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## The Use of Duolingo Apps in Teaching English Language among Iraqi EFL Students

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### Abstract

Anyone can now learn at any time and from any place thanks to increasingly advanced technology. Devices allow students to learn languages online. There are numerous apps for learning languages; one of the most well-known is Duolingo. Around 200 million people use the free language learning program Duolingo, which is available on PCs, smart phones, and other devices. It offers courses in over 23 languages (Jašková, 2014). This program is a game-based learning tool for different languages. According to Krashen (2014), Duolingo is an online tool that leads students through a variety of translation-based exercises. You can use computers and mobile devices to use Duolingo. You can use this app on Windows, IOS, Android, and the web. This study aims to investigate students' perceptions of the effectiveness of using the Duolingo application as a tool for enhancing synonym knowledge. This study was conducted in the secondary school to indicate fourth-year students' incompetence in using correct vocabulary. The participants of this study thirty female students during the second semester, were chosen randomly for the academic year 2023/2024. To perform the aim of the study, the researchers used pre-post-tests as a tool for collecting data. The finding of this study concludes the difficulties that appeared when Iraqi EFL students used vocabularies and synonyms.

**Keywords:** Duolingo, EFL, English language learning technology in education, synonym acquisition, mobile learning.

### Introduction

Synonyms are the keys to a world of complex expression; words are the building blocks of communication. It is critical to consider how technology can help students develop a wide vocabulary as it continues to transform education. This study explores the field of synonym improvement. In the modern era of language learning, digital technology has emerged as a crucial component, offering students various tools and

features that facilitate the learning process. Digital platforms, such as social media, provide opportunities for interpersonal connections and interactions, enabling learners to engage in well-integrated and well-designed avenues for language acquisition (Yang & Chen, 2007). Among the trends in digital language learning, mobile learning, or learning through mobile devices, has gained popularity due to its accessibility and availability of learning materials on-demand (Lan&Sie, 2010; Tahounehchi, S , 2021). The integration of technology in education has been recognized for its potential to enhance learners' linguistic abilities across .different language sub-skills and competencies (Astika, 2015)

Research conducted by various educators and scholars has emphasized the significant role of technology in enhancing learners' awareness, knowledge acquisition, and proficiency in the English language. E-learning platforms have proven effective in improving learners' punctuation, grammar, spelling, as well as their overall proficiency in writing, listening, speaking, and reading (Ahmadi & Reza, 2018; Hasanand, 2017; Holtman, 2009; Lai & Kritsonis , 2006; Milonm & Abu-Ayfah, 2020; Pozzobon, 2008). Furthermore, technology has been found to be a valuable tool for enhancing English language learning among EFL learners, providing interactive and captivating methods for expanding learners' understanding of synonyms (Nesi, 2013; Yunus et al., 2017)

Technology can help with synonym acquisition in a number of ways, such as better vocabulary retention, stronger language production abilities, higher learner motivation, and more individualized learning experiences (Al-Shehri, 2019). Applications and online resources for language learning powered by technology. One technological tool that students can use to play and learn English is called Duolingo. It is a freemium language-learning platform for cell phones or computers created by Luis Von Ahn and Severin Hacker in 2012. Give students stimulating chances to investigate a variety of synonyms, comprehend their nuanced meanings, and practice using them in appropriate situations. These tools can be customized to meet the needs of specific students, providing quick feedback and promoting successful and interesting language learning experiences

## **Objective of the study**

This study aims to investigate students' perceptions of the effectiveness of using the Duolingo application as a tool for enhancing synonym knowledge. And to explore the impact of using technology, specifically the Duolingo application, on students' motivation and engagement in acquiring synonyms in the English language.

## **Problem of the study**

The effectiveness of using technology, specifically the Duolingo application, in enhancing synonym knowledge among students remains understudied. Despite the increasing popularity of language learning applications like Duolingo, there is limited research on how effectively these tools enhance students' understanding and usage

of synonyms. Therefore, it is essential to investigate students' perceptions of the effectiveness of using Duolingo for synonym enhancement and explore the impact of technology on students' motivation and engagement in acquiring synonyms. This research aims to address this gap in the literature by examining student perceptions and experiences related to the use of Duolingo as a specific tool for synonym acquisition.

## Literature Review

### What are synonyms?

Words that are synonymous can be used interchangeably in different contexts and have the same meaning. They are regarded as special kinds of semantic relationships between words and give users additional expression options. Synonyms are essential for vocabulary expansion, writing skill development, and communication ability enhancement when it comes to students' language learning.

Nasser (2019) asserts that for English as a Foreign Language (EFL) students to succeed academically, the four language skills writing, reading, speaking, and listening are crucial. With the help of synonyms, students can avoid using the same words over and over again and instead use more varied and effective language in their communication.

According to Kazaal (2019), it can be difficult for EFL students to understand synonyms in English because they can have the same meaning but different forms. For EFL students to fulfil academic requirements, correctly learning synonyms is essential.

The numerous advantages of having synonym knowledge emphasize how crucial it is for language acquisition. By enhancing the activity, interest, and beauty of their writing, it aids students in improving their writing abilities (Kazaal, 2019). Furthermore, synonyms improve vocabulary, offer different ways to convey ideas, and support efficient and transparent communication (Kazaal, 2019).

Edmonds & Hirts (2002) differentiate between two fields of synonyms: complete both full and partial synonyms. Complete synonyms have identical meanings and may be used interchangeably, whereas partial synonyms have some similarities in meaning. Furthermore. There are also no partial synonyms since words have diverse meanings in monolingual versus multilingual circumstances. It has been noted that EFL students may find it challenging to choose appropriate synonyms. (Liu & Zhong, 2014; Liu, 2013; Yeh et al., 2007). This refers to mastering synonyms, which is essential in second language contexts.

To sum up, synonyms are terms that have comparable meanings but permit different expressions. Students' success in learning a language depends on their comprehension of synonym types and their acquisition of synonym knowledge. It

enhances communication, vocabulary, writing abilities, and general language proficiency.

## Duolingo

Anyone can now learn at any time and from any place thanks to increasingly advanced technology. Devices allow students to learn languages online. There are numerous apps for learning languages; one of the most well-known is Duolingo. Around 200 million people use the free language learning program Duolingo, which is available on PCs, smart phones, and other devices. It offers courses in over 23 languages. (Jašková, 2014). This program is a game-based learning tool for different languages. According to Krashen (2014), Duolingo is an online tool that leads students through a variety of translation-based exercises. You can use computers and mobile devices to use Duolingo. Duolingo has a highly motivating learning approach that can use strategic game principles to engage learners in the learning process. The structure closely resembles that of a computer game, where users must progress through certain stages. Students are required to do the assignments given by the Duolingo program. For instance, pupils need to accurately pronounce the given sentences in order to advance to the more complex sentence level in speaking. Users may engage in a variety of exercises, such as multiple-choice questions, writing tasks, and speaking activities via the microphone. Duolingo mostly relies on practice and repetition in its lessons. Duolingo is a famous smartphone application for learning English because of its gamified approach and easy-to-use interface (Munday, 2016).

## Previous Studies

"Effectiveness of Duolingo in Vocabulary Acquisition": A study written by Belgrave de Sousa et al. (2018), the researchers analyzed the impact of using Duolingo on the vocabulary knowledge of sixth-grade pupils while writing. A control group (Group A) and an experimental group (Group B) participated in the study. The results showed that Duolingo improved vocabulary acquisition and motivating elements, indicating that it is a useful tool for expanding vocabulary in language classes".

"Students' Perception of Duolingo": While the evaluated studies did not specifically investigate students' perceptions of Duolingo's influence on their synonym abilities, they did offer valuable insights on their general assessment of the program.

Students enjoyed Duolingo's mobile device integration, gamification, and variety of activities, according to Fadda and Alaudan (2020). They also found it easy to use and control. However, with regard to pronunciation, students who applied traditional methods had higher performance.

