

An aerial, top-down view of a circular courtyard. The courtyard is surrounded by multi-story buildings with red facades and ornate, dark metal balconies. The buildings are arranged in a circular pattern, creating a central open space. The architecture is classical, with arched windows and decorative moldings. The overall scene is vibrant and detailed, showing the intricate design of the courtyard's architecture.

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FACULTY OF SOCIAL SCIENCES
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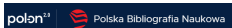


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Social Networks in politics and administration

Virgil Stoica¹⁾, Nicoleta Loghin Dumitriu²⁾

Abstract:

Recognized as a tool with significant implications in the social order, social networks represent the electronic interface for the exchange of information on topics and common interests between governments and citizens. **The purpose** of this article is to analyze how social networks contribute to political and administrative processes through the diversity of roles with functional potential in the sphere of citizen mobilization and involvement. **The objective** is to investigate how social networks facilitate interaction and involvement between politics, administration and citizens, how public organizations use these tools and for what purposes. The applied **methodology** is summarized in the literature review, and to support our claims regarding the importance of social networks in political and administrative processes, we present official statistical data. We **conclude** with the need to address issues such as intergovernmental relations, the influence of social networks and the role of citizens, without neglecting the associated risks.

Keywords: *e-government, social networks, e-interface, e-participation, employment.*

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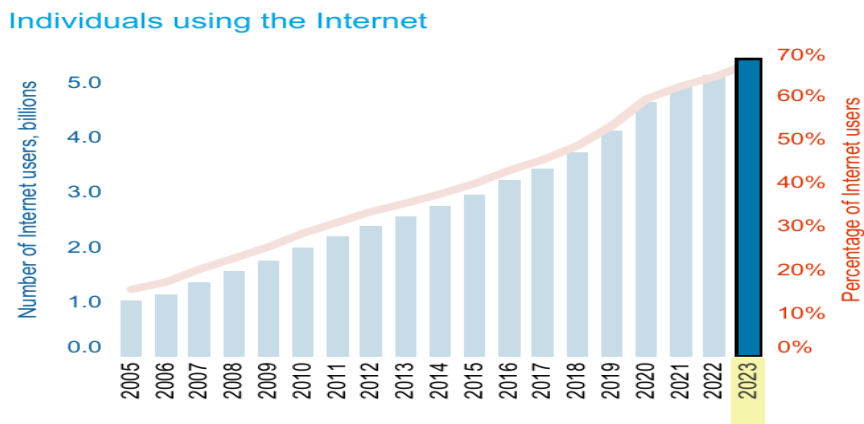
Electronic Government and Social Networks in Politics and Administration

In the digital age, similar to the emergence of other technological innovations in the past, society is attracted by the prospect of a radical transformation: it can transcend time, space and politics.

Considered as a public network that provides global population access to various communication services, the Internet mediates facilities such as the World Wide Web and the transmission of e-mail, news, entertainment and data files, regardless of the device used. The availability of data and information across multiple delivery channels, ensuring broad coverage in a language that citizens agree on, are functional conditions and objectives of e-government in ensuring transparent systems and services that citizens use and can had confidence (Carbo & Williams, 2004).

As indicators of the degree of penetration and influence of social networks in various communities and geographical regions, we will use statistics to highlight the connection between e-government, social networks as an electronic interface between citizens and administration. We will also highlight changes in user preferences and analyze the ways in which they interact with political and administrative content through engagement and e-participation. We will present potential risks such as the spread of misinformation, political manipulation on social platforms, as well as the possible vulnerabilities of democratic processes to external influences and nefarious practices on social networks.

Statistics of the International Telecommunication Union (ITU, 2023), indicate about 5.4 billion people (67% of the world's population) who use the Internet, 1.7 billion more than in 2018, when the number of users was 3, 7 billion ie 45% of the world's population. A graphical representation of the ITU for 2023 is shown below (Fig.1):



Source: ITU

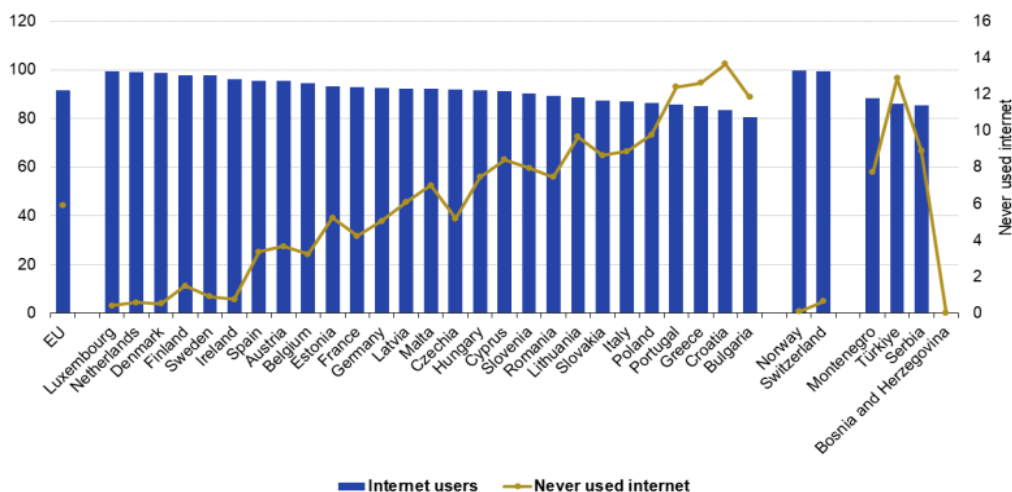
Fig. 1. People using the Internet (ITU, 2023)

As access to the Internet expands, it directly contributes to the increase in the use of social networks and the increase of the population's involvement in these online

Social Networks in Politics and Administration

environments. The number of social media users has increased significantly as the population has become familiar with the social media platforms they use to communicate, share information and interact with others, with social media exerting an increasing influence on daily life.

Internet users and non internet users, 2023



Source: isoc_ci_ifp_iu

eurostat

Fig. 2. Internet users and non-users, 2023

There is, however, a significant part of the global population, namely 2.6 billion people who do not benefit from this facility (ITU, 2023). At the level of the European Union (Fig. 2) only 59% of the population participates, and countries such as Denmark with 91%, Cyprus (83%) and Hungary (81%) have an active population in the use of the Internet, followed by France (44%), Germany (49%) and Italy (53%) with lower participation weights [Eurostat, 2024].

The use of Web 2.0 technologies influences the self-expression and participation of citizens in government activities (Bødker & Zander, 2015), and e-participation involves the use of information and communication technologies (ICT) to support the communication and interaction of individuals with other people, communities, public authorities and government in general (Scott, Delone & Golden, 2011).

Largely dependent on the share of Internet users, the use of social networks (and social media in general) in public and government organizations is analyzed by authors who see social networks as a powerful tool in opening up and increasing citizen participation (Nica, Popescu, Nicolaescu & Constantin, 2014).

Social networks, administration - citizens electronic interface

The concept of social networks represents a broader perspective and its nature, with an emphasis on the connections between people and the interpersonal relationships that bind them, referring to social networks in their classical sense in which individuals

interact and connect with others forming networks of "people (friends, acquaintances, colleagues) connected by interpersonal relationships" (Webster-Merriam, 2015).

In politics and administration social networks are understood as specific Web 2.0 technological tools that are used to encourage engagement with citizens (García, Criado, Téllez, 2017). We are therefore talking about the functional aspect and their role. Social platforms facilitate interaction and engagement between politicians, administration and citizens, ensuring an improvement in the provision of "public electronic service" that includes most of the concepts used to designate electronic interfaces between governments and citizens (Lindgren, 2013).

Seen as a true digital channel of communication, governments can use social media to promote transparency, accountability and civic engagement, thus strengthening their trust and legitimacy in the perception of citizens. It is shown that any political content posted on social networks can attract citizens' attention and involve them if the topics are meaningful and of interest to them (Bonsón, Royo & Ratkai, 2015).

Worldwide, social media platforms are used by more than two-thirds of internet users (Fig.3), placing the Facebook platform in user preferences.

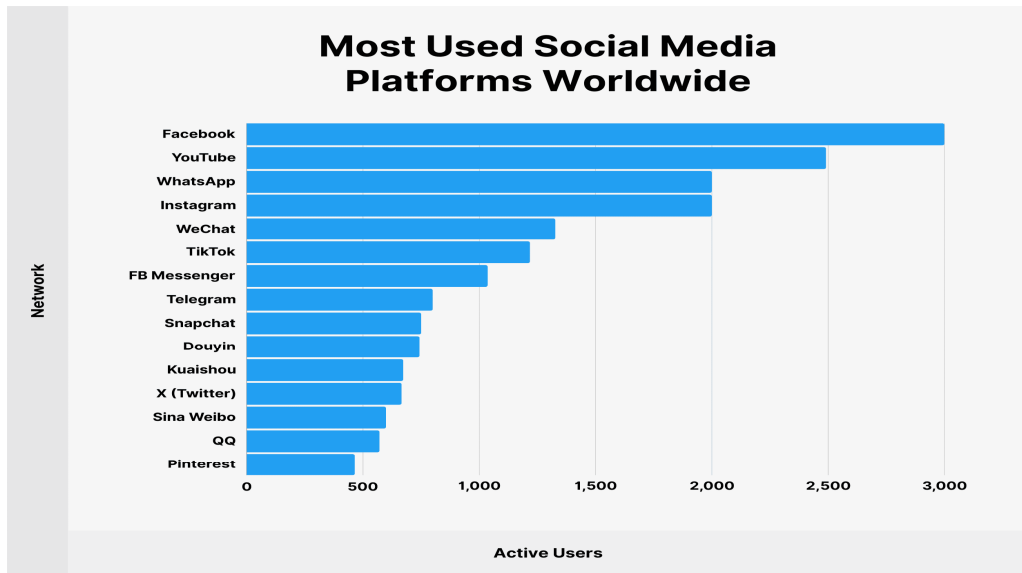


Fig. 3. The most used social media platforms worldwide in 2023; Source: Statista, 2023

With 1.98 billion daily active users in 2022, the Facebook platform registers an increase of approximately 54 million compared to 2021 (Ahlgren, 2023), and in 2023, Facebook registers approximately three billion monthly active users, thus remaining the most used network online social network in the world. The increasing trend of the number of users of the Facebook platform is supported by data that shows that in the second quarter of 2017 it exceeded two billion active users, and in the first month of 2022 it reaches almost 330 million users with the main audience base in India and the United States with approximately 179 million users. A statistically remarkable popularity of the platform is also recorded in Indonesia and Brazil (Dixon, 2024).

Social Networks in Politics and Administration

Trends in the use of social networks in politics and administration

Virtual meetings through social networks are beginning to be seen as a method of engaging and maintaining this online involvement of citizens (Okura & Kaigo, 2016), there is a growing interest in using their potential and in administration to improve the quality of government services and to enable greater citizen involvement (Goncalves, Liu, Xiao, Chaudhry, Hosio & Kostakos, 2015).

Slovenia is among the countries that analyzed the use of Facebook in state administration organizations, based on 16 indicators measuring usage, engagement, multi-channel features and multimedia content. The results of the analysis of the 112 administrations showed that few of them had established their presence on Facebook, and for most organizations the need for improvements was found (Mital, 2020).

What role do social networks play in mobilizing and involving citizens in political and administrative processes?

The benefits of existing and emerging information and communication technology, including social networks that facilitate the administration's involvement of citizens in the decision-making process, are recognized (Alzouma, 2015). The better the government and citizens understand the benefits of involvement, the more responsible governance and economic development will be achieved (Mejabi & Fabgule, 2013). Citizen involvement is seen as important not only for the visibility and election of the candidate if we refer to political actions, but also for debating his policies with citizens (Missingham, 2011). Some researchers believe that Internet-related resources play a key role in explaining political and social engagement among Internet users, and that there is a positive relationship between levels of e-government development and citizen engagement in citizen consultation and petitions (Vicente & Novo, 2014). Relevant results in the field of e-government indicate a steady increase in the predominance of social networks among citizens (Chui, Manyika, Bughin, Dobbs, Roxburgh, Sarrazin, Sands & Westergren, 2012). Government institutions are also increasingly experimenting with social technology to communicate with citizens (Goncalves, et.al., 2015).

The role of social networks from promoting government transparency to enhancing interaction between citizens, other relevant parties and public administrators (Mossberger, Wu & Crawford, 2013), can impact the adoption and implementation of e-government (Cotterill & King, 2007). The literature examines how various functions of government promote civil society, engagement on Facebook pages, and how dysfunctions in government operations unintentionally discourage engagement (Dwivedi, Rana, Tajvidi, Lal, Sahu & Gupta, 2017). From e-participation with reference to social networks (Alarabiat, Soares & Estevez, 2016), to government transparency (Boudjelida, Mellouli & Lee, 2016), its accountability (Bertot, Jaeger & Grimes, 2012) and the use of Web 2.0 technologies in e-governance (Dixon, 2010), we find in the literature demonstrated the remarkable ability of social media as a network of social interactions to connect an extensive and diverse population generating increasing active participation, greater commitment from local and national administration, rapid communication and more effective with citizens.

Influences of the use of social networks in politics and administration

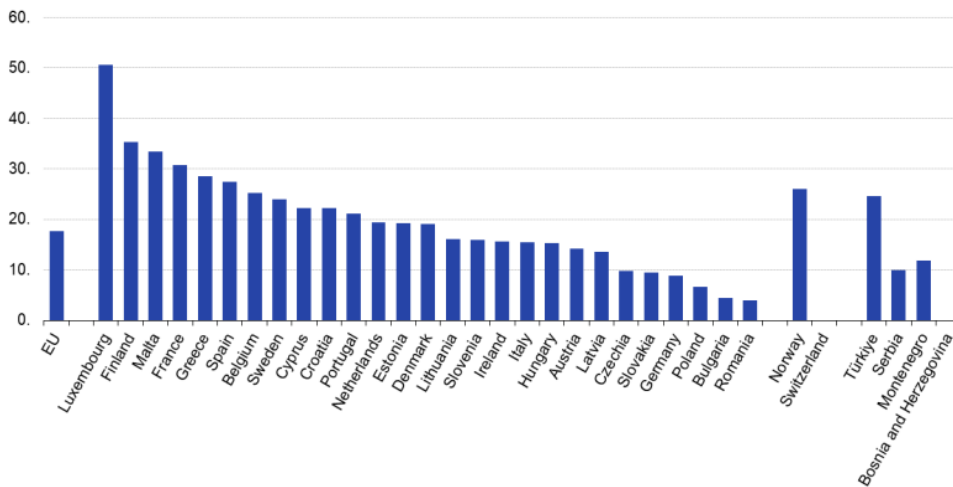
In politics and administration, there is not a great desire to exploit the potential of social networks (including social media), even though statistically social networks are among the most powerful tools with implications in the social order. From a marketing

tool for involving users in the development of new products and services, the use of social networks in the exchange of information on common topics and interests can have predictable potential both in politics and in administration.

Many of the current challenges from economic pressures, social tensions, global competition and low public trust, increasingly complex and interdependent public objectives that governments can no longer afford to tackle alone, lead both politicians and administrations to admit that must work through networks of state and non-state actors to organize existing resources, knowledge and capacities in the pursuit of public objectives.

This new paradigm relies on e-governance to network politics, administration and citizens. And last but not least, it facilitates the provision of services to citizens. However, looking at recent statistics (Figure 4) we see that only 18% of internet users requested official documents or certificates online in 2023 from public authorities.

Request official documents or certificates (last 12 months)



Source: isoc_ciegi_ac

eurostat

Fig. 4. Requests for official documents or certificates (last 12 months), 2023

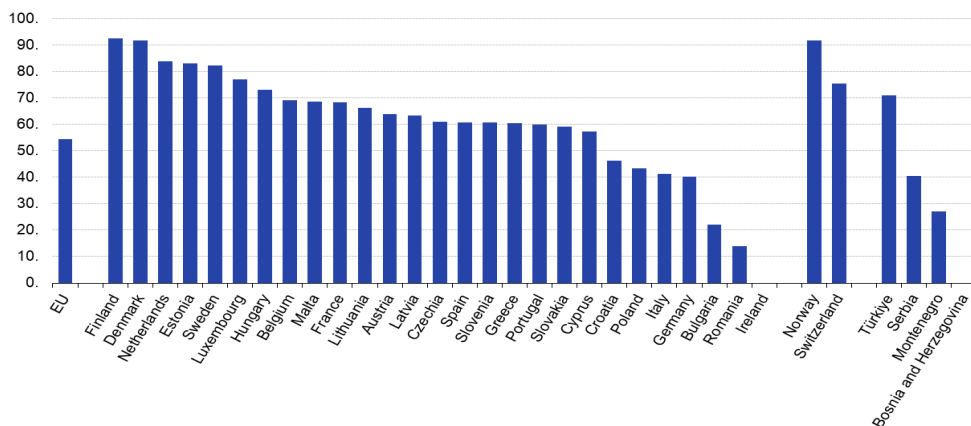
Empirical data on the use of social networks in administration is scarce compared to data on the use of social networks by citizens and public institutions. Two surveys in this area, one conducted by the United Nations (UN) and the other by the Organization for Economic Co-operation and Development (OECD), show that 61% of UN member states used social networks for electronic consultations. However, the level of uptake within a specific country has not been researched to know for example, how many public organizations use social media specifically and for what purposes?

In 2023, only 54% of internet users in the EU have interacted with public authorities in order to obtain information related to various rights such as for example the right to pension, the institution's operating schedule, health, etc. Observing the data below (Fig. 5), we see that Finland and Denmark stand out for the share of Internet users who have interacted with public authorities at 92%, followed by the Netherlands with 84%, and the

Social Networks in Politics and Administration

lowest share was reported in Romania where only 14% of internet users have interacted with public authorities.

Interaction with public authorities (last 12 months)



Source: isoc_ciegi_ac

eurostat

Fig 5: Interaction with public authorities (last 12 months), 2023;

Poor interaction is hardly a new concern. An OECD report "Government at a Glance, 2015" compared the administrations of 34 member states in various areas, including the use of social networks in executive government institutions as early as 2015 (OECD, 2015). The survey analyzed the use of two social media platforms (Facebook and Twitter) in the most important institutions of the executive power (president, prime minister or government as a whole). The results, based on 25 responses (24 from OECD member states and one from Colombia, a partner state), showed that only a minority (28%) of governments in the OECD area adopted a strategy for the use of social networks (Mikcoleit, 2015). The number of users participating in these networks undoubtedly represents an additional communication channel with important potential in the interaction of governments with citizens, but research does not reveal the level of acceptance in certain countries.

How can social networks facilitate interaction and engagement between politics, administration and citizens?

Although some research contested or significantly minimized the impact of the use of information systems in governments (Norris & Kraemer, 1996), currently we can speak of an increasing impact directly proportional to the use of information technologies in administration. Technological innovations as the engine of radical changes in society influence the orientation towards new and dynamic ways of interacting, accessing information and connecting with others through the use of online tools.

Looking at some data by region (Table 1), regarding online involvement in development processes in Europe, Asia, Africa, America and the 14 countries in the Pacific Ocean, we observe variations in the use of online consultation and deliberation tools. Although they are data from 2018, we consider a brief analysis necessary:

Table 1. Number of countries using online engagement tools in 2018 by region (Petrosyan, 2023).

<i>Characteristic</i>	<i>Portal with social networking tools</i>	<i>Portal with e-tools for public consultation/ deliberation</i>	<i>Recent use of online consultation/ deliberation tools for development</i>	<i>No online engagement tools/activities available</i>
Europe	42	39	40	0
Asia	42	35	40	1
Africa	46	24	46	2
Americas	35	32	34	0
Oceania	12	5	12	0

1. *Presence of online engagement tools:* Europe and Asia have a high presence of portals with social media tools (42% and 42%) and electronic tools for public consultation/deliberation (39% and 35% respectively). Africa also with 46% portals with social media tools and 24% electronic tools for public consultation/deliberation. America compared to Europe and Asia, with 35% portals with social networking tools and 32% electronic tools for public consultation/deliberation, has a slightly lower presence. The 14 Pacific Islands region has the lowest presence of online engagement tools among the regions analyzed.

2. *Recent use of online consultation / deliberation tools:* Africa stands out with 46% recent use of online consultation / deliberation tools for development. Asia closely follows Africa with 40% use of online consultation / deliberation tools. In Europe we have significant use of these instruments, respectively 40%. In the Americas we have a lower level of use compared to the other regions, this is highlighted by 34% use of online consultation/deliberation tools. In the region of the 14 countries of the Pacific Islands we observe the lowest percentage of recent use of online consultation / deliberation tools among the listed regions, at only 12%.

3. *Comparison between regions:* Africa has a strong presence of online engagement tools and a high percentage of recent use of online consultation / deliberation tools, which may indicate proactive openness in using digital tools for development. Europe and Asia with similar levels of presence of online engagement tools, are overtaken by Africa in recent use of online consultation / deliberation tools. Compared to the other regions, America ranks last in both the presence of online engagement tools and the recent use of online consultation/deliberation tools. The results indicate variation in the adoption and use of online engagement tools for development across these regions, with Africa scoring higher on recent use, followed by Asia and Europe, while the Americas and Pacific Island countries show lower levels of engagement.

Although we have touched upon the involvement of users of online tools, we consider these aspects relevant and generally valid. Extrapolating to politics and administration, we can anticipate, based on statistics, developments and trends, taking into account of course other variables and factors that could exert influence.

Social Networks in Politics and Administration

The limits of social networks (in the political process)

The e-government literature refers to the limitations of the contribution of information and communication technology with influences on supporting governments in providing information and services (Heeks, 1999; Heeks, 2001), on different priorities in setting government strategies (Torres, Pina & Acerete, 2005), and of the lack of in-depth analyzes of the political nature of the e-government development processes. A deeper recognition of complex political and institutional environments is often suggested.

Simultaneously with the remarkable opportunities for encouraging citizen participation that social networks offer, it is necessary to pay attention to the possibilities of influencing access and virtual interaction and how to influence the results of citizen engagement in these spaces (Hercheui, 2011a). Social networks are systems developed and owned by third parties whose interests are to grow and maintain their user base in a competitive business environment and where Facebook for example "was just valued at ~\$103 billion (Facebook's IPO prospectus) in a final private market transaction prior to the IPO" (Blodget, 2012).

There is a risk of the formation of new types of censorship and surveillance (Mosco, 2004) and new digital political struggles (Johnston, Lorana & Gusfield, 1993). Internet interactions can become tools of citizen surveillance and control in specific environments where institutions are perceived to be omnipresent in an authoritarian way (Castells, 2001). Contrary to the view that sites are open spaces for democratic debate, there are instances where governments have called for groups or images to be banned or messages to be deleted (Halliday, 2011b), or to block access to social networking sites for a variety of reasons. An example of this is Britain's response to the riots in August 2011, when social media was believed to be the medium for riots to take place and the UK Prime Minister announced to Parliament that the government intended to ask for a temporary blocking of access to the networks social (Halliday, 2011a). Another example is that of the Chinese government that has banned most "western" social media sites; the example of Pakistan which banned the Facebook platform for a few days in 2010, only to return in 2011 with a High Court order to permanently block access to Facebook. The petitioner claimed that Islamic values are being abrogated in the name of freedom of information, affecting the faith of millions of Muslims (The Express Tribune, 2011).

The latest signals about the privacy risks of owned social media platforms come from the Dutch Data Protection Authority (DPA) which advises the Dutch Ministry of the Interior not to rely on Facebook pages to communicate with citizens unless it has an "idea clear about how Facebook uses the personal data of people who visit government pages" (Browne, 2024).

Research directions of social networks in policy and administration

A better understanding of the challenges but also of the specific alternatives that citizens and governments may have when transforming traditional ways of governance and governance based on current technologies. The need to explore potential conflict and cooperation in intergovernmental information exchanges, analyze the causes that lead to the failure of e-government projects, and study virtual interactivity between citizens and government feedback systems (Scholl, 2002).

Studies to explore and explain the processes and patterns of participation in e-government projects by testing claims against empirical data. Research to facilitate understanding of e-government processes and policy (Aldrich, et.al., 2002). Field

research to analyze the real needs, the problems for which e-government is the solution, the need for government reform and administrative control, and actions aimed at aspects of administrative behavior (Goodsell, 1997).

Conclusions

E-governance is not just limited to the use of existing and emerging technologies in government policies. Old and new concerns in politics and administration, from intergovernmental relations, influences of e-government, the role of social media in the development of e-government, and the appropriate roles of citizens in the development of e-government, to the ways in which politicians and public institutions use social media platforms to communicate with citizens and to manage the relationship with them. Despite the remarkable opportunities that social networks offer in encouraging citizen participation and facilitating communication between governments and citizens, there are risks associated with the privacy of personal data. A careful and responsible approach is required in the use of social media platforms for the official communication of governments with citizens, rigorous assessment of how these platforms manage users' personal data to ensure compliance with data protection rules and their privacy.

Authors' Contribution:

The authors contributed equally to this work

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ORIGINAL PAPER

Multifaceted Assistential Identity

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Abstract:

The tendency to change, towards a multifaceted identity, becomes an inherent quality of social work. Social work and assistance as an independent subject was formed at the intersection of several fields, including psychology, sociology, medicine, political science, etc. In this respect, we mention the multitude of roles that a practicing social worker fulfils, among which we mention the role of counselor. In general, social workers use a variety of counseling approaches to help individuals, families, and communities overcome their challenges and enhance their quality of life. Establishing the therapeutic relationship is an essential part of the counseling process, for a positive change in the client's life, which means gaining trust, feeling comfort and safety, inherent steps for sharing personal information with the counselor. The present exploratory study was carried out by applying qualitative methods: interview and focus group, to a sample of 10 specialists in psycho-social counseling, from Caraș-Severin county. The examples of good practices highlighted during the meetings served as support for concretizing the importance of building an effective therapeutic relationship.

Keywords: *Multifaceted identity; social assistance; counseling; therapeutic relationship; trust relationship; professional roles.*

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Introduction

The delimitation of social assistance as a profession is based on a system of fundamental values, essential in the constitution of this subject from a methodological point of view, because it guides the activity of social workers and enables them to provide quality services to vulnerable people. As components of this value system, we recall the respect for fundamental human rights, the dignity and integrity of the human being, the recognition of democracy as an essential requirement of social life. (CNASR, 2007). According to the author Dumitrașcu, in nursing practice it is important to interweave the skills of communication for social workers, referring to the ability to listen actively, respond empathetically and clarify information, in interdependence with the skills methodological skills, which include the ability to identify problems, to investigate, to work in a team, and to research and write in a scientific manner (Dumitrașcu, 2012).

In the helping process, the social worker helps the clients to overcome their life difficulties, meet their psychosocial needs and feel safe and comfortable during work sessions. To achieve this, both theoretical knowledge and certain practical skills are used, selected and adapted according to the characteristics, needs and context of each situation. Social assistance as an independent subject was formed at the intersection of several fields: psychology, sociology, medicine, political science, etc. In strengthening this idea, we mention the multitude of roles that a practicing social worker fulfills, given the fact that this profession looks at the client as a "system", aiming at the whole of emotions, feelings, targeted problems, internal and external resources, including the environment and the community in which he lives. Against this background, we use the term "social worker" or "counselor" to refer to a specialist accredited to provide help in the form of psycho-social counseling. (US Bureau of Labor Statistics; Social Work Haven)

Among the essential forms of intervention through which specialised help is offered, we should highlight the counseling activity, borrowed as a resource from psychology, characterized as "a professional helping relationship, based on trust and respect, between a qualified counselor and a person facing a problem or a difficulty". (American Counseling Association) Counseling is a professional process that involves assisting individuals or groups in solving problems, making decisions, developing skills and managing personal or professional difficulties. This may include various approaches and techniques meant to provide emotional support, guidance and practical solutions in various areas such as mental health, education, career or interpersonal relationships. The International Association for Counseling (IAC) defines counseling as "an educational, preventive and curative intervention aimed at developing human potential and increasing problem-solving capacity", while the European Association for Counseling (EAC) refers to "a process of supporting and professional guidance that helps people understand and solve their problems".

Diverse approaches to counseling in social work

There are different types of counseling in social work, each with its own focus and approach. Some of the more common types of counseling in social work include:

- **Marriage and family counseling:** this type of counseling focuses on helping couples and families resolve conflicts and improve communication skills

- Career guidance and counseling: this type of counseling helps individuals identify their strengths and interests and make informed decisions about their education and career path.
- Rehabilitation counseling: this type of counseling helps people with disabilities or chronic illnesses overcome barriers to employment and achieve greater independence
- Substance abuse counseling: this type of counseling helps people overcome addiction and develop strategies for maintaining sobriety
- Mental health counseling: this type of counseling helps people deal with mental health issues such as depression, anxiety, and trauma.
- Crisis counseling: this type of counseling provides immediate support and intervention to people experiencing a crisis or traumatic event.
- Group counseling: this type of counseling involves bringing people with similar challenges or experiences together to share their thoughts and feelings and provide mutual support
- School counseling: this type of counseling helps pupils and students overcome academic, social, and emotional challenges and develop skills to succeed in school and beyond
- Community counseling: this type of counseling focuses on improving the well-being of communities by addressing social and economic issues and promoting social justice. (Fatma, 2021; US Bureau of Labor Statistics ; Drobot, 2013)

In general, social workers use a variety of counseling approaches to help individuals, families, and communities overcome challenges and enhance their quality of life.

Principles of counseling

Counseling in social work is guided by several principles that form the foundation of ethical and effective practice. These principles include:

- Self-determination: a fundamental principle of social assistance. It emphasizes the importance of granting respect and autonomy to people seeking help. In the context of counseling, self-determination means that the recipient is the one who decides whether he wants to undergo counseling and what the goals of the counseling are. The counselor must respect the client's right to make his own decisions and help him clarify his goals.
- Confidentiality: It ensures that the information discussed during counseling is confidential and will not be disclosed without the client's consent. The adviser has an obligation to keep the information received from the client confidential, unless it is necessary to protect the safety of the client or others.
- Empathy: is the ability to understand and accept another's perspective. In the context of counseling, empathy is important to build a trusting relationship and help the client feel understood and accepted. The counselor must be able to understand the client's feelings and experiences and accept them without judgment.
- Validation: is the process of acknowledging and confirming another person's feelings and experiences. In the counseling context, validation is important to help the client feel understood and accepted. The counselor must validate the client's feelings and experiences, even if they are negative or difficult to accept.

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- Support: it is provided by the counselor to assist the client in the process of change. The counselor must be a source of support for the client, offering encouragement, compassion, and understanding. The counselor must be present and attentive to the client's needs and help him overcome difficulties. (Dumitraşcu, 2012; CNASR, 2007; IASW, 2018)

Building the therapeutic relationship

Counseling is based on the creation of a therapeutic relationship, often between two people, but sometimes between a number of individuals or a group and another person, called a group counselor. Key aspects of counseling are (Hough, 2010):

- it implies a relationship that is based on support;
- it is based on the principles of client empowerment;
- it is based on confidentiality
- it helps clients identify their own resources.

Studies show that counseling is a transformative process that helps people learn how to use and develop their own resources. This is because it gives beneficiaries an opportunity to explore their issues in a safe and accepting environment. The counselor can help the client understand his problems, develop new perspectives, and identify the resources he needs to cope with his situation. (Egenti, 2016; Egbo, 2013)

The study of Bordin (1979) identifies three components of the therapeutic relationship:

- Agreement: based on trust and mutual respect;
- Affiliation: based on a sense of belonging and acceptance;
- Common purpose: based on a willingness to work together to achieve a common goal.

A decade later, Horvath and Greenberg (1989) propose a model of the therapeutic relationship development, which includes the following stages:

- Training: client and counselor get to know each other and begin to build trust;
- Exploration: the client explores his or her problems and begins to develop a new perspective thereon;
- Establishment: client and counselor come to a common understanding of the issues and how they can be addressed;
- Resolution: the client achieves the set goals and ends the counseling process.

These approaches conclude that the therapeutic relationship is a complex process, influenced by a variety of factors. To build an effective therapeutic relationship, the counselor must be aware of these influences, choose an approach adapted to the specific needs of the client.

Establishing the therapeutic relationship is an essential part of the counseling process. An effective therapeutic relationship is the foundation for positive change in the client's life, which means gaining trust, feeling comfortable and safe to share personal information with the counselor. Building trust takes time and effort, and the counselor must be patient and respectful of the client. (Lockton, 2022)

The counseling space should be organized and shaped as a safe, open and accepting environment where the client feels comfortable opening up. This can be achieved by creating a warm and friendly atmosphere, active listening and expressing empathy, but without neglecting the aspects of an inviting, warm setting with specific props (e.g. toys for counseling children). (Anwar & Daino, 2023)

The counselor must not fail to apply the principle of mutual respect. This can be achieved by respecting client confidentiality, taking responsibility for your own actions and providing constructive feedback. On a similar note, in order to make the therapeutic process more efficient, the client demonstrates his or her respect for the partnership with the specialist by respecting the indications received, reciprocity in gestures, respecting appointments, punctuality, etc. (Sutton, 2021)

Last but not least, the counselor must focus on the specific needs of the client. This involves understanding the client's problems and their goals, but also making sure that there is an equivalence between the problems identified by the client and those identified by the counselor. After the priorities are clarified, the counseling approach is adapted according to them. (DeAngelis, 2019; Ardito& Rabellino, 2011; APA Principles, 2017)

Methodological dimension of the applied study

Using the applied design, the present study focused on a qualitative research, using two research methods, the interview and the focus group.

Focus group is a qualitative research method that involves a group discussion between a moderator and subjects; it is used when the researcher wants to collect data from a group of people who have common experience or opinion about a certain topic. In the present research, the choice of this method was ideal to reach an ideal number of subjects in a common context, while facilitating communication between them and the researcher, through the feeling of familiarity with the subject and by sharing individual examples from practice.

The interview is a qualitative research method that involves a conversation between a researcher and a subject. This method was a help for the specialists who could not merge at the time of the organization with the focus group, but who reported notable details for outlining some relevant conclusions. The research group was formed by 20 specialists in psycho-social counseling, either social workers or educational counselors, from Caraş-Severin County.

The purpose of the qualitative research was an exploratory one, for which the interview guide was applied to a number of 10 social workers from Caraş-Severin, starting from a simple question (How do you build the therapeutic relationship of trust with the beneficiaries?) and directing the discussion according to the degree of openness of each specialist. On the same note, the focus group made up of 10 social workers from Reşita started with the same question, later giving way to various examples from the practice of the specialists invited to take part in the study.

These analyses contribute to the comprehension and explanation of social reality from multiple perspectives. The specialists in the present epistemological approach know, through the individual theoretical study, but especially through the empirical study, the importance of establishing a relationship of trust with the beneficiary, a condition for a successful premise. Among the techniques used by social workers and educational counselors, some of the essential elements of successful communication were highlighted: a warm tone of voice, a smiling and open attitude, non-verbal and paraverbal language that avoids barriers, semi-formal clothing, in pleasant and warm colors, etc.

It was found that a good number of specialists pay special attention to the counseling practice, in order to ensure a welcoming environment with a "homy" air, decorated to trigger visual, auditory, olfactory and kinesthetical stimulation for the

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beneficiaries. Identifying during the discussion the opportunity to find out which category of beneficiaries, in relation to age, presents more skepticism, and consequently, more rigidity in the therapeutic process, the specialists who work particularly or exclusively with adults self-reported. The other "side of the barricade", consisting of specialists focused on working with children, pointed out in their turn the fact that, sometimes, even they run into the rigidity of adults, exemplifying the discussions with the parents of the beneficiaries. This aspect highlights the fact that, with age, people lose their childlike innocence and curiosity due to the fact that they encounter situations in which they lose various resources, their trust is betrayed, they have not had healthy emotional attachments with family members, and consequently, they develop coping mechanisms that act as a barrier in the professional helping process.

