

Geopolitika Hungary, <http://www.geopolitika.hu/event/8th-international-conference-after-communism-east-and-west-under-scrutiny/>

CEPOS Conference 2017

The Seventh International Conference After Communism. East and West under Scrutiny (Craiova, House of the University, 24-25 March 2017) was evaluated and accepted for indexing in 10 international databases, catalogues and NGO's databases: Ethic & International Affairs (Carnegie Council), Cambridge University Press-<https://www.ethicsandinternationalaffairs.org/2016/upcoming-conferences-interest-2016-2017/>

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ELSEVIER GLOBAL EVENTS
LIST <http://www.globaleventslist.elsevier.com/events/2017/03/7th-international-conference-after-communism-east-and-west-under-scrutiny>
CONFERENCE ALERTS-<http://www.conferencealerts.com/show-event?id=171792>
10TIMES.COM-<http://10times.com/after-communism-east-and-west-under-scrutiny>
Hiway Conference Discovery System-
<http://www.hicds.cn/meeting/detail/45826124>
Geopolitika (Hungary)-<http://www.geopolitika.hu/event/7th-international-conference-after-communism-east-and-west-under-scrutiny/>
Academic.net-<http://www.academic.net/show-24-4103-1.html>
World University Directory-
<http://www.worlduniversitydirectory.com/conferencedetail.php?AgentID=2001769>
Science Research Association-
<http://www.scirea.org/conferenceinfo?conferenceId=35290>
Science Social Community-<https://www.science-community.org/ru/node/174892>

CEPOS Conference 2016

The Sixth International Conference After Communism. East and West under Scrutiny (Craiova, House of the University, 8-9 April 2016) was evaluated and accepted for indexing in the following international databases, catalogues and NGO's databases:

ELSEVIER GLOBAL EVENTS-
<http://www.globaleventslist.elsevier.com/events/2016/04/6th-international-conference-after-communism-east-and-west-under-scrutiny/>
Oxford Journals – Oxford Journal of Church & State-
<http://jcs.oxfordjournals.org/content/early/2016/02/06/jcs.csv121.extract>
Conference Alerts-<http://www.conferencealerts.com/country-listing?country=Romania>
Conferences-In - <http://conferences-in.com/conference/romania/2016/economics/6th-international-conference-after-communism-east-and-west-under-scrutiny/>
Socmag.net - <http://www.socmag.net/?p=1562>
African Journal of Political Sciences-
http://www.maspolitiques.com/mas/index.php?option=com_content&view=article&id=450:-securitee-&catid=2:2010-12-09-22-47-00&Itemid=4#.VjUI5PnhCUk
Researchgate-
https://www.researchgate.net/publication/283151988_Call_for_Papers_6TH_International_Conference_After_Communism_East_and_West_under_Scrutiny_8-9_April_2016_Craiova_Romania
World Conference Alerts-
<http://www.worldconferencealerts.com/ConferenceDetail.php?EVENT=WLD1442>
Edu events-<http://eduevents.eu/listings/6th-international-conference-after-communism-east-and-west-under-scrutiny/>
Esocsci.org-<http://www.esocsci.org.nz/events/list/>
Sciencedz.net-<http://www.sciencedz.net/index.php?topic=events&page=53>

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Science-community.org-http://www.science-community.org/ru/node/164404/?did=070216

CEPOS Conference 2015

The Fifth International Conference After Communism. East and West under Scrutiny (Craiova, House of the University, 24-25 April 2015) was evaluated and accepted for indexing in 15 international databases, catalogues and NGO's databases:

THE ATLANTIC COUNCIL OF CANADA, CANADA-
<http://natocouncil.ca/events/international-conferences/>
ELSEVIER GLOBAL EVENTS LIST-
<http://www.globaleventslist.elsevier.com/events/2015/04/fifth-international-conf>
GCONFERENCE.NET-
http://www.gconference.net/eng/conference_view.html?no=47485&catalog=1&ata=018&co_kind=&co_type=&pageno=1&conf_cata=01
CONFERENCE BIOXBIO-<http://conference.bioxbio.com/location/romania>
10 TIMES-<http://10times.com/romania>
CONFERENCE ALERTS-<http://www.conferencealerts.com/country-listing?country=Romania>
<http://www.iem.ro/orizont2020/wp-content/uploads/2014/12/lista-3-conferinte-internationale.pdf>
<http://sdil.ac.ir/index.aspx?pid=99&articleid=62893>
NATIONAL SYMPOSIUM-
<http://www.nationalsymposium.com/communism.php>
SCIENCE DZ-<http://www.sciencedz.net/conference/6443-fifth-international-conference-after-communism-east-and-west-under-scrutiny>
ARCHIVE COM-http://archive-com.com/com/c/conferencealerts.com/2014-12-01_5014609_70/Rome_15th_International_Academic_Conference_The_IISES/
CONFERENCE WORLD-<http://conferencesworld.com/higher-education/>
KNOW A CONFERENCE KNOW A CONFERENCE-
<http://knowaconference.com/social-work/>
International Journal on New Trends in Education and Their Implications (IJONTE) Turkey <http://www.ijonte.org/?pnum=15&>
Journal of Research in Education and Teaching Turkey-
<http://www.jret.org/?pnum=13&pt=Kongre+ve+Sempozyum>
CEPOS CONFERENCE 2015 is part of a "consolidated list of all international and Canadian conferences taking place pertaining to international relations, politics, trade, energy and sustainable development". For more details see <http://natocouncil.ca/events/international-conferences/>

CEPOS Conference 2014

The Fourth International Conference After Communism. East and West under Scrutiny, Craiova, 4-5 April 2014 was very well received by the national media and successfully indexed in more than 9 international databases, catalogues and NGO's databases such as:

American Political Science Association, USA-
<http://www.apsanet.org/conferences.cfm>;
Journal of Church and State, Oxford-

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<http://jcs.oxfordjournals.org/content/early/2014/01/23/jcs.cst141.full.pdf+html>;
NATO Council of Canada (section events/ international conferences), Canada,
<http://atlantic-council.ca/events/international-conferences/>
International Society of Political Psychology, Columbus, USA-
http://www.ispp.org/uploads/attachments/April_2014.pdf
Academic Biographical Sketch,
<http://academicprofile.org/SeminarConference.aspx>;
Conference alerts, <http://www.conferencealerts.com/show-event?id=121380>;
Gesis Sowiport, Koln, Germany, <http://sowiport.gesis.org/>; Osteuropa-Netzwerk,
Universität Kassel, Germany, http://its-vm508.its.uni-kassel.de/mediawiki/index.php/After_communism:_East_and_West_under_scrutiny:_Fourth_International_Conference
Ilustre Colegio Nacional de Doctores y Licenciados en Ciencias Políticas y Sociología, futuro Consejo Nacional de Colegios Profesionales, Madrid,
<http://colpolsocmadrid.org/agenda/>.



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Text Font: Times New Roman: 10,5

Reference citations within the text Please cite within the text. Use authors' last names, with the year of publication.

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To cite one Article by the same author(s) in the same year use the letters a, b, c, etc., after the year. E.g.: (Olimid, 2009a:14) (Olimid, 2009b: 25-26).

References:

The references cited in the Article are listed at the end of the paper in alphabetical order of authors' names.

References of the same author are listed chronologically.

For books

Olimid, A. P. (2009a). *Viața politică și spirituală în România modernă. Un model românesc al relațiilor dintre Stat și Biserică*, Craiova: Aius Publishing.

Olimid, A. P. (2009b). *Politica românească după 1989*, Craiova: Aius Publishing.

For chapters in edited books

Goodin, R. E. (2011). The State of the Discipline, the Discipline of the State. In Goodin, R. E. (editor), *The Oxford Handbook of Political Science*, Oxford: Oxford University Press, pp. 19-39.

For journal Articles

Georgescu, C. M. (2013a). Qualitative Analysis on the Institutionalisation of the Ethics and Integrity Standard within the Romanian Public Administration. *Revista de Științe Politice. Revue des Sciences Politiques*, 37, 320-326.

Georgescu, C. M. (2013b). Patterns of Local Self-Government and Governance: A Comparative Analysis Regarding the Democratic Organization of Thirteen Central and Eastern European Administrations (I). *Revista de Științe Politice. Revue des Științe Politice*, 39, 49-58.

Tables and Figures

Tables and figures are introduced in the text. The title appears above each table.

E.g.: Table 1. The results of the parliamentary elections (May 2014)

Proposed papers: Text of the Article should be between 4500-5000 words, single spaced, Font: Times New Roman 10,5, written in English, submitted as a single file that includes all tables and figures in Word2003 or Word2007 for Windows.

All submissions will be double-blind reviewed by at least two reviewers.