"Sociocultural Theory and Duolingo": Drawing from Vygotsky's ideas, the sociocultural theory emphasizes the role that communicative and culturally mediated processes play in cognition (Thorne, 2005). Language learning is mediated by Duolingo, a culturally produced artifact that offers interactive and communicative

experiences (Pachler, 2009; Lantolf, 2004). This is consistent with research by Bezerra de Sousa et al. (2018) and Fadda and Alaudan (2020), which showed that vocabulary acquisition and motivation were positively impacted by Duolingo.

Based on the reviewed literature, it can be concluded that Duolingo is useful in raising language learners' motivation and vocabulary acquisition.

(Belgrave de Sousa et al., 2018; Fadda & Alaudan, 2020). The studies offer insights into students' perceptions of Duolingo as an engaging and user-friendly language learning tool, despite not having a specific focus on synonyms (Fadda & Alaudan, 2020). The interactive learning experiences offered by Duolingo are consistent with the sociocultural theory, which highlights the significance of culturally mediated processes (Thorne, 2005; Pachler, 2009; Lantolf, 2004). Developing more studies that specifically examine students' perceptions of Duolingo's capacity to improve synonyms would provide a more comprehensive knowledge of the app's achievement in this specific area.

## **Methodology**

This study is a controlled experiment. The study will be performed using the analytical-descriptive methodology. Data collection will entail the use of diagnostic pre- and post-tests presented to students. A total of thirty female students participated in this experiment as the experimental group. The researchers' major objective is to clarify the interconnected meanings of certain synonyms across different frequencies of recurrence in different contexts within the same field. In order to reach the objective of this study, the researchers presented the fundamental principles of the concept through the use of games and audio programmes. They convey certain words, such as education, peace, school, driving, etc. The students provide clear, short answers that are related to the meaning of the given terms. The researchers created an initial evaluation to investigate the significance and occurrence rate of the same terms in different phrases. Furthermore, the researchers designed a post-test to examine the distinct semantic domains of the same lexical component in the two contrasting positions they provided.

## **Limitation of the Study**

The participants of this study consisted of a total of 30 female students who were in their 4th year and aged 16. The study was conducted at Al-Bayan Intermediate School for Girls in Baghdad, Iraq, during the second semester of the academic year 2023-2024. The focus of this study was solely on teaching synonyms using the Duolingo app.

## **The research instruments and procedures**

A total of thirty female students participated in this experiment as the experimental group. Before starting this experiment, they didn't have a foundational understanding of the concept of categories.

To achieve the study's goal, the researchers followed some procedures:

1. For the benefit of the students, the researchers used visual aids during classroom sessions to illustrate and explain the concept of synonyms. These visual aids helped students visualise and understand the relationship between words with similar meanings.
2. Group games were incorporated as an interactive learning strategy to enhance students' engagement and understanding of synonyms. Students were divided into groups and participated in games and activities that involved identifying synonyms, matching words with similar meanings, and creating sentences using synonyms. These group games fostered active participation, collaboration, and a fun learning environment.
3. The Duolingo app was introduced to the students as a tool for practicing and enhancing their synonym knowledge. The researchers provided a comprehensive introduction to the features and functionalities of the Duolingo app.
4. Following the app introduction, students were given a 45-day period to actively use the Duolingo app for practicing synonyms. During this period, students engaged in regular practice sessions using the app, completing exercises, and receiving instant feedback on their performance. The researchers encouraged consistent usage of the app and monitored students' progress throughout the 45-day practice period.

By combining the use of visual aids, group games, and the introduction of the Duolingo app, the researchers aimed to create an interactive and immersive learning environment that would facilitate students' perceptions of the effectiveness of Duolingo in enhancing synonyms.

## **Discussion**

This study aims to investigate students' perceptions of the effectiveness of using the Duolingo application as a tool for enhancing synonym knowledge. And to explore the impact of using technology, specifically the Duolingo application, on students' motivation and engagement in acquiring synonyms in the English language.

The effectiveness of using technology, specifically the Duolingo application, to enhance synonym knowledge among students remains understudied. Despite the increasing popularity of language learning applications like Duolingo, there is limited research on how effectively these tools enhance students' understanding and usage of synonyms. Therefore, it is essential to investigate students' perceptions of the effectiveness of using Duolingo for synonym enhancement and explore the impact of technology on students' motivation and engagement in acquiring synonyms. This study aims to address this gap in the literature by examining student perceptions and experiences related to using Duolingo as a specific tool for synonym acquisition.

## Results and Findings

The findings obtained from the pre and post-tests were analyzed using SPSS. The marks have been removed here to conserve space. Each exam evaluated the performance of all students by specifically evaluating the different areas of understanding as well as their characteristics. The table below presents a comparison between the pre-test and post-test.

**Table 1:Paired Samples Statistics**

	Mean	N	Std. Deviation	Std. Error Mean
Pair 1	9.3111	30	2.73807	.49996
	12.7000	30	2.69516	.49271

**Paired Samples Correlations**

	N	Correlation	Sig.
Pair 1	pretest & posttest	30	.78642

Table 1 shows the total number of participants, which is 30. The mean score on the pretest is 9.31, whereas the mean score on the posttest is 12.70. The individuals have improved, resulting in a progress score of 3.39, calculated by subtracting 9.31 from 12.70. Therefore, since the variance between the two results in the pre- and post-tests is above 0.5, it may be concluded that the study is authentic.

## Conclusion

This study concluded that

1. Teaching sense connections to EFL students is beneficial for enhancing their vocabulary skills.
2. Many students in Iraq lack familiarity with synonyms and fail to understand the meaning of English lexical elements.
3. Practicing of using Duolingo Application can reinforce students' performance in learning new words.

## References

- [1] Abu-Ayfah, Z. A. (2020). Telegram App in Learning English: EFL Students' Perceptions. English Language Teaching,  
<https://doi.org/10.5539/elt.v13n1p51>

- [2] Ahmadi, D. M. R. (2018). The Use of Technology in English Language Learning: A Literature Review. *International journal of research in English education*, 3(2), 115-125.
- [3] Ahmed, A. A. A., Hassan, I., Pallathadka, H., Keezhatta, M. S., Noorman Haryadi, R., Al Mashhadani, Z. I., ... & Rohi, A. (2022). MALL and EFL Learners' Speaking: Impacts of Duolingo and Whatsapp Applications on Speaking Accuracy And Fluency. *Education Research International*, 2022.
- [4] Astika, G., (2015). Teaching English Vocabulary: What International Language Educators Tell Us. *Eng. Teacher* 44 (2), 84–95. <https://www.researchgate.net/publication/304169849>
- [5] De Sousa, G. B., Cardoso, L. A., & Toassi, P. P. (2018). Duolingo as a Tool to Improve Vocabulary Writing in English as a Foreign Language. *Letras em Revista*, 9(1), 119-134.
- [6] Edmonds, P., & Hirst, G. (2002). Near-Synonymy and Lexical Choice. *Computational Linguistics*, 28(2), 105-144. <https://doi.org/10.1162/089120102760173625>.
- [7] Fadda, H., & Alaudan, R. (2020). Effectiveness of Duolingo App in Developing Learner's Vocabulary, Grammar and Pronunciation: a Case Study of a Blended TESOL Classroom. *International Journal on Emerging Technologies*, 11(5), 403-410.
- [8] Hazaymeh, W. A. (2021). EFL Students' Perceptions of Online Distance Learning For Enhancing English Language Learning During COVID-19 Pandemic. *International Journal of Instruction*, 14(3), 501-518.
- [9] Holtman, L. (2009). Using Wikis in the Teaching of a Short Course on History and Philosophy of [18] Science. *International Journal of Instructional Technology and Distance Learning*, 6(1), 29-37. <https://www.immagic.com/eLibrary/ARCHIVES/>
- [10] Jaskova, V. (2014). Results of the survey "Dotazník pro zjištění přístupu k e-learningovému studiu cizích jazyků a pro zjištění povědomí o Duolingu mezi českou veřejností". [Cited 2014- 12-06]. Available from <http://www.mojeanketa.cz/res/21574831550185/>.
- [11] Khazaal, E. N. (2019). Investigating and Analyzing ESP College Students' Errors in Using Synonyms. *International Journal of English Linguistics*; Vol. 9, No. 5. doi:10.5539/ijel.v9n5p328.
- [12] Krashen, S. (2014). Comprehensible Input-Based Methods versus Traditional Methods.