At the end of the work sessions, the specialists (13 social workers and 7 educational counselors) were generous to share suggestions or models of good practice, as they found a considerable success rate in the interventions carried out. Among these models, we may list an increased attention to details, both in the discourse of the beneficiaries and vis-à-vis their own therapeutic gestures and discourses. They also pointed out the fact that they worked carefully on presenting the benefits of counseling and identifying the personal resources of the beneficiaries, from a perspective in which to clarify the fact that the relationship between the specialist and the beneficiary is a reversible partnership of help, not a dynamic based on a superiority/inferiority relationship.

In lieu of conclusions

Social work counseling is a form of psycho-social intervention that provides support and guidance to people experiencing major difficulties. The social worker is a qualified professional who has knowledge and skills in sociology, psychology and communication. Counseling can be provided on an individual, family or group level. The goal of this intervention is to help people develop their coping skills, improve their quality of life, and achieve their set goals. The social worker fulfills several essential roles and responsibilities within the community or the institutions in which they work, among which the roles of educator, therapist, psychologist, mediator, lawyer, facilitator of possibilities, etc. stand out.

The assistential counselor worked closely with clients to establish counseling goals and develop an intervention plan; used a variety of techniques such as active listening, reflection, validation, problem solving and conflict resolution.

Establishing the therapeutic relationship is an essential part of the counseling process. An effective therapeutic relationship is essential for positive change in the client's life, which means trust, to feel comfort and safety, to open up and share personal information with the counselor. Building trust requires time and effort, the counselor must be patient, respect the client's decisions.

Authors' Contributions

The authors contributed equally to this work.

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Multifaceted Assistential Identity

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ORIGINAL PAPER

Application of the Convention for Services Abroad of Judicial and Non-Judicial Acts on Civil and Commercial Matters in Republic of North Macedonia

Fisnike Bekteshi Shaqiri¹⁾

Abstract:

The purpose of this scientific paper is paying attention to the application of a very important convention, which during the period of intensification of the mutual physical and legal relations in the foreign element, enables a significant facilitation in the delivery of judicial and non-judicial acts on civil or commercial matters through channels of delivery which are provided with this Convention. Of course, the main accent is the application of this Convention in the Republic of North Macedonia and the supplies or statements provided during its signing and ratification.

Keywords: *judicial acts, convention, channels of delivery, requests, commercial matters.*

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Application of the Convention for Services Abroad of Judicial and Non-Judicial Acts on Civil and Commercial Matters in Republic of North Macedonia

1. The aim of the Convention for delivery of judicial and non-judicial acts on civil or commercial matters abroad

The development of legal systems depends on the level of the legal culture in the countries in terms of respecting the international obligations undertaken by international agreements. The cross-border cooperation on the civil and commercial matters represents one of the most significant segments in developing the cooperation between countries. The coordination of the legal systems in these cases enables a legal certainty, and facilitates the everyday life and function of a huge number of physical and legal entities. In the center of development of these relations is the Hague Conference for International Private Law, who, with its instruments, in a period longer than 125 years has relieved the cross-border cooperation between 150 states which are part of some of its Conventions as well as between 90 states member of this international organization. The European Union is a member of this international organization as the Regional Organization for Economic Cooperation (ROEC) and thus some of these instruments are part of its legal order. This has a significant importance for Republic of North Macedonia regarding the compliance of our legal system with the EU law .(Rupanchevski : 2022)

Republic of North Macedonia accessed the Convention for delivery of judicial and non-judicial acts on civil and commercial matters abroad on 23.12.2008, which entered into force on 01.09.2009, otherwise this Convention is known by the name Convention of delivery.

The main purpose of the Convention of delivery 1965 is related to the civil and commercial matters, where there is a need to deliver judicial and non-judicial acts abroad to enable channels of delivery of acts from one contracting country to the other contracting state. This convention applies exclusively to the channels of delivery from one contracting country to the other, without going into the internal regulations regarding the delivery of acts. Thus the three main purposes of the Convention are:

- a) Establishing a system that will deliver the acts, as far as possible, to a certain person in order for them to prepare their defense;
- b) Simplifying the system of delivery of these acts from one member country to the other;
- c) Enabling proof that the delivery abroad has been completed, through a confirmation provided in an uniform form.

2. The relationship between the convention and legal order of Republic of North Macedonia

After signing and ratifying the Convention, it is highly important to find a place for applying the legal system in the country, and the regulation of the subordination of acts has a significant importance in the process of their application. In order to fix this relationship, each country builds a hierarchy in their domestic and international legal sources. In this regard, Republic of North Macedonia starting from the highest legal act, the Constitution of Republic of North Macedonia, where it is prescribed “International agreements that are ratified in accordance with the Constitution are part of the internal legal order and can not be amended by law”.(Rumenov, :2022)

Also, the Law on courts predicts “When the court considers that the application of the law in the specific case is in contradiction with the provisions of an international agreement ratified in accordance with the Constitution shall apply the provisions from

the international agreement, under the condition so they can be directly applied". (Article 18, par. 4 from the Law)

The law on civil procedure in Chapter 12 from Part I predicts that the Courts shall provide legal assistance to foreign courts in cases foreseen by an international agreement, as well as when there is a reciprocity in providing legal assistance. In cases of doubt on the existence of mutuality, the explanation shall be provided by the Ministry of Justice.(Art. 171 par.1)

However, if the international agreement does not determine otherwise, the courts shall process requests for legal assistance from foreign courts, only if submitted through a diplomatic manner and if the requests and attachments are submitted in Macedonian language or if a certified translation of that language is attached.(Art.173)

Also, if anything else is not determined by an international agreement, the requests of domestic courts for legal assistance shall be submitted to the foreign courts in a diplomatic manner. The requests and attachments have to be submitted in the language of the state requested or they have to be accompanied by a certified translation in that language.(Art. 174)

In order to apply the Convention for delivery 1965, the following aspects must be fulfilled.(Rumenov: 2022)

1. The Act shall be sent from one member state to the other in order to execute the submission to the latter state. The right of the origin country determines if the act should be sent for delivery to another country;

2. The address of the person to whom the delivery should be made needs to be known. (in case the address is unknown, the practice depends on the member country);

3. It is a judicial or non-judicial act;

4. The act that should be submitted is related to the civil and/ or commercial matters. As long as these conditions are met, the act shall be submitted in accordance with the channels of delivery predicted by the Convention for delivery 1965, unless the countries do not use the derogative channels. (Art. 11, Art. 24 and Art. 25 of the Convention for delivery 1965)

Although the Convention predicts more channels for delivery abroad of judicial and non-judicial acts on civil and commercial matters as a main channel for delivery, alternative channel (which includes consular and diplomatic channels (direct and indirect), postal channels, direct communication of court officers, state officials or other competent people of the state of origin and the state where the act is being referred to and direct communication between the person of interest and court officials, state officials or other competent people of the state in which the act has been referred to) and Derogative channels of delivery or Additional agreements between the member states, the Republic of North Macedonia does not use all the channels for delivery, and those that are used are not in a satisfactory level either. It should be certainly noted that all the channels offer the same service and facilitation in delivering the judicial or non-judicial acts, but the choice of the channel depends on the choice of the party and the opportunities offered by the state in accordance with the possible exceptions made in the moment of signing and ratifying this Convention.

According to the Law on Ratification of the Convention for delivery 1965, the Republic of North Macedonia has designated the Ministry of Justice as the Central Authority - Department of International Assistance, whereas the Basic Courts of the Republic of North Macedonia are competent to fill out the receipt of confirmation of the documents compiled according to the form attached to the Convention.

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As for the reservations, the Republic of North Macedonia has provided a statement that the Basic Courts of Republic of North Macedonia are competent to fill the receipt confirmation of the documents compiled in accordance with the form attached to the Convention.

The authority or the court official that are competent according the internal law of the country from where the act derives shall sent to the Central Authority of the requesting country, a request form in accordance with the form attached to this Convention where legalization or such formalities shall not be required. Also the act that will be submitted shall be attached to the request form or its certified copy. The request form and letter shall be submitted in duplicate.(Article 3 of the Convention for delivery abroad of judicial and extrajudicial acts in civil or commercial matters, Official journal of RM, no. 107 from 29.08.2008)

The Central Authority of the requested state shall deliver the act itself or shall undertake measures for delivering the act:

- (a) in a way which, according to its internal law is stipulated for delivering acts of people who are located within its territory, or
- (b) in a special way on which the petitioner insists, unless it contradicts the laws of the requested country.

The act can always be delivered directly to the addressee who accepts it, except in case predicted in point (b) from the first paragraph of this Article. If the act should be submitted according the first paragraph of this Article, the Central Authority might request the act to be delivered or translated in the official language or one of the official languages of the requested country.

The part of the request form which contains a resume of the act which will be delivered, compiled according the form attached to this Convention, shall be submitted together with the act.(Article 5 of the Convention)

The Republic of North Macedonia has provided a statement that all the acts which will be submitted in accordance with Article 5 paragraph 1 of the Convention shall be written or translated into Macedonian language, according Article 7 of the Constitution of Republic of North Macedonia from 17 November 1991, where it is stated that “In the whole territory of the Republic of North Macedonia and in its international relations, the Macedonian language and its cyrilic script shall be the official language. Another language spoken by less than 20% of the citizens, that language and its script is also considered as an official language, as determined by this Article. The personal documents of the citizens who speak an official language other than the Macedonian language, shall be issued in Macedonian language and its script, as well as in that language and its script according the Law. Any citizen that resides in the communities of the local governance where less than 20% of the citizens speak an official language other than Macedonian language, in the communication with the regional units of the ministries can use any of the official languages and their script. The regional units that are competent for these communities of the local governance shall respond in Macedonian language and its cyrilic script, as well as in the official language and its script used by the citizen. While communicating with the ministries, each citizen is eligible to use one of the official languages and their scripts, and the ministries respond in Macedonian language and its cyrilic script, as well as in the official language and its script used by the citizen. In the governing state authorities in Republic of North Macedonia, another different official language other than Macedonian language can be used in accordance with the law. In addition to the Macedonian language and its cyrilic

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script, in the communities of the local governance, the language and script used by less than 20% of citizens is considered an official language. The authorities of the communities of local governance decide on the usage of languages and scripts used by less than 20% of citizens of the communities of local governance.(Article 7 of the Constitution of the Republic of North Macedonia)

As for the alternative channels, it should be noted that the Republic of North Macedonia does not apply the postal channel, direct communication between court officials, state officials or other competent people of the country of origin and the country where the act is addressed and the direct communication between the interested person and court officials, state officials or other competent people of the state where the act is addressed, whereas a statement has been issued for the diplomatic or consular channel.

- Republic of North Macedonia has issued a statement in accordance with Article 8(2) according to which within the territories of the country, the court acts can not be directly delivered through diplomatic and consular agents of another contracting country, unless the acts are not being delivered to the citizens of the country from where the acts derive.

- Republic of North Macedonia has issued a statement in accordance with Article 9, according to which the acts can be delivered indirectly through diplomatic and consular channels of dispatch, with the delivery being carried through the Ministry of Justice of Republic of North Macedonia.

Derogatory channels of dispatch are the most used channels in delivery practice of acts in Republic of North Macedonia and until now has concluded an agreement with these countries, mostly for civil cases, and with some countries for criminal cases as well:

<i>Country</i>	<i>Agreement</i>	<i>Year</i>
<i>Republic of Albania</i>	Civil and criminal cases	1998
<i>Bosnia & Herzegovina</i>	Civil and criminal cases	2014
<i>Republic of Bulgaria</i>	Civil cases	2002
<i>Republic of Romania</i>	Civil cases	2004
<i>Republic of Slovenia</i>	Civil and criminal cases	1996
<i>Republic of Turkey</i>	Civil and criminal cases	1997
<i>Republic of Croatia</i>	Civil and criminal cases	1995
<i>Republic of Ukraine</i>	Civil cases	2000
<i>Republic of Serbia</i>	Civil and criminal cases	2013
<i>Republic of Montenegro</i>	Civil and criminal cases	2016
<i>Republic of Kosovo</i>	Civil cases	2021

3. Instead of conclusion

The tables are from the system of evidence in the Ministry of Justice, as a central authority in Republic of North Macedonia.

From the tables we can see that the level of application of possibilities offered by this Convention for delivery is quite weak and that the delivery of judicial and extrajudicial acts from other countries to our country is much higher than the opposite relation.

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ORIGINAL PAPER

Enhancing Community Resilience: Social Businesses in Collaboration with Public Institutions

Oana Stăiculescu ¹⁾

Abstract:

Community resilience is defined as a community's ability to withstand, adapt to, and recover from adversity, such as natural disasters, economic downturns, or social disruptions. Building resilience requires a multifaceted approach involving various stakeholders, including public institutions, private sectors, and civil society. Social businesses-enterprises that prioritize social and environmental objectives alongside financial returns-play a crucial role in this ecosystem. Also, social businesses can work with public institutions to identify and address the needs of vulnerable communities, such as those affected by natural disasters or economic downturns. By collaborating with public institutions, social businesses can leverage resources, expertise, and networks to enhance community resilience effectively. Furthermore, collaboration between social enterprises and public institutions can help to build a more inclusive and participatory society. By involving social enterprises in the decision-making process and giving them a seat at the table, public institutions can ensure that their policies and programs are more responsive to the needs and aspirations of marginalized groups. This can help to empower local communities, enhance social cohesion, and promote greater equality and social justice. This article explores the synergies between social businesses and public institutions, highlighting a case study to illustrate this collaborative potential.

Keywords: *community resilience, social business, public institutions, collaboration, Romania*

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Introduction

Social enterprises and public institutions share a common goal of creating positive social impact and addressing societal challenges. While they may operate in different spheres – with social enterprises representing the private sector and public institutions representing the government – there is a growing recognition of the potential benefits that can arise from collaboration between the two sectors.

One of the key reasons why social enterprises and public institutions should work together is their complementary strengths and resources. Social enterprises often have a deep understanding of local communities and a strong focus on innovative solutions to social problems. On the other hand, public institutions have the necessary infrastructure, resources, and authority to scale up these solutions and make a larger impact on society.

Collaboration between stakeholders, including social businesses and public institutions, holds immense potential for achieving community well-being (Sagala et al., 2015:123-144). By leveraging the expertise, resources, and networks of both sectors, social businesses can work hand-in-hand with public institutions to address societal challenges and create sustainable solutions (Thompson et al., 2002:264-273). This collaboration can lead to improved services, increased access to resources, and more effective implementation of policies and programs. Can also enhance the accountability and transparency of public institutions by promoting greater community participation and involvement in decision-making processes (Kekez et al., 2019:2-19). Also, by fostering partnerships between social businesses and public institutions, communities can benefit from a collective approach that combines the strengths of both sectors. Furthermore, social businesses provide a unique perspective and innovative approaches to problem-solving that can complement the efforts of public institutions (Lyon, 2012:140). Nevertheless, through collaborative efforts, social businesses and public institutions can effectively address complex public problems and promote the overall well-being of communities in ways that can promote greater community resiliency.

Understanding Community Resilience

Community resilience is a community's ability to anticipate, prepare for, respond to, and recover from adversity while maintaining and potentially improving its basic functions, structures, and identity. This concept encompasses not only the physical and infrastructural aspects of a community but also its social, economic, and environmental dimensions (Ha-Mim et al., 2024; Pfefferbaum et al., 2013:250-258). By adopting comprehensive and proactive strategies, communities can better prepare for, respond to, and recover from a wide range of adversities. Also, community resilience is fostered through the cultivation of skills such as interpersonal communication, active listening, and the promotion of positive social attitudes and behaviors (Anghel & Dogaru, 2021:53) that are accepted and recognized within the community. Building resilience requires collaboration among residents, businesses, government agencies, and other stakeholders to create a sustainable and adaptive community capable of thriving in the face of challenges (Hepburn et al., 2024:1-27).

The key components of community resilience include (Daniel & Fernandes, 2024: 1-17; Sharifi, 2016: 629-647; Cutter, 2016:741-758; Saja et al., 2021): social, economic, environmental, infrastructural, institutional, and cultural resilience (Figure 1). Each component is interconnected and collectively contributes to the overall capacity of a community and plays a critical role in ensuring the overall resilience.

1. Social Resilience: the strength of social networks, community cohesion, and the capacity for collective action. It involves the ability of community members to support each other during crises, share resources, and maintain social norms and trust. *Key elements:* strong relationships and networks among community members enhance communication and support; active participation in community activities and decision-making fosters a sense of ownership and responsibility; systems of mutual aid and volunteerism provide immediate support during emergencies; access to healthcare, education, and other social services that support vulnerable populations.

2. Economic Resilience: the capacity of a community to maintain stable economic functions and livelihoods during and after disruptions. This includes the diversity of the local economy, employment opportunities, and access to financial resources. *Key elements:* diversified economy which reduces dependency on a single industry, spreading risk; opportunities of jobs that provide stable income and adaptability to changing conditions; access to financial resources like services, savings, credit, and insurance that can buffer economic shocks; support for local businesses that contribute to the community's economy and provide essential services.

3. Environmental Resilience: the ability to maintain and restore natural resources and ecosystems that support community life. This involves sustainable management of resources such as water, soil, and biodiversity, as well as mitigation of and adaptation to environmental changes (Olimid & Olimid, 2022: 114-121; Vadjunec et al., 2022). *Key elements:* management practices that ensure the sustainable use of natural resources such as water, soil, and forests; protection and restoration of ecosystems that provide essential services like clean air and water; measures to adapt to and mitigate the impacts of climate change, such as flood defenses and drought-resistant agriculture; preservation of biodiversity to maintain ecosystem health and resilience.

4. Infrastructure Resilience: the robustness and flexibility of physical infrastructure systems, including transportation, utilities, housing, and healthcare facilities. These systems must withstand and quickly recover from disruptions to ensure the continued provision of essential services. *Key elements:* infrastructure designed to withstand extreme events like earthquakes, floods, and storms; redundancy, which involves having multiple pathways or systems in place to ensure uninterrupted service in case a single component fails; regular maintenance and timely upgrades to infrastructure to address vulnerabilities; the ability to quickly repair and restore infrastructure after disruptions.

5. Institutional Resilience: the effectiveness and adaptability of governance systems, policies, and institutions in managing risks and responding to emergencies. This includes the capacity for coordinated response, resource allocation, and decision-making under stress. *Key elements:* transparent, accountable, and inclusive governance structures that involve community members in decision-making; comprehensive emergency plans, clear communication channels, and coordinated response efforts; policies frameworks that support resilience-building, including land use planning, building codes, and environmental regulations; capacity building by training and resources for institutions and community leaders to enhance their ability to manage crises.

6. Cultural Resilience: the preservation and adaptation of cultural practices, values, and identities that provide a sense of belonging and purpose. Cultural resilience helps maintain community morale and social continuity. *Key elements:* maintaining and adapting cultural traditions, ceremonies, and practices; a strong sense of identity and

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pride that binds community members together; promoting education and awareness of cultural heritage and its role in resilience; adaptive capacity in order to integrate new practices and ideas while preserving core cultural values.

Figure 1. The key components of community resilience



Source: Author's own compilation

The Role of Social Business

Social businesses are uniquely positioned to address community needs due to their inherent focus on social impact. Unlike traditional businesses, social enterprises prioritize goals such as reducing poverty, improving education, and promoting sustainability (Staiculescu, 2023:129-137). Their flexibility and innovation make them well-suited to develop solutions that address specific community challenges. Key roles of social businesses in fostering community resilience include:

- innovation and flexibility - social businesses often adopt innovative approaches to problem-solving that are tailored to local contexts. Their flexibility allows them to respond quickly to changing conditions and emerging needs;
- sustainable practices - these enterprises typically emphasize sustainability, ensuring that their interventions have long-term benefits for communities. Many social enterprises adopt eco-friendly practices and produce sustainable products or services. By reducing environmental degradation and promoting resource conservation, these businesses help mitigate the impact of climate change and other environmental threats on communities;
- local engagement - social businesses usually have deep ties to the communities they serve, fostering trust and collaboration at the grassroots level. By prioritizing the well-being of all stakeholders, including employees, customers, and local residents, social enterprises foster a sense of belonging and cooperation. This social cohesion facilitates communities' ability to unite during times of crisis, providing mutual support and collaboratively devising solutions to challenges;
- resource mobilization - by attracting diverse funding sources, including impact investors and philanthropic capital, social businesses can mobilize significant resources to support community resilience initiatives.

Also, social businesses foster economic resilience by creating employment opportunities, particularly for marginalized groups and communities facing economic challenges. By providing stable jobs and income sources, social enterprises contribute to reducing poverty and inequality within communities. This economic empowerment strengthens the community's ability to withstand and recover from economic shocks and downturns (Stăiculescu, 2021: 145-152).

Nevertheless, the role of social business in achieving community resilience is multifaceted and indispensable. By addressing economic, environmental, and social challenges through innovative and sustainable business models, social enterprises play a vital role in building communities that are adaptive, inclusive, and capable of thriving in the face of adversity.

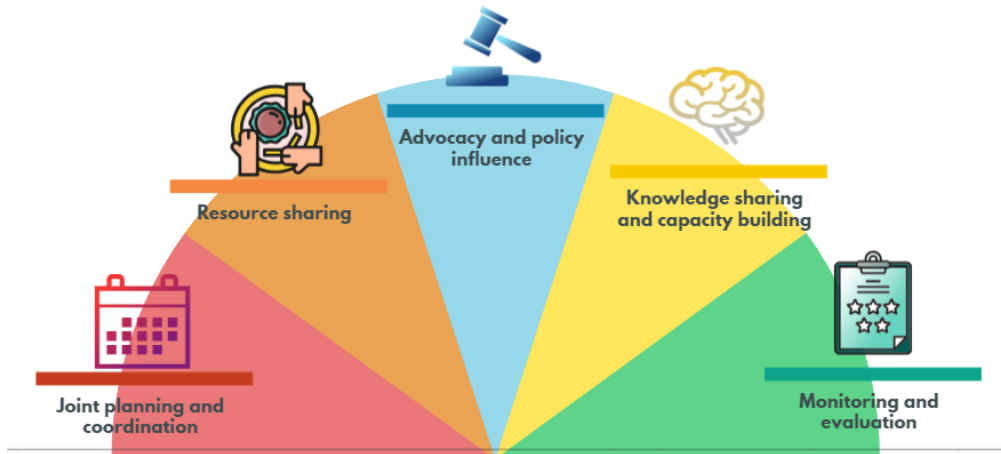
Collaboration with Public Institutions

Public institutions, such as government agencies and local authorities, have the mandate and resources to support community resilience on a large scale. However, they often face challenges related to bureaucratic inertia, limited innovation, and resource constraints. Social businesses and public institutions can work together in order to achieve community resilience (Figure 2) through the following:

- joint planning and coordination. The integration of knowledge and resources from both social enterprises and public institutions enhances the development of comprehensive and sustainable plans tailored to meet the unique needs of the community;
- resource sharing to mobilize funding for resilience-building initiatives. By pooling resources, organizations can amplify the effectiveness of their actions and ensure that financial allocations are utilized strategically to bolster community resilience;
- knowledge sharing and capacity building. Social businesses can leverage their networks and expertise to provide training and capacity-building programs for community members, while public institutions can support these efforts through policy support and access to technical resources. This collaborative effort can empower communities to enhance their preparedness for and responsiveness to crises;
- advocacy and policy influence in order to support community resilience by leveraging their influence and networks, promoting a more inclusive and sustainable approach to development that prioritizes the needs of vulnerable communities;
- monitoring and evaluating the impact of resilience-building initiatives. By collecting data and feedback from the community, they can track progress, identify areas for improvement, and ensure that their efforts are effective in enhancing community resilience.

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Figure 2. Collaboration of Social Business and Public Institutions for Community Resilience



Source: Author's own compilation

Case Study: The Collaboration between the social enterprise "Atelierul de Pânză" and Public Institutions in Romania

Introduction. Romania's journey towards community resilience involves tackling socio-economic disparities, environmental challenges, and social inequalities. Social businesses, with their dual focus on social impact and financial sustainability, have been instrumental in these efforts. This case study examines the collaboration between the social enterprise "Atelierul de Pânză" (The Canvas Workshop) and public institutions in Romania to enhance community resilience through sustainable practices, economic empowerment, and social inclusion.

Background. "Atelierul de Pânză" is a social enterprise established by the non-profit organization Viitor Plus. The enterprise produces eco-friendly textile products, such as reusable bags, from natural and recycled materials. Its mission extends beyond environmental sustainability, aiming to provide employment and social integration opportunities for marginalized groups, including people with disabilities and those from disadvantaged backgrounds.

Key initiatives include distributing eco-friendly canvas bags, organizing environmental awareness campaigns, and creating jobs for marginalized groups. This partnership supports local suppliers, encourages upcycling, and integrates educational programs to boost environmental literacy. Regular dialogue platforms, joint training sessions, and simplified administrative procedures enhance collaboration. The initiative not only fosters sustainable habits and community engagement but also influences policy development, contributing to stronger, more resilient communities. The most important key initiatives and collaboration for enhancing community resilience are listed in Table 1.

Table 1. Key Initiatives and Collaboration for Enhancing Community Resilience

Key Initiatives and Collaboration:	Economic Empowerment and Job Creation	Environmental Sustainability	Social Inclusion and Community Engagement	Capacity Building and Education
Project:	Employment for Vulnerable Groups	Production of Eco-Friendly Products	Social Integration Programs	Training and Development Programs
Objective:	To create sustainable employment opportunities for individuals from marginalized communities.	To reduce environmental impact by producing and promoting reusable textile products as alternatives to single-use plastics.	To support the social integration of employees through educational and support programs.	To enhance the skills and capacities of employees, preparing them for long-term employment within and beyond the enterprise.
Collaboration with Public Institutions:	Atelierul de Pânză partners with local employment agencies and social services departments to identify and recruit individuals in need of job opportunities.	The enterprise collaborates with the Ministry of Environment and local municipalities to promote the use of eco-friendly products through public awareness campaigns and government procurement policies favoring sustainable products.	Atelierul de Pânză works with local social service agencies to provide ongoing support and resources, including counseling, educational workshops, and community-building activities.	The enterprise partners with vocational training centers and local educational institutions to offer comprehensive training programs in textile production, quality control, and business management.
Impact:	The initiative has provided stable employment and skills training for dozens of individuals, promoting economic independence and reducing social exclusion.	Increased public awareness and adoption of sustainable practices, reduction in plastic waste, and enhanced environmental health.	Improved social cohesion, enhanced quality of life for employees, and stronger community networks.	Increased employability and career advancement opportunities for participants, contributing to broader economic resilience.

Source: Author's own compilation derived from gathered data (www.atelieruldepanza.ro)

The collaboration between "Atelierul de Pânză" and the Romanian public institutions has faced several challenges and solutions about: bureaucracy, funding, communication, organizational cultures, measurement and frameworks (Table 2).

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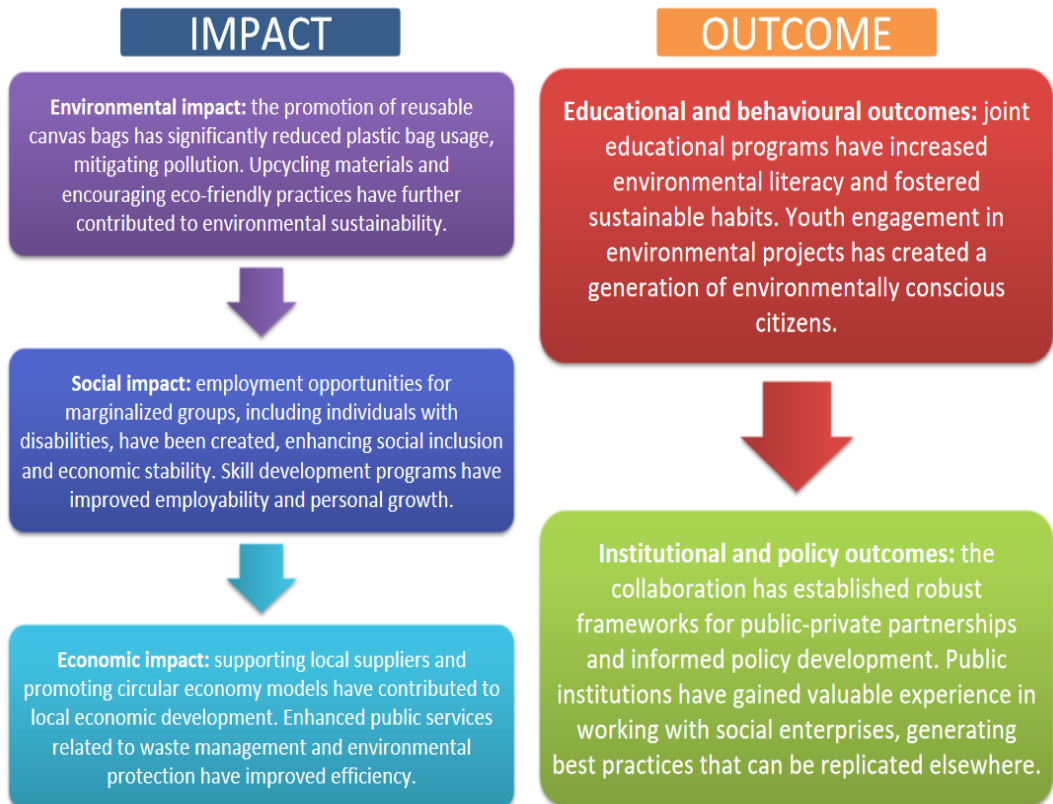
Table 2. Challenges and Solutions for Enhancing Community Resilience

<i>Challenges</i>	<i>Solutions</i>
Bureaucratic hurdles: complex administrative processes and regulatory compliance within public institutions can delay project implementation.	Streamlining processes: simplifying administrative procedures and establishing dedicated liaison offices can improve efficiency.
Funding constraints: limited budgets and changing funding priorities can jeopardize the financial stability of collaborative projects.	Funding diversification: exploring multiple funding sources, including EU grants and corporate sponsorships, can ensure sustainable financial support.
Communication barriers: differences in goals and expectations, coupled with inefficient communication channels, can hinder effective collaboration.	Enhanced communication: regular meetings and joint training programs can align goals and improve mutual understanding.
Cultural differences: the entrepreneurial culture of a social enterprise may clash with the hierarchical structure of public institutions, leading to resistance to innovative approaches.	Cultural integration: encouraging staff exchanges and implementing change management strategies can blend organizational cultures and foster collaboration.
Impact measurement: assessing and scaling the social and environmental impact of projects can be complex and resource-intensive.	Standardized measurement: developing standardized metrics for impact measurement and creating frameworks for scaling successful initiatives can streamline assessment and replication.

Source: Author's own compilation

This partnership has also achieved important environmental, social, and economic impact and involves educational and behavioral outcomes as well as institutional and policy outcomes (Figure 3).

Figure 3. Impact and Outcomes for Enhancing Community Resilience



Source: Author's own compilation

The partnership between "Atelierul de Pânză" and public institutions in Romania has successfully addressed environmental sustainability and social inclusion, making significant strides in community resilience. By overcoming challenges through strategic solutions and achieving multifaceted impacts, this collaboration serves as a model for effective cross-sector initiatives that drive positive change and build stronger, more resilient communities. Also, by addressing the identified challenges with strategic solutions, this partnership can create a robust framework for impactful and sustainable community development.

Therefore, the above partnership demonstrates the powerful role social businesses can play in enhancing community resilience. This case study underscores the importance of multi-stakeholder collaboration, leveraging the strengths of both social enterprises and public institutions to address complex socio-economic and environmental challenges.

Conclusions

The collaboration between social businesses and public institutions is a powerful strategy for building community resilience. Social businesses bring innovation, local engagement, and sustainability, while public institutions provide the necessary

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resources, infrastructure, and regulatory support. Together, they can address complex challenges and enhance the adaptive capacity of communities. The case of social enterprise "Atelierul de Pânză" (The Canvas Workshop) and public institutions in Romania demonstrates the tangible benefits of such collaborations, offering a replicable model for other regions.

In conclusion, social enterprises and public institutions have much to gain from working together. By leveraging their respective strengths and resources, they can develop more effective solutions to social challenges, drive systemic change, and build a more inclusive and participatory society. It is clear that collaboration between these two sectors is not only possible but essential for achieving sustainable and equitable development. As the world faces increasing uncertainties, fostering these partnerships will be crucial in creating resilient and sustainable communities.

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ORIGINAL PAPER

Some clarifications regarding the protection of the natural person by judicial interdict and the protection of persons with mental disorders in the context of the legislative changes brought by by Law no. 140/2022 from the perspective of the right to respect for private and family life, provided by the European Convention on Human Rights

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Abstract:

The protection of the interdict is regulated in art. 164-177 of the Civil Code, as well as in the new Code of Civil Procedure in art. 935-942.

Substantial changes in the field were made by Law no. 140/2022, regarding some protection measures for people with intellectual and psychosocial disabilities and the amendment and completion of some normative acts.

Also, by Law no. 487/2002, amended, on mental health and the protection of people with mental disorders, a new framework of measures was given to promote and defend mental health and, at the same time, the prevention and treatment of mental disorders under voluntary or non-voluntary hospitalization in a psychiatric hospital. In the same register, of replacing the phrase "dangerous mentally ill people" with the generic notion of "people with mental disorders", the expression "alteration of mental faculties" instead of "dementia" or "insanity" is preferred. In criminal law, involuntary admission implies that the person has the status of "defendant" or "suspect". Also, involuntary hospitalization can be performed only after all voluntary hospitalization attempts have been exhausted.

Keywords: *special guardianship law proceedings, European Court of Human Rights, circumstances of the case, judicial counselling.*

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Considering the legislative changes in the matter of interdict, from the point of view of Law no. 140/2022, we consider it particularly important that in this matter not to omit the fact that the dignity of the person must be respected. In the past there have been cases where political opponents were considered mentally ill and hospitalized in order to be subjected to the so-called “brainwashing” operation. Human dignity is not included in the list of human rights as a distinct right, but it supposes the “right to have rights”, to be recognized as a person. Dignity can be understood only in relation to the other principles of bioethics: autonomy, responsibility, respect for the vulnerability of the human being, the integrity of the person, and respect for private life, which are an extension of human rights in the field of biomedicine (Călin, 2013: 191).

It is also useful to remember that for non-hazardous mental patients – the alienated and the mentally disabled – the measure of interdict is taken, which can only be instituted by the court, as it entails the lack of exercise capacity of the protected. According to the principle of formal symmetry, the judicial interdict may also be lifted by the court, according to the rules from the interdict, under the conditions of art. 177 paragraph (1) Civil Code: “If the cases that caused the interdict have ceased, the court will decide to revoke it”.

For dangerous mental patients, medical care is taken in the form of medical treatment and medical hospitalization in a psychiatric unit, and the rule is that the prior consent of the patient must be obtained. The institution of treatment without the consent of the patient and his involuntary hospitalization can be made only under the limiting conditions provided by law and is ordered by administrative means, by the medical authority, the role of the court being to resolve any complaints made against the measures thus ordered¹, having no repercussions on the patient's exercise capacity. Having the same purpose, although they are two different protective measures, they can be cumulated (Chelaru, 2012: 114).

It is also necessary to clarify the notions of alienation and mental debility: in the case of the first discernment is missing, while in the case of debility it is diminished (Ungureanu, Munteanu, 2015: 390).

We mention the position of the European Court of Human Rights which, instead of an autonomous notion of “alienated”, has developed three distinct conditions that must be met cumulatively by any detention of a person with mental disorders by national authorities, detention based on art. 5 para. 1 lett. e) of the European Convention (Rădulețu, 2023: 104) : i) alienation must be justifiably established, ii) the disturbance must have a character or extent justifying the hospitalization, iii) hospitalization cannot be prolonged if the disturbance does not persist. The European Court of Human Rights requires any deprivation of liberty to comply with national substantive and procedural rules, but at the same time national law must have a certain quality and be itself in accordance with conventional requirements. In the case-law on Romania, the Strasbourg court sanctioned not only the failure of the national authorities to comply with the relevant national law (represented by Law no. 487/2002, but also by the relevant provisions of the Criminal Code and the Code of Criminal Procedure), but also found certain shortcomings thereof (Rădulețu, 2023: 104).

However, from this perspective, in addition to the shortcomings of the law found regarding the lack of provision of the concrete way of communicating the non-voluntary admission decision (There is a real risk for the data subject not to be able to use the remedies provided by law against that decision), there remains a problem of art. of Law no. 487/2022 which provides: “Clinical trials and experimental treatments,

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psychosurgery or other treatments likely to cause harm to the integrity of the patient, with irreversible consequences, do not apply to a person with mental disorders except with his/her informed consent and subject to the approval of the ethics committee of the psychiatric unit, which must declare itself convinced that the patient has truly given his/her informed consent and that it responds to the interest of the patient". Poor drafting of the phrase `irreversible consequences` which is clearly a contradiction in terms because such consequences can never be in the interest of the patient. But the question persists: how genuine can such consent be for a patient with serious mental disorders in a deprivation of liberty regime?

In general, in most cases concerning 'alienated persons' with which the Court has previously been seized, the internal procedure for the admission of the persons concerned has been examined from the perspective of art. 5 of the Convention. Consequently, in order to determine whether the admission procedure was in accordance with art. 8 of the Convention, for example, the Court will rely, *mutatis mutandis*, on its jurisprudence regarding art. 5 § 1 (e) of the Convention.

In the context of this issue, we must mention the Decision of the Constitutional Court of Romania no. 601 of July 16, 2020, published in the Official Gazette no. 88/27 January 2021, by which it was noted that the lack of establishment of guarantees to accompany the measure of protection of the placing under judicial interdict is prejudicial to the constitutional provisions of art. 1 para. (3), of art. 16 para. (1) and art. 50, as interpreted according to art. 20 para. (1), and in the light of art. 12 of the Convention on the Rights of Persons with Disabilities", and, led to the adoption of Law no. 140/2022.

Judicial interdict is that means of protecting the natural person who, being deprived of the necessary discernment due to alienation or mental debility, has the effect of depriving him of the capacity to exercise and establishing guardianship. In the decision of the Constitutional Court mentioned above, it was noted: "the measure of placing under judicial interdict regulated by art. 164 para. (1) The Civil Code is not accompanied by sufficient guarantees to ensure respect for human rights and fundamental freedoms. It does not take into account the fact that there may be varying degrees of incapacity, nor the diversity of a person's interests, it is not ordered for a fixed period of time and is not subject to periodic review. Any protection measure must be proportionate to the degree of capacity, be adapted to the life of the person, be applied for the shortest period of time, be periodically reviewed and take into account the will and preferences of persons with disabilities. Also, when regulating a protection measure, the legislator must take into account the fact that there may be different degrees of incapacity, and mental deficiency may vary over time. The lack of psychic capacity or discernment can take different forms, for example, total/partial or reversible/irreversible, a situation that requires the establishment of protection measures appropriate to reality and which, however, are not found in the regulation of the measure of judicial interdict. Adequate degrees of protection must therefore be attached to the different degrees of disability, and proportionate solutions must be found by the legislator in the regulation of legal measures. An incapacity must not lead to the loss of the exercise of all civil rights, but must be examined in each individual case.

According to art. 164 para.(1) Civil Code: `The person who does not have the necessary discernment to take care of his interests, due to alienation or mental debility,

will be placed under a judicial interdict, and according to paragraph (2) of the same article it is noted that this measure can also be taken against minors with limited exercise capacity. Therefore, if in the case of minors under 14 years of age the lack of discernment is due to a legal presumption, in the case of the adult it is due to an objective cause: alienation or mental debility. The content of alienation and mental debility is determined by the psychiatrist (Ungureanu, Munteanu, 2015: 382). The provisions set forth by art. 164 must be interpreted in a restrictive way, otherwise it could lead to abuse in cases where a mentally healthy person or a person affected by a psychosis or a person temporarily lacking in discernment is placed under interdict. In this context, we recall that in the old regulation of the Civil Code there is the judicial *council*, which referred to the designation by the judiciary of a person to assist and authorize the conclusion of certain acts for the individual whose weakening of mind or inclinations towards waste required protection and supervision. This measure could be taken when the person's mental state was not so weak as to institute the interdict (Hamangiu, Rosetti-Balanescu, Baicoianu, 1928: 476-487). The one placed under judicial counsel and the married woman were only assisted by those in law to complete their capacity, unlike the minor or interdict who were represented by their guardian. We also recall that if a natural person, due to old age, illness or physical infirmity, although capable (with discernment), cannot personally defend his interests under normal conditions, he will be appointed a *curator*, according to the law. Instead, the interdict creates the prerequisites for the establishment of *guardianship*.

According to the provisions of art. 168 of the Civil Code, the settlement of the request for placing under judicial interdict is made according to the provisions of the Code of Civil Procedure. According to art. 935 of the Code of Civil Procedure, the application for the interdict of a person is solved by the tutelage court in whose constituency he/she has his/her domicile. The interdict may be requested by any interested person, including the prosecutor, according to art. 111 of the Civil Code, and according to the jurisprudence, even by the sick person, in a moment of lucidity (Ungureanu, Munteanu, 2015: 382), as well as by the guardianship court, in the case of ex officio referral (Nicolae, Bicu, Ilie, Rizoiu, 2016: 240). This moment of lucidity will not be confused with the absence of alienation or mental debility, which will be ascertained by a committee of specialist doctors at the time of the interdict, as we have already shown that no transient lack of discernment equates to the existence of alienation or debility.

In general, the protection of the minor is achieved by the parents, by establishing guardianship, by giving in placement or, as the case may be, by other special protection measures provided by law, and the protection of the **adult** takes place by establishing the measure of judicial counselling or special guardianship or of the curate or other measure provided by law.

Guardianship is an institution for the protection of both the minor, who is deprived of the care of his parents, and the adult, who is mentally disabled. The guardianship of the natural person is carried out by the guardian. The essence of the matter is the decision of the European Court of Human Rights pronounced in the case N. against Romania, dated November 28, 2017, which shows that the Romanian state violated N. 's right to privacy, when he was placed under interdict, as well as when he was excluded entirely from the procedure of changing the legal guardian. In this case, the deprivation of liberty of the applicant affected by mental

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disorders was justified, for a certain period, by the need to protect him. The authorities indicated, however, that only the maintenance of the admission could provide the applicant with the housing and social assistance he needed. But on this issue, the European Court indicated that “the objective need for housing and social assistance must not automatically lead to the imposition of custodial measures” (para. 146). Also, in case *B v. Romania*, pronounced on 19 February 2013, the Court ruled that the national authorities, especially the courts, have the obligation to interpret the provisions of the national law applicable in the field of psychiatric hospitalization and, more generally, in the matter of the integrity of the person in the spirit of the right to respect for private life, guaranteed by art. 8. In addition, art. 8 requires the authorities to maintain a fair balance between the interests of a person with mental illness and the other legitimate interests involved. As a rule, they must be given a wide margin of appreciation with regard to such a complex issue as the determination of a person's mental capacities. In fact, the national authorities benefit from direct links with the persons concerned and are therefore best placed to deal with these issues. For its part, the Court's task is to appraise, in the light of the Convention, decisions taken by those authorities in the exercise of their discretion. The discretion afforded to the competent national authorities varies according to the nature of the issues raised and the importance of the interests at stake. More stringent control must be exercised over particularly severe privacy restrictions (*Chtoukatourov v. Russia*, n. 44009/05, section 87-88, ECHR 2008).

In addition, the Court recalls that, although art. 8 does not provide for any explicit condition of the procedure, the decision-making process relating to the measures constituting an interference must be fair and properly respect the interests protected by this provision. Thus, the extent of the State's margin of appreciation depends on the quality of the decision-making process: whether the procedure was extremely deficient for one reason or another, the conclusions of the domestic authorities are further questioned.

Thus, even if amendments have been made to the legislation in question, the application of the substantive law rules must comply with the requirements of the conventional law, in the light of all the implications, namely the respect for the right to family life.

According to Law no.140/2022 : “An adult who is unable to take care of his/her own interests due to a deterioration of his/her mental faculties, temporary or permanent, partial or total, established as a result of medical and psycho-social evaluation, and who needs support in the formation or expression of his/her will, may benefit from special *legal advice* or *guardianship*, if such action is necessary for the exercise of his/her civilian capacity, on an equal basis with other persons”.

A person may benefit from *special guardianship* if the deterioration of his mental faculties is total (as opposed to *judicial counselling* when the person presents the deterioration of his mental faculties is partial and it is necessary to be continuously advised in the exercise of his rights and freedoms) and, as the case may be, permanent and it is necessary to be continuously represented in the exercise of his rights and freedoms.

Special guardianship can only be established if adequate protection of the protected person cannot be ensured by establishing assistance for the conclusion of legal acts or judicial counselling.

The establishment of special guardianship is ordered for a period not exceeding 5 years. However, if the deterioration of the mental faculties of the protected person is permanent, the court may order the extension of the special guardianship measure for a longer period, which may not exceed 15 years, unlike the general regulation which provides, in principle, for the establishment of guardianship of the prohibited for an indefinite period.

The institution of judicial counselling is ordered for a period not exceeding 3 years.

By the decision by which the protection measure was taken, the guardianship court appoints the person who will exercise the function of guardian from the date the decision remains final.

In the absence of a appointed guardian, the guardianship court shall appoint as a matter of priority, if they do not oppose with good reasons, the spouse, parent, relative or in-law, friend or person living with the protected one if the latter has close and stable links with the protector, able to carry out this task, taking into account, where appropriate, the ties of affection, personal relationships, material conditions, moral guarantees that the one called to be appointed guardian, as well as the proximity of domicile or residences.

If none of the aforementioned persons can assume guardianship, the guardianship court appoints a personal representative who has acquired this capacity under the terms of the special law.

When appointing the guardian, the court takes into account the preferences expressed by the protected person, his/her usual relationships, the interest shown in his/her person, as well as any recommendations made by persons close to him/her, as well as the lack of interests contrary to the protected person. Pursuant to art. 166 of the Civil Code must be retained the novelty brought in the sense that the person with full exercise capacity has the possibility to designate by unilateral act or mandate contract, concluded in authentic form, the person who would be appointed as guardian to take care of the person and his/her assets in case he/she would be placed under judicial interdict.

Therefore, aspects from a procedural point of view are cut in situations that are somewhat easy to manage, but when there are significantly sensitive issues, such as the existence of the children of the person to be protected, such as in case B against Romania, it is imperative to analyse the concrete circumstances and to decide in relation to the particularity of respecting the right to family life.

The European Court recalled the principles flowing from its settled case-law, according to which, for a parent and child, being together is an essential element of family life. In addition, the placement of the child in the care of public assistance does not put an end to natural family relationships. Decisions taken by the responsible authority leading to the placement of a child in a reception centre are considered as interference with the applicant's right to respect for family life and must be considered as such. According to the constant jurisprudence of the Court, such an interference violates art. 8, unless, as provided by law, it pursues one or more legitimate purposes within the meaning of paragraph 2 and is necessary, in a democratic society, to achieve them. The notion of necessity implies an interference based on an imperative social need and, in particular, proportionate to the legitimate aim pursued. Although art. 8 tends mainly to protect the individual against arbitrary interference by public authorities, it can also

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generate positive obligations inherent in an effective respect for family life. In order to rule on the need for interference in a democratic society or on the existence of a breach of a positive obligation, the Court shall take into account the margin of appreciation afforded to the Contracting States. Thus, the procedures applicable to the regulation of matters concerning family life must prove compliance with it; in particular, parents normally have the right to be heard and fully informed on this subject, although, in certain circumstances, certain restrictions may be justified, pursuant to art. 8 § 2. The European court acknowledges that the responsible authorities have a difficult, even extremely difficult, task when they rule in such a sensitive area. Providing for a rigid procedure in each case would only create more problems. Therefore, a certain amount of discretion must be reserved to them in this regard. On the other hand, the examination of this aspect of the case must be based on fundamental information: there is a high risk that the decisions will prove irreversible. It is therefore an area that requires more than usual protection against arbitrary interference.

It should be determined, in the light of the circumstances of each case and in particular the seriousness of the measures to be taken, whether the parents were able to play a sufficiently important role in the decision-making process as a whole to afford them the protection required by their interests. In the event of a negative answer, it concerns the non-observance of their family life and the interference resulting from the decision cannot be considered "necessary" within the meaning of Article 8 (*Case B v. Romania*, ECHR: para. 108-110).

Finally, it should be noted that the authorities must pay particular attention to vulnerable persons and must provide them with increased protection because their ability or willingness to complain is often diminished.

In conclusion, Law no. 140/2022 seeks to bring a unitary solution to the need for legal representation of natural persons in situations characterized by lack or diminution of discernment, in accordance with the requirements of the European Court of Human Rights, providing more guarantees of procedure against arbitrariness and by introducing shorter terms of the protection measure, the possibility of periodic review and, last but not least, the application of the legal provisions in particular must respect human dignity.

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ORIGINAL PAPER

The Empirical Approach of the Interplay of Macroeconomic Variables and the Dynamics of the Financial Market in Romania

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Abstract:

The complicated interplay between the Romanian BET index, monetary policy rate, inflation rate, and RON/USD currency rate is studied using a Vector Autoregression (VAR) approach in this article. The methodology is based on the VAR model's ability to explain the dynamic relationship between multiple time series, with Granger causality tests used to identify the directionality of influence, impulse response functions used to trace the effects of economic shocks and forecast error variance decomposition used to measure the extent of variable interdependence. The findings show results about the links of monetary policy rate, inflation rate, BET index and exchange rate, with the purpose to find if capital markets are sensitive to macroeconomic policy decisions. The study emphasizes the central bank's policy rate's significance in influencing market expectations, as well as the complex impact of inflationary trends on currency valuation.

Keywords: *vector autoregression (VAR), macroeconomic indicators, economic policy, emerging markets, central bank, currency stability.*

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1. Introduction

The interaction of financial market indices and macroeconomic variables is becoming increasingly important in modern economic discourse, particularly in emerging economies like Romania. Although research into this connection has gained prominence, the need for empirical clarification remains, particularly in considering Romania's increasing financial infrastructure and connectivity into global markets.

This theme's relevance comes from current discussions about the efficacy of monetary policy and its transmission mechanisms in post-transition economies. While theoretical models supply a foundational knowledge, actual inquiries into the characteristics of the Romanian market are less addressed. Thus, this study will examine how the monetary policy rate, inflation rate, and RON/USD exchange rate interact with and influence the Romanian BET index also, this study will rely on a theoretical and methodological framework based on financial econometric principles, with a focus on the use of Vector Autoregression (VAR) analysis to reveal structural patterns and causal relationships.

The monetary policy rate is a vital tool to measuring liquidity, investment, and consumption, whereas the inflation rate is an essential indicator of the economy's supply-demand balance. The exchange rate, particularly when it comes to a currency like the Romanian Leu vs the US Dollar, reflects international trade dynamics and foreign investor sentiment.

The aim of this study is to analyze how these variables affect the BET index and to give an idea to participants such as investors, decision makers and international observers about how these work together in the Romanian economy.

2. Literature Review

Camilleri et al. (2019) conducted a comprehensive study to examine the interactions between stock prices and a set of macroeconomic variables across five European countries during the period from 1999 to 2017. They employed a Vector Autoregressive (VAR) model, complemented by both parametric and non-parametric methods, to assess the dynamics between stock prices and macroeconomic indicators such as consumer price index (CPI), industrial production index (IPI), interest rates (IR), and money supply (MS).

In their investigation, Christou et al. (2019) studied beyond the commonly analyzed post-World War II era, employing a time-varying parameter vector autoregressive (TVP-VAR) model to assess over 150 years of monthly UK data, from January 1855 to December 2016. Their analysis focused on the impact of uncertainty, operationalized as corporate bond spread shocks, on a suite of macroeconomic variables including inflation rates, unemployment rates, monetary policy rates, and nominal exchange rate returns. The authors' findings articulate that positive uncertainty shocks, consistent with negative demand shocks, result in the contraction of inflation and interest rates alongside a depreciation in exchange rate returns, coupled with a rise in unemployment rates.

The BET index is a free float market capitalization-weighted index comprising the most liquid Romanian companies listed on the Bucharest Stock Exchange (BVB). This structure allows the index to represent the performance of a portfolio composed of shares included in the index, adhering to transparent rules for calculation and composition adjustments (Bucharest Stock Exchange, 2020, p. 5). The paper by Fischer and Merton (1984) critically examines the role of the stock market in macroeconomics,

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particularly in the context of corporate investment decisions. It highlights the distinct perspectives of finance and macroeconomics regarding the stock market's influence. While finance views the stock market as a crucial component in guiding corporate investment choices, macroeconomics traditionally assigns it a lesser role in investment decisions.

Bianchi et al. (2021) discuss the influence that central bank actions and announcements have on the valuation of long-term financial assets, including stock markets. Their research suggests that these assets respond significantly to monetary policy, a phenomenon that challenges traditional asset pricing theories. Bernanke and Kuttner (2005) closely investigated the impact of changes in monetary policy on equity prices. A significant finding of their study is that unanticipated adjustments in the federal funds rate have a substantial influence on stock market values. Specifically, the analysis reveals that an unexpected 25-basis-point cut in the federal funds rate is associated with about a 1% increase in broad stock indexes. In a more recent study, Heyden and Heyden (2021) investigated the impact of COVID-19 on stock markets, with a particular focus on the consequences of monetary policy pronouncements. They discovered that, whereas the announcement of country-specific fiscal policy measures typically had a negative impact on stock returns, monetary policy measures tended to stabilize and positively influence the markets.

The study conducted by Boons et al. (2020) presents an understanding of how inflation risk is priced in the stock market, emphasizing its time-varying nature. A key element of this variation is identified as the nominal-real covariance, which represents the dynamic relationship between inflation and real future consumption growth. Herwartz et al (2022) explored the impact of monetary policy on asset prices in the United States using a structural VAR model that uniquely employed non-Gaussian independent components for shock identification. Their analysis revealed that contractionary monetary policy moderately impacts both U.S. house and stock prices, with a less pronounced effect on stocks. Rai and Garg (2021) investigated the impact of the COVID-19 pandemic on the relationship between stock prices and exchange rates in BRIICS countries. Utilizing GARCH techniques, the research finds significant negative dynamic correlations and volatility spillovers between these two markets, particularly during the initial lockdown period.

3. Methodology

3.1. Data and the sources of data

The data for this research was obtained from reputable institutions within Romania. The data for our analysis has been collected on a monthly basis and covers the years January 2010 to December 2023. This timeframe enables us to capture and analyze the complex short-term changes as well as the longer-term patterns in the economic indicators of interest. The monthly resolution ensures that our analysis can respond to and include key economic events and policy changes as they occur, providing a solid foundation for our study's conclusions.

Table 3.1. Selected variables

Acronym	Indicator	Unit
Log_cap	Natural logarithm of Romanian BET INDEX	National currency (RON)
Mon_pol	Monetary policy rate regulated by the NBR	Monthly monetary policy (%)
Inf_rate	Inflation rate	Monthly inflation rate (%)
Exch_rate	Exchange rate (RON/USD)	Monthly exchange rate (RON/USD)

Source: Author's contribution

This study's econometric analysis was carried out using Eviews 12, a sophisticated statistical software suite. Eviews is built for advanced econometric research, allowing us to rapidly process monthly frequency data from 2010 to 2023.

3.2. VAR Model

A Vector Autoregressive (VAR) model is an econometric model used to capture the linear interdependencies among multiple time series data. VAR models are frequently used in economic and financial research to forecast and analyze the effects of policy changes or external shocks. This model gives a framework for investigating dynamic interactions in economic systems, such as the, in the context of our study, links between GDP, inflation, interest rates, and exchange rates. VAR models have the capacity to provide understanding into the causal links and dynamic interactions between economic variables.

Central to the VAR model is its formulation as VAR(p), where 'p' denotes the number of lagged observations included. In this structure, a system of equations is constructed, with each equation delineating the relationship of a variable with its own lagged values and those of other variables, encapsulated within coefficient matrices. These matrices, key to understanding the dynamics of intervariable relationships, are estimated from the data. Lag selection is a critical step in constructing a Vector Autoregressive (VAR) model, as it determines the number of past values to be included in the model. An appropriate lag length ensures that the model captures the essential dynamics of the data without introducing unnecessary complexity. In our study, the Akaike Information Criterion (AIC) is employed for selecting the optimal lag length.

Ordinary Least Squares (OLS) is a fundamental estimation technique for each equation in a Vector Autoregressive (VAR) model. OLS is a method for estimating unknown parameters in a linear regression model, and it works especially well with VAR models because of its linear structure. The OLS estimation method seeks to minimize the sum of squared differences between observed and predicted values from the linear model. Each equation in a VAR model can be evaluated separately using OLS because they are similar to a standard multiple linear regression model. Granger Causality Tests also play an important role in time series analysis, especially in the context of our VAR model. These are used to determine whether one time series is useful in forecasting another and contrary to the name, Granger Causality does not test for true causality in a philosophical sense. Instead, it tests whether past values of one variable are statistically significant in forecasting another variable, implying a predictive relationship.

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3.2. Findings and discussion

For the first step in our analysis, we have used the VAR Lag Order Selection Criteria to get the best lag order for our Vector Autoregression (VAR) model, integrating up to 12 lags to find the best fit for our data. The Akaike information criterion (AIC) was helpful in this process, enabling us to choose a lag order of 5, which later proved effective for our model's predicted accuracy.

We have chosen 5 lags based on the Akaike Information Criterion (AIC). The AIC balances model fit and complexity, penalizing models with more parameters. At lag 0, the model is simplistic, not accounting for past values. The log-likelihood (LogL) increases with each additional lag, indicating better model fit. However, adding too many lags can lead to overfitting. Therefore, the fifth lag, where the AIC is minimized, represents the optimal balance, this essential step guarantees that the model is not underfit with too few lags, nor overfit with too many, achieving a critical balance for trustworthy econometric analysis.

Table 3.2. VAR Lag Order Selection Criteria

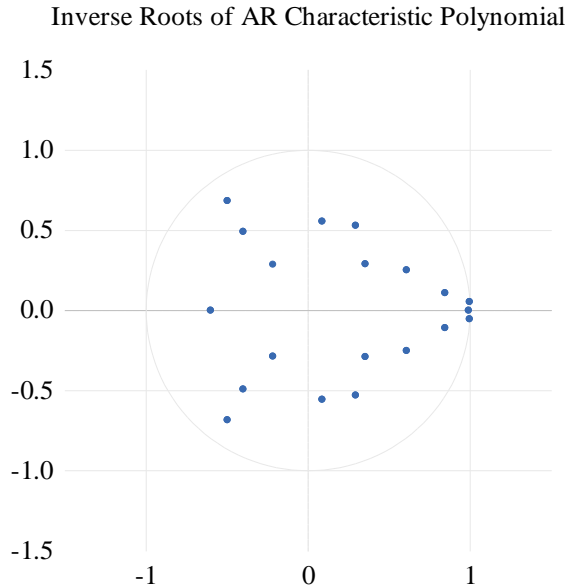
Lag	LogL	LR	FPE	AIC	SC	HQ
0	-761.5005	NA	0.214940	9.814109	9.892311	9.845871
1	301.2046	2057.288	3.19e-07	-3.605187	-3.214180*	-3.446377
2	329.9290	54.13440	2.71e-07	-3.768320	-3.064507	-3.482462*
3	338.5521	15.80905	2.99e-07	-3.673745	-2.657126	-3.260838
4	372.7719	60.98138	2.37e-07	-3.907332	-2.577907	-3.367377
5	389.0242	28.12895*	2.37e-07*	-3.910566*	-2.268336	-3.243563
6	402.6138	22.82358	2.45e-07	-3.879664	-1.924628	-3.085613
7	409.7038	11.54409	2.77e-07	-3.765434	-1.497592	-2.844335
8	420.0542	16.32169	3.00e-07	-3.693002	-1.112355	-2.644855
9	426.9816	10.56878	3.41e-07	-3.576687	-0.683234	-2.401492
10	432.4129	8.007631	3.96e-07	-3.441191	-0.234932	-2.138947
11	448.5582	22.97601	4.02e-07	-3.443054	0.076011	-2.013762
12	457.2152	11.87568	4.51e-07	-3.348913	0.482957	-1.792573

Source: Author's contribution

The next step was the analysis of the VAR model's stability condition, with five lags incorporated, revealed that all characteristic roots are located within the unit circle, affirming the model's stability. None of the roots displayed a modulus value exceeding one, which indicates there are no tendencies towards explosive behavior within the time series data being analyzed. This validation of stability is essential, as it ensures that the VAR model's forecasts and inferences remain reliable over time.

The modulus ranges from 0.360422 to 0.998861, with none breaching the threshold of one.

Figure 3.1. VAR model's stability condition



Source: Author's contribution

The autocorrelation function plots computed show the relationship between each economic variable's current value and its past values up to 12 lags.

These autocorrelations within approximately two standard error bounds are critical in identifying the inherent time dependency within the series. It appears that for most lags across different economic indicators, the autocorrelation coefficients lie within the bounds, which suggests that there is no significant autocorrelation at those lags. This is indicative of randomness in the data series, implying that past values do not have a strong predictive power for future values beyond what is captured by the model up to the selected lag.

For a VAR model, such as the one seemingly in use here, the absence of significant autocorrelation beyond the chosen lag is desirable. It indicates that the model is well-specified, capturing the essential temporal dynamics without leaving out valuable information or introducing redundancy.

The VAR Residual Serial Correlation LM Tests assess whether serial correlation is present at various lags in our vector autoregression model.

Our focus is on five lags, the null hypothesis is that there is no serial correlation at the lag specified, given the monthly frequency of our data, which allows for the capture of seasonal patterns and trends over time.

A p-value above 0.05 indicates that we fail to reject the null hypothesis of no serial correlation at that lag, whereas a p-value below 0.05 suggests the presence of serial correlation, thus rejecting the null.

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Figure 3.2. Variance decomposition

Null hypothesis: No serial correlation at lag h						
Lag	LRE* stat	df	Prob.	Rao F-stat	df	Prob.
1	25.67577	16	0.0588	1.627218	(16, 413.1)	0.0588
2	27.45150	16	0.0367	1.743476	(16, 413.1)	0.0368
3	20.90222	16	0.1823	1.317117	(16, 413.1)	0.1824
4	11.89743	16	0.7510	0.741652	(16, 413.1)	0.7511
5	11.45730	16	0.7804	0.713839	(16, 413.1)	0.7805

Source: Author's contribution

For our model, lag 1 shows a borderline p-value of 0.0588, marginally suggesting the presence of serial correlation, which is also the case for lag 2 with a p-value of 0.0367.

However, lags 3 through 5 display p-values of 0.1823, 0.7510, and 0.7804 respectively, indicating no significant serial correlation and thus they are deemed appropriate for our analysis.

The LRE* stat and Rao F-stat values provide additional support for these findings. At lag 1, the LRE* stat is relatively high at 25.67577, alongside the Rao F-stat of 1.627218, which corresponds to the borderline p-value, indicating a weak presence of serial correlation.

By lag 5, the LRE* stat significantly drops to 11.45730 with a corresponding Rao F-stat of 0.713839, reaffirming the absence of serial correlation at this lag. This trend suggests that as we progress to higher lags, the issue of serial correlation diminishes, supporting the decision to include up to five lags in our VAR model.

The VAR Granger Causality/Block Exogeneity Wald Tests evaluate the predictive causality between variables in the VAR model. We have two hypotheses:

H0: X does not Granger Cause Y;

H1: X Granger Cause Y.

The rule of decision is that:

- If p value is < 0.05 = "X" Granger Cause "Y" at the 5% significance level;
- If p value is > 0.05 then "X" does not Granger Cause "Y" at the 5% significance level.

Table 3.3. VAR Granger Causality/Block Exogeneity Wald Tests

Dependent variable: LOG_CAP				Dependent variable: INF_RATE			
Excluded	Chi-sq	df	Prob.	Excluded	Chi-sq	df	Prob.
INF_RATE	10.74941	5	0.0566	LOG_CAP	4.239523	5	0.5155
EXCH_RATE	9.007945	5	0.1087	EXCH_RATE	2.350526	5	0.7988
MON_POL	5.073773	5	0.4069	MON_POL	15.13560	5	0.0098
All	21.43607	15	0.1235	All	22.40422	15	0.0976

Source: Author's contribution

Starting with the capitalization (LOG_CAP) as the dependent variable, the p-values associated with the inflation rate (INF_RATE) and the exchange rate (EXCH_RATE) are 0.0566 and 0.1087, respectively.

These figures sit just above the 0.05 threshold, leading us to maintain the null hypothesis that these rates do not Granger cause LOG_CAP. However, with the inflation rate p-value being marginally above the cutoff, there's a hint of potential predictive power over capitalization that merits further investigation.

The monetary policy (MON_POL) with a p-value of 0.4069 does not indicate a predictive relationship. When inflation rate (INF_RATE) is the dependent variable, MON_POL stands out with a p-value of 0.0098, clearly indicating a Granger causal relationship at the 5% significance level. It suggests that past monetary policy decisions are significant in predicting future inflation rates.

LOG_CAP and EXCH_RATE, with p-values of 0.5155 and 0.7988, show no such causality. For the exchange rate (EXCH_RATE) as the dependent variable, LOG_CAP's p-value of 0.0415 suggests Granger causes the exchange rate, potentially indicating that capitalization levels could be predictive of future exchange rate movements.

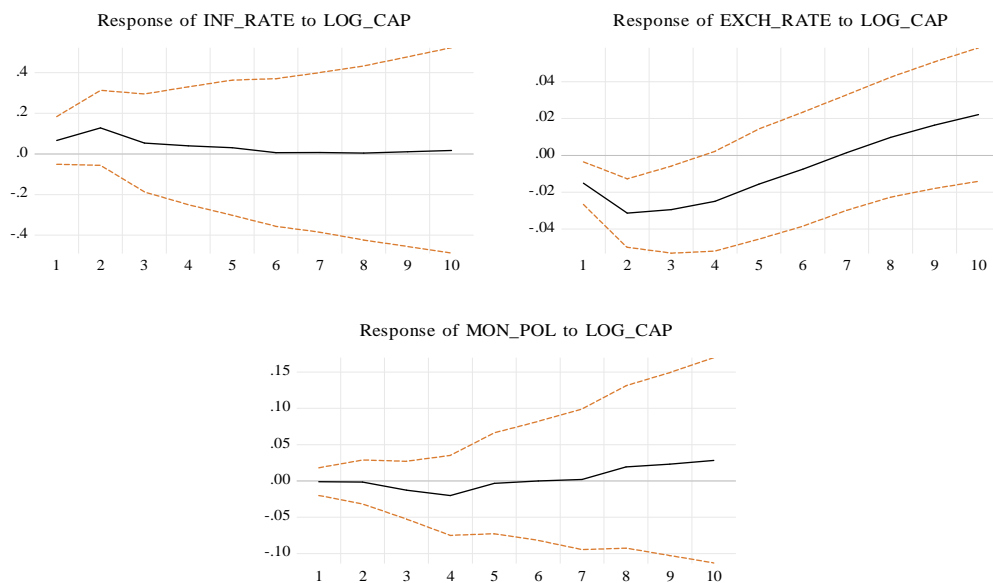
INF_RATE and MON_POL do not show evidence of Granger causality with p-values of 0.9885 and 0.6153, respectively. With MON_POL as the dependent variable, INF_RATE's very low p-value of 0.0004 is striking, indicating a strong Granger causal relationship. It suggests that past inflation rates could be a significant predictor of future monetary policy decisions. However, LOG_CAP and EXCH_RATE, with p-values of 0.3755 and 0.9563, do not show a predictive relationship with monetary policy.

Impulse Response Functions (IRF) are used in econometrics, to describe how one variable responds over time to a shock or impulse in another variable.

Analyzing the impulse response functions from a Vector Autoregression (VAR) perspective, we observe the dynamic interaction between key economic indicators.

Figure 3.3. Impulse response functions with shocks on the capitalization

Response to Cholesky One S.D. (d.f. adjusted) Innovations ± 2 S.E.



Source: Author's contribution

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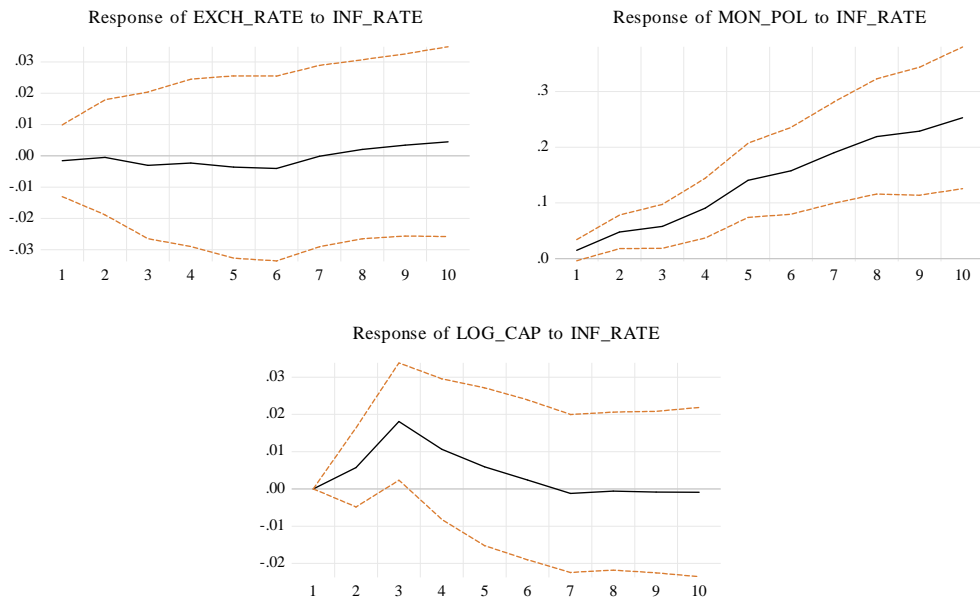
The response of the inflation rate starts slightly below zero, indicating an immediate, though minor, negative response to the shock in LOG_CAP. This negative response quickly dissipates, and the curve approaches the zero line, suggesting that the effect of the LOG_CAP shock on the inflation rate is transitory and becomes statistically insignificant as the response oscillates around the zero line within the confidence interval.

The response of the exchange rate to a shock in the logarithm of stock market capitalization displays a distinct pattern over the ten periods. Initially, the exchange rate depreciates, which is evident from the downward trend of the response line below the zero mark. This depreciation is short-lived, as the trend reverses, and a gradual appreciation is observed. The response line crosses above zero at the 7 period and continues to ascend, reflecting a sustained appreciation of the exchange rate. The graph concludes with the exchange rate maintaining this appreciation, suggesting a lasting adjustment to the shock in capitalization.