- [13] Lai, C.C & Kristonis, W. A. 2006. The Advantages and Disadvantages of Computer Technology in Second Language Acquisition. Doctoral Forum National Journal for Publishing and Mentoring Doctoral Students Research, 3(1), 95-110. <https://eric.ed.gov/?id=ED492159>
- [14] Lan, Y.F., Sie, Y.S., (2010). Using RSS to Support Mobile Learning Based on Media Richness theory. *Compute. Educ.* 55 (2), 723–732.
- [15] Lantolf, J. P. (2004). Sociocultural Theory and Second and Foreign Language Learning: An Overview of Sociocultural Theory. *New Insights into Foreign Language Learning and Teaching*, 9, 13-34.
- [16] Lawrence, D., (2014). Students' Experiences of Using SMS for Vocabulary Development a Case Study. *Conference Proceedings ICT Language Learn.* 310–314.
- [17] Liu, D. (2013). Salience and Construal in the Use of Synonymy: A study of Two Sets of near Synonymous Nouns. *Cognitive Linguistics*, 24, 67–113. <https://doi.org/10.1515/cog-2013-0003>.
- [18] Liu, D., & Zhong, S. (2014). L2 vs. L1 Use of Synonymy: An Empirical Study of Synonym use/acquisition. *Applied Linguistics*, 37(2), 239–261. <https://doi.org/10.1093/applin/amu022>.
- [19] Milonm, S. R., & Hasanand Ipbah, H. (2017). Students' Perception of Technology in Learning English as a Foreign Language: A Case Study of Higher Secondary Students of Pabna, Bangladesh. *IOSR Journal of Humanities and Social Science*, 22(6), 47-53. DOI: 10.9790/0837-2206104753 [www.iosrjournals.org](http://www.iosrjournals.org) 47
- [20] Munday, P. (2016). The case for using DUOLINGO as Part of the Language Classroom Experience. *RIED: revista iberoamericana de educación a distancia*, 19(1), 83-101.
- [21] Nasser, S. M. (2019). Iraqi EFL Students' Difficulties in Writing Composition: An Experimental Study (University of Baghdad). *International Journal of English Linguistics*. Vol. 9, No. 1. doi:10.5539/ijel.v9n1p178.
- [22] Nasser, S. M. (2021). A Cognitive Linguistics Diagnosing Of Iraqi EFL Students' Difficulties in Using Synonyms. *International Journal of Language And Literary Studies*, 3(3), 135-145.
- [23] Nesi, H. (2013). Technology and Language Learning. In C. A. Chapelle (Ed.), *the Encyclopaedia of Applied Linguistics* (pp. 1-9). Wiley-Blackwell.
- [24] Pachler, N. (2009). Research Methods in Mobile and Informal Learning: Some Issues. *Researching Mobile Learning: Frameworks, Tools and Research Designs*, 1-16.

- [25] Pozzobon, C. (2008). Podcast and Literature. *Entre Lenguas*, 13, 111-115.  
<http://www.saber.ula.ve/bitstream/handle/123456789/29564/articulo7.pdf?sequence=2&isAllowed=y>.
- [26] Sakkir, G., & Syamsuddin, N. A. (2023). Students' Perceptions of Duolingo Mobile Assisted Language Learning (MALL) In Learning English Vocabulary. *Eduline: Journal of Education and Learning Innovation*, 3(3), 381-388.
- [27] Tahounehchi, S., 2021. The Impact of Mobile Technology on Vocabulary Learning of L2 Learners: the Case of WhatsApp application. *J. Asia TEFL* 18 (1), 223-234.
- [28] Yang, S. C., & Chen, Y. J. (2007). Technology-Enhanced Language Learning: A Case Study. *Computers in Human Behavior*, 23(1), 860-879.
- [29] Yunus, M. M., Salehi, H., Chenzi, C., & Nordin, N. M. (2017). The Effectiveness of Using Duolingo in Developing Students' English Vocabulary. *International Journal of Emerging Technologies in Learning*, 12(5), 115-120.

## Assessment of Carious Process and Caries Treatment in Children Aged 6-14 Years

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### Abstract

Dental caries remains one of the primary oral health concerns globally, especially among children. This study aims to review the available literature on the assessment of dental caries in children aged 6-14 years, and to show the extent of the carious process in children aged 6-14 years in the schools of the city of Durres, making a comparison between decayed teeth and treated teeth. Through a comprehensive analysis of various studies and methodologies used for assessing caries in this age group, we aim to identify key trends, challenges, and recommendations for clinical practice and researchers in the field of pediatric dentistry. The research shows that a significant part of the children have untreated carious processes in various degrees, among which 68% are male. It is also noted that most of the untreated processes are among children aged 6-9, while the 14-16 age group has the highest percentage of treated teeth. It was noticed that the children with the worst oral hygiene also had the largest number of broken teeth as well as the greatest lack of information, as expected from the literature. Through this research, we aim to contribute to improving clinical practice and identifying the need for further research in this important area of dental health.

**Keywords:** dental caries, children 6-14 years old, caries treatment, epidemiology, pediatric dentistry

### Introduction

Dental caries, one of the most common oral health problems worldwide, poses a particular challenge for children aged 6-14 years (Benzian et al., 2017; Selwitz et al., 2007). In this age group, dental structure is still developing, and oral health is at the most critical stage of formation. Assessing caries in this age group is essential to identify and treat potential issues early and to undertake effective preventive measures to address this problem (American Academy of Pediatric Dentistry, 2019; Vieira, 2018).

In many cases, dental caries in children can result in serious health complications, including degraded teeth, severe pain, and the need for advanced dental treatments such as tooth extractions. Therefore, regular and accurate assessment of oral health in this age group is critical to prevent complications and ensure a healthy and comfortable life for children (Marinho et al., 2003; Schwendicke et al., 2015). If caries is identified and treated early, it can reduce the risk of complications and minimize the need for intensive dental treatments. Additionally, effective caries prevention may involve educating parents and children about proper oral hygiene, regulating dietary intake (Khattab, N.M.A et al., 2023), and using preventive methods such as fluoridation (Moynihan & Kelly, 2014; Zero et al., 2009).

To improve the oral health of children aged 6-14 years and reduce the prevalence of caries in this age group, it is important to understand and address risk factors, including lifestyle, diet, and oral hygiene practices. This will require close collaboration among pediatric dentists, parents, and the medical community to ensure an integrated and effective approach to managing caries in children (Campus et al., 2015; Kassebaum et al., 2017).

## Literature review

Dental caries is recognized by the World Health Organization (WHO) as a disease that affects 60–90% of school children. In 2017 alone, the prevalence of caries cases in deciduous teeth was over half a billion worldwide, representing an age-standardized prevalence rate of 39.3% cases among 5–9 year – old (Wong 2022). Caries disproportionately affects vulnerable children who are socioeconomically disadvantaged. After analyzing the literature, a wide range of methodologies used for assessing caries in children aged 6-14 years was evident (Campus et al., 2015; Kassebaum et al., 2017, Chandregowda KY et al., 2020). Some studies used standard assessment protocols such as caries indices on surface and deep dental structures (Moynihan & Kelly, 2014; Marinho et al., 2003), while others focused on using advanced technologies to identify caries and assess its risk of development (Schwendicke et al., 2015; Zero et al., 2009).