Initially, there is a slight contractionary move in monetary policy, as indicated by the slight dip below the horizontal axis. However, this contractionary stance is brief and minimal in magnitude. Subsequently, the trajectory of the response transitions to a neutral stance, hovering around the zero line between periods two and three. This indicates a momentary phase where monetary policy does not exhibit a strong reaction to the capital market shock. Progressing from period three onwards, the response curve begins to incline, suggesting a gradual shift toward an expansionary monetary policy stance.

Figure 3.4. Impulse response functions with shocks on inflation rate

Response to Cholesky One S.D. (d.f. adjusted) Innovations ± 2 S.E.



Source: Author's contribution

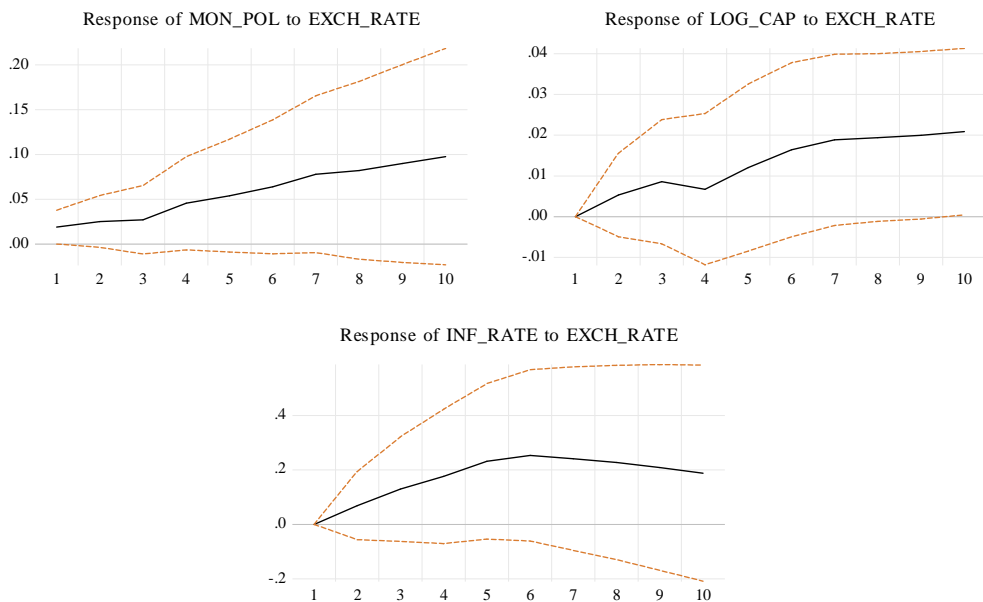
The central trajectory for the exchange rate response begins slightly below zero, indicating an immediate, though minor, depreciation following the inflation shock. This negative response is short-lived, and the line quickly levels off near zero, suggesting no strong or sustained initial effect. From period 6 onwards, the exchange rate shows a modest upward trajectory, implying a gradual appreciation in response to the inflation rate shock. This appreciation continues through the 10-period horizon, with the magnitude of the response remaining small but consistently positive.

The second graph illustrates the response of monetary policy to a shock in the inflation rate. The response is initially positive and increases over time, suggesting that monetary policy becomes tighter in response to higher inflation, which is consistent with economic theory of monetary policy reaction. The response is relatively larger and more persistent than the response of the exchange rate, indicating a more pronounced and lasting effect of inflation on monetary policy.

The trajectory for the logged capital response to an inflation shock shows a quick initial increase, peaking at around period 3, which suggests a brief positive impact on capital. However, this is quickly followed by a decline to negative values by period 3, indicating a downturn in the response. The magnitude of this negative response is moderate, but it is short-lived, as the response curve begins to level off and approach zero by the end of the horizon. This suggests that the initial negative impact on capitalization is tempered and becomes negligible over time.

Figure 3.5. Impulse response functions with shocks on exchange rate

Response to Cholesky One S.D. (d.f. adjusted) Innovations \pm 2 S.E.



Source: Author's contribution

The trajectory of the monetary policy response to an exchange rate shock starts off slightly positive, suggesting a minor tightening of monetary policy immediately after the exchange rate shock. The trajectory then exhibits a steady upward trend, indicating a consistent and increasing tightening response from monetary policy. The magnitude of

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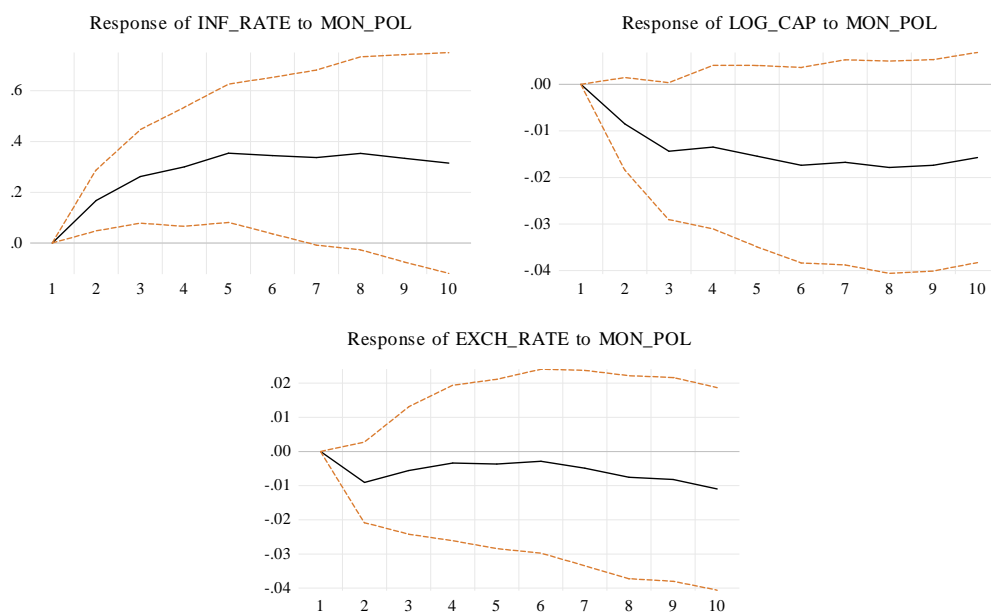
the response grows modestly but steadily over the 10 periods, indicating a sustained policy stance in reaction to the exchange rate movements.

The response of capitalization to the exchange rate shock begins just below zero, suggesting a small initial negative impact on capitalization. However, by the second period, the response turns positive and climbs slightly above zero, indicating a small increase in capital following the exchange rate shock. This positive response appears to be sustained but with some volatility, as the line wavers slightly yet remains above zero throughout the 10-period horizon, signifying that the positive impact on capital persists over time.

The trajectory of the inflation rate response to an exchange rate shock starts sharply positive, indicating a quick and strong inflationary response following the exchange rate shock. The response peaks around the first period and then begins to decline, although it remains positive. This suggests that the immediate impact on inflation is strong but appears to moderate over time. However, the response does not revert to zero within the 10-period horizon, implying a lasting inflationary effect from the exchange rate shock, although the magnitude diminishes as time passes.

Figure 3.6. Impulse response functions with shocks on exchange rate

Response to Cholesky One S.D. (d.f. adjusted) Innovations ± 2 S.E.



Source: Author's contribution

For the graph titled "Response of INF_RATE to MON_POL," the response curve shows an initially positive relationship, with inflation (INF_RATE) increasing in the short-term following a tightening of monetary policy. This is an intriguing phenomenon since conventional economic theory would predict that an increase in interest rates should lead to a decrease in inflation, which in our model is happening but in the long term. This counterintuitive result could suggest the presence of a puzzling result, where inflation does not react as expected to monetary policy shocks. A solution

would be to incorporate commodity prices into the VAR model and that could indeed provide more insight.

The second graph, "Response of EXCH_RATE to MON_POL," shows a more muted and variable response. Initially, there is a slight decline in the exchange rate (EXCH_RATE) which then oscillates around the zero line, suggesting that the exchange rate's response to monetary policy is somewhat uncertain or that other factors may be influencing the exchange rate concurrently.

The third graph shows the response of the logarithm of the capitalization of the BET index from the Bucharest Stock Exchange to a monetary policy shock. An initial downward trend in the LOG_CAP suggests a negative reaction of stock market capitalization to an increase in interest rates. This outcome aligns with standard economic expectations. Following this initial drop, the LOG_CAP curve appears to stabilize and then oscillates, indicating that the market may be adjusting to the new monetary conditions or that other market dynamics are at play.

The variance decomposition over the 24-period horizon indicates a diminishing influence of LOG_CAP on its own variance, suggesting that as time progresses, LOG_CAP becomes less predictive of itself. There is a gradual increase in the variance explained by INF_RATE, EXCH_RATE, and MON_POL, indicating that these variables become more influential in explaining the movements in LOG_CAP. This trend suggests that market capitalization's movements are increasingly influenced by broader economic factors over time, such as inflation, currency fluctuations, and monetary policy actions.

Figure 3.7. Variance decomposition

Variance Decomposition using Cholesky (d.f. adjusted) Factors



Source: Author's contribution

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For LOG_CAP, initially, it self-explains 100% of its own forecast variance. As time progresses, the contribution of other variables starts to appear. By the 24th period, LOG_CAP's variance is explained by itself by approximately 69.5%, by INF_RATE by about 1.85%, by EXCH_RATE by around 20.23%, and by MON_POL by approximately 8.43%. This indicates that while market capitalization is mostly influenced by its own shocks, inflation rate, exchange rate, and monetary policy also play a role as time goes on.

Moving on to the variance decomposition for the INF_RATE, which indicates that initially, it accounts for most of its own forecast error variance. However, as we move forward to the 24th period, we see a notable shift in contributions. The self-contribution of the inflation rate to its variance decreases from nearly 99% to approximately 89.56%, suggesting an increasing impact from other variables.

LOG_CAP's influence starts off minimal and grows to over half a percent, indicating a slight predictive power over inflation. The contribution of the exchange rate (EXCH_RATE) and the monetary policy rate (MON_POL) also increases over time, reaching about 3.37% and 6.56% respectively, signifying that exchange rate movements and monetary policy adjustments become more significant in explaining the inflation rate's variance. This trend reflects the complex interactions between these macroeconomic variables and inflation over time.

For the EXCH_RATE over a 24-period horizon using the Cholesky method indicates that initially, the exchange rate primarily explains its own forecast variance. However, as the periods progress, the contribution of LOG_CAP to the forecast variance of the exchange rate increases significantly, starting from about 4.08% in the first period and reaching approximately 20.65% by the 24th period. Interestingly, the contribution of INF_RATE remains relatively small, while the influence of MON_POL grows, starting from no contribution in the first period to about 9.56% by the end of the 24th period. This trend suggests that while the exchange rate is largely influenced by its own shocks, other variables such as market capitalization and monetary policy become more influential over time.

In the variance decomposition of MON_POL over 24 periods, the proportion of the forecast error variance of the monetary policy rate attributed to its own shocks and to shocks in other variables is quantified. Initially, MON_POL explains 96.11% of its variance, emphasizing its self-driven nature. By the 24th period, this self-explanation decreases to 37.70%, indicating a growing influence from other factors. Notably, INF_RATE's contribution increases significantly, accounting for 55.26% of the variance by the 24th period, highlighting inflation's increasing impact on monetary policy variability. LOG_CAP's and EXCH_RATE's influences also grew over time, reaching 2.08% and 4.96% respectively.

2.3. Conclusions

In finally of our analysis, we want to highlight the technical rigor and analytical depth that have distinguished our research. Our use of the Vector Autoregression (VAR) model offers an in-depth analytical structure for examining the dynamic interaction of macroeconomic variables and the Romanian BET index. This approach, along with Granger causality tests, impulse response functions, and variance decomposition, allowed us to understand the complex causal links and structural patterns present in Romania's emerging financial system.

We achieved an accurate equilibrium between model complexity and fit by including up to 5 lags in our study and using the Akaike Information Criterion for lag selection. This strategy improves the accuracy of our predictions, also reducing the risk of overfitting and increasing dependability. The use of Granger causality tests in our study was essential in determining the predicted causation between the monetary policy rate, inflation rate, exchange rate, and BET index. These experiments supplied us with measurable evidence to determine the directional influence of one variable over another. Moreover, impulse response functions have proven significant in determining the temporal effects of shocks on the economic indices. Our analysis of reaction dynamics has provided important knowledge into how unexpected changes in one variable, such as the inflation rate or monetary policy rate, spread through the market and alter variables such as the BET index over time. The use of variance decomposition has improved our study by quantifying how much exogenous shocks to one variable explain the forecast error variation in another, this component was determining the relative influence of each macroeconomic variable inside the VAR system, providing an expanded view of how market capitalization, inflation, and monetary policies interact over time.

Authors' Contributions

The authors contributed equally to this work.

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ORIGINAL PAPER

State entities and the challenges of their recognition in international law

Livia Călin¹⁾

Abstract:

The institution of recognition in the international public law can be defined as the desire of a state to establish and maintain official Relations with another state, respectively with its government. The recognition of a state is the act by which a state admits that a political entity fulfills the conditions specific to a state (takes note of the emergence of this new subject of law) and express its will to consider it a member of the international community, recognition being a matter of pure intention, it is up to the existing state to recognize a new state or not.

States are the main subjects of international law. For an entity to be considered as a state, it must meet the criterion established in art. 1 of the 1933 Montevideo Convention on the Rights and Obligations of States, namely to have a permanent population, defined territory, government, as well as the ability to enter into relations with other States.

On the other hand, there are contemporary geopolitics entities that tends to be recognized as sovereign states under international law but do not enjoy full global diplomatic recognition. They are divided into two categories: entities that have complete or partial control over them claimed territories and is de facto self- governing, with the desire to obtain total independence; respectively entities that do not have control over the claimed territory, but have been recognized as having a de jure right over the respective territory at least one other generally recognized nation. These special situations will be addressed in the paper, with some concrete examples from the international current affairs.

Keywords : *International recognition, geopolitical entities, independent states.*

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State entities and the challenges of their recognition in international law

1. The notion of subject of international relations

The notion of legal subject is common to any legal order, domestic or international . It designates the entities that have the capacity to participate in legal relations governed by the specific rules of a legal order and to be holders of rights and obligations within it (Raluca Miga-Besteliu , 2003: 82).

In line with historically evolution, international relations, initially rudimentary and limited in scope , developed and diversified, the main role in this process fall into the States. For a very long time, international relations concerned only the relations between states, because they were the only actors of international life.

At the beginning of the first half of the 19th century, because of the influence of technical progress, the development of cooperation between states, interstates international organizations, both governmental and non- governmental, appeared on the international arena. With the disintegration of the colonial system, a new entity appears in international life, namely the nation (peoples) fighting for liberation.

Until now, international practice confirmed the quality of subject of law, outside of sovereign states, of nations fighting for liberation that participated in the conclusion of treaties of legitimate interest for them, as well as international organizations, that participated in the conclusion of international treaties within their limits of competence, and operated on the basis of a founding treaty. Likewise, the state entities, the Vatican and the Order of Malta, religious concludes treaties with different states on an equal level and maintain diplomatic relations, through embassies and legations. However , the issue of the individual's quality as a subject of international law, as well as of some international non- governmental associations and transnational companies, remains controversial.

In international law, the notion of subject of law represents essential particularities in comparison with domestic law. These particularities, which refer to the nature, basis, legal content and scope, determine the main differences between the concepts of the subject of international law and that of the subject of domestic law.

The fact that international relations take place with the direct participation of states as sovereign and independent entities with equal rights excluded the existence in this field of a "supra-state authority" or a "government " that would determine, regulate or assign the status of subject of international law. This quality belongs above all, to the state by virtue of its sovereignty. I can also belong to other entities (peoples fighting for liberation, international governmental and non-governmental organizations, transnational companies , etc.) to the extents and within the limits determined by the member states of the international community .

The quality of subject of international law defines the legal status of an entity as holder of international rights and obligations. However, this is not just a tendency, an abstract legal capacity and cannot be defined outside the reality of international law relations within which it is manifested and exercised. On the contrary, it exists for states or other entities through their direct participation as subjects of relations in which they exercise their rights and fulfill their assumed obligations since "international personality only means the capacity to be the bearer of rights and obligations in international law" (C. Andronovici, 2004: 112;).

However, the characteristics of international relations are determined by the legal situation of the participating subjects, by their position in relation to international law, so the state - main, primary and original, fundamental subject - possesses this

quality not based on international law or legal regulations, but by virtue of sovereignty on the basis of which it participates in the normative process, in the formation of international relations and in the determination of the legal situation of other entities on the international level. For these reasons, the subject of international law is both "the recipient of international legal norms" (M. Sorensen, 1960: 127) and "holder of rights and obligations" or "possessor of legal capacity" (H. Mosler, 1964: 237- 238).

The state is the sovereign entity with legal personality without the need for external recognition. Sovereignty is what gives the state international legal personality, the ability to act within the international community, by exercising rights and assuming obligations.

In the specialized legal literature, there are controversial opinions regarding the requirements that an entity must meet in order to be subject to international law. In a general concept, the subject of international law is the holder of international rights and obligations, participating in the relations regulated by the rules of international law.

The subjects of international relations are all entities participating in international life, with direct rights and obligations, so the list is much more comprehensive than the one that concerns the subjects of public international law and also concerns international commercial relations regulated by private international law as well as relations with a legal character less pronounced.

Another definition indicates three essential elements of the "subject quality of a legal system": the subject must have obligations, be able to claim the benefit of his rights and have the ability to enter into legal relations with other legal entities recognized by the particular system right. The state, however, has an essential attribute that gives it the quality of subject: sovereignty, its equivalent for nations is the right to self-determination and for international organizations the acceptance given by states.

Other authors define the subjects of international law as being the addressees of the rules of international law in order to directly impose obligations or assign rights to them (a definition that leads to the conclusion that the individual can be a subject of international law), but also that the subject of international law is directly dependent on international law, it has the capacity to be the holder of international rights, to be bound by international obligations and to have access to international procedures, therefore to fulfill a double requirement of being the holder of rights and obligations established and sanctioned directly by this law". Therefore, the majority of authors consider essential the ability to be the holder of rights and obligations according to international law, but also "international responsibility", which makes the subjects of international relations have the ability to act directly through appropriate procedures of international law, in order to enforce their rights in these relationships, therefore, they have the ability "to have direct access to international procedures to defend their rights (either before international courts or within international organizations)".

Today, the theory of the plurality of subjects of international law prevails, in contrast to the doctrine before the First World War, a period in which most authors considered the state to be the sole subject of international law, and the Soviet doctrine of the 50s-60s, by which they recognized themselves as subjects of international law only the states and peoples fighting for independence.

According to this theory, in international law, alongside states, there are other subjects of international law, but who are not in identical positions with states, these would be: international intergovernmental organizations, nations fighting for national

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liberation, the Vatican, to which some authors recognized a partial and "atypical" legal personality.

However, this does not mean that all entities with international personality are identical. In its 1949 advisory opinion on "Reparation for Injuries Suffered in the Service of the United Nations", the ICJ points out: "Legal subjects in a legal system are not necessarily identical in the nature or extent of their rights; their nature depends on the needs of the community". The UN, for example, cannot be assimilated from this point of view with the states, although the international law status of the UN is currently indisputable.

Therefore, the quality of the primary subject of public international law is to be recognized by the people, the states, interstate organizations, the nations that fight for national liberation represented by the organs of national liberation, and the secondary subject can be given to transnational corporations, natural persons and legal entities, which participate in the international economic cooperation, interstate non-governmental organizations.

In the system of subjects of international law, the state constitutes a fundamental subject, having this quality by virtue of its situation as a sovereign political entity, which, by agreement of will, creates international law and determines the legal status of other participants in international relations. That is why the state is considered the primary subject, original in relation to other entities having personality under international law recognized by states and, at the same time, universal subject in the sense that it exercises its rights and assumes obligations in any field of interstate relations.

In the post-war period, the evolution of international relations provides an increasing the role of all states, nations and peoples in international life generated the need for a new concept that recognizes other entities, along with states, as recipients of the norms of international law and the ability to participate in reports regulated by these rules.

The continuous development of international law, the process of establishing a new economic and political order, the democracy in the international relations are inseparable from the improvement of norms and principles intended to govern interstate relations.

We must remember that legal relations between states are established only after the act of recognition has intervened in the sense of establishing diplomatic relations, with all their implications, the development of bilateral conventional relations, the diplomatic protection of citizens, the direct addressing of complaints in the event of provocation damages etc. As such, recognition is a means of facilitating the exercise of sovereign rights by the recognized states, their participation in international life.

In the system of subjects of international law, the state constitutes a fundamental subject, having this quality by virtue of its situation as a sovereign political entity, which, through the agreement of will, creates international law and determines the legal status of other participants in international relations. That is why the state is considered the primary subject, original in relation to other entities having personality under international law recognized by other states and, at the same time, universal subject in the sense that it exercises its rights and assumes obligations in any field of interstate relations.

Therefore, the primary, original subjects are the states. They are the main creators and recipient of the fundamental norms and principles of international law.

States are also defined as direct subjects with full capacity, having the predilection "to be a party in any international legal relationship".

Among the analyzed categories of subjects of international law, a new subject appears - the people, as the bearer of sovereign rights and obligations, exercising their rights and executing their sovereign obligations directly or through their representative bodies. National sovereignty presupposes precisely the recognition of a concrete human community as a nation with the right to dispose of its own fate, territory, wealth, to decide freely on the issue of the form of government and the state regime. The highest form of expression of national sovereignty is the nation's right to self-determination.

The people, states and nations fighting for national liberation, international interstate organizations participate directly or indirectly in the creation of international law norms, are owners and bearers of the rights and obligations arising from international treaties and agreements. All these subjects operate in the territories of specific states in order to execute the treaties and agreements to which they are a party, and through their actions they often have a decisive influence on the process of creating the norms of international law.

In the case of nations fighting for liberation, the quality of subject of international law does not depend on their recognition, but belongs equally to all nations, as a consequence of their right to self-determination, which represents the political and legal basis of their international personality. Based on the right to decide their own destiny, each nation is entitled to international rights and obligations and directly enjoys the protection of the norms of international law.

In the case of nations fighting for liberation, the quality of being a subject of international law has a limited and transitory character both in terms of its content and right of exercise. As a sphere of action, it manifests itself only in certain fields, and over time it is exercised until the acquisition of independence, the creation of the new state, which will benefit from full international legal personality, in the sense that it will be able to acquire rights and assume obligations in all areas of international life.

2. The state, from a unique subject to the main subject of international relations

The state is a historical, political and legal phenomenon, it is defined as a human collective, permanently installed on a certain territory and having a structure of organs of power that enjoy sovereignty. The main purpose of the state is to defend the general interest (the common good) through its own organizational system that carries out the political leadership of a society, holding for this purpose the monopoly of the creation and application of law.

Throughout history, states were formed as a result of wars and the conquest of territories through successional sharing, through marriages between monarchical families. Along with the formation and consolidation of the bourgeoisie, new states appeared as a result of the struggle for national independence. In this way, the unified national states of Italy, Germany or the independent states that were formed by the breakup of some empires (Ottoman empire, Habsburg empire) were born. Also, numerous states were formed by separating some territories from colonial Empire or by dismembering some federative states (USSR, Yugoslavia, Czechoslovakia).

The creation of an independent state must be based on the principle of equal rights of peoples and their right to self-determination. Violation of this right and non-compliance with the principle of non-interference in the internal affairs of states

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represent illegal acts and can be challenged and sanctioned according to international law. The new states enjoy the quality of subject of international law from the moment of their appearance, the other states having to respect their sovereign rights. The consideration of the state, as a subject of international law, is expressed through the totality of rights and obligations that result from belonging to the international community and the voluntary obligation to respect them.

Unlike the other subjects of international law, only the states possess all the rights and obligations of an international nature. States are not only subjects of international law, but also creators of this law. The quality of international legal personality of the state is characterized by its intrinsic elements: by its sovereignty over its territory and the people who are on this territory.

The majority of authors consider that there are three fundamental elements of the existence of the state: two of a sociological order - the population and the territory - and the third - a legal element - the existence of a government, but the dual quality of the state, subject of domestic and international law, is given by the character sovereign of his power. Based on this power, the state has the right to govern society internally and to establish relations with other states, externally, under conditions of full equality.

Sovereignty. The meeting of the three elements: population, territory and government characterizes the state from a political and social point of view, but the doctrine shows that a legal element - sovereignty - should be taken as the criterion of the state's existence. Thus, sovereignty constitutes the defining element of the existence of the state that manifests itself with its appearance and representing: "the unique, full and indivisible supremacy of state power within the limits of territorial borders and its independence in relation to any other power".

States, based on their sovereignty, have the right to freely choose and promote their political, economic, social and cultural system, to organize their political, economic and social life in accordance with the will and interests of the people, without interference from outside, and to choose their own internal and external policy to pronounce in all areas with the power of the last word (P.M. Dupuy , 2000: 91) .

Mutual respect of sovereignty and independent national relations in the relations between the states, in the process of collaboration and cooperation between them, is the condition *sine qua non* of viable normal relations, of a climate of peace and understanding between nations .

Recognition of states. One of the most difficult concepts of international law to define is recognition . In international law, recognition means a unilateral act, by which a state confirms the existence of certain facts or acts, which may have consequences on the rights and his obligations or his political interests, and expressly declares or implicitly admits that these constitute elements on which his future legal relations will be based accordingly to the new entity or situation (I. Anghel, 1996: 58) .

Recognition has also been defined as "the procedure by which a subject of international law, especially a state, which did not participate in the birth of a situation or in the drafting of an act, accepts that situation or act to be compulsory for the state; that is, he admits that their legal effects apply to him" (Nguen Quoch Dinh , Alain Pellet , Patrick Daillier, 1987: 490)

To be recognized as a state, a new entity must meet the characteristic features necessary for the existence of the state, but for this existence to be opposed to another state, the state in question must have this existence recognized.

Through this perspective we can define the recognition of a new state as a unilateral judicial-political act by which one or more states admit, explicitly or tacitly, that they consider a new legal entity as a state and that, consequently, they recognize its international legal personality, respectively, the ability to obtain rights and contract international obligations (Raluca Miga-Beșteliu, 2003:101). In customary international law there is no obligation to recognize a new state. For example, the Berlin Treaty of 1878 recognized the independence of Romania, Serbia, Bulgaria and Montenegro (under the condition of respecting the freedom of conscience and religion for the minorities in those countries); by the Treaty of Versailles from 1919, the recognition of Czechoslovakia and Poland was legislated; an example of collective recognition can be mentioned the recognition by the European Economic Community, on January 15, 1992, of Slovenia and Croatia.

Recognition has an optional character and derives from state sovereignty (Franck Fairness , 1995: 96). States have the right, but not the obligation, to recognize the new entity. As such, recognition is a discretionary act, as states can refuse recognition when they find that a territory has been obtained illegally. Even if recognition remains at the discretion of states, this act must not become an arbitrary matter. Both its recognition and its refusal must be produced in accordance with the principles of international law. The practice of not recognizing some states can be considered unfriendly, creating obstacles to the normalization of relations between states and favoring the factors that oppose the evolution in international society (Ion M. Anghel, 1998: 216) .

In the doctrine of public international law, there are two theories of recognition: constitutive and declarative. The first theory was formulated by the Minister of Foreign Affairs of Ecuador on March 15, 1907 and was stated under the name "Tobar Doctrine". Decisive importance is given to the act of recognition in the process of establishing the new state as a subject of international law. According to this theory, if there is an act of recognition - it validates the very existence of a new subject of international law, there is no such act - it is not the new subject either (Public International Law Dictionary , 1982:119) .

The declarative theory confirms that, through the act of recognition , the new subject of international law is not created , this act is a declaration confirming the emergence of a subject of international law .

Recognition is therefore a declarative and not constitutive act, in the sense that, through this act, the existence of a new state is established, which exists as an effect of its creation, and not as a result of the act of recognition. Thus, the state becomes a subject of international law, it existences by itself, and the act of recognition does not bear the decisive mark on the quality of the subject of international law. The recognition does not give international personality to the newly recognized state, but it helps the development and promotion of international law relations by the state in question. The state, from the moment of its creation and independent of the act of recognition, benefits from the international rights and obligations, because is considered a subject of international law, being able to participate in signing treaties, in conferences and organizations international etc. (P. Reuter, 1983:178-179).

From the point of view of how it is done, recognition can take two forms, namely: *express recognition*- is done through a special act of the authorized institution of the state - declaration or formal notification - addressed to the new state, through which it is expressed in definitely the intention to recognize it, respectively *the tacit recognition* -is the one that can be deduced from the conclusive facts of a state, such as

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the establishment of diplomatic relations (Livia Dumitrescu, 2008 : 21), the conclusion of a bilateral treaty, which regulates the general issue, without to state reservations regarding recognition, and is practiced by Latin American states (C. Andronovici 2004:131) :

From the point of view of the effects it produces, the recognition is: *de jure* and *de facto* . Both recognition *de jure*, as well as recognition *de facto*, have to be expressed by the official act of the state from which the recognition originates. The difference between these forms consists, in general, in the extent of the legal effects of the recognition .

In the case of recognition *de facto*, the relations between the recognizing state and the recognized one are limited, having an unstable and provisional character, in the sense that it operates in the fields agreed by the state that grants it (international economic cooperation).

Recognition *de facto* it is incomplete, constituting a preliminary phase for recognition *de jure*. Not being definitive, the recognition *de facto* can be revoked.

A state can grant this form of recognition, if it wishes, for certain reasons, to postpone full and definitive recognition. Some of the reasons that this might be an option are: doubts about the viability of the new state, or reluctance on the part of the new state to accept obligations based on international law or its refusal to solve prominent problems.

Recognition *de jure* of a state is complete and final. It is irrevocable, because its effects are extinguished only with the cessation of the recognized state's status as a subject of law (Raluca Miga-Beșteliu, 2003:107).

This form has the effect of the full recognition of the legal personality of the new state, of everything that results from the exercise of its sovereignty, as well as the establishment of relations international in various fields, especially diplomatic and consular relations, signing bilateral treaties, etc. (Ion M. Anghel, 1998:229-230).

In the matter of recognition, doctrine and practice stipulate that the participation of an unrecognized state in conferences international or its admission to an organization international recognition does not equate to the individual or collective recognition of the state in question by other states. Likewise, the fact that a state becomes a party to a general multilateral treaty does not constitute recognition by other states.

Legal relations between states are therefore established only after the act of recognition has intervened in the sense of establishing diplomatic relations , with all their implications , the development of bilateral conventional relations, the diplomatic protection of citizens , the direct addressing of complaints in the event of damages, etc. and recognition is a means of facilitating the exercise of sovereign rights by the recognized states, their participation in life international .

A particularly current issue has become the issue of the legal status of the self-proclaimed states that appeared especially in space post-Soviet (Abkhazia, Ossetia, Transnistria, Nagorno- Karabakh) and post-Yugoslav (Kosovo). Recent events demonstrate that practice and doctrine treat this issue differently - from the demand for recognition by the international community , to the absolute denial of the legality of these state formations .

Recent analyses present the controversial temporary recognition and derecognition of the following states: Kosovo, Taiwan, and Western Sahara, considering that "three cases provide an interesting sample of partially recognized entities emerging

from diverse political constellations underpinned by unilateral secession, incomplete decolonization, and competing claims to legitimate government” (Victor S. Mariottini de Oliveira, 2023 : 283).

The US and most EU members states recognized Kosovo as an independent state shortly after its declaration of independence, while Russia, India, China, Brazil, and some EU members dealing with secessionist claims in their own domestic constituencies refused to do so. The recognition seem to have peaked at 114, but the entity has since lost 15 recognitions, 3 of which were later reinstated as acts of re-recognition.

The Republic of China (Taiwan) was recognized by 66 states in 1963, but today, counts no more than 14 recognitions. The controversy surrounding derecognition in this case is rooted in the post-revolutionary reality of the 1950s that saw the rise of competing claims of political elites based in Taiwan and mainland China to the exercise of legitimate governmental powers over the same territorial unit—China as a whole. The derecognition wave affecting Taiwan began with it losing a seat at the United Nations in 1971 and was accelerated after the USA established diplomatic relations with mainland China (PRC) in the following year, to the detriment of Taiwan.

Since 1973, the POLISARIO front has fought for the national liberation of Western Sahara, a non-self-governing territory partially under Moroccan occupation, issuing its declaration of independence in 1976 under the name of Saharawi Arab Democratic Republic (SADR). In less than a decade of existence, the entity was able to garner the recognition of 84 UN members, a number which has dropped to less than 40 since the first derecognition by Equatorial Guinea in 1980. Historical rivals of Morocco such as Algeria, Iran, and South Africa engage in the opposite activities and espouse the Western Saharan claim, providing material support for its leadership and advocating for its recognition. Morocco contends that Western Sahara does not fulfil the requirements of statehood because the POLISARIO front is not truly independent, but rather a proxy for Algeria and its interests in the region. (Victor S. Mariottini de Oliveira, 2003: 283-289)

3. Nations fighting for national liberation

From a historical point of view, the emergence of the nations fighting for liberation as a specific legal category, subject to a legal regime that involves rights and obligations is relatively recent. It can be found in the period of the anti-colonial struggle. After the Second World War, national liberation movements were recognized as subjects of international law in relations with other subjects of international law (Charter of the United Nations, signed in San Francisco on June 26, 1945, art. 1, 55). Such recognition took place, in addition to the UN, and within the Organization African Unity, together with the affirmation of the political principle regarding the self-determination of peoples as one of the fundamental principles of international law.

The document that marked both the political process of decolonization and its reflection in the normative field was the Declaration of the UN General Assembly for the granting of independence to colonial countries and peoples, adopted by Resolution 1514/XV of 1960. Later, the Declaration of the General Assembly regarding the principles of international law regarding friendly relations and cooperation between states, adopted by Resolution 2625/XXV from 1970 (Adrian Năstase, Bogdan Aurescu, 2000:167), enshrines the "Principle of equal rights of peoples and their right to self-determination" as one of the seven principles of contemporary international law. If the other fundamental principles of international law refer to states as subjects of

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international law, the right to self-determination is recognized to peoples. In connection with the recognition of this principle, a series of criteria were established in the UN documents to clarify the concept of "people", namely: to be an entity determined by its own characteristics, to be related to a territory, the definition of "people" is not confused with ethnic, religious or linguistic minorities, as recognized by article 27 of the International Convention on Civil and Political Rights.

As holders of the right to determine their own destiny, nations fighting for liberation can achieve the recognition of this status when the struggle and the circumstances in which it is taking place allow to state that they are in a transitory situation, which represents a stage preceding the establishment of an independent state with full legal personality. As the nations fighting for liberation consolidated on a national level "and their involvement in international political life became stronger, they obtained numerous international recognitions" (N. Ecobescu , V. Duculescu , 1976:191)

Usually, the status of a subject of international law is acquired from the moment when the nation fighting for liberation meets certain conditions, among which: the creation of its own organs (army or resistance organs), the exercise of public power functions, the control of a significant part of the territory the future state (Raluca Miga-Beșteliu , 1998: 355). As in the case of states, the quality of the subject of international law of nations fighting for liberation does not depend on their recognition, it belongs equally to all nations that meet these criteria, as a consequence of their right to self-determination, which represents the political and legal basis of their international personality. Based on the right to decide its own destiny independently, each nation is entitled to international rights and obligations and directly benefits the protection of international law regulations. Nations fighting for liberation are subject to the principle of non-intervention in internal affairs, respect for their territorial integrity, the right to self-defense, and the rules of international humanitarian law are applied to their armed forces.

The legal capacity of the nation fighting for liberation is manifested by the exercise of certain rights, such as:

- the right to participate as observers and have representatives in the reunions of the UN and other international organizations. The observer status gives the representatives of these entities the right to participate in the meeting sessions of the component institution of an organization, without the right to vote. Thus, since 1974, the Palestine Liberation Organization (PLO) participates, with observer status, in the proceedings of the UN General Assembly, and since 1976 it has been admitted to participate in the Security Council debates regarding the Palestinian issue. Also, by Resolution 3280/XXIX, the problem of the regular participation of the representatives was solved nations, as observers, at all UN works for national liberation movements recognized by the OAU. Admission to the UN works, alongside the member states, constitutes a recognition of the legitimacy of the nations' struggle for liberation;

- the right to participate as an associate member in those international organizations whose constitutive acts include provisions for the such a participation (for example, the case of the World Health Organization, the Universal Postal Union, the Organization United Nations for Education , Science and Culture);

- the right of diplomatic representation, active and passive, under the conditions established with the states or organizations international organizations that recognize this status. Recognition of a legation right nations fighting for liberation is an

important step in international community.

Liberation movements used to have representatives in certain capitals, as well as in some international organisations offices, their delegates enjoying a certain degree of immunity, although they were not recognized as diplomatic agents. Due to the representation of these entities in a growing number of states, it went from offices and offices to real diplomatic missions, and their delegates received, not only the name, but also the treatment given to ambassadors of sovereign states (Vienna Convention of 1961 regarding diplomatic relations);

- the right to benefit from the assistance of the UN, its specialized institutions and other members of the international community;

- the right to enjoy the protection of the laws and customs of war and the obligation to respect them. The members of a national liberation movement are treated as combatants, having the regime of prisoners of war, in case they fell into the hands of the colonial forces. Combatant units must be organized according to the model of regular armies, having a responsible person in their leadership;

- the right to conclude international treaties. If a national liberation movement ends up being established in a new state, most of the time an agreement is concluded with the state on whose account the respective state acquires independence. For example, the Anglo-Irish treaty, from 1921, which intervened following the armed struggle; The Evian Agreements, concluded between France and the National Liberation Front of 1962, which provided for popular consultation on the political destiny of Algeria; Portugal concluded treaties with the liberation movements from the former African colonies, by which the date for the declaration of independence was fixed, a government was formed for the transition period and the bases of cooperation were established.

In the case of multilateral treaties, it is stipulated that the acceptance of this text can be done through a declaration of the representative of the movement addressed to the depository state. We also find such a provision in the Convention of October 10, 1980 (art. 7, par. 4) regarding the prohibition and limiting the use of certain classic weapons.

The Conference on the Law of the Sea invited national liberation movements (OEP, South West African People Organization (SWAPO) as observers and recognized their right to sign the Final Act. In this case, Namibia's situation was regulated by a special provision, which ordered that it is entitled to sign through the UN Council for Namibia (the Convention on the Law of the Sea, adopted in 1982, in force since November 1994, UN General Assembly Resolution, docA /Conf. 62/122, United Nations, Treaty Series, 1983, art. 305;). At the Vienna Conference of 1986 for the codification of the law of treaties between states and international organizations or between international organizations, based on Resolution no 39/86 of the UN General Assembly, national liberation movements like OEP, SWAPO and others were also invited.

However, the recognition of national liberation movements is not common in the practice of states. This is declarative and involves the recognition of their governing powers by the states that choose to support them on their path to independence.

Regarding the recognition of belligerents and insurgents as subjects of international relations, the effects of the recognition must be analyzed from a double perspective: of the state on whose territory it is manifested and of the third states, respectively, they will not be subject to the internal criminal regime of common law, but

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will be considered prisoners of war, and third States shall treat them equally as the Government of that State. However, such forms of recognition were no longer used after 1945, with the exception of the joint declaration signed in 1981 by France and Mexico in which they recognized an alliance of Salvadoran liberation movements as the representative political force. (Carmen Moldovan, 2019: 276)

A delicate issue is the situation of Palestine, holy land for Arabs, Christians and Jews. Foreseeing the danger that the birth of a non-Arab state would entail on the Palestinian territory, several Arab states decided that only through unity they could put an end to the danger, which is also the reason for the emergence of the League of Arab States. However, since in 1947 UN resolution 181 provided for the division of Palestine into a Jewish and an Arab state and in 1948 the state of Israel recognized by both the USA and the USSR was born, the Arab League proposed in 1964 the creation of the Palestine Liberation Organization. (Anton Carpinski , Diana Mărgărit, 2011:111)

4. Self-determination, secession and separatism

The norm of self-determination gained prominence international in Woodrow Wilson's Fourteen Points. Since then it has had a turbulent existence, from the decolonization that followed the world wars to the ethnic wars after the Cold War. The inclusion of the concept of "self-determination" in the UN Charter resulted in the evolution of this idea from principle to law, without ever fully defining the underlying concept. Self-determination in the 1960s was simply another term for decolonization. However, even at this stage "self-determination did not allow secession; the territorial integrity of the existing states and the majority of the colonial territories was assumed". The idea of self-determination in this period did not fit into the concept that all peoples had the right to self-determination, but that all colonies had the right to be independent. The rhetoric of self-determination has changed since the late 1970s to the present day, so that the Wilsonian discourse on the ethnic and cultural rights of minorities has become mixed with the territorial concerns of the decolonization era.

The right to self-determination is "the right of consistent national groups (peoples) to choose their form of political organization and their relationship with other groups" (Public International Law Dictionary, 1982: 36). Although self-determination was mentioned in art. 55 of the UN Charter, most of the authors from the last decade considered that international law in its current form does not elucidate all the implications of the right to self-determination. However, the Consultative Opinion on Western Sahara of the ICJ confirms the "validity of the principle of self-determination" in the context of international law (I. Brownlie, 2003 : 554).

The basic norm of self-determination is the right of a people of an existing state "to choose its own political system and to pursue its own economic, social and cultural development" (*Encyclopedia of Public International Law*, Vol. III, 1997: 364-367). The presumption is that the economic, social and cultural development will take place under the auspices of an existing state and will not require the declaration of a new state. This conception of internal self-determination makes self-determination closely related to the respect of minority rights.

Modern visions of self-determination also recognize the "federalist" option of granting some level of cultural or political autonomy as a means of satisfying the norm of self-determination, a solution applied exceptionally when a state brutally violates or does not show the desire or the power to defend human dignity and the basic human rights; but in such cases the assumption of a legal claim of self-determination seems to

be justified only if the people aware of its own identity and settled on a common territory is discriminated as such and if there are no effective remedies in national or international law to adjust situations .

Therefore, the norm of self-determination does not represent a general right to secession. Since self-determination is an internationally recognized principle, secession is an internal problem, one to be solved by the states themselves. These political issues being contentious in nature, the fair process and legal principles become all the more important, and in a generally accepted solution it was stated, for example, that the United States must be less concerned with the results of these struggles and more with the means used; international political stability is more likely to be maintained if emphasis is placed on the process and not on manipulating events to arrange a predetermined outcome. The United States will, however, state absolutely clearly that secession has not been universally recognized as international law. They may choose, based on other interests, to support the secessionist claims of a self-determination movement, but not because the group is exercising its right to secession, since such a right does not exist in international law. At the same time, an absolute rejection of secession in all cases would not be reasonable, because the United States should not be prepared to tolerate repression or genocide committed by another state in the name of territorial integrity. Secession can be a legitimate goal of some self-determination movements, especially as a reaction to serious and systematic violations of human rights, and when the entity is potentially politically and economically viable (P. Carley, 1996 :10).

The issues of self-determination and secession are usually in the field of domestic law. Classical international law holds that "although a rebellion will include the violation of the laws of the state concerned, there is no violation of international law merely by the fact that a rebel regime attempts to overthrow the government of the state or to secede from the state". If such secession attempts endanger the peace and security of the international system, the UN Security Council can declare them illegal, as in the case of Rhodesia or the attempted secession of the Katanga province of the Congo. Therefore, illegality refers to national illegality at the domestic level, or at the international level, to foreign intervention or threats to peace and international safety.

However, state practice has evolved, so that self-determination, correctly understood, does not allow the withdrawal of borders. During the war in Yugoslavia, the Conference of the European Community regarding the Arbitration Commission for Yugoslavia, established by the European Community, found that the exercise of self-determination "must not involve the modification of the borders existing at the time of independence (*uti possidetis juris*), if the concerned states do not agree otherwise". *Uti possidetis juris* was recognized as a general principle of international law, the Helsinki Final Act also provided for the inviolability of borders, although it provides for the modification of borders by peaceful means and based on agreements. Other treaties or declarations that include explicit or implicit statements of *uti possidetis juris* are: the Vienna Convention of 1961 on Diplomatic Relations , the Vienna Convention of 1969 on the Law of Treaties, the Vienna Convention of 1978 on the Succession of States to Treaties, Resolution 1514/XV of 1960 of the UN General Assembly on granting of independence to colonial countries and peoples.

International Court of Justice also wrote in Burkina Faso that *uti possidetis* is not a special rule that belongs only to one specific system of international law. It is a

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general principle, logically connected with the phenomenon of obtaining independence, wherever it takes place.

Recognized sources of international law establish that a people's right to self-determination is normally satisfied through internal self-determination - the benefits of people satisfied of its political, economic, social and cultural development within an existing state. The right to external self-determination (which in this case potentially takes the form of a claim to unilateral secession) appears only in the most extreme cases and in very carefully defined circumstances.

This result is in agreement with the Resolution on friendly relations and cooperation among states, a resolution specially adopted on the 25th anniversary of the founding of the UN to once again declare the basic principles of the organization. The resolution excludes secession as a means of forming a sovereign state when the existing state respects the equal rights and self-determination of peoples.

The problem is put into practice, in the opinion of some authors, in the case of the non-consensual secession of some states (for example, Kosovo and South Sudan), situations in which the allies of the state from which another political structure has de facto separated will tend to not to recognize the newly created state, while its opponents will probably be inclined to recognize it. This situation will give rise to a plurality of the status of that entity, which will exist as a state in relation to some and not exist in relation to others. (Lucian Bojin, 2018: 63)

Separatism is a tendency to separate from a whole. From a political point of view, it is expressed by claiming sovereignty and independence for a part of the territory. Contemporary separatism is based on the exaggerated application of the principle of self-determination, claiming that each ethnic community or nation must own a territory organized in the form of a state. First of all, the right to self-determination is available only to the peoples whose characteristics correspond to those of the nation (common territory, common historical tradition, ethnic identity, cultural homogeneity, conscience and the common will to be identified as a people) and which, as mentioned, is under foreign domination. Ethnic minorities within a state do not have this right, once there is already a national state of the respective ethnicity. The right to self-determination, which minorities have, only implies the recognition of ethnic specificity and the right to a certain degree of cultural and administrative autonomy within a state. On the other hand, in the contemporary world, the respect of the rights of ethnic minorities is guaranteed by international law, providing various mechanisms for their defense.

Thus, separatism, essentially representing an internal problem, does not manifest itself only in this manner, the separatist region creating contradictions (direct or indirect) between two or more states. Violation of international law, especially in the case of the use of military force or terrorist methods of combat, involves the international community in the process of settling conflicts that arose on the basis of separatism.

In conclusion, we mention that the set of states attributes defines the quality of the subject of international law of nations fighting for liberation. It is obvious that, in the case of nations fighting for liberation, the quality of being a subject of international law has a limited and transitory character, both in its content and in its field of practice. Its capacity is manifested only in certain fields, and over time it is exercised until the acquisition of independence, the creation of the new state, which will benefit from full

international legal personality, in the sense that it will be able to acquire rights and assume obligations in all areas of life international.

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ORIGINAL PAPER

Investigating the Effects of Financial Leverage, Net Interest Margin, Interest Coverage Ratio and Solvency Ratios on Earnings Per Share of Indian Banks

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Abstract:

The study assesses the impact of financial leverage, interest coverage ratios, and debt-to-equity ratios on the earnings per share (EPS) of Indian banks during the COVID-19 pandemic. It analyzed 23 Indian banks in the NIFTY 100 index, including 10 private and 13 public sector banks. The results showed that financial leverage, interest coverage ratios, and debt-to-equity ratios significantly impacted EPS. The interest coverage ratio had a favorable effect, while financial leverage and debt-to-equity ratios had negative effects.

Keywords: *Financial Leverage; Debt to Equity ratio; Earnings per share; Interest coverage ratio; Pooled regression.*

JEL Classification : C33, G13, G32

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Investigating the Effects of Financial Leverage, Net Interest Margin, Interest Coverage Ratio and Solvency Ratios on Earnings Per Share of Indian Banks

I Introduction

As a major contributor to the national or regional economy, the banking sector represents the backbone of a country's financial system (Sunaryo, 2020). The banking industry faced challenges as a result of the COVID-19 pandemic new challenges such as: increase of online banking/e-banking usage, cardless shopping and branchless banking (Shah et al., 2023); (Somani & Kumar, 2020). In Vietnam, reasons for this shift in behavior include a growing preference for online shopping and a greater comfort level with using online banking.(Ngo et al., 2023). Technological advancements have caused a major shift in the financial sector(Mehdiabadi et al., 2020), but it seems that COVID-19 pandemic badly affected the banking sector. Banks that exist solely online have been shown to have several flaws and to be vulnerable to a wide variety of threats in today's era of FinTech institutions and competition from conventional banks that have created and developed mobile and Internet banking. The Return on Equity (ROE) and Return on Assets (ROA) showed a slight improvement during pandemic year 2020 (Schmidt-Jessa, 2022). Researchers found that the spread of the COVID-19 virus had a major impact on the efficiency and safety of 2073 banks across 106 countries between the Q1 2016 and the Q2 of 2021(Mohsin, et al., 2023). Moreover, it is continuously introducing reforms in the Indian Banking System in order to minimize the effects of COVID-19. As a whole, the world is suffering from COVID-19 pandemic. This leads to a change in the way the world works. As a result, another great depression occurs. In late December 2019, COVID-19 (a novel Coronavirus) started spreading in Wuhan, China, and after that, it spread to other parts of the world. A pandemic was declared on 11th March 2020 by the World Health Organization after it was observed the rapidity of the spread and the high degree of infection which caused an increase in death rates (Bobade & Alex, 2020). The global spread of Covid-19 has coincided with India's efforts to reverse its dismal GDP development. The spread of COVID-19 has disrupted recovery efforts significantly.

According to a report by the Reserve Bank of India in 2020, the COVID-19 pandemic has had a negative impact on 19 industries in India during the course of the previous two quarters, resulting stress of debt to amount to 1.552×10^7 million rupees (Patel, et al., 2021).

Non-performing loans rose as the number of people who lost their jobs and were unable to make their loan payments because of the COVID-19 pandemic reduced bank profits and slowed down banking operations(Hawaldar, et al., 2022). Telecom AGR (adjusted gross revenue) liability and the Yes Bank fiasco impacted both sentiment and market valuation when bank NPAs decreased from over 10% of advances and profitability resumed. In response to the GST, many banks restructured loans to small and medium-sized businesses (SMBs) (Perwej, 2020). A short-term disruption of Indian banking due to the COVID-19 pandemic such as, reduced serviceability due to inaccessibility of data and infrastructure, an expected reduction in returns on FIs due to a temporary correction in valuations, routine operations were difficult to access, default in the repayment of a loan, non-essential operations are being scaled down, the number of cross-border and domestic trade transactions have decreased significantly.

All around the world, economies have been affected by COVID-19 pandemic. May 2020 estimates by the Asian Development Bank (ADB) put the cost of a global pandemic caused by the Coronavirus (COVID-19) at between USD 5.8 trillion and USD 8 trillion, or 6.4% to 9.7% of global GDP. Due to COVID-19 pandemic, there has been a prolonged crisis in Indian banking sector such as: a) Distribution of shared workforce

services is becoming increasingly popular, b) Digital transactions are becoming more and more popular, c) Insurance policies for health and life are becoming increasingly popular, d) Lack of deployment opportunities leads to surplus capital accumulation, e) A decline in revenue and margins has led to an increase in defaults, Increase in defaults due to lower revenue and margins (Bobade & Alex, 2020). The COVID-19 pandemic poses a serious challenge for banks such as the following: revenue generation declines due to lower footfall, lower demand, reduced and remote staffing, and due to skewed interest expenses, net interest income will be likely to be stressed (Perwej, 2020). Therefore, numerous parameters, including the Debt to Assets ratio, the Debt-to-Equity ratio, the Interest Coverage Ratio, the Financial Leverage Ratio, and the Net Interest Margin, have changed as a result of the COVID-19 epidemic. EPS is a metric used to evaluate a company's profitability to shareholders.

Some of these studies revealed that Debt to Equity ratios had a negative and significant impact on EPS (Tarigan, et al., 2021; Ndubuisi, et al., 2019; Ur Rehman, 2013). On the other hand, certain research studies also revealed that DER had affirmative effect on EPS (Sriyono, et al., 2018, Nugraha, et al., 2020). Some other studies also concluded that Debt to Equity Ratio had no significant effect on Earnings per Share (Dewi, 2021). Moreover, Debt to Equity Ratio (DER) had a significant effect on Earnings Per Share or EPS (Larasati, et al., 2020; Taani & Banykhaled, 2011). Therefore, by improving on previous research approaches, this study attempts to fill this knowledge gap by investigating the effects of DER on the EPS of Indian banks that are included in the NIFTY 100 from January 2020 to June 2022 (Nugraha, et al., 2020) concluded that DAR negatively affects EPS. Only a few studies have been found on the effect of DAR on EPS. There is no previous research study focused on the effect of the Interest Coverage Ratio (ICR) on EPS.

Several research have been done on the link between DER, DAR, and EPS in the non-banking sectors such as manufacturing companies (Tarigan, et al., 2021) non-financial firms (Ndubuisi, et al., 2019), companies' property (Sriyono, et al., 2018), real estate and construction companies (Dewi, 2021), chemicals sector (Nugraha, et al., 2020), sugar companies (Ur Rehman, 2013) but there is no study toward banking sector. So that it is also one reason to provide such innovative research study because there is no previous study has been conducted on banking sector.

II Literature Review

In this analysis, we break down the literature review into several sections. The literature review highlights a few important research works about the NIM, DER, DAR and financial leverage ratio which is focusing on several ratios and their relationship with EPS. Some research papers shows that Earnings Per Share is positively affected by Interest Margin (Thenu, 2018) based on PT Bank Central Asia Tbk for 10 years, while (Canh, 2015) studies only 6 years of PT Bank Central Asia Tbk whereas (Kiet, 2020) other study have been conducted to analyze the revenue from commercial banks in Vietnam in relation to bad loans, net interest margin, ROE, and ROA. Also, every quarter from 2014 to 2018, we gathered 100 pieces of secondary data from the five largest commercial banks in Vietnam. Results show that NPL, NIM, ROE, and ROA all play a role in EPS.

There is a study (Kumar, 2017) which is related to the Indian steel companies which were studied to determine the connection between their degree of financial leverage and their EPS, for the sample period from 2006-07 to 2014-15. In order to

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conduct this study, SAIL's and Tata Steel's Annual Reports were used as secondary sources of data. Degree of financial leverage was negatively correlated with earnings per share at SAIL, but not at Tata Steel Limited. Separate research using data from 371 Indian companies listed on the Bombay stock exchange found no statistically significant change in net profit, earnings per share, or diluted earnings per share in the construction and food industries either before or after the COVID-19 pandemic (Alsamhi et al., 2022). Moreover, according to Roman et al. (2022) the concept of public confidence in banks represents a very important issue for the sustainable growth and development of the banking field.

During the sample period of 2017-2019, EPS were positively impacted by manufacturing firms' current ratios and negatively impacted by their debt-to-equity ratios on the Indonesia Stock Exchange. (Tarigan et al., 2021). Debt-to-equity ratio was found to significantly impact earnings per share. (Larasati et al., 2020) found that return on equity (ROE) has an effect on EPS. Profitability (ROE), market value (PBV), operating cash flow (OCF), and leverage (DER) ratios all have a substantial effect on EPS (Taani & Banykhaled, 2011). The debt equity ratio is positively related to returns on assets and sales growth for Pakistani sugar firms, but negatively related to earnings per share, net profit margin, and returns on equity (Ur Rehman, 2013). A study of Bangladeshi public manufacturing companies' profitability is conducted in another research study. This research found that while both debt and equity ratios positively affected ROA, the debt-to-equity ratio had a negative effect. This report also reveals the detrimental effect that the debt-to-equity ratio has on earnings per share (Rahman et al., 2019). Using data from the Indonesia Stock Exchange (IDX), we find that the variable current ratio has no appreciable impact on EPS for the LQ45 businesses that were listed there between 2011 and 2015. Similarly, Return on Asset has a negligible impact on EPS. The Debt-to-Equity Ratio is a major factor in determining EPS (Nugroho et al., 2020). Earnings per share were not significantly impacted by the debt-to-equity ratio. Earnings per share were not affected by the current ratio, while Total Asset Turnover was significantly positive (Dewi, 2021). This research paper is based on sample research method of food and beverage manufacturing companies for the sample period from 2012 to 2016 for a number of 12 companies. With the help of F test result revealed that ROE, Current Ratio, Net Profit Margin DER have a positive effect on EPS and t test shows that Current Ratio has a negative effect on EPS (Sriyono et al., 2018). EPS was negatively correlated with the Debt-to-Equity ratio and total debt to total assets measures of financial leverage, but return on equity was not (Ndubuisi et al., 2019).

III Hypotheses Development

1. H_{0a} : **Net interest margin** has no impact on **EPS** of Indian Banks during COVID-19.
2. H_{0b} : **Interest coverage ratio** has no impact on **EPS** of Indian Banks during COVID-19
3. H_{0c} : **Financial leverage ratio** has no impact on **EPS** of Indian Banks during COVID-19
4. H_{0d} : **Debt to Equity ratio** has no impact on **EPS** of Indian Banks during COVID-19
5. H_{0e} : **Debt to Assets ratio** has no impact on **EPS** of Indian Banks during COVID-19

IV Research Methodology

There was a total of 23 financial institutions in India considered for the study, 10 from the private sector and 13 from the public sector. Ten quarterly reports from 23 Indian banks were used as secondary data to calculate a variety of ratios for the study's sample period of January 2020 through June 2022. Since the global COVID-19 epidemic would hit in January 2020 and continue to wreak havoc until June 2022, researchers focused on that time frame. EPS during these times are of importance, and so is the effect of financial leverage, net interest margin, interest coverage ratio, debt to assets, and debt to equity. Because of the lockout, even most stores were shut down. Financial leverage, net interest margin, interest coverage ratio Debt to Assets and debt to equity ratio are the independent variables in the model, with EPS as the dependent variable. These ratios of Indian banks are extracted and calculated using secondary data based on their quarterly income statements and balance sheets found on websites like www.in.investing.com, www.moneycontrol.com, and www.screener.in. All of the factors in the study's equation must remain constant over time. The unit root test has been used to examine for stationary behavior; this test is also known as the Augmented Dickey Fuller Test due to the inclusion of test equations for the trend, intercept, and trend-intercept. There would have been the right number of differentiations done if the data weren't stationary. A pooled regression model has been developed to test the assumptions about the model's significance and the nature of the connection between the independent and dependent variables. Coefficients of independent variables in constructed models have been determined to be statistically significant by comparing the p-value to the significance level. Those prototype models are further optimised by removing the independent variables for which the coefficients are not statistically significant from the models.

V Significance of the Study

The study may offer new perspectives on how debt to equity, Debt to Assets, net interest margin, leverage ratio, and interest coverage ratio affect earnings per share (EPS). This also enables to find those ratios which have significant impact on earnings per share (EPS) which results in future forecasting on profitability position using the estimated values of balance sheets' and income statements' items if pandemic would affect in the same manner as like in the year 2020 to mid-2022. Such study could assist the shareholders to assess to make long term position of their holdings and also help the educated customers of banks to understand the impact of solvency and capital adequacy on growth of their banks. Moreover, the government, RBI and the policy makers could judge the profitability using the formulated models. The study could act as a base even for the scholars working in this area, to ascertain the interrelationship between some new ratios.

Theoretical Framework – Earnings per share are considered the dependent variable in the conceptual framework, whereas financial leverage, the interest coverage ratio, the net interest margin, the debt-to-equity ratio, and the Debt to Assets ratio are considered the independent variables. Figure 1 can be used to demonstrate this.

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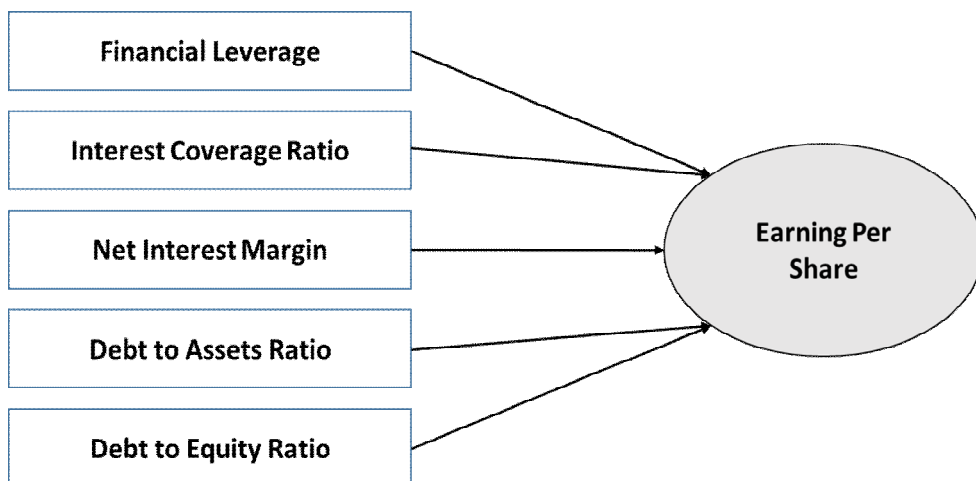


Figure 1 Flow chart showing the Predictors and Dependent Variables

Source: Research findings.

VI Results and Discussion

As the data of ten quarters of 23 banks i.e., balanced panel data, has been used to measure the impact of financial leverage, net interest margin, interest coverage ratio Debt to Assets and debt to equity ratio on EPS. For the purpose of the finding the impact of above variables on EPS of Indian banks, pooled regression model has been used. Further the Using Step-by-Step Regression, we constructed a model to capture the effects of multiple important variables which impact the EPS of Indian Banks at the current situation.

Formulation of pooled regression model

Based on the objective/ Hypothesis of the study the dependent variable is EPS (earnings per share), whereas the regressors are financial leverage, net interest margin, interest coverage ratio, debt to equity and Debt to Assets ratio. To test if the model is statistically significant and the connection between the independent and dependent variables follows the alternative hypothesis outlined from **H0A** to **H0E**, a multiple regression model has been constructed. The outcome of the regression model is displayed in Table1.

Table 1. Formulation of pooled regression model for Model-1

Model Description									
Model	R	R Square	Adjusted R Square	Std. Error of the Estimate	Change Statistics				
					R Square Change	F Change	df1	df2	Sig. F Change
1	.422 ^a	.178	.160	17.757005	.178	9.707	5	224	.000
ANOVA ^a									
Model 1		Sum of Squares		df	Mean Square		F	Sig.	
Regression		15302.902		5	3060.580		9.707	.000 ^b	
Residual		70629.718		224	315.311				
Total		85932.620		229					
Coefficients ^a									
Model 1		Unstandardized Coefficients		Standardized Coefficients	t	Sig.	Collinearity Statistics		
		B	Std. Error	Beta			Toleranc	VIF	
(Constant)		16.650	3.714		4.483	.000			
FLR		-.146	.047	-.189	-3.072	.002	.973	1.028	
ICR		9.145	2.509	.298	3.645	.000	.550	1.818	
DAR		-4.445	4.006	-.090	-1.110	.268	.552	1.811	
DER		-1.074	.272	-.252	-3.949	.000	.904	1.106	
NIM		-1.293	9.222	-.009	-.140	.889	.986	1.014	
Collinearity Diagnostics ^a									
Model	Dimension	Eigenvalue	Condition Index	Variance Proportions					
				(Consta	FLR	ICR	DAR	DER	NIM
1	1	3.663	1.000	.01	.01	.01	.01	.01	.00
	2	.968	1.945	.00	.10	.00	.00	.00	.86
	3	.814	2.121	.00	.88	.00	.00	.00	.11
	4	.387	3.077	.03	.01	.31	.02	.10	.00
	5	.109	5.792	.09	.00	.51	.94	.00	.00
	6	.059	7.880	.87	.00	.16	.03	.89	.02
a. Dependent Variable: EPS (Earnings per share)									
b. Predictors: (Constant), Net interest margin (NIM), Interest coverage ratio (ICR), Financial leverage (FLR), Debt to equity ratio (DER), Debt to Assets ratio (DAR) ^b									

Source: Research findings

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Table 2. Status of Hypotheses after the Formulation of Model-1

H _{0a} : Net Interest Margin has not significant impact on EPS of Indian Banks	Rejected (Dropped)
H _{0b} : Interest coverage ratio has not significant impact on EPS of Indian Banks	Accepted
H _{0c} : Financial leverage ratio has not significant impact on EPS of Indian Banks	Accepted
H _{0d} : Debt to equity ratio has not significant impact on EPS of Indian Banks	Accepted
H _{0e} : Debt to Assets ratio has not significant impact on EPS of Indian Banks	Rejected (Dropped)

Source: Research findings.

Table 1 presents the findings from Multiple Regression Model 1. The table consists of four parts: the outcomes of the model summary, the outcomes of the ANOVA, the results of the coefficients, and the Collinearity Diagnostics. The explanatory variables in the first component can account for 17.8% of the explained variable, according to component where the value of R square is 0.178. (Dependent variable). The value of F statistics in the second component of variables is significant since the p value is less than 0.05, indicating that the aforementioned Model-1, which was defined by taking the independent variables into consideration, fits the data better than the intercept alone. When it comes to the third component's independent variable coefficients, only one, the ICR, has a positive coefficient, while the other four, the net interest margin (NIM), FLR, DER, and DAR, all have a negative coefficient. The inverse association between these independent variables and the influence on EPS of Indian banks from January 2020 to mid-2022 is shown by the negative coefficients of these four variables. In the last component (fourth) of table where the results of Condition Index based on Collinearity Statistics are below the value of 15 so collinearity is not suspected in this case. Similarly, the tolerance is within the limit (less than 1) and VIF (variance Inflation factor) value is also within the limit (less than 10). The purpose of the correlation analysis is to prevent collinearity among the variables and to demonstrate the extent of the degree of relationship among the variables utilized in the study. Table 2 shows the validity of hypotheses after formulation of Model-1. After creating a regression model by considering every single one of the 5 independent variables, the status of the hypotheses is shown in Table 2 of the results. Two hypotheses, H_{0a} and H_{0e}, have been eliminated from the model after its framing because the variables associated with those hypotheses do not have statistical significance (p values greater than 0.05). So, while framing a new improved model, these two variables will be removed. As a result, a new revised model is created using only three variables with significant coefficients. Table 3 presents the findings of the Model-2, a new updated model.

Table 3. Formulation of pooled regression model for Model-2

Model Description									
Mode 1 2	R	R Squa re	Adjusted R Square	Std. Error of the Estimate	Change Statistics				
					R Square Change	F Chang e	df1	df2	Sig. F Change
2	.417 ^a	.174	.163	17.72737 0	.174	15.815	3	226	.000
ANOVA^a									
Model 2		Sum of Squares	Df	Mean Square	F	Sig.			
	Regression	14909.938	3	4969.979	15.815	.000 ^b			
	Residual	71022.682	226	314.260					
	Total	85932.620	229						
Coefficients^a									
Model 2	Unstandardized Coefficients			Standardized Coefficients	t	Sig.	Collinearity Statistics		
	B	Std. Error	Beta	Tolerance			VIF		
2	(Constant)	15.974	3.618		4.415	.000			
	FLR	-.148	.047	-.192	-3.130	.002	.975	1.025	
	ICR	7.321	1.893	.238	3.868	.000	.963	1.038	
	DER	-1.148	.261	-.269	-4.405	.000	.981	1.020	
Collinearity Diagnostics^a									
Model 2	Dimension	Eigenvalue	Condition Index	Variance Proportions					
				(Constant)	FLR	ICR	DER		
	1	2.760	1.000	.01	.03	.04	.01		
	2	.816	1.839	.01	.96	.01	.01		
	3	.363	2.757	.02	.01	.81	.08		
	4	.061	6.722	.96	.00	.15	.89		
a. Dependent Variable: EPS									
b. Debt to equity ratio (DER), Financial leverage (FLR), Interest coverage ratio (ICR) ^b									

Source: Research findings.

The findings of multiple regression model 2 are presented in Table 3. The table is divided into four sections: the model summary results, the ANOVA results, the coefficients results, and the convergent diagnostics of model 2. The explanatory variables can account for 17.4% of the explained variable in the first component, where the value of R square is 0.174. (Dependent variable). The value of F statistics in the second component of variables is noteworthy since the p value is less than 0.05, indicating that the aforementioned Model-2, which was defined by taking the independent variables into consideration, fits the data better than the intercept alone. When it comes to the third component's independent variable coefficients, only one, ICR, has a positive coefficient, while the other two, financial leverage (FLR) and DER, both have negative coefficients. The negative coefficients of these two variables show that they have an antagonistic effect on the EPS of Indian banks from January 2020 to mid-2022. The key finding is that, with a p-value of less than 0.05, all three variables exhibit significant coefficients. Tolerance and the Variance Inflation Factor (VIF) obtained for each variable are under the limit for the test of multi-collinearity, indicating that there is no multi-collinearity between the variables, supporting the use of the

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multiple regression model. Compared to Model-1, where both R and R squared have somewhat decreased values.

VII Conclusions

The world economy has been hit hard by the COVID-19 epidemic, and it is likely that this event will go down in history as an extraordinary one. The banking industry has been hit the worst by the COVID-19 epidemic, although all financial sectors have been affected. The effects of financial leverage, interest coverage ratio, net interest margin, debt to equity ratio, and debt to assets ratio on Indian banks' EPS were regressed using a panel data set spanning Q1 2020 through Q2 2022. Table 3 demonstrate the outcomes of a formulated pooled regression model examining the connection between EPS and financial leverage, interest coverage ratios, and Debt to Equity ratios. The EPS of Indian banks is significantly impacted negatively by the financial leverage ratio (FLR), meaning that as FLR rises, EPS falls. This demonstrates that throughout this time period, Indian banks did not earn more money than their debt warranted. Interest rates tend to be high when there is a lot of financial leverage involved. Interest expenses eat away at profits, which in turn reduces earnings per share. Financial leverage has a negative effect on earnings per share since it increases interest payments. The effect of the interest coverage ratio on earnings per share at Indian banks was analyzed. As a result, the interest coverage ratio has a positive effect on the EPS of Indian banks, suggesting that they would be able to make their interest payments despite the current COVID-19 epidemic. The model testing also suggests that the Debt-to-equity ratio has adverse significant influence on EPS at the $0.000 < 0.05$ level, suggesting that it affects the pricing of earnings per share. But the data also showed that the Debt to Assets ratio (with a coefficient of -4.445 and a significance level of $0.889 > 0.05$) and the net interest margin (with a coefficient of -0.268 and a significance level of $0.268 > 0.05$) do not have a negative effect on EPS. The DAR and the Net Interest Margin appear to have no bearing on the earnings per share of Indian banks. Bank management may find the study's findings helpful as they formulate financial and other policies and future budgets. The results of this study may not be generalizable to the banking sectors of other countries because they were conducted exclusively in India. Moreover, other characteristics of banking stability and how they affect profitability may inspire further study because the study only looked at banking efficiency. Additionally, it is possible to contrast the models created before and after the epidemic. Similar studies might be conducted in developed nations, and discussions comparing these types of countries are encouraged.