In some countries, researchers and practitioners in pediatric dentistry used culturally adapted methodologies for local health conditions (Tinanoff & Baez, 2016; Featherstone, 2021). For example, specific protocols were developed in some communities to improve caries assessment within the context of local culture and oral hygiene practices (Suchetha GM, et al., 2022). Generally, the prevalence of dental caries in developed countries is decreasing, while in underdeveloped and developing countries, the prevalence is on the rise (Petersen, 2005). In Germany, for example, the entire caries experience on the caries level is concentrated in only 14% of 3-year-olds and 19% of 12-year-olds, with a high mean of multiple and often untreated lesions (Team DAJ, 2017). Kannan et al. emphasized that oral health care education should be included in the school curriculum and that a parental awareness program

is needed to emphasize their role in the dental health of their children. The first permanent molar (FPM) is the most common tooth in children, which are affected by dental caries. FPMs have been reported to be highly susceptible to caries attack (Zhu, 2021). Oral hygiene can vary in children within the same age group and depends on many factors, one of the most important of which are the hygiene habits of adults and the steps they take to pass on these habits to those in their care. Being aware of the need to take care of oral health is reflected in the frequency with which one brushes one's teeth, uses toothpaste, mouthwash and dental floss (Krupińska et al., 2015). After each meal, tooth brushing was observed by a very low percentage of children (3.7%). About 44.6% of children recognized dental floss as a cleaning device for between the teeth. A large number of children (32.5%) thought incorrectly that one must visit the dentist only in case of pain (Al-Darwish MS, 2016). The overall prevalence of dental caries was found to be 47.8%. Regarding the oral health-related habits, 38.8% of children brushed twice daily; the consumption of sugary foods multiple times per day has been frequently met and 11.2% at the age of 12 never visited the dental office.

A good practice model are countries like UK or Sweden where in 40 years of efficient and public health policies, the prevalence of dental caries decreased to a low level. Sealing materials are considered to be the best caries prophylaxis agents in pit and fissures because negative morphological details favor bacteria and food remnants retention, rendering correct oral hygiene difficult (Garcia, 2020).

Specific challenges were evident in standardizing methodologies and assessing result consistency among studies (Van Loveren & Moorer, 2018; Pitts et al., 2017). To address this issue, further research is necessary to better understand the causes of the increasing prevalence of caries and to develop more effective strategies for its prevention and treatment globally. Nevertheless, the results of the studies showed a trend towards an increase in the prevalence of caries in the 6-14 age group in many countries (Dye et al., 2017; Watt et al., 2015). This suggests an increased need for improved prevention and management strategies globally to address this growing health issue.

## **Methodology**

For this study, we selected five middle schools, in the city of Durres. A class from four, was randomly selected for each school year, from the first grade (6-year-old children) to the ninth grade (14-year-old children). A total of 670 children from private and state schools, in urban and rural areas, were part of the study, which takes place in the framework of the project "Evaluation of refractive errors, caries and scoliosis, in children aged 6 - 14 years" funded from AKKSHI. A pre-prepared form containing all the necessary information to collect data on the children's oral conditions, was used and filled in, for each child checked. The examination for dental caries was carried out using single-use examination and periodontal probes and oral mirrors, during

school hours in the school premises, respecting all hygiene rules. The examination was carried out by the dentist of the institution, while the data was recorded by the dentist who is part of the project. The examination period was November-December 2023. In addition to the oral examinations, secondary data from the periodical reports of the dentists of the respective schools, were also used in the collection of information, in order to more fully follow the carious progress of the children. Before starting the procedure, permission was obtained from the leaders of the educational institutions.

## Results and Discussion

By dividing the children into four groups, it was noticed that most of the children belong to the age of 6-8 years, and less to the age of 12-14 years. The largest percentage of children comes from urban areas 59.8%, compared to rural areas, 42%. Arora (2015) in his study find out that rural study population had higher caries prevalence of 53.8% as compared to the urban with a prevalence of 39.8%. The caries prevalence was higher in females (50.8%) as compared to males (44.8%). In this study most part of the children visited by the dentist, were female 64%. No significant difference existed between the sexes and this was also found out by Liu, 2022. From the collected information, we noticed that 89% of all children have made at least one visit to the dentist during their entire life. 66% of children brushed their teeth at least once a day, results also supported by Farooqi 2015, mostly in the morning, while only 21% of them used dental floss. 73% of children said that they were not afraid to go to the dentist. These data are presented in table 1.

**Table 1: General data**

Age		Gender		Residence		Have you ever been at the dentist		How many times a day do you brush your teeth		Are you afraid of the dentist	
Age	In %	Sex	In %	Areas	In %		In %		In %		In %
6 - 8	30.5	Male	36	Urban	59.8	Yes	89	Once	69.3	Yes	27
<8 - 10	27.6							Twice	24.5		
<10 - 12	24.4	Female	64	Rural	40.2	No	11	More than twice	6.2	No	73
<12 - 14	17.5							Do you			

								use dental floss	21% - yes		
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From the collected data, we noticed that a large number of controlled children, have carious processes in different stages. Some of the teeth are treated, some are not, while we also notice children with teeth removed, at a very young age. Table 2, shows the relationship between controlled children, divided into different age groups and carious processes in the mouth, as well as treated teeth. From this table we can say that most of the decayed teeth are found in children aged 8-10 years and permanent first molars (PFMs) are the most commonly decayed teeth, observed in children (also sustained by Zhu et al., 2022). Perhaps this is also due to the fact that at this age there are teeth from both dentitions in the mouth, more than at other ages. The interviewed children thought that carious teeth, were teeth that would be replaced later. Another problem for these children was the way of brushing their teeth and diet. The majority of children with carious problems did not brush their teeth every day, and even when they did, they showed that they did not use the correct way of brushing their teeth. Regarding the smallest number of carious processes, it was observed in the 6-8 age group, followed by the 10-12 and 12-14 age groups. The children told us, that it was mainly the school dentist that influenced the increase in the number of filled teeth, as well as the frequent check-ups that the dentist gave them. Meanwhile, a significant number of children in the age group of 6-8 years, showed that they were afraid of going to the dentist and avoided it, as often as possible.

**Table 2: Carious processes and treated teeth**

Age		Carious processes	Treated teeth	Do you eat sugar and sticky foods	
Age	Children			Yes	No
6 - 8	205	45	34	68%	32%
<8 - 10	185	115	79	62%	38%
<10 - 12	163	54	69	58%	42%
<12 - 14	117	60	84	51%	49%

Children in the age group of 12-14 years were more careful in terms of oral hygiene and nutrition. Also, this age group had the largest number of treated teeth, as expected, since being older, they also had the most information and responsibility. In terms of eating habits, a high use of sugar and sticky foods by children was observed. Even though the children were informed by the school dentist about the danger these

foods cause to their teeth, they said that they still chose to consume them (table 2). Most of the children who consumed unhealthy foods belong to the age group of 6-8 years, while the children in the age group of 12-14 years consumed them less. In fact, the trend of sugar consumption was inversely proportional to increasing of the age.

The children control, showed that a good proportion of those children who needed orthodontic appliances had these appliances fitted. Children aged 10-12 years old had the largest number in terms of placement of appliances, while those aged 6-8 years had the smallest number, but this is also due to the time of placement of these appliances, which also matches with the results achieved. Other children who were more in need of placing orthodontic appliances, belonged to the age group of 10-12 years, followed by the age group of 8-10 years and 12-14 years. To the question of whether they had thought or been recommended to consider placing orthodontic appliances, the majority of children not treated with appliances answered no (table 3). Some had no information at all, while others were worried about the comments of their peers.

**Table 3: Treatment with orthodontic appliances**

Age		Orthodontic appliances	Teeth in need of orthodontic treatment	Have you thought about placing an orthodontic appliance?	
Age	Children			Yes	No
6 - 8	205	1	10	0	10
<8 - 10	185	19	31	5	26
<10 - 12	163	24	42	4	38
<12 - 14	117	16	28	8	20

Satisfactory results were observed in terms of sealanted teeth. Although not a large number of teeth with sealants, the children were informed and knew the positive sides of the process, especially those of the 12-14 age group, followed by the 10-12 age group. The largest number of children with sealanted teeth, belonged to the 12-14 age group, since at this age they also had their first and second permanent molars in their oral cavity. The smallest number was observed in children aged 6-8, an expected result, since the eruption of all permanent molars in the mouth is not yet complete (table 4).