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Authors' Contributions

The authors contributed equally to this work.

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ORIGINAL PAPER

Considerations Regarding the Assessment of AI's Impact on Court Decisions: Developments and Perspectives

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Abstract:

In the contemporary legal landscape, the integration of Artificial Intelligence (AI) into judicial decision-making processes marks a pivotal shift towards algorithmic justice. This article, delves into the nuanced interplay between AI technologies and the principles of justice, exploring both the transformative potential and the challenges inherent in this digital evolution. Through a comprehensive analysis, it examines how AI applications are currently being utilized within various judicial systems, highlighting the mechanisms through which algorithms influence legal assessments, evidence evaluation, and the rendering of verdicts. Moreover, it scrutinizes the ethical considerations and potential biases embedded within AI systems, assessing their implications for fairness, impartiality, and public trust in the legal process. By presenting a series of case studies, this article offers a dual perspective on AI's role in the justice system, showcasing instances of successful integration alongside cautionary tales of shortcomings. The discussion extends to the broader societal and ethical ramifications of algorithmic decision-making, including issues of accountability, privacy, and the impact on public perception. Concluding with a forward-looking analysis, the article proposes recommendations for balancing the scales of justice in an increasingly algorithmized world, advocating for a judicious blend of technological innovation and adherence to foundational legal principles. This exploration not only contributes to the scholarly discourse on AI and justice but also offers practical insights for policymakers, legal practitioners, and technologists navigating the evolving landscape of algorithmic adjudication.

Keywords: *Artificial Intelligence (AI), Judicial Decision-Making, Algorithmic Bias, Legal Ethics, Digital Transformation in Law.*

JEL Classification: K40, O33.

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1. Introduction

In the annals of legal history, the infusion of Artificial Intelligence (AI) into the judicial decision-making matrix represents not merely an evolution, but a revolution—a paradigmatic shift that challenges the very bedrock of jurisprudential processes and ethical considerations that have heretofore underpinned the administration of justice. This seismic transition from a purely human-centric adjudication to one augmented, and in some instances supplanted, by algorithmic intelligence, necessitates a profound reexamination of the principles and values that govern justice systems worldwide.

The incursion of AI into the legal domain is not an eventuality; it is a present reality. Across the globe, from predictive policing algorithms to decision-support systems in parole and bail settings, the digital tendrils of algorithmic logic are increasingly weaving into the fabric of judicial deliberations. However, this integration is not without its labyrinthine complexities and ethical quandaries. The promise of increased efficiency, consistency, and the alleviation of human bias stands in stark contrast to emerging concerns over algorithmic opacity, biases of their own, and the potential erosion of the humanistic elements intrinsic to justice.

This article embarks upon a rigorous scholarly expedition to navigate the multifaceted landscape of AI's impact on court decisions. It seeks to illuminate the nuanced mechanisms through which AI technologies are being deployed within judicial systems, to critically assess the balance between the benefits of such technologies and the potential for digital disenfranchisement and to explore the ethical, legal, and societal reverberations of this ongoing transformation. In doing so, the discourse endeavors to unravel the complex tapestry of algorithmic adjudication, probing the depths of its implications for fairness, accountability, and the very ethos of justice in the digital age.

As we stand at the cusp of this new era in legal jurisprudence, it is imperative to forge a comprehensive understanding of how AI's algorithmic judgment intersects with, enhances, or undermines traditional notions of justice. This exploration is not only academically salient but critically necessary for policymakers, legal practitioners, and society at large, as we collectively navigate the uncharted waters of the age of algorithms. Thus, this article aspires to contribute a scholarly beacon of insight, guiding the discourse on the prudent, ethical, and equitable integration of AI into the judicial domain.

2. Background and Context

As we embark on the examination of Artificial Intelligence's (AI) role within the judicial sphere, it is essential to contextualize this technological incursion against the broader backdrop of digital transformation that has permeated every facet of human endeavor. The legal domain, traditionally perceived as a bastion of conservatism and deliberative prudence, has not remained impervious to the siren call of digital innovation. This section traces the arc of AI's ascendancy in legal processes, situating it within the epochal shift towards digitization that characterizes the 21st century.

The genesis of AI's integration into the legal system can be traced back to the nascent developments in legal informatics, where the potential for computational algorithms to streamline case law research and enhance the efficiency of legal documentation was first recognized. However, the leap from auxiliary tools to decision-making algorithms marks a pivotal evolution, underscored by a profound reimagining of the role of technology in mediating legal outcomes.

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The allure of AI in this context is manifold. Proponents herald its capacity to transcend human limitations, offering unparalleled consistency, speed, and an ostensibly objective analysis of legal precedents and statutes. Yet, this enthusiasm is tempered by a critical awareness of the intrinsic limitations and ethical dilemmas posed by algorithmic adjudication. The juxtaposition of AI's promise against its perils frames the complex narrative of legal digitization.

As the digital drumbeat accelerates, the legal profession stands at a crossroads, confronted by the dual imperative of harnessing AI's potential while safeguarding the fundamental tenets of justice. This delicate balancing act necessitates a reevaluation of existing legal frameworks, which were conceived in an analog era and are now being stress-tested by the exigencies of algorithmic logic.

The ethical considerations are manifold and multifaceted, encompassing issues of transparency, accountability, and the preservation of human dignity. At the heart of these concerns lies the enigmatic nature of AI algorithms, whose decision-making processes—often described as "black boxes"—elude easy scrutiny. The opacity of these systems raises profound questions about the ability to ensure fairness and to adjudicate disputes over algorithmic decisions, thereby challenging the very notion of accountability in a digitized judicial system.

Moreover, the specter of embedded biases within AI systems casts a long shadow over claims of objectivity and impartiality. The adage "garbage in, garbage out" acquires a sinister resonance in this context, as historical data, tainted by societal prejudices, begets algorithms that perpetuate these biases under the guise of neutrality. This phenomenon underscores the ethical quagmire of delegating significant aspects of judicial decision-making to AI, illuminating the tension between technological advancement and the imperative to uphold justice as an inherently human endeavor.

The subjective undercurrent of this exploration reflects a critical engagement with the promise and perils of AI in the legal domain. It invites a reflective consideration of how society can navigate the precipice between embracing the efficiencies offered by technology and preserving the sanctity of justice as a humanistic pursuit. As we delve deeper into the mechanisms and implications of AI's role in court decisions, the narrative weaves a tapestry of technological optimism tempered by ethical vigilance, setting the stage for a nuanced discourse on the future of justice in the age of algorithms.

3. The Core of AI in Justice

At the heart of the intersection between Artificial Intelligence (AI) and judicial processes lies a profound transformation in the mechanisms through which justice is administered. This transformation is not merely procedural but conceptual, challenging traditional paradigms of legal reasoning and decision-making. AI's role in this domain can be dissected through various lenses, ranging from predictive analytics in bail and sentencing to algorithms that assist in legal research and the evaluation of evidence.

One illustrative example is the COMPAS (Correctional Offender Management Profiling for Alternative Sanctions) system, a risk assessment tool used by courts in the United States to predict the likelihood of a defendant reoffending. While the intentions behind COMPAS are to enhance judicial efficiency and objectivity, its application has ignited a contentious debate around the transparency and fairness of such algorithms, encapsulated in the seminal criticism by Dressel and Farid (2018). Their research highlights the opaque nature of the COMPAS algorithm and the challenges it poses to accountability and fairness in the legal system.

Further, the utilization of AI in evidence evaluation has been exemplified by the deployment of 'Case Cruncher,' an AI system that predicted the outcomes of financial ombudsman cases in the UK with remarkable accuracy. This instance, as discussed by Aletras et al. (2016), showcases AI's potential to augment the legal profession's capacity to anticipate judicial outcomes, though it simultaneously raises questions about the displacement of legal expertise and the potential for a mechanized form of justice devoid of human empathy and understanding.

The specter of bias in AI systems emerges as a central concern in the discourse on algorithmic justice. The fear that AI, in its quest for objectivity, may inadvertently entrench existing societal biases underlines the complexity of its integration into legal systems. A notable discussion on this topic is presented by Barocas and Selbst (2016), who meticulously examine the ways in which data mining and algorithmic decision-making can reproduce and amplify social inequities, despite being heralded as tools of impartiality.

The challenge, then, is not only to develop AI systems that are technically proficient but also ethically attuned and socially just. This necessitates a multidisciplinary approach that bridges computer science with legal theory, ethics, and social sciences, aiming to construct algorithms that are not only efficient but equitable. The pioneering work by Angwin et al. (2016) on the biases inherent in the COMPAS system serves as a case in point, highlighting the critical need for transparency and ethical scrutiny in the development and application of AI in judicial contexts.

As we navigate the complexities of AI's role in justice, it becomes evident that the ultimate goal should not be to replace human judgment with algorithmic determinations but to foster a synergistic integration where each complements the other. This vision for a hybrid judicial process, where AI tools aid human decision-makers without usurping their role, underscores the potential for a more nuanced, efficient, and equitable administration of justice.

The dialogue between AI and human judgment in legal processes echoes the broader discourse on human-computer interaction, advocating for a model of collaboration that enhances rather than diminishes the human element. As eloquently argued by Surden (2019), the integration of AI in legal decision-making processes offers an opportunity to augment the capabilities of legal practitioners, enabling them to navigate the complexities of law with greater precision and insight.

4. Case Studies

The burgeoning integration of Artificial Intelligence (AI) within the judicial system, while marked by significant advancements and innovations, also presents a spectrum of outcomes—ranging from exemplary successes to cautionary tales that underscore the complexities and challenges inherent in the deployment of AI technologies. This section examines a series of case studies that illuminate the multifaceted impact of AI on the administration of justice, drawing upon empirical evidence and scholarly analysis to offer a balanced perspective.

1. The COMPAS Controversy: A Litmus Test for Algorithmic Fairness

The use of the COMPAS (Correctional Offender Management Profiling for Alternative Sanctions) system in the United States serves as a pivotal case study in the debate over algorithmic fairness in judicial processes. The COMPAS system, designed to assess the risk of recidivism among offenders, has been critiqued for its opacity and potential racial biases, sparking a broader discourse on the ethical implications of

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predictive analytics in sentencing (Angwin et al., 2016). This case raises fundamental questions about the criteria for fairness in algorithmic decision-making and the mechanisms for ensuring transparency and accountability within AI systems used in legal contexts.

2. Predicting the European Court of Human Rights Decisions

A groundbreaking study by Aletras et al. (2016) utilized Natural Language Processing (NLP) techniques to predict the outcomes of cases brought before the European Court of Human Rights with notable accuracy. This application of AI in analyzing legal documents and predicting judicial decisions underscores the potential of machine learning technologies to support and augment the decision-making processes in high-level judicial bodies. However, this success story also prompts reflection on the limits of AI's applicability and the importance of maintaining a human-centric approach in legal adjudication, especially in cases involving complex ethical, moral, and social considerations.

5. Challenges and Opportunities

The advent of AI in the legal domain, while heralding a new era of efficiency and potential fairness, also introduces a labyrinth of ethical and technical challenges that necessitate meticulous scrutiny. At the forefront of these challenges lies the issue of algorithmic transparency and explainability. As highlighted by Pasquale (2015), the "black box" nature of many AI systems poses significant obstacles to understanding how decisions are made, thereby complicating efforts to ensure fairness and accountability in judicial processes.

Moreover, the risk of perpetuating existing biases through algorithmic decision-making cannot be overstated. The work of Barocas and Selbst (2016) elucidates the complex ways in which data-driven systems can inadvertently encode and amplify societal inequalities, necessitating a proactive approach to identifying and mitigating bias within AI algorithms. This challenge is further compounded by the dynamic and evolving nature of legal standards and societal norms, which demand that AI systems in judicial contexts remain adaptable and sensitive to changing ethical considerations.

Despite these challenges, the integration of AI into judicial systems also presents unparalleled opportunities to enhance the efficiency and accessibility of justice. AI's capacity to process and analyze vast quantities of legal data can significantly reduce case backlogs and streamline judicial procedures, potentially transforming the pace and manner in which justice is administered. Furthermore, the application of AI in areas such as legal research, evidence evaluation, and preliminary case assessment can augment the capabilities of legal practitioners, enabling more informed and nuanced decision-making.

The potential of AI to democratize access to legal information and services also merits attention. Technologies such as chatbots and AI-driven legal advisors, as discussed by Surden (2019), offer innovative avenues for providing legal assistance and guidance to those who might otherwise lack the resources to navigate the legal system effectively. This democratization of access aligns with the broader societal goal of ensuring that justice is not only blind but also universally accessible.

To address the challenges and capitalize on the opportunities presented by AI in the legal domain, a multidisciplinary approach is imperative. Collaborations between legal scholars, computer scientists, ethicists, and social scientists can foster the development of AI systems that are not only technically advanced but also ethically grounded and socially responsible. This collaborative ethos is essential for crafting AI

solutions that respect and reinforce the foundational principles of justice while adapting to the unique challenges of the digital age.

The dialogue between technology and jurisprudence, as encapsulated in the works of scholars such as Hildebrandt (2019), underscores the necessity of a holistic approach to integrating AI into legal systems. By embracing the complexity of this task and seeking solutions that bridge technical prowess with ethical integrity, the legal community can navigate the algorithmic maze and emerge into a future where AI serves as a pillar of a more just, efficient, and accessible judicial system.

6. Ethical and Societal Implications

The deployment of AI within judicial contexts prompts a critical examination of the ethical frameworks that govern these technologies. Central to this inquiry is the concept of algorithmic fairness, a principle that demands AI systems to operate without intrinsic biases or discriminatory outcomes. However, as O'Neil (2016) articulates in her seminal work, *Weapons of Math Destruction*, the quest for algorithmic fairness is fraught with challenges, as biases embedded in training data can lead to unjust outcomes, reinforcing existing societal inequalities under the guise of objectivity.

The ethical quandary extends to the issues of autonomy and accountability in AI-assisted legal decision-making. The delegation of significant judicial functions to AI systems raises questions about the locus of responsibility, especially in instances where algorithmic recommendations may influence or dictate judicial outcomes. Broussard (2018), in *Artificial Unintelligence*, argues for a critical approach to understanding the limitations of AI technologies, advocating for systems that support human decision-making rather than supplant it, thus ensuring that accountability remains firmly within the human domain.

The integration of AI into the judicial system also has profound implications for public trust and the perceived legitimacy of legal processes. The opacity of AI algorithms and the complexity of their decision-making processes can engender a sense of alienation and skepticism among the public, potentially undermining confidence in the justice system. Simon (2021), in her exploration of trust in automated legal systems, highlights the importance of transparency and explainability in maintaining public trust in AI-assisted judicial decisions. Efforts to demystify AI processes and engage the public in understanding the role of AI in justice are crucial in fostering an informed and trustful relationship between technology and society.

Moreover, the societal acceptance of AI in legal contexts is inextricably linked to cultural and ethical norms, which vary widely across jurisdictions. As Hildebrandt (2019) observes, the challenge lies in designing AI systems that are not only technically competent but also culturally sensitive and aligned with the ethical values of the societies they serve. This requires a dialogical approach to AI development, where stakeholder engagement and ethical deliberation are integral to the design and implementation process.

The path to realizing an equitable algorithmic justice system necessitates a concerted effort to address the ethical and societal challenges posed by AI. This involves the development of ethical AI frameworks that prioritize fairness, accountability, and transparency, guided by interdisciplinary research and collaborative stakeholder engagement. Additionally, regulatory and oversight mechanisms must be established to ensure that AI applications in judicial contexts adhere to the highest standards of ethical practice and societal well-being.

Considerations Regarding the Assessment of AI's Impact on Court Decisions: Developments and Perspectives

The work of scholars such as Mittelstadt (2019), who advocates for ethical auditing and impact assessments for AI systems, underscores the importance of proactive measures in safeguarding ethical integrity and societal trust in AI-enhanced judicial processes. By embracing these principles, the legal system can navigate the complexities of the digital age, ensuring that AI serves as a force for good in the pursuit of justice.

7. Conclusion

The journey through the labyrinthine implications of AI's integration into judicial systems reveals a landscape rife with paradoxes. On one hand, AI promises to usher in an era of unprecedented efficiency and objectivity, potentially transcending human limitations to enhance the fairness and accessibility of justice. On the other, it confronts us with profound ethical quandaries and societal implications that question the very nature of fairness, accountability, and the human essence at the heart of the legal system.

This discourse has traversed the terrain from the algorithmic gavel's promise to the shadow of bias it casts, navigating through the realms of digital verdicts and the dual-edged sword of technological advancement. The core of AI in justice, as illuminated through empirical case studies and academic scholarship, underscores a pivotal realization: the integration of AI into the legal domain is not a panacea but a complex interplay of benefits and drawbacks that must be navigated with discernment and ethical vigilance.

The ethical and societal implications section beckoned us to confront the moral imperatives and public perceptions that frame the acceptability and effectiveness of AI in judicial processes. The call for a multidisciplinary approach to developing AI systems that are not only technically adept but ethically attuned and socially inclusive emerged as a beacon of guidance in this endeavor.

As we stand at this juncture, poised between the potential for a redefined justice system and the pitfalls of an uncritical embrace of algorithmic adjudication, it becomes clear that the path forward is one of cautious optimism. The judicious integration of AI into the judicial domain necessitates a commitment to ongoing ethical reflection, public engagement, and adaptive legal frameworks that can evolve in tandem with technological advancements.

The reflection upon AI's role in justice culminates not in prescriptive recommendations but in a question that beckons each stakeholder in the legal ecosystem to ponder deeply:

In an era where algorithms can predict outcomes, assess risks, and sift through evidence with superhuman proficiency, what measures must we embrace to ensure that the essence of justice—its humanity, fairness, and equity—remains inviolate, even as we chart a course through the uncharted waters of the algorithmic age?

It is a question that does not seek immediate answers but rather stimulates a continuous quest for understanding, adaptation, and ethical engagement as we navigate the future of law and justice in the digital epoch.

Authors' Contributions

The authors contributed equally to this work.

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ORIGINAL PAPER

Theoretical Aspects of Black Swan Scenarios and Predictable Events Techniques

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Abstract:

The need to know the future represents people's constant interest, manifested by the desire to see into the future. Therefore, the desire to know what is going to happen can have scientific characteristics, and the knowledge of the possible future can be foreshadowed by the use of certain correctly structured research topics, with the aim of obtaining forecasts. Particularly in the field of security, the evolution of a mechanism of anticipation can represent a point of rebirth of the methodology of security studies and a pragmatic way to analyze and construct strategic scenarios. Through the use of complete and coherent solutions aimed at practicing structured analytical techniques, the leaders of the political-military group have had access to scientifically based options in order to adopt a certain decision. However, in the security domain, it is difficult to control or define decisions subordinate to human will, this being the main impediment to anticipating the relations between the main actors at international. Scenario analysis, like other structured analytical techniques, is a complementary tool, not a substitute for the quantitative and qualitative methods of the social sciences. It is a tool that stimulates creativity, broadens perspectives, creates preconceived cognitive frameworks and generates new research questions. In addition, scenario analysis has another virtue, being a tool to support strategic planning that contributes to research, having political relevance in security and defense fields, That is, the research results adapt to the parameters of technical-political debates, becoming attractive for political decision-makers.

Keywords: *black swan, surprise event, impact event, international environment, scenario.*

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Scenario construction and analysis are two sides of the same coin. The scenario building process is fostered and challenged by analysis. It is a matter of asking and answering several questions like: "what if", imagining different faces of the future. (Barma Naazneen, Brent Durbin, Eric Lorber, Rachel Whitlark, 2016:117-135). Scenario building juxtaposes the possible outcomes of relevant causal variables in various expected and unexpected combinations in order to generate multiple future scenarios, some of them surprising but all of them plausible. For Michel Godet Philippe Durance, "a scenario is an ensemble formed by the description of a future situation and the series of facts that allow the transition from the initial situation to the future situation". (Iver Neumann & Erik Overland, 2004:258-277)

According to Peter Schwartz, another reference author in future studies, scenarios are "narratives that can help us recognize and adapt to the changing aspects of the present environment". (Iver Neumann & Erik Overland, 2004:259) In order to differentiate it from "prediction", Heman Kahn chose the term "scenario", emphasizing its character as a fictional story. Scenarios are impressionistic images of possible futures that are created by combining different values of key variables. It has to be pointed out that the warping of some scenarios does not aim to predict the future, as Michel Godet states (Michel Godet & Philippe Durance, 2009:18): "all forms of prediction are illusionistic, and the future is not written, but is to be built. The future is multiple, indeterminate and open to a wide variety of possible futures". Certainly, knowing things in advance and what is going to happen is simply impossible, especially in the fields of study of Political Science and International Relations. Attention is directed to complex systems in which there are a large number of variables, with multiple interactions, unknown, with a high sensitivity to events and the influence of external factors of the system. The construction of scenarios does not aspire to capture all possible scenarios as their number would be unmanageable and the analytical technique would lose its usefulness, because, I insist, the goal is not to guess what will happen, but to learn from future alternatives. Intuitively, we tend to view the future as a projection of the present, with linear and incremental changes.

Multiple visions of the future help us become aware of possible disruptions, the causal relationships between the variables that shape the scenarios, the impact and relevance of change processes in general, and how they may affect a particular organization or state. (Iver Neumann & Erik Overland, 2004:278) One important thing is to overcome simplistic, linear, and deterministic views of the processes we want to change in order to avoid the mental biases that contaminate analysis, groupthink, tunnel vision, and other biases in calculating probabilities. Thus, making assumptions about unconventional values in the identified uncertainties is itself instructive and helps us to accept the discontinuity. On the other hand, scenario building aims at ordering and systematizing the enormous amount of available information by visualizing a limited number of future worldviews. In order to do this, we divide knowledge between what we assume and what we know, and scenario analysis will be closely associated with strategic planning, which allows the identification of early warning signs and risk assessment of each course of action based on the identified uncertainties. (Michel Godet & Philippe Durance, 2009: 19) Scenario analysis itself is different from strategic planning, but we could say that it is a necessary precondition for it. (Iver Neumann & Erik Overland, 2004:257)

In turn, scenario analysis allows the implementation of an assessment prior to the strategy through the narrow vision of the future, thus increasing the sensitivity to the

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different factors that would shape it. Scenario planning or their analysis has its origin in the military concept of the Second World War, in 1940, but was consolidated as an organizational planning model in 1950 and introduced by Herman Kahn who worked for the United States Department of Defense. In 2003, Peter Schwartz writes "Inevitable Surprises", a book in which he delves into the field of the future based on events such as September 11, the war in Iraq, global warming and the development of China, as it turned out to be the future of humanity in the years that have followed. In recent years, scenario planning has revived interest in academia, where various methodologies for scenario design, development, and implementation have emerged. The word scenario has generated a lot of confusion, over time resulting in different meanings and concepts, but always having the same background of future thinking. In general, the words that relate to the definition of the scenario are: "planning", "imaginings", "projections" and "analyses" of knowledge. A first definition of scenarios says that they are hypothetical sequences of events constructed to focus attention on causal processes and decision-making. (Herman Kahn & Anthony Wiener, 1967: 250)

A simplified definition considers the scenario to be the description of a potential or possible future, exploring the joint effect of several events. A simplification of the concept would be to define scenarios as representing images or imagined paintings of potential futures. By capturing several images of the future we create the picture that can give us the uncertainties of the political, economic, military perspective of a state or organization. Since its inception, scenario planning has developed various methodologies, categorized into three major categories: the logical and intuitive one, the prospective one and the probabilistic/probable one. The first, the logical one, proposed by Herman Kahn, in 1967, was characterized by being a completely qualitative scheme based more on intuition and judgment than on scientific support. The first approach in employing quantitative methods was the introduction of structural algorithms and mathematical models to define and evaluate each stage. (Georgantzias Nicholas & William Acar, 1995: 25) Peter Wack was the first to develop a procedural methodology based on a series of well-structured steps, in which he admits qualitative methods, based on Kahn's conception. (Michael Porter, 1985: 250) Michel Porter introduces the term "industrial scenarios", stating that this type of scenarios are of an industrial nature under a macroeconomic approach.

Factors that contribute to improving the construction of scenario analysis:

- ✓ *Special subject knowledge* is an essential requirement. It would be frivolous to elaborate scenarios on an object of study about which we have only basic notions. Expert knowledge makes it possible to identify key actors, understand their interactions, recognize factors with strategic impact and carry out a detailed analysis of possible relationships between them. Expert knowledge is also needed in prospective surveillance, as it makes it possible to know critical information circulating in specialized forums and facilitates the detection of a process of change or even the beginning of a "black swan"; (Nassin Nicholas Taleb, 2018:29)
- ✓ *Imagination* is another important factor stimulated by collective reflection. If there is no other option, it is preferable to perform the analysis and construction of individual scenarios than not to do it at all. (Garry Peterson, Graeme Cumming, Stephen Carpenter, 2022) Optimal results appear when there is a multidisciplinary team of open-minded people who stimulate your imagination through brainstorming and collective reflection. In addition, seminars of experts not involved in the project can be organized, as a result strengthening the issue. For example, possible

scenarios of Romania's future geostrategic position in international relations issues in the Black Sea area will be outlined based on a workshop resulting from the collection of written information from specialized documents. For obvious reasons, creativity is the basis of creating scenarios, and there should also be a lot of boldness. If fifteen years ago a set of current events had been presented in the media, we would certainly have considered it false. Likewise, many of the milestones that will happen from now until the year 2032/'35 may seem crazy. This idea must be kept in mind in order not to censor the scenarios;

- ✓ *Using theories to articulate and inspire scenarios.* Theories help to explain reality because they are made up of principle, logical reasoning and hypotheses with a greater or lesser degree of contrast. It makes no sense to reinvent the wheel every time we approach a phenomenon. A theory-free scenario analysis exercise may be more useless than one based on a solid theoretical background; (Garry Peterson, Graeme Cumming, Stephen Carpenter, 2022)
- ✓ *Good knowledge of history,* in particular, that related to the field we are going to study. If we were to quote the words of Mark Twain, we could say that history does not repeat itself, but it rhymes. In addition to using historical analogies, it is interesting to carry out exercises that we could call retrospective: to go back ten fifteen years and identify the main factors that determined the current situation. Perhaps today some of these factors continue to play a key role in the evolution of mankind. A detailed knowledge of history provides perspective, reminds us that strategic surprises exist, and of course helps analyze the relationships between various factors with many nuances; (Paul Schoemaker, 1993: 193)
- ✓ *Experience.* Like many other skills, screenwriting technique is learned through practice. In other words, a knowledge of the whole problematic of events teaches us how to construct scenario; (Gill Ringland, 1997:6-18)

In its turn, scenario analysis allows the implementation of an assessment before the elaboration of a strategy on the future, increasing the sensitivity to the factors that can shape it. Once we have clearly focused on an idea regarding the development and analysis of scenarios and have noticed its importance, we want to see how they are constructed, taking into account the literature that considers the following steps important:

- ✓ Step 1. Defining the basic parameters of the analysis

In all research it is necessary to define: the object of study, the time horizon, the geographical area. For example: the external relations of Romania and the Great Powers in the 2032 time horizon; (Frances O'Brien, 2004: 709-722)

- ✓ Step 2. Identification of research needs

This step is transversal in each of the phases I will bring to light. As the technique is applied, I will discover gaps in information and assumed certainties will be called into question, which is why they need to be researched. Research is another virtue of scenario analysis that helps us discover the unknown of relevant problems. The identification of research needs is also applied to the final phase of prospective monitoring, aimed at tracking the evolution of indicators. Moreover, the results can be made concrete through an updated list of sources; (Peter Schwartz, 1996:120)

- ✓ Step 3. Identification of the main actors involved

Continuing with the example of step 1, in addition to Romania, it would be necessary to include international actors as well as other particularly relevant external actors; (Walker Storberg, 2003:211-222)

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✓ Step 4. Identifying the basic trends and their impact

These are major trends that will significantly affect the reality we are studying and will most likely remain active, or intensify during this research. Trends represent the essential part of the context that will condition the future and could be translated as engines/drivers of change. In other works, there is a distinction between trends and engines/drivers, understanding the former in a broader and more comprehensive way. The selection of megatrends logically depends on the subject under study, but in any case it is advisable to carry out an exploration covering all relevant dimensions. (Pierre Wack, 1985) This can be helped, for example, by the STEP analysis which comes from the acronym political, economic, social and technological, but it is also called PEST or PESTEL, two more letters can be added which come from ecological and legislative. To stimulate the imagination about the impact on the research itself, it can also be useful to carry out a SWOT analysis. In the case of scenario development, we must take into account megatrends that will continue to exist. An example of a megatrend, which represents a phenomenon of uncertainty for Romania, can be the population that is in full aging process. In other cases, geographic constraints or natural resources may be relevant to the subject being studied. They are, therefore, variables whose value in "X" years can represent a high degree of approximation;

✓ Step 5. Identification of key uncertainties - game changers

In the Global Trends documents these uncertainties are called "drives game changers". It is about imagining what can significantly affect the future evolution of our object of study and whose behavior is less predictable than that of underlying trends. In order to examine the various dimensions in search of game changers, it is also convenient to resort to SWOT and PESTEL techniques or a combination of both. (Susan Lynham, 2002:221-241) After identifying a first set of variables, all significant, it is convenient to assign each a numerical value according to its impact and level of uncertainty. 20Once this is done, we must pay special attention to the variables that have a high level of impact and uncertainty, since many relevant scenarios can be derived from them. In other situations, it will not be appropriate to just distinguish between stable trends and key uncertainties, but it will be necessary to identify all the drivers in the same sequence through a traditional strategic analysis. For example, in the case of a recent armed conflict, where it is difficult to identify stable trends, the choice of one or more methods of analysis is not subject to only one criterion, and depending on the system we are analyzing and, depending on time available, it may be advisable to apply a cross-impact matrix analysis of the factors that make up the system to know their levels of influence and dependence. Identifying the driving forces of the future, which as mentioned before, include both stable trends and key uncertainties, is the most important task of foresight work, because it is this identification that connects the present to alternative futures.

The "black swan theory", or the event of "black swan" type is a metaphor that encapsulates the concept of a surprise event with a strong impact. The theory was developed to explain:

- ✓ The disproportionate role of large impact, difficult to predict and strange events that are outside the field of normal expectations of history, science, finance and technology;
- ✓ The incompatibility of the probability of rare consecutive events using scientific methods – due to the very nature of small probabilities;

- ✓ Psychological biases that make people individually and collectively blind to uncertainty and unaware of the massive role of the strange event in the historical field.

Unlike the previous "black swan" philosophical problem, the "Black Swan theory" refers only to large-scale unexpected events, their consequences, and their dominant role in history. These events, considered extreme exceptions, collectively play much larger roles than ordinary events. Black swan events were described by Nassim Nicholas Taleb in his book from 2007– revised and completed in 2010. Nassim Taleb refers to almost all great scientific discoveries, historical events and artistic achievements as “black swans” – undirected and unexpected. He points to examples of black swan events: the Internet, World War I, the 9/11 attacks. The term black swan is a Latin expression, the reference of which means, a rare bird on earth similar to a black swan. When this phrase was coined, it was assumed that the black swan never existed. The importance of similitude lies in its analogy with the fragility of any system of thought. A set of conclusions can potentially be eliminated once any of its fundamental postulates are disproved. In this case, the observation of a single black swan would invalidate the underlying logic of the sentence, as well as any reasoning that will follow from that underlying logic. In 16th century London, the above phrase was considered a London idiom which derived from the old world assumption that all swans must be white, as all historical records of swans reported that they had white feathers. In that context, a black swan was impossible or at least non-existent.

After a London expedition led by the explorer Willem de Vlamingh on the Swan River in 1697, in which he discovered black swans in Western Australia, the term was transformed to indicate that a perceived impossibility could later be disproved. Specifically, Nassim Taleb says: "what we call a black swan actually represents the triplet of the following words: rarity, extreme impact and retrospective predictability." (Nassin Nicholas Taleb, 2018:29) A small number of black swans explains almost everything in our world, from the success of ideas and religions, to the dynamics of historical events, or the events of our personal lives. (Nassin Nicholas Taleb, 2018:30) Based on the criteria mentioned by the author, we can identify the following characteristics of black swan events:

- ✓ The event is a surprise;
- ✓ The event has a great impact;
- ✓ After a first analysis, the event could have been an expected one - for example: the relevant data were available, but were not observed.

The main point of Nassim's book is not to try to predict black swan events, but to build resilience to the negatives that arise in order to take advantage of the positives. Nassim argues that banks and commercial firms are extremely vulnerable to black swan events, being exposed to larger than predicted losses. Nassim refers to epistemological limitations in some parts of the domains covered by decision-making. These limitations are of two types: philosophical-mathematical ones and known human epistemic biases. The philosophical problem is about the decrease in knowledge when it comes to rare events, because they are not visible in past samples and therefore require a strong priori, or what we might call a theory of extrapolation. Consequently, events depend more and more on theories when their probability is small. (Nassin Nicholas Taleb, 2018:31) If we look into another part of knowledge we can say that it can be uncertain and the consequences are great, requiring even greater robustness. Before Nassim Taleb, some clarification was needed for those familiar with the notion of the improbable, such as

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David Hume, John Stuart Mill, and Karl Popper, who focused on the problem of induction in logic, specifically that of drawing general conclusions from specific observations. Nassim Taleb's Black Swan event has a unique, high-impact core attribute. His argument is that almost all events have consequences from history and come from the unexpected, and people have convinced themselves that these events are explainable in hindsight/prejudice.

One problem, taken into consideration by Nassim, would be the playful label, whereby the unstructured randomness found in life resembles the structured randomness in games. This follows from the assumption that the unexpected can be predicted by extrapolating variations in statistics based on past observations, especially when these statistics are assumed to be samples of a bellshaped curve. These concerns are often highly relevant in financial markets, where major players use risk models, which imply a normal distribution, although market returns often have substantial distributions. (Nassin Nicholas Taleb, 2018:32)

More generally, decision theory, based on a fixed universe or model of possible outcomes, ignores and minimizes the effect of events that are outside the model. For example, a simple model of daily stock market earnings might include extreme movements such as Black Monday 1987, when markets around the world crashed, but it cannot model the market crash after the attacks of September 11, 2001. For an event to be determined as a black swan event, it must meet three requirements:

- ✓ To be rare;
- ✓ To have a big impact;
- ✓ Despite its rare condition, human nature must invent explanations for its existence, to turn it into an explainable and predictable falsehood. (Nassin Nicholas Taleb, 2018:34)

According to Nassim, a small number of black swans are able to explain almost everything about our world, from the success of ideas and religions to the dynamics of events in our personal lives. Nassim's book can be considered, in itself, a black swan, in which the author tries, through explanations and narratives full of anecdotes, to explain how human beings think they know more than we really do. It is also a lucid reasoning about the folly of reducing the complexity of the social, psychological, financial, historical world to simple phenomena that never predict anything, since almost everything we see is created by the phenomenon of noticing certain aspects of accidental scientific discoveries. That's why the black swan theory is what we usually call model risk. That is, more dangerous than a bad model is a model that has worked so far to explain the reality and now it can be believed it can also serve to explain the future reality. (Nassin Nicholas Taleb, 2018:45)

Some examples of black swans that could turn things around.