**Table 4: Placement of dental sealant and extracted teeth**

Age		Do you know what the tooth sealant is?		Sealanted teeth	Extracted teeth
Age	Children	Yes	No		
6 - 8	205	30%	70%	30	160
<8 - 10	185	49%	51%	44	209
<10 - 12	163	62%	38%	54	125
<12 - 14	117	65%	35%	60	61

The same cannot be said for extracted teeth. We observed a large number of extracted teeth, mainly in the age group of 6-8 years and 8-10 years. A good part of the extracted teeth belonged to the primary dentition, but extractions of permanent first molars were also observed. Children with first molars extracted, thought that these teeth would erupt again into the oral cavity. 8-10 year old children had the highest number of teeth extracted, followed by the 6-8 age group, and 10-12 year olds. Children in the 12-14 year age group did have the least number of teeth extracted, but these teeth were permanent dentition, and mainly the first permanent molar.

## Conclusion

The collected information showed that carious processes are a risk that is still present in children aged 6-14 years. The literature review on the assessment of dental caries in children aged 6-14 years has identified a wide range of methodologies and global trends (Van Loveren, 2019; World Health Organization, 2021). The prevalence of caries in this age group showed a trend towards an increase in many countries, highlighting the need for improved prevention and treatment strategies (Bagramian et al., 2009; Schwendicke et al., 2015). The first permanent molar (FPM) is the most common tooth in children, which are affected by dental caries. FPMs have been reported to be highly susceptible to caries attack. The largest percentage of children comes from urban areas, compared to rural areas. Most part of the children were female 64%. No significant difference existed between the sexes in difference with Sfeatcu et al., who find out that even though girls presented a higher DMFT, it was observed that it was due to the fact that they had a lower number of untreated dental caries as well as lower number of teeth extracted due to cavities and an increased number of restorations, compared to boys (Sfeatcu, 2023). 66% of children brushed their teeth at least once a day, mostly in the morning, while only 21% of them used dental floss, and similar results were found also by Alhudaithi, 2023. The vast

majority of them use a toothbrush and toothpaste to clean their teeth. 73% of children said that they were not afraid to go to the dentist. The most part of children with carious problems did not brush their teeth every day, and even when they did, they showed that they did not use the correct way of brushing their teeth. Children in the age group of 12-14 years were more careful in terms of oral hygiene and nutrition. Most of the children who consumed unhealthy foods belong to the age group of 6-8 years, while the children in the age group of 12-14 years consumed them less. The trend of sugar consumption was inversely proportional to increasing of the age, as was expected by other studies (Wang, 2022; Jaiswal, 2021). Children aged 10-12 years old had the largest number in terms of placement of appliances, while those aged 6-8 years had the smallest number. The largest number of children with sealanted teeth, belonged to the 12-14 age group, since at this age they also had their first and second permanent molars in their oral cavity. 8-10 year old children had the highest number of teeth extracted, followed by the 6-8 age group, and 10-12 year olds. The lack of teeth in the mouth and their premature removal will cause problems in the further development of the jaws in children, which will also be accompanied by changes in the eruption and improper alignment of the teeth of the permanent dentition.

## References

- [1] American Academy of Pediatric Dentistry. (2019). Policy on Early Childhood Caries (ECC): Classifications, Consequences, and Preventive Strategies.
- [2] Bagramian, R. A., Garcia-Godoy, F., & Volpe, A. R. (2009). The global increase in dental caries. A pending public health crisis. *American Journal of Dentistry*, 22(1), 3-8.
- [3] Benzian, H., Monse, B., Heinrich-Weltzien, R., Hobdell, M., Mulder, J., Van Palenstein Helderman, W., & Wölfle, M. (2017). Untreated severe dental decay: a neglected determinant of low Body Mass Index in 12-year-old Filipino children. *BMC Public Health*, 17(1), 369.
- [4] Campus, G., Cagetti, M. G., Senna, A., Blasi, G., Mascolo, A., Demarchi, P., ... & Strohmenger, L. (2015). Does smoking increase risk for caries? A cross-sectional study in an Italian military academy. *Caries Research*, 49(1), 40-45.
- [5] Dye, B. A., Hsu, K. L., Afful, J., & Prevalence and Severity of Dental Caries in the United States, 1999–2004. (2017). *The Journal of the American Dental Association*, 148(7), 604-616.
- [6] Kassebaum, N. J., Smith, A. G. C., Bernabé, E., Fleming, T. D., Reynolds, A. E., Vos, T., ... & Murray, C. J. L. (2017). Global, regional, and national prevalence, incidence, and disability-adjusted life years for oral conditions for 195 countries, 1990–2015: a systematic analysis for the global burden of diseases, injuries, and risk factors. *Journal of Dental Research*, 96(4), 380-387.

- [7] Marinho, V. C., Higgins, J. P., Logan, S., & Sheiham, A. (2003). Fluoride varnishes for preventing dental caries in children and adolescents. *Cochrane Database of Systematic Reviews*, (3), CD002279.
- [8] Moynihan, P. J., & Kelly, S. A. (2014). Effect on caries of restricting sugars intake: systematic review to inform WHO guidelines. *Journal of Dental Research*, 93(1), 8-18.
- [9] Pitts, N. B., Zero, D. T., Marsh, P. D., Ekstrand, K., Weintraub, J. A., Ramos-Gomez, F., & Ismail, A. (2017). Dental caries. *Nature Reviews Disease Primers*, 3, 17030.
- [10] Schwendicke, F., Dörfer, C. E., Schlattmann, P., & Foster Page, L. (2015). Thomson Institute Workshop Report on the association between sugar-sweetened beverage consumption and dental caries. *Journal of Dental Research*, 94(10), 133S-137S.
- [11] Selwitz, R. H., Ismail, A. I., & Pitts, N. B. (2007). Dental caries. *The Lancet*, 369(9555), 51-59.
- [12] Tinanoff, N., & Baez, R. J. (2016). Pediatric oral health research and policy: The past three decades. *Pediatric Dentistry*, 38(1), 47E-52E.
- [13] Van Loveren, C. (2019). Sugar alcohols: what is the evidence for caries-preventive and caries-therapeutic effects? *Caries Research*, 53(1), 26-33.
- [14] Van Loveren, C., & Moorer, W. R. (2018). Sugars and beyond. The oral ecosystem and dental caries. *Pediatric Dentistry*, 40(2), 115-120.
- [15] Vieira, A. R. (2018). Early Childhood Caries: A Review. *Journal of Oral and Maxillofacial Research*, 9(1), e1.
- [16] Watt, R. G., Daly, B., Allison, P., Macpherson, L. M., & Venturelli, R. (2015). Ending the neglect of global oral health: time for radical action. *The Lancet*, 386(10009), 2249-2250.
- [17] World Health Organization. (2021). *Oral health surveys: Basic methods* (6th ed.). Geneva: World Health Organization.
- [18] Zero, D. T., Zandona, A. F., Vail, M. M., Spolnik, K. J., & Featherstone, J. D. (2009). Fluoride concentrations in plaque, whole saliva, and ductal saliva after application of home-use topical fluorides. *Journal of Dental Research*, 88(11), 1008-1012.
- [19] Maheswari SU, Raja J, Kumar A, Seelan RG. Caries management by risk assessment: A review on current strategies for caries prevention and management. *J Pharm Bioallied Sci*. 2015 Aug;7(Suppl 2):S320-4. doi: 10.4103/0975-7406.163436. PMID: 26538870; PMCID: PMC4606612.

- [20] Rechmann P, Kinsel R, Featherstone JDB. Integrating Caries Management by Risk Assessment (CAMBRA) and Prevention Strategies Into the Contemporary Dental Practice. *Compend Contin Educ Dent.* 2018 Apr;39(4):226-233; quiz 234. PMID: 29600870.
- [21] Aboubakr RM, Alkhadragy DM, Okda MMES, Rady HWM, Elnagar RM. Predictors of Caries Risk among Egyptian Children Attending Pediatric Dental Clinics at a University Hospital. *Saudi J Med Med Sci.* 2023 Jul-Sep;11(3):219-228. doi: 10.4103/sjmms.sjmms\_128\_23. Epub 2023 Jul 15. PMID: 37533660; PMCID: PMC10393090.
- [22] Dr. Suchetha GM, Dr. Archana Krishna Murthy, Dr. Shilpashree KB, Dr. Divya BM, Dr. Antara Shome. Caries risk assessment methods: An overview. *Int J Appl Dent Sci* 2022;8(2):476-479.  
DOI: <https://doi.org/10.22271/oral.2022.v8.i2g.1546>
- [23] Chandregowda KY, Kumar VD, Shankarappa KB, Anandkumar AH, Ramegowda ABS, Honnegowda DK. Assessment of Dental Caries Status and Oral Hygiene Practices among 6-10-year-old Rural and Urban Schoolchildren in South Bengaluru, Karnataka, India. *Int J Clin Pediatr Dent.* 2020 Jul-Aug;13(4):348-354. doi: 10.5005/jp-journals-10005-1791. PMID: 33149407; PMCID: PMC7586482.
- [24] Khattab, N.M.A., Abd-Elsabour, M.A.A. Assessment of dental caries among a group of institutionalized orphan children compared to parented school children: case-control study. *BMC Oral Health* 23, 202 (2023).  
<https://doi.org/10.1186/s12903-023-02915-1>
- [25] Featherstone JDB, Crystal YO, Alston P, Chaffee BW, Doméjean S, Rechmann P, Zhan L and Ramos-Gomez F (2021) A Comparison of Four Caries Risk Assessment Methods. *Front. Oral. Health* 2:656558.
- [26] Wong HM. Childhood Caries Management. *Int J Environ Res Public Health.* 2022 Jul 12;19(14):8527. doi: 10.3390/ijerph19148527. PMID: 35886380; PMCID: PMC9321968.
- [27] TEAM DAJ. Epidemiologische Begleituntersuchungen zur Gruppenprophylaxe 2016. Bonn 2017
- [28] Maguire A, Clarkson JE, Douglas GVA, Ryan V, Homer T, Marshman Z, et al. Best-practice prevention alone or with conventional or biological caries management for 3- to 7-year-olds: the FICTION three-arm RCT. *Health Technology Assessment.* 2020; 24: 29-34.
- [29] Alhudaithi AS, Alsughier Z, Alzaidan H, Aldhelai TA. Children's Oral Health Status Among Urban and Rural Areas of Qassim Region, Saudi Arabia: A Cross-

- Sectional Study. *Cureus*. 2023 Oct 30;15(10):e47947. doi: 10.7759/cureus.47947. PMID: 38034196; PMCID: PMC10685175.
- [30] Oral hygiene behavior of school children in Saudi Arabia: a descriptive cross-sectional survey. Kannan SP, Alfaheid SF, Alharbi AS, et al. *Int J Clin Pediatr Dent*. 2020;13:66–71.
- [31] Al-Darwish MS. Oral health knowledge, behaviour and practices among school children in Qatar. *Dent Res J (Isfahan)*. 2016 Jul-Aug;13(4):342-53. doi: 10.4103/1735-3327.187885. PMID: 27605993; PMCID: PMC4993063.
- [32] Arora B, Khinda VIS, Kallar S, Bajaj N, Brar GS (2015). Prevalence and comparison of dental caries in 12 year old school going children in rural and urban areas of Ferozepur city using sic index. *Dent Oral Craniofac Res* 1: doi: 10.15761/DOCR.1000109
- [33] Sfeatcu, R., Cărămidă, M., Sava-Rosianu, R. et al. Carious status and socio-behavioral risk factors among 12 year-old children in South-Central region in Romania. *BMC Oral Health* 23, 644 (2023). <https://doi.org/10.1186/s12903-023-03360-w>
- [34] Liu M, Xu X, Song Q, Zhang H, Zhang F, Lai G. Caries prevalence of the first permanent molar and associated factors among second-grade students in Xiangyun of Yunnan, China: A cross-sectional study. *Front Pediatr*. 2022 Sep 29;10:946176. doi: 10.3389/fped.2022.946176. PMID: 36245725; PMCID: PMC9558722.
- [35] Jaiswal D, Kalia P, Hiremath S, Singh AK, Pani P, Kumar N. Evaluation of Oral Hygiene Status among 12-14-Year-Old School Children. *J Pharm Bioallied Sci*. 2021 Jun;13(Suppl 1):S112-S115. doi: 10.4103/jpbs.JPBS\_590\_20. Epub 2021 Jun 5. PMID: 34447056; PMCID: PMC8375957.
- [36] Garcia I.M., Rodrigues S.B., de Souza Balbinot G., Visioli F., Leitune V.C.B., Collares F.M. Quaternary ammonium compound as antimicrobial agent in resin-based sealants. *Clin. Oral Investigig.* 2020;24:777–784. doi: 10.1007/s00784-019-02971-4.
- [37] Naaman R, El-Housseiny AA, Alamoudi N. The Use of Pit and Fissure Sealants-A Literature Review. *Dent J (Basel)*. 2017 Dec 11;5(4):34. doi: 10.3390/dj5040034. PMID: 29563440; PMCID: PMC5806970.
- [38] Zhu F, Chen Y, Yu Y, Xie Y, Zhu H, Wang H. Caries prevalence of the first permanent molars in 6-8 years old children. *PLoS One*. 2021 Jan 13;16(1):e0245345. doi: 10.1371/journal.pone.0245345. PMID: 33439883; PMCID: PMC7806152.

- [39] Petersen PE, Bourgeois D, Ogawa H, Estupinan-Day S, Ndiaye C. The global burden of oral diseases and risks to oral health. Bull World Health Organ. 2005;83:661–669.
- [40] Krupińska-Nanys M, Zarzecka J. An Assessment of Oral Hygiene in 7-14-Year-Old Children undergoing Orthodontic Treatment. J Int Oral Health. 2015 Jan;7(1):6-11. PMID: 25709359; PMCID: PMC4336665.

## The Power of Dialogues and Monologues in James Joyce's Novels

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### Abstract

James Joyce, a distinguished author known for his innovative storytelling methods, skilfully incorporates dialogues and monologues as vital literary devices in his novels. This paper makes an attempt to examine the complex fabric of Joyce's literary world, examining how dialogues and monologues serve as powerful tools for developing characters, exploring themes, and shaping the overall narrative structure. By closely analysing notable works such as "Ulysses" and "A Portrait of the Artist as a Young Man", this paper aims to uncover the multilayered nature of Joyce's use of dialogues and monologues. Through this exploration, we seek to shed light on their significance in shaping the reader's experience and understanding of Joyce's narratives.

**Keywords:** James Joyce, dialogues, monologues, character development, thematic exploration, narrative structure

### Introduction

James Joyce was a seminal figure in modernist literature when realism dominated literature. It impacted literature's form, structure, themes, and character development. Joyce is most famous for his innovative work of language, its structure, context, and the role of dialogues and monologues in developing themes and characters in his stories.

Following the realism prevailing in his times, like other modernist writers such as Virginia Wolf, the author used an innovative narrative technique and experimented with form that revolutionized the narrative structure of literature. He broke away from the traditional linear narrative technique and invented stream-of-consciousness to reveal the chaotic nature of human thoughts. The author connected the experimental dialogues with the characters' personalities, interactions, and the complexity of their thoughts and emotions through stream-of-consciousness.

His most influential creations like Ulysses (1922), The Portrait of an Artist as A Young Man (1916), and Dubliners (1914) are decadent with his innovatively created vibrant character conversations and soliloquies, revealing the characters' in-depth personalities and naturalistically unveiling the complexity of human thought,

sensations, motivation, and experiences. Besides, through this narrative technique, the author also successfully enhances the essence of primary themes in his works. With his modernistic experiments with language, James Joyce creates powerful dialogues and monologues, developing characters and themes through language, structure, and context.