In the event of a significant US withdrawal? This hypothesis envisages a withdrawal of the USA from its position as a security stronghold in South-Eastern Europe, as a consequence of the occupation of Ukraine by Russia, of the policy of Russification carried out by Russia in this area of Europe, and as a result of a greater energy independence. Following the secret treaties signed between China and Russia, the two states will turn Ukraine into a buffer country with a majority population of Chinese origin. In this situation, we can say that Washington will only deal with its domestic institutional and financial problems. Firstly, there would be a slow reduction in the military budget, although new developments such as drones and digital surveillance

could supersede this problem. At the same time, the US could increase its influence through new trade agreements. A hypothetical return to isolationism could fuel rivalries among the Great Powers for control of the sphere of influence. For this reason, the ability of Americans to collaborate with new partners will be the key of the world configuration in 2040.

What if China collapsed? In this scenario, Beijing faces many problems: an overvalued real estate market, high local debt, an opaque banking system, an aging population, rising labor costs, territorial disputes, rising pollution, energy dependence, food insecurity, corruption and shortages institutional. In the absence of statistics, and given the uncertainty generated by a political system not subjected to the test of an economic recession, many analysts speculate a collapse of the Asian giant. An economic imbalance would severely affect commodity exports, strain and disrupt the US financial situation, and destabilize global stability. In fact, a negative but more likely scenario would be that China's economy would fall into a middle-income trap, in other words, it would stagnate in the per capita income between \$5,000 and \$12,000 per year. In such a situation it would be unable to regain its share in the international market through a low workforce.

What will happen if the Eurozone disintegrates? The disintegration of the Eurozone could trigger a widespread suspension of payments that would immediately plunge the entire global financial system into great chaos. European countries that do not have a strong financial system will feel a decrease in the purchasing power of their national currency, and inflation and costs would skyrocket. The impact on the global financial system would be systemic and would likely lead the world economy into a prolonged recession. Ultimately, the European single market would be suspended and the credibility of the European Union would be hopelessly undermined. For Romania, the collapse of the European Union would represent a great collapse, a social, political and military imbalance.

In the event of a technological collapse of considerable proportions? Given the complexity of the technological environment, a massive failure could affect critical management and infrastructure systems causing plane, rail, or power plant accidents. In many areas of activity, the development of technological and computer networks has exceeded our ability to manage them, which can give rise to serious problems. For example, an error in high-frequency automated trading in the stock market could create a major financial panic. Technological progress and the growing share of non-state actors can make states more vulnerable to asymmetric shocks. Increasing access to advanced technologies by state and non-state actors could lead to system failures through the emergence and rapid spread of cyberterrorism.

Conclusions

In conclusion, the use of tangible scenario planning in strategic planning brings many advantages, such as making key decisions in an operational area and reducing risk by ignoring small changes within the organization. However, scenario planning is only effective in contexts where the reason for building them is known and cannot be used in every situation. It is important to establish indicators to detect if a scenario is becoming a reality and scenario planning does not end with their design. Scenarios should be developed in an organization to study the factors of a situation and identify threats, opportunities, various approaches, evaluate alternative policies and actions, and increase creativity in decision making. Although scenario planning is an area of study related to

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strategic planning, there is increased interest in the use of these tools in academia and business following the development of various methodologies. History is not just a sequence of inevitable events, but can be changed by unforeseen events like black swans. Globalization multiplies the effect of these events and can affect the world economy in a rapid and asymmetrical way. Examples of recent black swans include the COVID-19 pandemic and the armed conflict in Ukraine, which have had strong repercussions on markets and put the global recovery at risk. The Russian invasion of Ukraine represents one of the most significant humanitarian crises in Europe since the Second World War.

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ORIGINAL PAPER

The Prose of Ernest Koliqi in Albanian Literature

Rovena Vata Mikeli¹⁾

Abstract:

Ernest Koliqi (1901–1975) was a dramatist, novelist, journalist, poet, translator, and one of the pioneers of contemporary Albanian storytelling. In this genre, he is known for three well-known works in Albanian literature, in which elements such as narration, theme, and discourse are distinguished, which, in addition to the authorial figure of Koliqi, also represent the purpose of this study.

Ernest Koliqi's creativity in prose is an interweaving of tradition and modernity. The object of the study will be his three most representative works in Albanian literature, with the titles "Shadow of the Mountains," "Flag Merchant," and "Mirrors of Narçiz." The prose of Ernest Koliqi points out the social and cultural situation of the Albanians at the beginning of the 20th century, in the 20s–30s, where the themes that dominate these stories are: mountain, blood, canon, friend, the given word, faith, myths, legends, the fantastic, the cult of the ancestors, including also the elaboration of social, psychological, and psychoanalytical character topics as well. The methodology of this paper includes a combination of comparative, semiotic, anthropological, and social methods.

The expected results of this study are related to the author's viewpoint and his perception on the concept of tradition and its application in front of the open world, the civilized world, and the Western world. It has to be emphasized the fact that Koliqi grew up in the Northern Highlands, where customs prevailed strongly, but he was educated in the Western world, in Italy. Therefore, his style represents a compound of modern and traditional aesthetics. This intercultural clash has influenced his artistic world and this was also reflected in the following study.

Keywords: *Mountain, trader, flag, mirror, water, myth.*

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Introduction

Ernest Koliqi's literary apex may be found in his three classics, "The Shadow of the Mountains" (1929), "Flag Trader" (1935), and "The Mirrors of Narçizi" (1936), which have become major works in Albanian literature.

The most truthful researchers state that "*In Koliqi's prose, the mountain is perceived as the traditional, the sole, the heritage.*" (Macaj, 2012: 80-81). The work "The Shadow of the Mountains" has been called one of his most specific works, and it relates to the spiritual worldview of Koliqi, where his meeting point with the mountain is based on the rule of three: T+T+T = with the mountain. Consequently, Koliqi had a sort of getting to know the mountain as he used it to search for the origins of his ancestors: "*Koliqi worships the mountain as a symbol of what is on the verge of extinction, of its past, which is the nation's past, of its roots.*" (Shehri, 2006: 103).

Therefore, Koliqi had a kind of coming to the mountain since through it he sought to find the roots of his ancestors: "Koliqi's worship of the mountain is the worship of what is going toward extinction; it is the worship of its past that, deep down, is the past of the nation, of its roots."

The typical expression "*Asht me kanu*" (Dedaj, 2010: 16), has prevailed for centuries among Albanians. In the novel book "The Shadow of the Mountains", "*they presented not only the events of mountain life but also of citizens; you were always based on the spirit of Canon of Lek Dukagjini.*" (Vuçani, 1995: 97-98).

The canonical code, which was unquestionably the law for everyone living in the Northern Highlands and beyond, is heavily used throughout the novels in this work. Salvatore Villari, an Italian academic, once stated that "*the Canon of Leka acts in the same way throughout Albania.*" (Salvadore, 1940: 30).

Thus, "The Shadow of the Mountains" is a piece of art that eloquently captures the true life of the everlasting mountaineer as well as the emotions and experiences of the 1920s in Shkodër and the Highlands. "*Koliqi is in the vanguard because it naturalizes the existing situation and tries to give Albanian life a new, Western spirit,*" as Ardian Ndreca remarks, and he is correct. (Ndreca, 2020: V).

Through his work, early 20th-century Albanian psychoanalysts and storytellers Ernest Koliqi aimed to transmit and preserve historical spiritual and cultural qualities for future generations. Thus, "*Ernest Koliqi recreated the essence of Highland, worshipping Fishta in the prose (Shadow of the mountains).*" (Hamiti, 2022: 371).

Koliqi draws inspiration for his novels, "The Shadow of the Mountains", from popular culture, mythology, legends, fairy tales, and ballads. He also weaves elements of fantasy and historical Albanian life together, demonstrating that "*the wonderful and fantastic that constitutes the terrain of folklore, stimulates the imagination and plays a key role in reading the text*" (Rusi, 2022: 82) and supporting the idea that "*... reading is not a linear process that goes from an active author to a passive reader, but a historical event, where public expectations, norms, and preparations come into play.*" (Fusillo, 2023: 117).

"The Wonderful Bride" is the first novella in this work. Other novellas include "Blood", "New Song", "If you are old", "The Dancer of Dukagjini", "The Friend", "A dream of a summer afternoon", "When the clocks tell", "The Garden", "To the three oaks", "Diloca", "The last fairy", and so on. Robert Elsie's assessment of Koliqi is summarized as follows: "*Of all the prose writers of the period, none was bigger and more powerful than Ernest Koliqi.*" (Elsie, 2011: 328).

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Koliqi's stories that depict the extraordinary as a part of the ordinary in settings like the Highlands and Shkodra allow the reader to "*identify with the main character - about the nature of a strange event*" and include the novels "The Wonderful Bride," "The Dancer of Dukagjini," "When the Clocks Announce," and "The Last Fairy." (Todorov, 2015: 181).

The story's narrator opens by describing a typical day in the church, with people entering and exiting, their attire, religious rites, and the general happiness in that serene setting. The story of Lekë Binaku, the heroic man who witnessed an unusual event, rapidly attracted the reader's attention. It tells the story of a young person who was married to a prostitute but was forbidden from talking to anyone about their marriage for fear of the prostitute punishing him and rendering him mute. The church's parish priest, Don Marku, delivers this tale with conviction.

"Only the narrative allows you to find the "lost time": the story synthesizes the heterogeneous, allows you to "read" the phases of life itself as "chapters" of a development, moments of a description which requires not only the explanation but also the meaning of the journey done." (Franzini, 2018: 106).

With this tale, Koliqi contrasts paganism and Christianity as integral aspects of the highlanders' way of life. Even though they attend church and practice church rituals, they adhere to and believe in antiquated beliefs that have roots in polytheism. *"The simplicity of the fable, the language, the imagery, allow Koliqi's novels to keep their grace intact even today."* (Ndreca, 2020: IV).

In contrast, "The Dancer of Dukagjini" is a story that blends fairy tales and legends with a theme drawn from mythology. The historical period falls under the reign of Skanderbeg and other notable individuals from that era, such as Lekë Dukagjini. *"Dukagjini's dance is a characteristic remodeling of the oral-based situation, because basically we have only one type of situation, in the transformation of the Fairy into the character of the Flower"*. (Rahmani, 2002: 98).

A work of fiction, "When the Clocks Announce," likewise incorporates themes from Malësi mythology and superstitions. Gjeto and Lulashi, two fugitives known as komites by Koliqi, are large and will kill anyone who tries to turn them in to the authorities. They hear seven gunshots one day, but it is truly just no one.

According to mythology when someone hears such a noise, it means that in seven days that person will die, in this case folklore should be: "... used to create literary narratives." (Gruffydd, 1928: 81).

The final story in the work's order is titled "The Last Fairy". Similar to how the Kreshnik era comes to an end with the new reality, this story/tale, replete with mythological themes, ushers in a new chapter in the history of the Fairies. In addition to being a linguistic form, *"the myth can also be viewed as a visual or tangible form. It may also be a type of theater that is solely composed of motions, such as dance and figures."* (Leenhardt, 1947: 56). This story is told by Reshidi to his two cousins, Samihaja and Nasibe. Following the Ottoman Empire's annexation of Albania, this tale first became ingrained in Albanian culture.

After witnessing this collective nonsense, the fairies, who stood guard over Albania and its people, lost interest in their song and began to pass away one by one. *"...he brings the supernatural characters down to the human scale and makes them completely reasonable and natural creatures."* (Kittredg, 1916). The last fairy and the most exquisite singer was the only one to make it out alive. A shepherd tending to his livestock heard the song she was sad to be singing for the last time, as it echoed and

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landed on his ear. The shepherd approached the fairy, who acknowledged him and said, "*Who knows, maybe he will repeat this song in the future, he has resurrected the dead fairies.*" (Koliqi, 2004: 159).

The last fairy and the most exquisite singer was the only one to make it alive. A shepherd tending to his livestock heard the song she was sad to be singing for the last time, as it echoed and landed on his ear. The shepherd approached the fairy, who acknowledged him and said, "Who knows, maybe he will repeat this song in the future, he has resurrected the dead fairies."

The only fairy to escape unscathed was the final and most talented vocalist. The song she was unhappy about being singing for the last time echoed and fell on the ear of a shepherd who was tending to his cattle. After acknowledging the shepherd, the fairy added, "Who knows, maybe he will repeat this song in the future, he has resurrected the dead fairies."

The shepherd taught it orally to his children, and they taught it to their children, but the song was transformed, added and diminished, never competing with the original. "*Recently, shepherd taught the song of the last Fairy to his daughter-in-law, who used it to lull the boys and girls he had from him to sleep. The boys sang, when they grew up, you grazed the herds in the mountains; the girls took her with them, and she got married, among distant mountains. Therefore, the song spread far and wide. However, you crossed, during the weather, mouth to mouth and mountain to mountain, you changed. Many words were third, others were added.*" (Koliqi, 2004: 159).

It appears to be a metaphor from Koliqi, in which the spiritual values that have embodied us throughout the ages are called for to be preserved and passed down through identity memory. These values are described as follows: "... *general concepts are criteria based on which the members of a culture determine what is desirable or undesirable, good or bad, beautiful or ugly.*" (Williams, 1970: 27).

Koliqi's seminal work, "Flag Trader" (1935), personifies and makes the author most famous. Most people agree that the stories in the anthology "Flag Trader" represent the best of Albanian prose written before World War II. (Elsie, 2001: 333).

This is because of the work's theme and the stylistic treatment it received while it was written and published. The piece was first published in Bari in 1935, followed by Rome. During this time, Albanian society was attempting to experience cultural emancipation and become more like the West, whether through fundamental changes such as literature and art or simply through trying to live up to the model of life set forth by the West. At the time, the country was still part of the kingdom of Zog and was consolidated as a state between the two world wars.

Even writers and activists such as Koliqi were forced to participate in the aftermath of these initiatives and made a significant impact. The collection of sixteen stories titled "Merchant of Flags" depicts the positive and delicate aspects of Albanian society and represents a sea change in both literary discourse and reader interpretation. The tales are as follows: "Flag Trader", "Should I Leave", "The Friend in the House", "Little Drama", "Seven-year-old Woman", "He Found It After the Bat", "Thrown Oil", "The Nightingales of Plepishiti", "Mother's Hands", "Plum Beyond the Wall", "Rrokòll", "An Event in Kezenaj Street", "One Day of Days", "Lumnija", "Bloody Moon", and "Cradle of Art".

Through these tales, Koliqi aimed to delve into each person's psychology. The most amazing thing about this piece is definitely its attempt to untangle the entire national psyche through it.

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As a politician and activist, Koliqi has always been in tune with the needs and aspirations of the Albanian people, but he also brought European standards and expectations to our literature, surpassing those of the readers. "... *the work of art is examined as a system of signs, or as a structure of signs that serves an extraordinary aesthetic purpose.*" (Wellek & Woren, 1956: 208). Because of the incredibly skillful structuring of his writing, Koliqi continues to be one of the most significant figures in contemporary Albanian prose.

The narrative "Flag Trader" opens the work. Personifying the author himself, Hilush Vilza confronts Gaspër Tragaçi. The author jumps right into the subject, as though he wants to immerse the reader in his story right away. Hilushi flees from the merchant Gaspër on a regular basis. It is the intellectual's sentiment to not wish for himself to be faced with mediocrity or those who display their outward nature in front of the intellectual. However, what actually occurred to our hero. Reality is unavoidable for everyone. Hilushi is invited to the store by a gasper.

In fact, the merchant has a monolog in which he reminds Hilushi of his father's friendship and family history. To preserve their friendship, the merchant counseled Hilushi to use knowledge and education to benefit the nation, but Hilushi interpreted the merchant's advice as moralizing, using metaphor and subtext. "*The merchant, as the most interesting and complex figure of this new reality, takes place in four stories, in which he is seen from different angles.*" (Smaqi, 2009: 93).

Hilushi's telepathic understanding of the story's progression begins when the merchant laments Albanian society's identity and patriotic crises. He claims that because this society does not support the nation by purchasing his store's flags, the merchant, like others in the chain, also loses out. Hilushi tells him that wealth is not acquired at the expense of holy objects, as she gives him stern words and leaves the business.

Koliqi's "The Mirrors of Narçiz" is a work of high artistic and intellectual maturity that was initially published in 1936 in "*Gazeta Shqiptare*" in Bari. It was later reprinted as a separate volume in Rome in 1963. Koliqi established the groundwork for contemporary Albanian literature with his novels "*The Shadow of the Mountains*" and "Flag Trader."

The author uses the ancient myth of Narcissus—which Koliqi treats as "*the myth is a form of thought*" (Cassier, 1925)—to illustrate a concept and guide that will eventually change as a result of a person falling in love—whether it be with themselves, with art, life, the land, or the past. "*In literary texts, retrievals are sometimes rendered useful by their passage through mythological memory. Each myth that has been recovered is actualized through a ceremony.*" (Macaj, 2012: 81). First-person narration is used throughout. The writer functions as both a storyteller and a persona, conveying endeavors to delve profoundly into the enigmas of creation, attractiveness, and existence. "*Reading a story also means that you have been caught by a tension, an anxiety.*" (Eco, 2007: 19).

Koliqi thus plays an active role in these circumstances and events.

"*In Koliqi's work, we do not see heroes anywhere, but only ordinary people, because the most difficult work—even for the heroes themselves—is to live an ordinary life.*" (Ndreca, 2020: XV).

On the compositional level, this work consists of seven poetic stories that respond to seven mirrors: "Waters of the Well", "The Old Shkodra Mirror", "The Well of Bardhonjars", "Stream in Dukagjin", "An Idiot in Helvetia", "Wave of the Sea" and "Glass of My Winder". These reflections are seven thoughts/meditations about the

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world, art, mystery, and life, where the element of time is undefined. This work is structurally divided into seven texts. These texts, which are short stories, are related to the first text. *"We are in literature, in the art of creation. The Colic has chosen the narcissus. The narcissus died, and the flower remained in his memory. This myth takes on a personal character."* (Macaj, 2012: 82).

Almost all of the stories give the impression that the author is trying to discover himself, to rediscover his face, by gazing in his mirrors. However, the reader can also learn about the author through Narcissus, the face of Koliqi, and how the poetic quality of these tales creates a slight mystical effect in communicating with the reader.

"Waters of the well," the first scene, functions as a kind of prologue. There, the author claims to have been a sincere lover of Narcissus since he was young, almost as if he were trying to penetrate the reader's world.

I felt in love with Nerçiz's fairy tale by all my blood burst. I was looking anywhere for mirrors to be seen." (Koliqi:2010, 7).

"The old Shkodra mirror" is a classic example of reflection or going back to one's early years, revisiting his early and formative years.

"I came back to Shkoder after many years of being abroad, and once I was invited for lunch by some of my relatives. As soon as we ate, they directed me to have some rest in a large room whose iron windows were reflecting a garden located behind the house." (Koliqi:2010, 14).

"The Well of Bardhonnars" attests to the writer's journey back to his early years. Moving water serves as a metaphor for the change from the well's water to the chroi's water, signifying the passage of time.

"Let yourself be on the yoke of the Albanian land, you restless and dreamy bastard. Do you want your body and soul to be strengthened to bravely beat the hard paths of life tomorrow?" (Koliqi:2010, 30).

The objectified subject "Stream in Dukagjin" is another revelation in the form of reflection that strikes a blow to Narcissus by accusing him of having a great love for urban life—life behind walls, gardens, cobblestones, and arched windows—and of having given up on extremely large and naturally occurring ornaments such as the Dukagjini beshkas.

"I looked at the water and looked for the white limbs of the goddess in the stream. I saw only my face, and I was surprised. An unknown Narçiz appeared on the surface of the water." (Koliqi:2010, 37).

Similar to the sixth mirror, "An idiot in Helvetia" is devoted to Dom Lazër Shtanojë. It was previously known for this name as well. Narcissus appears in the water of its streams since the work was written from Switzerland, a nation located in the center of Europe, which has mountains that match those in Albania and has peaks and springs.

"When my eye then turned and reflected in the mirror of the foreign water, I did not recognize myself; a thousand faces were gathered in my face. There were those of the Ancients in which Albanian blood shone for a thousand years." (Koliqi:2010, 43).

The "Wave of the Sea" emerges as a mirror that places the writer before the water, one of his living settings.

"I was walking with an outstanding friend along the Albanian coast, and her presence always gives me a special charm that makes my deepest emotions burst miraculously." (Koliqi:2010, 44).

"The glass of my window" is the seventh and last mirror in this work. These mirrors are connected to each other, and everything leads to a journey for the narrator

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between these mirrors to find and discover himself, his face, and the whole nation. In this picture, the storyteller was influenced by the element of loneliness; thus, the memories occupy a considerable amount of space in his thoughts.

"I have opened my eyes again. Of all the things, I felt somehow unusual. They were also suffering as I did, in that special light that floated lightly, iridescent, wonderful, and above the yard, beyond the steam, around the bell tower, through the white sky, and back, far away, in the mountains of Albania, on the roads of the sea, in the infinity of the galaxy."

Conclusion

When it comes to Albanian literature, Ernest Koliqi praises stories and novels that have ideas yet are set in the Albanian environment. Therefore, we can conclude that Ernest Koliqi's inventions, which emphasize Albanian stories in particular, are what give Albanian prose its modern shape. Koliqi's discourse and narration establish him as one of the key figures of Albanian literature's modernization. His style is a blend of modern and traditional aesthetics.

The problem of such a society begins to be exasisted, returning to tradition, evoking memories and consequently, displacing this picture to the modern and contemporary plain. His literary peak reaches him with works: "The Shadow of Mountains" (1929), "Flag Trader" (1935), and "The Mirrors of Narçizi" (1936), which have taken a crucial place in Albanian literature.

With the publication of "The Shadow of the Mountains," in which he chronicled the everyday lives of the highlanders in northern Albania via twelve stories, Ernest Koliqi established himself as a prose writer in Albanian literature. Koliqi breaks all previous limitations in Albanian literature with his prose, which takes on a whole new form upon his arrival.

Koliqi, also referred to as the writer who lived between the "sea" and the "mountain," was able to blend Western European and traditional Albanian cultural aspects. The sea spoke to him via his culture, while the mountain became through his thoughts. Koliqi is the most distinctive writer of his type because of the way he blends contemporary and tradition.

The main focus of Ernest Koliqi's literary journey is the consideration of issues such as blood fear, emancipation, knowledge and ignorance, man in front of himself and his social circle, man enslaved by the past, and the challenges of confronting reality. Koliqi's "Flag Trader" is notable for his understanding of the psyche of the persons he writes about. Some have referred to the novels in the volume "Flag Trader" as the best written in Albanian prior to World War II.

The work "The Reflections of Narcissus" represents the author's pinnacle of maturity. This piece is an appeal to rediscover our identity and the long-standing customs that define who we are as people and a country. Koliqi's prose has shaped the Albanian literature, eventually eluding the schematization of utilitarianism. This study has contributed greatly to the establishment of a new benchmark in the Albanian literature. While earlier literary works aided in the nation's freedom and awakening, Koliqi has aided in Albanian society's spiritual and doctrinal liberation as well as increasing the stature of our literature by putting it in the context of the global literature.

Ernest Koliqi was and is now a gem in the chain system of development of contemporary Albanian literature, primarily because of his contribution to the prose of northern Albania.

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ORIGINAL PAPER

The Past in a Museum. Example of the Museum of Literature and Performing Arts of Bosnia and Herzegovina in Sarajevo

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Abstract:

Public museums operate on behalf of public administration, both at the central and local levels. They perform many functions. However, the key area of their activity is education (historical, patriotic, etc.). Museum narratives are therefore a tool for memory politics. This is emphasized by the content and way of presenting information about the past. The article is the result of research conducted at the Museum of Literature and Performing Arts of Bosnia and Herzegovina in Sarajevo in May 2023 as part of a grant awarded under the PROM Program – International Scholarship Exchange of Doctoral Students and Academic Staff. Based on narrative analysis and informal interviews, the text discusses the character of the content presented in this institution and draws attention to its political contexts.

Keywords: *past, memory politics, museum, Bosnia and Herzegovina, Sarajevo.*

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Introduction

The past is a key element of individual and collective identity. For this reason, history and the discourses related to it are popular areas of scientific research. As an integral part of everyday life, it evokes emotions that lead to discussions, disputes, and even conflicts. Most of them concern current memory resources and their interpretation. For these reasons, past continues to arouse interest among researchers representing not only the humanities but also the social sciences. The crisis of European democracies, which has been observed for many years, confirms the validity of the slogan "Who controls the past controls the future: who controls the present controls the past" (Orwell, 2021: 37). Although it describes literary fiction, it accurately illustrates politicians' attitude to history as an instrument for achieving their goals. It should be noted, however, that conducting the memory politics (also called politics of history) is also a form of implementing other types of policies – it is a part of them, intertwines with them, and uses their instruments. Museums are an example – their activities are a tool for implementing, among others: historical, cultural, scientific, and educational policy.

My research aims to explore the issues of memory politics not only in the theoretical but also empirical sphere. This is the purpose of choosing the case study method – the research concerns the territory of Bosnia and Herzegovina² after the conclusion of the Dayton Peace Agreement (December 14, 1995). The research is accompanied by hypotheses: public museums operating in the state support the implementation of the goals of ethnic politics of history; institutions located in the Federation of BiH present a Bosniak³ narrative, while those operating in Republika Srpska – a Serbian one; public museums serve selective and ethnic historical education; museums in BiH create/strengthen myths about martyrdom, which increases tensions in a multi-ethnic society burdened by the past. The presented text is the result of pilot research conducted at the Museum of Literature and Performing Arts of Bosnia and Herzegovina in Sarajevo. Its goal was to prepare further parts of the research process. The pilot also allowed me to answer the following research questions: What events and people does the content presented in the Museum refer to? Does it present an ethnic interpretation of the past? If so, which group does this apply to? What is the purpose of the narrative – to unite or divide society? Does it involve referring to political and social phenomena? Which ones?

The following article indicates aspects of the past presented in the Museum and their connection with current discourses of memory. The most important part of the study was a query conducted in May 2023 as part of the PROM Program. It aimed to learn about the Museum's attitude towards the past, including the relations between the ethnic groups living in the country. During the stay in Sarajevo, the content of permanent and temporary exhibitions was analyzed, and a library search and interviews with employees were conducted, among others, with the director of the Museum, Mrs. Šejla Šehabović.

² Administratively, Bosnia and Herzegovina (BiH) consists of two entities – the Federation of Bosnia and Herzegovina (FBiH) and Republika Srpska (RS) – as well as the Brčko District (DB) established in 1999.

³ Two similar adjectives are used in the text – Bosnian (referring to Bosnians, i.e. inhabitants of Bosnia and Herzegovina regardless of their ethnic and religious affiliation) and Bosniak (describing Slavic Muslims, one of the ethnic groups and a constitutional nation).

As mentioned, the past is a factor that has a huge impact on shaping our identity and, consequently, our social and political views. Public institutions constantly (re)interpret historical events and processes, controlling our knowledge about the past. It is based on the stories presented to us. Their structure affects how we perceive them and the extent to which we accept them as our own. The political potential of narrative as a tool for preserving knowledge (imaginings) about the past was interestingly described by Olga Tokarczuk. In her Nobel lecture, she pointed out that narrative is a factor that determines the survival of the memory of a given event. The lack of stories about it causes it to disappear. The narrative is therefore a source and tool of power for the one who creates it (Czermiński, 2020). Although historical events and processes are objective facts, the authorities always strive to obtain a monopoly on their interpretation and even (re)construction. Serbian anthropologist Srđan Radović pointed out that public space (e.g. urban space) is full of messages. They are transmitted by, among others, architecture, monuments, and museums (Radović, 2013).

The role of history in social life depends on political views – for conservatives, the past is the base of the community. According to Andrzej Nowak, the politics of history is a manifestation of the interest of the authorities of a given political entity in promoting a specific way of understanding its past. One of its tasks is to create national mythology – positive characters (heroes) most often appear in ancient times, while newer ones are shown negatively. In this way, the government emphasizes its efforts to restore the community's lost glory. Nowak noticed the educational role of memory politics, the aim of which is to shape citizens following the needs of the authorities. In his opinion, proper conduct of politics enables dialogue about the future, including objective discussion and exposure of historical distortions. However, people in power must be careful – the past may be a tool for manipulating society and spreading propaganda (Nowak, 2016). The risk of turning history into a political weapon is particularly high in the case of unstable states, with weak or façade democracy.

The case of Bosnia and Herzegovina is unique – some researchers call it a dysfunctional state – its authorities are unable to fulfill all the tasks set before them. At the same time, it is indicated that the state's activities are becoming politicized and have a nationalistic character. To some extent, Carl Schmitt's analysis of the state ↔ political relationship can be recalled here. He stated that elements of state activity overlap with the manifestations of social life. As a consequence, areas such as culture and education lose their neutrality, i.e. they cease to be apolitical. The state takes control over all areas of social life, which exposes them to politicization. The state itself takes on a total character (Schmitt, 2012). However, Bosnia and Herzegovina can hardly be considered a total state. On the contrary, the central authorities do not control the entire territory, its administration or scientific and cultural institutions operating there. Many responsibilities were taken over by entities (constituent parts of the state – the Federation of BiH and Republika Srpska) – which proves the weakness of the central government rather than its strength.

Internal divisions and conflicts have both political and social dimensions. This is reflected not only in the functioning of public institutions but also in the entire society. Everyday life in Bosnia and Herzegovina and relations with neighboring countries are still saturated with messages referring to historical memory, mainly related to the war of the 1990s. Narratives about the past are present in various aspects of social life. The past has a huge impact on the identity of the inhabitants of today's Bosnia and Herzegovina. It is constructed by politicians who use various tools to convince individuals that they

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belong to a given community. Building national (or ethnic) identity is based on martyrdom themes, which require the existence of spaces that preserve memory. These include cemeteries, monuments, plaques, and other forms of commemoration, which Pierre Nora described as "lieux de mémoire", or sites of memory. These are primarily places covered by the martyrdom narrative which serve to commemorate the victims. Another example of a site of memory that creates narratives about the past is museums.

It is assumed that a museum is a cultural and scientific institution focusing on researching the heritage of a given community. Its special feature is the non-profit principle, which means that the museum does not aim to make financial profit, but works for the benefit of the general public. The following consequences result from this: openness and accessibility for everyone, as well as participation in the promotion and introduction of an inclusive model of public institutions. The museum should operate without interruption. However, there are numerous cases of museums that have suspended their activities for objective political or economic reasons. The National Museum of Bosnia and Herzegovina in Sarajevo operated despite the siege of the city but was closed in 2012 due to a lack of funding sources. The institution reopened after almost 3 years. Museums are widely recognized as exhibition institutions. However, their work is much more complicated, and presenting exhibitions is only one, not necessarily the most important of their tasks.

Concerning artifacts (objects included in collections), the main functions of museums are:

- to collect items,
- to store them,
- to classify and catalog them,
- to conserve them,
- to research them,
- and to expose and show them to the public (Kaczmarek, 2018).

Taking into account the above-mentioned criteria, it should be emphasized that

Museums are more than repositories of the past, with memories and objects both rare and beautiful. Museums are cultural, educational, and civic centers in our communities [...] museums increasingly serve as gathering places, as forums for their communities. The exhibitions presented and the range of materials incorporated into collections reflect the multiple voices, needs, and interests of individual communities (Pitman, 1999: 1).

The phenomenon observed at the end of the 20th century is still growing – museums are considered attractive spaces for spending free time. Visitors are attracted not only by exhibitions but also by lectures, workshops, and events such as the (Long) Night of Museums. Another important element of the new museology strategy is the digitization of collections and the extensive use of multimedia tools. Many museums have shops and cafes that encourage visitors to extend their visit and get to know the museum from a different perspective.

Museums are associated with the presentation of visual content. Its perception by the visitor is subject to automatic selection of his eyesight. Although he initially looks at the entire exhibition, he evaluates it and chooses elements that deserve special attention. The viewer does not skip the rest of the exhibition but gets to know it in a selective, even limited way (Mordyński, 2015: 143). Noticing this mechanism allows us to see how important the conscious process of constructing an exhibition and adapting it

to the viewer is. Museums strive to engage visitors more fully in learning about the exhibitions. Their narratives change. Curators abandon scientific vocabulary and add a whole set of elements that enrich the visitors' experience. The range of influence on guests has been expanded by telling stories through images, sounds, and even smells. However, new ways of presentation serve traditional purposes of museology, including education. Narrative museums still are used to conceptualize pride, fears, and trauma, and thus to shape collective memory. As Ljiljana Radonic wrote

The struggles over hegemony, attempts to install one's own narrative about the past as the history, shape the formation of memory, memory politics, commemorative trends, and museums, the latter being understood as a central mnemopolitical field. They unfold at all levels – from individual to collective memory, to national and international planes (Radonić, 2023: 130).

Such a wide use of museums in memory politics means that, despite social changes, they still serve to achieve political goals.

Olga Tokarczuk noticed that we tend to use proven, old narratives. She emphasized that we lack new ones that would better describe the world around us (Czermiński, 2020). Although her statement concerned literature, it can also be applied to museology. From the point of view of linguistics, visiting is about seeing and learning. Today's museum visitors want more. They expect not only information but also active participation in the museum experience (Niezabitowski, 2015). There is an ongoing dispute regarding the participation of visitors in the process of shaping museums. This is related to the growing conflict between the vision of the visitor as the recipient of the prepared message and its co-creator and interpreter. However, it seems that the future belongs to a museum created for and by visitors.

Marek Cichocki pointed out that the memory of the past is one of the foundations of the identity of the community and the state it creates. Both the past and the memory of it are political issues for which the authorities are responsible. This topic should also be present in everyday life as the basis of social discourse (Cichocki, 2005). The key importance of history for building and maintaining the community's identity makes it necessary to cultivate the memory of the losses and failures. Suffering shapes and unites members, therefore there can be no reconciliation with an aggressor who ignores it (Cichocki, 2008). All parties to the Bosnian War – Bosniaks, Serbs, and Croats – to largely share a similar view. This is reflected, among others, in the content presented in the museums they run. Their narratives are strongly linked to the collective memory of the community, including mythology. Magdalena Rekšć noticed that the myth, although referring to the knowledge about the past, is not a faithful reflection of reality (Rekšć, 2010). For this reason, the politics of history is not so much an appeal to facts as a way of using the memory for political purposes.

The involvement of museums in political activities has many faces. They began to control our perception of reality and teach us about our identity. Museums show us who we are, but also indicate who we should not identify with. The involvement of museums in identity formation processes means that they are at serious risk of being politicized and manipulated by other institutions. This results both from their dependence on public administration bodies that supervise and finance them and from having too much autonomy. The ambiguity of legal regulations in Bosnia and Herzegovina causes the authorities to subjectively decide on supporting museum activities. The document of key importance for the functioning of the state – the Dayton

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Agreement – addressed the issue of cultural heritage only in Annex No. 8 regarding the Commission for the Protection of National Monuments. Art. VI indicates that both movable and immovable objects, such as architectural objects and works of art, may be recognized as monuments of national importance (Dayton Agreement, 1995). The functioning of museums is therefore regulated at lower levels of administration, e.g. cantons.

Bosnia and Herzegovina is sometimes described as a dysfunctional state. This is evidenced by the chaos in shaping collective memories, as there is no common state memory that all ethnic groups would agree with. Ljiljana Radonić stated that all participants in the war of the 1990s shaped their image as victims. Croats, Serbs, and Bosniaks accuse each other of crimes and deny the accusations of committing them. In this narrative, nations refer to the history of the Holocaust, in which a given ethnic group considers itself Jews while its perpetrators are compared to Nazis (Radonić, 2023: 130-131). Sarina Bakić pointed out that there are three main (ethnic) visions of the "truth" about history. The past still influences the functioning of the state, preventing it from overcoming social and economic difficulties. Development and "moving forward" require deep cooperation with other countries in the region – which is hampered by unresolved memory conflicts. However, museums are becoming important links in the reconciliation process. They operate in this field both independently and in cooperation with other institutions from the Western Balkans. Their task is to look critically at existing historical narratives, as well as to create new ones. This not only facilitates understanding of the past but also indicates values that better meet the requirements of reality and will be accepted in a post-conflict society (Bakić, 2021: 349-350).

The administrative and legal chaos prevailing in Bosnia and Herzegovina is manifested, among others, by activities of cultural institutions, including museums. The system of supervision and financing of this type of facilities by the central and local authorities is still unclear. In practice, museums seek support from every possible source. The fact is, however, that many of them have problems with maintaining accounting liquidity (e.g. payment of salaries). Therefore, cooperation with partners from abroad, mainly from European Union states, is an important support. It enables both the co-financing of projects implemented by museums and the promotion of their activities abroad. This is a huge opportunity that gives hope for increasing European interest in the issues of Bosnia and Herzegovina, as well as building a positive image of museums. They operate despite the difficult financial situation and extensive bureaucracy. It is worth noting here that the unclear form of linking museums with public administration bodies results in quite high autonomy and freedom of action. However, the lack of transparency and stability in these relationships creates the risk of future government interference. An important change regarding the most important cultural institutions in Sarajevo was the adoption of a special law in 2024, under which the Canton of Sarajevo will be responsible for their financing. The Museum of Literature and Performing Arts is among the nine distinguished institutions. Thanks to this, its existence is temporarily secured.

However, museums still face many problems. Sarina Bakić wrote that
In the context of Bosnia and Herzegovina, after a terrible war and post-war challenges, there are still no conditions for creating new cultural concepts, including policy on museums, especially from the point of view of treating them as the 'new educational institutions' (Bakić, 2021: 354).

The ethnic education system indoctrinates students following the national interest. Instead of respect and attachment to universal values such as justice, it appropriates them and considers them the property of a given ethnic group (Bakić, 2021: 354).

The Museum of Literature and Performing Arts of Bosnia and Herzegovina is a unique institution because it deals with fields that are relatively rarely musealized⁴. Unlike most museums dedicated to literature and theater, the Museum in Sarajevo is devoted not to a single artist or movement, but to the broadly understood history of literature and performing arts in Bosnia and Herzegovina.

The Museum was established in 1961. Soon, the scope of its interests expanded to include theater activities, thanks to which in 1977 it gained its actual name – the Museum of Literature and Performing Arts of BiH. The seat of the institution is located in the Skarić family house, built in the mid-19th century. The estate was then taken over by the Despić family. A characteristic element of the building's façade decoration is a bas-relief with a genre scene depicting birds drinking water. Its author, Iva Despić, is considered the first academic sculptor in the history of Bosnia, while the stylized image of the bas-relief is the Museum's logo. The facility aims to present the biographies and works of writers and theater artists. The mission of presenting the history of theater in Bosnia and Herzegovina was highlighted during the renovation of the permanent exhibition, which was carried out on the occasion of the 55th anniversary of the institution. The exhibition presents the profiles of 10 writers and 9 theater artists. Their diverse ethnic and religious origins depict the rich history of the lands of Bosnia and Herzegovina. It is worth noting, however, that for most of its functioning, the institution did not attach particular importance to women's literary works (Šehabović, 2016).

The most famous figure whose life and work are presented in the Museum is the 1961 Nobel Prize winner in literature, Ivo Andrić (1892-1975). It is worth emphasizing that he donated it to the development of libraries in Bosnia and Herzegovina. One of the most valuable exhibits of the Museum is the manuscript of his novel *The Bridge on the Drina*. The writer Rodoljub Čolaković claimed that Ivo wanted it to become the property of the Socialist Republic of BiH (Šehabović, 2016). However, Andrić is a controversial hero – Bosniaks, Serbs, and Croats consider him a compatriot and downplay his connections with other ethnic groups. Although the Museum of Literature maintains objectivity and neutrality, content about Andrić presents him as a Bosnian (common) writer. This is evidenced by the fact that his work is embedded in the history and culture of Bosnia.

Alenka Bartulović, however, pointed out that, according to many researchers, Ivo Andrić effectively adapted his work to the expectations of those in power. Moreover, he created an ambiguous image of his identity. Declaring belonging to different environments justified his different attitudes, enabling the author to have a successful literary career (Bartulović, 2017). The writer's behavior gives a wide scope for interpretation and assessment of both his work and his private life. Bartulović pointed out that some Bosniak nationalists accuse him of hostility towards Islam (Bartulović, 2017), which automatically removes him from the group of outstanding representatives

⁴ Examples of museums dealing with similar topics include the Adam Mickiewicz Museum of Literature in Warsaw (est. 1950), the Theater Museum in Warsaw (1957), the Museum of Romanticism in Opinogóra (1961), the Centre for Polish Scenography in Katowice (1991), the Pan Tadeusz Museum in Wrocław (2016), as well as the Bjørnson house in Aulestad (1934), the Frédéric Mistral Museum in Maillane (1944) and the Moomin Museum in Tampere (1987).

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of the Bosniak nation.

The structure of the permanent exhibition described above (as well as the topics of temporary exhibitions) confirms that the content presented in the Museum is dominated by narratives about heroes. These are selected representatives of the artistic and literary community. Their selection serves to emphasize the multicultural interpretation of the history of Bosnia and Herzegovina. This is illustrated by the choice of Isak Samokovlija (1889-1955), with Bulgarian-Jewish roots, or Mak Dizdar (1917-1971), who referred to the history of medieval Bosnia in his works. An important element of the stories presented in the Museum is the idea of transformation. This is manifested both in the part referring to the history of the institution – the aspirations to establish a museum, expand its collections, create a part dedicated to theater – and in the noticeable transition from the idea of Yugoslavism (unity of the South Slavs) to patriotism in the Bosniak (ethnic) and the Bosnian (universal) versions. An important role here is played by the narrative about the power of culture as a factor that binds society together and allows it to survive the most difficult moments. A clear example of its use is a fragment of the exhibition telling the history of the Sarajevo War Theater. Operating since August 1992, this institution has become a valuable part of the cultural life of besieged Sarajevo. Its functioning confirms the psychological importance of art, especially theater, as a form of support for people experiencing the horror of war.

In Bosnia and Herzegovina, the high level of museums' independence is not due to the autonomy of science and culture but to the low interest of the central and local administration. The Museum of Literature and Performing Arts enjoys relatively much freedom from political pressure. The content presented in the institution is most often neutral. Moreover, the application of the Western European model of museology opened it up to new, previously overlooked topics. The Museum is paying more and more attention to the biographies and works of women. However, the observed increase in the popularity of feminist narrative is not intended to introduce any ideology, but to make up for the backlog in the study and presentation of women's literary and theatrical achievements. Another aspect emphasized in the Museum is the positive dimension of multiculturalism. In this context, exhibitions and publications contain manifestations of Yugonostalgia – a sentimental (often idealized) longing for Yugoslavia, in which Sarajevo stood out as an important cultural center. The influence of the Western approach to museology is also visible in the interdisciplinary nature of exhibitions and organized events. Openness to international cooperation is manifested in relations with foreign institutions – in 2023, cooperation with the Samokov Historical Museum in Bulgaria (research on Isak Samokovlija) and the Adam Mickiewicz Museum of Literature in Warsaw stood out.

Conclusions

Bosnia and Herzegovina is a country with a complicated history that continues to shape political and social life. Carl Schmitt stated that nations and their states rise and fall. Some are powerful, while others are weak, fragile, and destined to be replaced by stronger ones. However, he added that the most important thing is to strive for internal unity. The philosopher was also aware that it is much easier to establish cooperation in the field of economy than in politics. Schmitt also noted that maintaining political unity requires an effort that societies are not always capable of (Schmitt, 2012). While his opinion may seem harsh and even aggressive, it can be applied to Bosnia and Herzegovina. It is a state divided both politically (into ethnic administrative areas called

entities) and socially (ethnically, religiously, etc.). Disputes and conflicts of memory are expressed in contradictory contents of history teaching programs and museum narratives. Internal relations are confusing and prevent the consolidation of society and the building of a strong and cohesive state.

In these circumstances, the activities of the Museum of Literature and Performing Arts of Bosnia and Herzegovina in Sarajevo should be evaluated positively. It strives to be not only a center for the study of Slavic literature but above all – an inclusive nationwide exhibition institution. Most often, the content is presented objectively and neutrally. The narratives focus on the biographies and works of the most important literary authors, as well as people representing the theater community. The desire to show the richness of the state's multicultural heritage, which includes the achievements of representatives of different ethnic, religious, and political groups is visible. The content emphasizes the positive sides of the past – the most important is the sentiment towards Yugoslavia – Yugonostalgia. Previously ignored topics (including women's creativity) are also gaining importance.

In a few cases, the ethnic (Bosniak) character of the exhibition is emphasized. This is most clearly manifested in the context of Ivo Andrić's work and the circumstances of obtaining the manuscript of his novel *Bridge on the Drina*. The exhibition dedicated to the Sarajevo War Theater and the role of culture in the lives of the inhabitants of the besieged city is patriotic, although somewhat camouflaged. Although in the Museum of Literature, you can find elements talking about sacrifice and martyrdom during the Bosnian War, it should be emphasized that it is present in many museums throughout Bosnia. Sarajevo still bears traces of a several-year siege (April 5, 1992 - February 29, 1996). It is therefore not surprising that such an important and long event occupies a special place in stories about its past.

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 - Use of *online applications* for social sciences research;
 - Methods and *themes of research* provided by CEPOS (2021-2024);
 - *Publication* in an international indexed journal;
 - *Indexing and statistics* for social sciences journals in international databases;
 - *Academic profile* in international databases;
 - RSP Manuscript Submission Guidelines;
 - Publication, editing support and *citation metrics* for social sciences journals.
- * 15 minutes Oral presentation / Poster Presentation for every author and presenter
- * Publication of the Conference Papers in the International Indexed Journal *Revista de Stiinte Politice. Revue des Sciences Politiques*.

Previous publication of the 2012-2024 Conference papers is available at:

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

CERTIFICATES OF ATTENDANCE

Certificates of attendance will be offered at the end of the conference.

INTERNATIONAL INDEXING OF REVISTA DE STIINTE POLITICE. REVUE DES SCIENCES POLITIQUES. *Revista de Stiinte Politice. Revue des Sciences Politiques* is an International Indexed Journal by:

CEPOS NEW CALL FOR PAPERS 2025

ERIH PLUS

ProQuest

EBSCO

CEEOL

KVK

Gale Cengage Learning

Index Copernicus

Georgetown University Library

Elektronische Zeitschriftenbibliothek EZB

Journal Seek

Latest international indexing updates 2024 (March 2024) of the *Revista de Științe Politice. Revue des Sciences Politiques* (selective list 2019-2024)

EP Library Catalogue – European Parliament Library Catalogue

https://europarl.primo.exlibrisgroup.com/discovery/fulldisplay?docid=alma991001117790704886&context=L&vid=32EPA_INST:32EPA_V1&lang=en&adaptor=Local%20Search%20Engine&tab=Everything&query=sub,exact,Europe%20de%201%27Est%20--%20Politique%20et%20gouvernement,AND&mode=advanced&offset=0

Ghent University Library

<https://lib.ugent.be/en/catalog/ejn01:1000000000726583>

Universidad Carlos III de Madrid Research Portal

<https://researchportal.uc3m.es/display/rev184334>

J-Gate Social Science & Humanities Indexed Journal List

<https://www.kitsw.ac.in/Library/2022/JSSH%20Journal%20List.pdf>

<https://europub.co.uk/journals/revista-de-stiinte-politice-revue-des-sciences-politiques-J-11661>

Universiteits Bibliotheek Gent

<https://lib.ugent.be/catalog/ejn01:1000000000726583>

Publons

<https://publons.com/journal/540040/revista-de-stiinte-politice/>

Universidad Carlos III de Madrid

<https://researchportal.uc3m.es/display/rev184334>

Weill Cornell Medicine Qatar

[https://primo.qatar-](https://primo.qatar-weill.cornell.edu/discovery/fulldisplay?vid=974WCMCIQ_INST:VU1&docid=alma991000575074006691&lang=en&context=L&adaptor=Local%20Search%20Engine)

[weill.cornell.edu/discovery/fulldisplay?vid=974WCMCIQ_INST:VU1&docid=alma991000575074006691&lang=en&context=L&adaptor=Local%20Search%20Engine](https://primo.qatar-weill.cornell.edu/discovery/fulldisplay?vid=974WCMCIQ_INST:VU1&docid=alma991000575074006691&lang=en&context=L&adaptor=Local%20Search%20Engine)

Reseau Mirabel

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

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Bond Library University

https://librarysearch.bond.edu.au/discovery/fulldisplay?vid=61BOND_I NST%3ABOND&docid=alma9930197890502381&lang=en&context=SP

Ghent university library

<https://lib.ugent.be/catalog/ejn01:1000000000726583>

The Royal Library and Copenhagen University Library Service

https://e-tidsskrifter.kb.dk/resolve?umlaut.locale=da&url_ver=Z39.88-2004&url_ctx_fmt=info%3Aofi%2Ffmt%3Akev%3Amtx%3Actx&ctx_ver=Z39.88-2004&ctx_tim=2020-04-11T21%3A23%3A41%2B02%3A00&ctx_id=&ctx_enc=info%3Aofi%2Fenc%3AUTF-8&rft.issn=1584-224X&rft.search_val=1584-224X&rft_val_fmt=info%3Aofi%2Ffmt%3Akev%3Amtx%3Ajournal&rft_id=info%3Asid%2Fsfxit.com%3Acitation

Glasgow Caledonian University

https://discover.gcu.ac.uk/discovery/openurl?institution=44GLCU_INST&vid=44GLCU_INST:44GLCU_VU2&?u.ignore_date_cover age=true&rft.mms_id=991002471123103836

Open University Library Malaysia

<https://library.oum.edu.my/oumlib/content/catalog/778733>

Stanford University Libraries, Stanford, United States

<https://searchworks.stanford.edu/?q=469823489>

Cornell University Library, Ithaca, United States

https://newcatalog.library.cornell.edu/catalog?search_field=publisher+number%2Fother+identifier&q=469823489

University of Michigan Library,

<https://search.lib.umich.edu/catalog?&library=All+libraries&query=isbn%3A469823489>

Pepperdine Libraries, Malibu, United States

https://pepperdine.worldcat.org/search?qt=wc_org_pepperdine&q=no:469823489

University of Victoria Libraries , Victoria, Canada

<http://uvic.summon.serialssolutions.com/#!/search?ho=t&fvf=ContentType,Journal%20Article,f&l=en&q=1584-224X>
Academic Journals database
<http://journaldatabase.info/journal/issn1584-224X>

University of Zurich Database

<https://www.jdb.uzh.ch/id/eprint/21535/>

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2004&url_ctx_fmt=info:ofi/fmt:kev:mtx:ctx&ctx_enc=info:ofi/enc:UTF-8&ctx_ver=Z39.88-2004&rft_id=info:sid/sfxit.com:azlist&sfx.ignore_date_threshold=1&rft.object_id=100000000726583&rft.object_portfolio_id=&svc.holdings=yes&svc.fulltext=yes

Catalogue of Hamburg Libraries

https://beluga.sub.uni-hamburg.de/vufind/Search/Results?submit=Suchen&library=GBV_ILN_22&lookfor=1584-224x

Edith Cowan Australia

<https://ecu.on.worldcat.org/search?databaseList=&queryString=1584-224X>

University College Cork, Ireland

<https://ucc.summon.serialssolutions.com/?q=1584-224X#!/search?ho=t&jt=Revista%20de%20Stiinte%20Politice&l=en-UK&q=>

York University Library, Toronto, Ontario, Canada

<https://www.library.yorku.ca/find/Record/muler82857>

The University of Chicago, USA

https://catalog.lib.uchicago.edu/vufind/Record/sfx_100000000726583

The University of Kansas KUMC Libraries Catalogue

<http://voyagercatalog.kumc.edu/Search/Results?lookfor=1584-224X&type=AllFields>

Journal Seek

<http://journalseek.net/cgi-bin/journalseek/journalsearch.cgi?field=issn&query=1584-224X>

State Library New South Wales, Sidney, Australia,

<http://library.sl.nsw.gov.au/search~S1/?searchtype=i&searcharg=1584-224X&searchscope=1&SORT=D&extended=0&SUBMIT=Search&searchlimits=&searchorigarg=i1583-9583>

Electronic Journal Library

https://opac.giga-hamburg.de/ezb/detail.phtml?bibid=GIGA&colors=7&lang=en&flavour=classic&jour_id=111736

Open University Malaysia

<http://library.oum.edu.my/oumlib/content/catalog/778733>

Wayne State University Libraries

<http://elibrary.wayne.edu/record=4203588>

Kun Shan University Library

http://muse.lib.ksu.edu.tw:8080/1cate/?rft_val_fmt=publisher&pubid=ucvpress

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Western Theological Seminar

[https://col-](https://col-westernsem.primo.exlibrisgroup.com/discovery/fulldisplay?docid=alma99100122541104770&context=L&vid=01COL_WTS:WTS&lang=en&search_scope=MyInst_and_CI&adaptor=Local%20Search%20Engine&tab=Everything&query=any,contains,1584-224X&facet=rtype,include,journals&mode=Basic&offset=0)

[westernsem.primo.exlibrisgroup.com/discovery/fulldisplay?docid=alma99100122541104770&context=L&vid=01COL_WTS:WTS&lang=en&search_scope=MyInst_and_CI&adaptor=Local%20Search%20Engine&tab=Everything&query=any,contains,1584-224X&facet=rtype,include,journals&mode=Basic&offset=0](https://col-westernsem.primo.exlibrisgroup.com/discovery/fulldisplay?docid=alma99100122541104770&context=L&vid=01COL_WTS:WTS&lang=en&search_scope=MyInst_and_CI&adaptor=Local%20Search%20Engine&tab=Everything&query=any,contains,1584-224X&facet=rtype,include,journals&mode=Basic&offset=0)

Swansea University Prifysgol Abertawe

[http://whel-](http://whel-primo.hosted.exlibrisgroup.com/primo_library/libweb/action/search.do?vid=44WHELFSWA_VU1&reset_config=true#.VSU9SPmsVSk)

[primo.hosted.exlibrisgroup.com/primo_library/libweb/action/search.do?vid=44WHELFSWA_VU1&reset_config=true#.VSU9SPmsVSk](http://whel-primo.hosted.exlibrisgroup.com/primo_library/libweb/action/search.do?vid=44WHELFSWA_VU1&reset_config=true#.VSU9SPmsVSk)

Vanderbilt Library

https://catalog.library.vanderbilt.edu/discovery/fulldisplay?docid=alma991043322926803276&context=L&vid=01VAN_INST:vanui&lang=en&search_scope=MyInst_and_CI&adaptor=Local%20Search%20Engine&tab=Everything&query=any,contains,1584-224X&offset=0

Wissenschaftszentrum Berlin für Sozial

[https://www.wzb.eu/en/literature-data/search-find/e-](https://www.wzb.eu/en/literature-data/search-find/e-journals?page=searchres.phtml&bibid=WZB&lang=en&jq_type1=IS&jq_term1=1584-224X&jq_bool2=AND&jq_type2=KS&jq_term2=&jq_bool3=AND&jq_type3=PU&jq_term3=&offset=-1&hits_per_page=50&Notations%5B%5D=all&selected_colors%5B%5D=1&selected_colors%5B%5D=2)

[journals?page=searchres.phtml&bibid=WZB&lang=en&jq_type1=IS&jq_term1=1584-224X&jq_bool2=AND&jq_type2=KS&jq_term2=&jq_bool3=AND&jq_type3=PU&jq_term3=&offset=-1&hits_per_page=50&Notations%5B%5D=all&selected_colors%5B%5D=1&selected_colors%5B%5D=2](https://www.wzb.eu/en/literature-data/search-find/e-journals?page=searchres.phtml&bibid=WZB&lang=en&jq_type1=IS&jq_term1=1584-224X&jq_bool2=AND&jq_type2=KS&jq_term2=&jq_bool3=AND&jq_type3=PU&jq_term3=&offset=-1&hits_per_page=50&Notations%5B%5D=all&selected_colors%5B%5D=1&selected_colors%5B%5D=2)

Radboud University Nijmegen

[https://zaandam.hosting.ru.nl/oamarket-](https://zaandam.hosting.ru.nl/oamarket-acc/score?OpenAccess=&InstitutionalDiscounts=&Title=&Issn=1584-224&Publisher=Elektronische Zeitschriftenbibliothek EZB (Electronic Journals Library)http://rzblx1.uni-regensburg.de/ezeit/detail.phtml?bibid=AAAAA&colors=7&lang=de&jour_id=111736)

[acc/score?OpenAccess=&InstitutionalDiscounts=&Title=&Issn=1584-224&Publisher=Elektronische Zeitschriftenbibliothek EZB \(Electronic Journals Library\)
http://rzblx1.uni-regensburg.de/ezeit/detail.phtml?bibid=AAAAA&colors=7&lang=de&jour_id=111736](https://zaandam.hosting.ru.nl/oamarket-acc/score?OpenAccess=&InstitutionalDiscounts=&Title=&Issn=1584-224&Publisher=Elektronische Zeitschriftenbibliothek EZB (Electronic Journals Library)http://rzblx1.uni-regensburg.de/ezeit/detail.phtml?bibid=AAAAA&colors=7&lang=de&jour_id=111736)

The University of Hong Kong Libraries

https://julac.hosted.exlibrisgroup.com/primo-explore/search?query=any,contains,1584-224x&search_scope=My%20Institution&vid=HKU&facet=rtype,include,journals&mode=Basic&offset=0

Metropolitan University Prague, Czech Republic

[https://s-](https://s-knihovna.mup.cz/katalog/eng/l.dll?h~=&DD=1&H1=&V1=o&P1=2&H2=&V2=o&P2=3&H3=&V3=z&P3=4&H4=1584-224x&V4=o&P4=33&H5=&V5=z&P5=25)

[knihovna.mup.cz/katalog/eng/l.dll?h~=&DD=1&H1=&V1=o&P1=2&H2=&V2=o&P2=3&H3=&V3=z&P3=4&H4=1584-224x&V4=o&P4=33&H5=&V5=z&P5=25](https://s-knihovna.mup.cz/katalog/eng/l.dll?h~=&DD=1&H1=&V1=o&P1=2&H2=&V2=o&P2=3&H3=&V3=z&P3=4&H4=1584-224x&V4=o&P4=33&H5=&V5=z&P5=25)

University of the West Library

<https://uwest.on.worldcat.org/search?queryString=1584-224x&clusterResults=off&stickyFacetsChecked=on#/oclc/875039367>

Elektronische Zeitschriften der Universität zu Köln

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https://www.ub.uni-koeln.de/IPS?SERVICE=METASEARCH&SUBSERVICE=INITSEARCH&VIEW=USB:Simple&LOCATION=USB&SID=IPS3:2d1c5acebc65a3cdc057a9d6c64ce76e&SETCOOKIE=TRUE&COUNT=15&GWTIMEOUT=30&HIGHLIGHTING=on&HISTORY=SESSION&START=1&STREAMING=on&URLENCODING=TRUE&QUERY_aIAL=1584-224x&SERVICEGROUP1.SERVICE.SEARCH_EDS=on&SERVICEGROUP1.SERVICE.SEARCH_KUGJSON=on&SERVICEGROUP1.SERVICE.SEARCH_KUGUSWEB=on&SERVICEGROUP1.SERVICEGROUP.USB:Default=on

EKP Publications

https://ekp-invenio.physik.uni-karlsruhe.de/search?ln=en&sc=1&p=1584-224X&f=&action_search=Search&c=Experiments&c=Authorities

Valley City State University

https://odin-primo.hosted.exlibrisgroup.com/primo-explore/search?query=any,contains,1584-224X&tab=tab1&search_scope=ndv_everything&sortby=rank&vid=ndv&lang=en_US&mode=advanced&offset=0displayMode%3Dfull&displayField=all&pcAvailabilityMode=true

Impact Factor Poland

<http://impactfactor.pl/czasopisma/21722-revista-de-stiinte-politice-revue-des-sciences-politiques>

Universite Laval

http://sfx.bibl.ulaval.ca:9003/sfx_local?url_ver=Z39.88-2004&url_ctx_fmt=info:ofi/fmt:kev:mtx:ctx&ctx_enc=info:ofi/enc:UTF-8&ctx_ver=Z39.88-2004&rft_id=info:sid/sfxit.com:azlist&sfx.ignore_date_threshold=1&rft.object_id=100000000726583&rft.object_portfolio_id=&svc.fulltext=yes

Universität Passau

<https://infoguide.ub.uni-passau.de/InfoGuideClient.upasis/start.do?Query=10%3d%22BV035261002%22>

BSB Bayerische Staatsbibliothek

<https://opacplus.bsb-muenchen.de/metaopac/search?View=default&oclcno=502495838>

Deutsches Museum

<https://opac.deutsches-museum.de/TouchPoint/start.do?Query=1035%3d%22BV035261002%22IN%5b2%5d&View=dmm&Language=de>
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=%22502495838%22+IN+[2])

Hochschule Augsburg, Bibliothek

CEPOS NEW CALL FOR PAPERS 2025

<https://infoguide.hs-augsburg.de/InfoGuideClient.fhasis/start.do?Query=10%3d%22BV035261002%22>

Hochschule Weihenstephan-Triesdorf, Zentralbibliothek
Freising, Germany
<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-katalog.de/TouchPoint/start.do?Query=1035%3d%22BV035261002%22IN%5b2%5d&View=ubr&Language=de>

Staatliche Bibliothek Neuburg/Donau , SBND,
Neuburg/Donau, Germany
<https://opac.swnd.de/InfoGuideClient.sndsis/start.do?Query=10%3d%22BV035261002%22>

Universitätsbibliothek Eichstätt-Ingolstadt, Eichstätt, Germany
[https://opac.ku.de/TouchPoint/start.do?Branch=0&Language=de&View=uei&Query=35=%22502495838%22+IN+\[2\]](https://opac.ku.de/TouchPoint/start.do?Branch=0&Language=de&View=uei&Query=35=%22502495838%22+IN+[2])

Bibliothek der Humboldt-Universität Berlin, Universitätsbibliothek der Humboldt-Universität zu Berlin
Berlin, Germany
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
<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>.

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CONFERENCE INTERNATIONAL INDEXING OF THE PAST EDITIONS (2014-2024)

CEPOS Conference 2024

The **Fourteenth International Conference** After Communism. East and West under Scrutiny (Craiova, House of the University, 15-16 March 2024) was evaluated and accepted for indexing in 11 international databases, catalogues and NGO's databases:

Indexation links:

CEEOL <https://www.ceeol.com/search/article-detail?id=1195305>

ProQuest, Part of Clarivate

<https://www.proquest.com/docview/2863220849/CC02F21AE4DB44F1PQ/1?accountid=50247&sourcetype=Scholarly%20Journals>

Oxford Academic (Oxford University Press)

<https://doi.org/10.1093/jcs/csad066>

Oxford Journal of Church and State-Oxford Academic (Oxford University Press) (Vol. 65, nr 4/2023) în secțiunea Calendar of Events JCS (publicare 28 Noiembrie 2023)

Conference Alerts

<https://conferencealerts.com/show-event?id=254313>

Science DZ

<https://www.sciencedz.net/.../100575-14th-international...>

10 Times

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

The Free Library

<https://www.thefreelibrary.com/CEPOS+NEW+CALL+FOR+PAPERS...>

Conference 365

<https://conferences365.com/.../14th-international...>

World University Directory

<https://worlduniversitydirectory.com/edu/event/...>

Conferences daily

<https://conferencesdaily.com/eventdetails.php?id=1625192>

Gale Cengage Learning USA <https://go.gale.com/ps/i.do?id=GALE%7CA766112846...>

CEPOS Conference 2023

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The **Thirteenth International Conference** After Communism. East and West under Scrutiny (Craiova, 17-18 March 2023) was evaluated and accepted for indexing in 5 international databases, catalogues and NGO's databases:

Oxford Church & State Journal:

<https://academic.oup.com/jcs/articleabstract/65/1/168/7044222?redirectedFrom=fulltext>

10 Times: <https://10times.com/after-communism-east-andwest-under-scrutiny>

Conferencesite.eu:

<https://index.conferencesites.eu/conference/57510/13th-international-conference-after-communism-eastand-west-under-scrutiny;>

Schoolandcollegelistings

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

Conferencealerts : <https://conferencealerts.com/showevent?id=247851>

CEPOS Conference 2022

The **Twelfth International Conference** After Communism. East and West under Scrutiny (Craiova, 18-19 March 2022) was evaluated and accepted for indexing in 6 international databases, catalogues and NGO's databases:

<https://www.conferenceflare.com/events/category/social-sciences-and-humanities/art-history/>

Vinculation International Diciembre 2021 newsletter n 99

https://issuu.com/fundacionargeninta5/docs/diciembre_2021_fundaci_n_argeninta-ai_ok?fr=sZjg2NjE5NTg3OTY

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

<https://10times.com/company/cepos>

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

<https://conferencealerts.com/show-event?id=238529>

<https://www.sciencedz.net/conference/82995-cepos-international-conference-2022-after-communism-east-and-west-under-scrutiny>

CEPOS Conference 2021

The **Eleventh International Conference** After Communism. East and West under Scrutiny (Craiova, House of the University, 19-20 March 2021) was evaluated and accepted for indexing in 5 international databases, catalogues and NGO's databases:

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<https://academic.oup.com/jcs/advance-articleabstract/doi/10.1093/jcs/csaa064/5941887?redirectedFrom=fulltext>

<https://conferencealerts.com/show-event?id=229654>

<https://www.sciencedz.net/en/conference/72628-1thinternational-conference-after-communism-east-and-west-underscrutiny>

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

<https://worlduniversitydirectory.com/edu/event/?slib=1thinternational-conference-after-communism-east-and-west-underscrutiny-2>

CEPOS Conference 2020

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

Scichemistry

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

Oxford Journals

<https://academic.oup.com/jcs/advance-articlepdf/doi/10.1093/jcs/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.intraders.org%2Fnews%2Fromania%2F10th-internationalconference-after-communism-east-and-west-under-scrutiny%2F

10 times

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

The conference alerts

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

CEPOS NEW CALL FOR PAPERS 2025

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+AFTER+COMMUNISM.+EAST+AND+WEST+UNDER...-a0542803701>

Science Dz.net

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

CEPOS Conference 2018

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

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

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

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>

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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/>

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-<https://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/>

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Academic.net-<http://www.academic.net/show-24-4103-1.html>

World University Directory-
<http://www.worlduniversitydirectory.com/conferencedetail.php?AgentID=2001769>

Science Research Association-
<http://www.scirea.org/conferenceinfo?conferenceId=35290>

Science Social Community-<https://www.science-community.org/ru/node/174892>

CEPOS Conference 2016

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

ELSEVIER GLOBAL EVENTS-
<http://www.globaleventslist.elsevier.com/events/2016/04/6th-international-conference-after-communism-east-and-west-under-scrutiny/>

Oxford Journals – Oxford Journal of Church & State-
<http://jcs.oxfordjournals.org/content/early/2016/02/06/jcs.csv121.extract>

Conference Alerts-<http://www.conferencealerts.com/country-listing?country=Romania>
Conferences-In - <http://conferences-in.com/conference/romania/2016/economics/6th-international-conference-after-communism-east-and-west-under-scrutiny/>

Socmag.net - <http://www.socmag.net/?p=1562>

African Journal of Political Sciences-
http://www.maspolitiques.com/mas/index.php?option=com_content&view=article&id=450:-securiteee-&catid=2:2010-12-09-22-47-00&Itemid=4#.VjUI5PnhCUk

Researchgate-
https://www.researchgate.net/publication/283151988_Call_for_Papers_6TH_International_Conference_After_Communism_East_and_West_under_Scrutiny_8-9_April_2016_Craiova_Romania

World Conference Alerts-
<http://www.worldconferencealerts.com/ConferenceDetail.php?EVENT=WLD1442>
Edu events-<http://eduevents.eu/listings/6th-international-conference-after-communism-east-and-west-under-scrutiny/>

Esocsci.org-<http://www.esocsci.org.nz/events/list/>

Sciencedz.net-<http://www.sciencedz.net/index.php?topic=events&page=53>

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

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CEPOS Conference 2015

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

THE ATLANTIC COUNCIL OF CANADA, CANADA-
<http://natocouncil.ca/events/international-conferences/>

ELSEVIER GLOBAL EVENTS LIST-
<http://www.globaleventslist.elsevier.com/events/2015/04/fifth-international-conf>

GCONFERENCE.NET-
http://www.gconference.net/eng/conference_view.html?no=47485&catalog=1&cata=018&co_kind=&co_type=&pageno=1&conf_cata=01

CONFERENCE BIOXBIO-<http://conference.bioxbio.com/location/Romania>

10 TIMES-<http://10times.com/Romania>

CONFERENCE ALERTS-<http://www.conferencealerts.com/country-listing?country=Romania>

<http://www.iem.ro/orizont2020/wp-content/uploads/2014/12/lista-3-conferinte-internationale.pdf>
<http://sdil.ac.ir/index.aspx?pid=99&articleid=62893>

NATIONAL SYMPOSIUM-<http://www.nationalsymposium.com/communism.php>
SCIENCE DZ-<http://www.sciencedz.net/conference/6443-fifth-international-conference-after-communism-east-and-west-under-scrutiny>

ARCHIVE COM-http://archive-com.com/com/c/conferencealerts.com/2014-12-01_5014609_70/Rome_15th_International_Academic_Conference_The_IISES/

CONFERENCE WORLD-<http://conferencesworld.com/higher-education/>
KNOW A CONFERENCE KNOW A CONFERENCE-
<http://knowaconference.com/social-work/>

International Journal on New Trends in Education and Their Implications (IJONTE) Turkey <http://www.ijonte.org/?pnum=15&>

Journal of Research in Education and Teaching Turkey-
<http://www.jret.org/?pnum=13&pt=Kongre+ve+Sempozyum>

CEPOS 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

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The Fourth International Conference After Communism. East and West under Scrutiny, Craiova, 4-5 April 2014 was very well received by the national media and successfully indexed in more than 9 international databases, catalogues and NGO's databases such as: American Political Science Association, USA-<http://www.apsanet.org/conferences.cfm>

Journal of Church and State, Oxford-
<http://jcs.oxfordjournals.org/content/early/2014/01/23/jcs.cst141.full.pdf+html>;
NATO Council of Canada (section events/ international conferences), Canada,
<http://atlantic-council.ca/events/international-conferences/>

International Society of Political Psychology, Columbus, USA-
http://www.ispp.org/uploads/attachments/April_2014.pdf

Academic Biographical Sketch, <http://academicprofile.org/SeminarConference.aspx>;
Conference alerts, <http://www.conferencealerts.com/show-event?id=121380>
Gesis Sowiport, Koln, Germany, <http://sowiport.gesis.org/>; Osteuropa-Netzwerk,
Universität Kassel, Germany, http://its-vm508.its.uni-kassel.de/mediawiki/index.php/After_communism:_East_and_West_under_scrutiny:_Fourth_International_Conference

Ilustre Colegio Nacional de Doctores y Licenciados en Ciencias Politicas y Sociologia, futuro Consejo Nacional de Colegios Profesionales, Madrid,
<http://colpolsocmadrid.org/agenda/>.



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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.

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