## Literature Review

James Joyce is an influential personality who contributed to modern narration techniques (Mahaffey, 2004). He has made notable contributions towards literary framework through his work particularly manifested in *Ulysses* and *A Portrait of the Artist as a Young Man*. *Ulysses* featured three characters on their accounts for the day, having variations of experiences that were effortlessly linked with each other, placed in Dublin. The readers extensively well received the novel due to the intricate dialogues and representation of 20<sup>th</sup>-century society. The work on *Ulysses* is considered to be a representation of 20<sup>th</sup>-century society and their transition towards modernisation and social concerns (Plock, 2007). Meanwhile, *A Portrait of the Artist as a Young Man* featured the story of a child through his age, inspecting a wide range of topics for their experiences, including religious breakthroughs, family ties, and artistic interest to answer troublesome queries of life (Hart and Hayman, 1974).

Joyce ensured that the delivery of dialogues showcased in the novel portrayed the localisation of characters. Brick (2022) stated that Joyce's concern towards the readability of the work did not interfere with the portrayal of characters. Meanwhile, the case was found to be different for another novelist during the 20<sup>th</sup> century. In *Ulysses*, Joyce wrote a dialogue for M'Coy:

"Terrible business. Life's a fleeting show, eh? I heard he's left a bit of money though, didn't he?" (Joyce, 1922, p. 48).

The naturalistic delivery and dialect of Dubliners were highlighted in a singular dialogue with the ongoing capitalistic transitional issues after the First World War. Gabler (2022) determined that *Ulysses* is extensively appreciated primarily due to his ability to narrate the story in each dialogue where the readers are not lost with several characters. However, the preceding study also stated that the involvement of 3 key characters and seven supporting characters enabled Joyce to ensure coherence of dialogue delivery in the literature.

The usage of the interior monologue was also prominent in the work of James Joyce (Hart and Hayman, 1974). The portrayal of society and its challenges was efficiently delivered through the thought process pivoted by Joyce in the novel. From one of the excerpts in the *Portrait of the Artist as a Young Man*, Joyce intricately explains the meeting of two characters in the novel effortlessly while maintaining the thrill for the readers:

"He was alone. He was unheeded, happy and near to the wild heart of life. He was alone and young and willful and wild-hearted, alone amid a waste of wild air and brackish waters and the sea-harvest of shells and tangle and veiled grey sunlight and gay clad light clad figures of children and girls and voices childish and girlish in the air." – (Joyce 1916, p.73)

The intricate description of the characters and their desires, as explained in the chapter by Joyce, is an exemplary style of interior monologue that is also followed in post-modern literature and narrations. Punctuation marks such as exclamations were used to emphasise the voices of the characters and their association with the situation described by the author. As a result, Gale (2015) greatly appreciated the Christmas dinner scene in *Portrait of an Artist as a Young Man* – chapter 1, where Dante, Casey, Dedalus and Stephen featured their distinct conversation on religion and politics.

James Joyce featured a continuous flow of arguments in his literature while incorporating the feelings of characters at every point of narration of dialogues, scenes or descriptions. Shoily (2013) stated that the intricate work of Joyce in *Ulysses* is featured predominantly due to the connection of the story at all points in the novel, irrespective of whether the book features an account for a day only. However, Jameson (2015) determined that the novels of the time, including *The Sun Also Rises* by Ernest Hemingway, *The Sound and the Fury* by William Faulkner, and *Zuleika Dobson* by Max Beerbohm, did not feature such intricate connection of the characters. Therefore, the generated perception of the followers was less intriguing than compared to the portrayal of characters by James Joyce. In the preceding excerpt from chapter 4 of "Portrait of an Artist as a Young Man", the inclusion of experiences narrated by the author was found to be extensive. The explanation of the characters' feelings was demonstrated by the author's narration, in which Joyce described the details of the characters' feelings according to the scene.

Silva (2023) stated that the inclusion of free indirect discourse was also presented in James Joyce's work, where the transition between third-person narration and monologue delivery was seamless. In *Portrait of an Artist as a Young Man*, the author seamlessly transitioned from dialogues to demonstrate the feelings of Stephen, the main character of the novel and readily featured his views on religion and politics and how they were transformed over time through his experiences with catholic upbringing (Daneshzadeh, 2015). However, the preceding study did not extensively evaluate the perception generated by Joyce, which was extensively required as the presence of Stephen's feelings was the essence of the novel, which enabled it to garner significant attention in the literary world. Contrarily, it has reshaped post-modernist literature, where George Martin, Joanne Rowling, and Stephen King have embraced the delivery approach introduced by James Joyce.

The influence on readers' experience was increased significantly by James Joyce as he was able to capitalise on building a connection with readers in a fictional world. However, Nolan (2018) critiqued Joyce's work as non-fiction, which enabled the readers to relate to the situation presented by James Joyce highly. Contrarily, O'Brien (2015) evaluated that the differences in cultures and the world were interconnected by optimal knowledge of human behaviour portrayed by Joyce. It primarily enabled readers to embrace the decisions made by characters while perceiving the vast reality of life explained in the novel. The inclusion of epiphany was also evident in Joyce's work, where the readers were taken on a journey of self-realisation through the experiences of the characters. The realities of life and the capitalistic nature of the economy portrayed in Ulysses and the transition of a child – from his upbringing to adolescence in A Portrait of the Artist as a Young Man enable the readers to go through a transition themselves that results in life-changing experiences.

The perception generated by Joyce on the inclusion of active participation from the readers enabled his work to gather the desired attention as well (Silva, 2023). However, Radway (2009) stated that the connection of the reader with the characters can build irrational experience requirements from the readers' end. Contrarily, the bonded connection between the reader and the character has enabled the perception of modernist literature. Therefore, the emotional resonance created by the author is uncanny and readily assists modern literature in gathering the attention of the readers. As a result, the reader experience, which was once pressurised on the novelists, enabled them to focus on the reader connection rather than the conventional dialogue delivery and a formalised language for a unanimous understanding of the content. Still, modern literature has yet to be able to build a strengthened connection with the readers due to excessive external factors associated with readers' minds. Meanwhile, Joyce was able to maintain the connection due to the commonality between the author's experience and the readers' real world.

The existing studies of Henke (2015) and Attridge (2000) have distinctively focused on dialogue delivery and narration techniques by James Joyce. However, there needs to be more interpretation in the existing literature where the collaboration of dialogue and monologue interplay is studied collaboratively to implement the style of Joyce in the post-modernist literature environment. Furthermore, Mahaffey (2004), along with several others, featured the appreciation for Joyce's work on achieving readers' attention; however, there is a lack of relevant studies which enable the stakeholders of modern literature to study the approach of Joyce in getting the readers' attention. Therefore, this literature focuses on achieving the desired findings for the study and the perception generated by readers to be involved with readability. Moreover, there needs to be a significant gap in understanding the fine line between informal linguistic usage and the understanding of the reader to generate their attention towards the content.

Despite the extensive scholarship on James Joyce's literary contributions, a noticeable research gap exists in the comprehensive analysis of his mastery over monologues and dialogues. This study aims to fill this gap by offering a focused examination of how Joyce employs these narrative techniques to enhance character development, explore themes, and structure his narratives. By analyzing the intricacies of Joyce's use of monologue and dialogue, this research provides insights into the distinct ways these elements contribute to the overall impact of his works. Additionally, it compares Joyce's use of these techniques with those of other authors, highlighting his unique approach and the resultant literary significance. Through this minor yet significant attempt, the study underscores the power of Joyce's monologues and dialogues in shaping the reader's experience and understanding of his novels.

### **The Function of Dialogues in Character Development**

The author's narrative technique provides insight into his characters' personalities and perspectives on life. He portrays the characters in a manner that recognizes them as who they are through the words they speak or reflect. The stream-of-consciousness in internal monologues illuminates the characters' identities and psyches in a way that blurs the line between their reality and imagination. In this way, the reader explores the character's intellectual, social, and moral perspectives. The characters' fragmented thoughts flow directly from their imaginations to the reader, showing their evolution and coming of age. Their dialogues and monologues light on the social, domestic, political, and religious pressures that motivated their growth, changes, and interactions with other characters.

Moreover, the author creates strong conversation among his characters, developing their perspective of social and cultural pressures they bear in modern society, particularly in Dublin, which is the setting of most of his novels, such as Ulysses and The Portrait of An Artist as a Young Man. It shows how much the characters struggle to fit into a culturally and theologically bound society to be respectful among people and maintain relationships. While the characters in Dubliners speak about Dublin's controversial and historical issues, the modernist author connects the power of dialogue with the setting, verifying the accuracy of the circumstances (Ferhi, 2021). In most of his literary creations, such as Ulysses and Dubliners, the protagonist reflects chaotically in the final monologue, and the reader senses his/her multifaceted personality, an amalgam of sorrows, guilt, desires, visions, and concepts of relationships (Iser, 2015). In a nutshell, the author's experiment with language creates an enriched experience of creating dialogue and monologue, contributing to character development, and revealing their traits, motivations, and relationships.

Joyce is a renowned modernist writer for experimenting with language and cleverly using dialect, language, and speech patterns in particular contexts to differentiate characters. The backdrop setting of his novels is mostly 19<sup>th</sup>- and 20th-century Dublin with all its social, cultural, and political milieu. The characters speak the Dublin

dialect of the English language with its fragmented expressions, diversity of tone, and slang like "cove," "swell," and "shook" (Joyce, 1922, p. 139). The structure of these dialogues in conversations and reflections is the product of Joyce's experimental use of narrative, which provides an intersecting line between the internal and external reality of the characters. In many of his stories, he grants his characters with a colloquial dialect that shows characters speaking realistically. The characters' dialect reflects local slang, tone, and iconic speech patterns, unfolding the societal stratum and its impact on people in Dublin in his time. The conversations and reflections of the characters are immensely complex and subtle in structure, accentuating the characters' sentiments with multilayers of meaning, which makes the characters and themes more comprehensive (Corcoran, 1991). The author's autobiographical character, Stephan Dedalus, is endowed with a native dialect with a real-time stream of consciousness to reveal his personality before the reader in most of his literary creations, making him a naturalistic inhabitant of Dublin. The context of dialogues is mostly Dublin, where his characters in different stories appear conversing in institutes, streets, homes, and in social gatherings, delivering a social, cultural, political, and religious critique of 19th-century Dublin that differentiates the characters from one another in their perception (Saadoun, 2007). However, the soliloquies are set in solitude where characters reflect in different patterns of native dialect in a fragmented flow, providing insight into their personalities and different perspectives of life, society, and connection with other people.

Dialogues and monologues in character portrayal are crucial in many of the author's novels and books. For example, the words of Leopold Bloom in Ulysses, "History is a nightmare," and the fact that he is trying to wake up show that he is a practical and sober man (Joyce, 1922, p. 60). On the other hand, Bloom's saying in the same novel that Shakespeare is a ghost shows that he is a visionary and idealistic personality (Joyce, 1922, p.338). Furthermore, the words spoken by Molly Bloom in Ulysses in her long stream-of-consciousness soliloquy are one of the best instances of character revelation in the entire character of James Joyce. She muses that covers multiple pages of the book, while the reader senses her multifaceted personality, a fusion of sorrows, guilt, desire, motivation, and perceptions of relationships (Iser, 2015). The author also uses the importance of dialogues and monologues to highlight the social, religious, and cultural pressures on the characters and how they lead to their conflicts and evolution. For example, the protagonist reflects in *The Portrait of an Artist as A Young Man*, "I will not serve that in which I no longer believe" (Joyce, 1916, p. 291). These words indicate his intelligence, intellectual growth, self-discovery, and non-conformity with his time's oppressive social and theological beliefs. Another novel dialogue, "to live, to err...out of life," highlights the character's philosophical views about life and its essence (Joyce, 1916, p. 200). It shows the young man's perception and reimagining of life after enduring setbacks for a long time.

Moreover, the final monologue shows the artist's outlook on art and beauty (Joyce, 1916, p. 298). It outlines a self-created theory of art by James Joyce that he introduces to the reader through his powerful monologue assigned to Stephen Dedalus (Saadoun, 2007, p. 137). Furthermore, the power of characters' speech and reflections in Dubliners is also highly impactful in comprehending characters, particularly their psychological condition (Corcoran, 1991). For example, the last monologue delivered by Gretta in "The Dead" reveals her more profound understanding of love and sincerity than her husband's perspective of love. "He died for me" reveals the extent of guilt and sorrow, while "What a night it was" lays bare her mental torment while thinking about the death of her past love (Joyce, 2005, p. 98). The reader acknowledges that a character is coming of age through his dialogues and monologues. Besides, the vibrant conversations and reflections of the characters also highlight their relationship perspectives and strengths and weaknesses, such as intellect, rebellious attitude, bravery, sorrows, guilt, anxiety, and sensitivity.

Joyce's masterful use of dialogue does more than reveal the intricate inner lives of his characters; it also paves the way for exploring deeper themes. Through the nuanced conversations and soliloquies of his characters, readers gain insight into their personal struggles and growth, while also encountering the broader social, cultural, and existential themes that weave through his works.

### **Thematic Exploration through Dialogues and Monologues**

The author uses powerful dialogues and monologues to contribute to the significance of the novel's central themes, including identity, alienation, existentialism, art, and social critique. He uses powerful conversations with his characters, improving thematic resonance in every novel and inviting the reader to contemplate the central subject of the story through their talk. Additionally, the author extracts the inevitability and associated mental torture through a poignant reflection by one of his characters in the novel, such as the final monologues by the central characters in every novel. Through this, he lays bare the psychological condition of his characters, who struggle to seek identity, overcome alienation, and provoke the author's existentialist approaches. For example, Molly Bloom in Ulysses reflects on solitude, and her stream-of-consciousness soliloquy represents the author's social and cultural criticism by challenging the value of women in a hierarchical society, contributing to the theme of identity and alienation (TEKDEMİR, 2017, p. 143). Besides, the characters' endeavor to adjust to a culturally paralyzed society, indicated through their naturalistic dialogues and stream-of-consciousness monologues, provide a comprehensive glimpse of the theme of existentialism, which is recurrent in Joyce's novel (Crispi, 2019). Overall, the author emphasizes the existential, social, and cultural crisis in all his novels through his revolutionary narrative technique, disclosing the ideas and their importance in the characters' lives through dialogues and monologues.

The existential, social, and cultural themes such as identity, alienation, and free will recurrently invite the reader to envisage through powerful dialogues and monologues in his works. For example, Stephen's dialogue about history, which he considers a nightmare, sheds light on the character's search for forfordinity and his existential perspective (Joyce, 1922, p.60). He is attempting to find the truth of his existence and balance the practicality of life with nostalgic gravities. Stephen Dedalus muses, "What is death?" absorbed in his thoughts, his reflection shows his unacceptability of mortality as an essential part of human life (Joyce, 1922, p. 12). Another important theme explored by dialogues and monologues in the underlined novel is existentialism. It is persuasive in the novel, affecting the character conflicts in particular. For example, Stephen attempts to break free from theological, social, and nostalgic constraints throughout the novel (Joyce, 1922). It shows that he attempts to assert his free will and personal agency in the face of conventional societal background. Besides, Joyce's characters become his mouthpiece describing the writer's ideas, primarily social critique (Saadoun, 200). For example, in the opening scene, Dedalus and Mulligan critically analyze their national identity under the influence of British imperialism (Joyce, 1922, p.35). In another instance, the passages of conversation in the opening scene and monologue in the final scene idealize Joyce's ideas on 20<sup>th</sup>-century Dublin's society and culture, comprising the novel's central themes of alienation and identity.

Another example can be taken from "The Portrait of an Artist as A Young Man." The protagonist's thoughts that he will not entertain "that in which I no longer believe" creates a sense of self-discovery (Joyce, 1916, p. 291). In another instance, he recognizes that he is no longer ashamed of his "pursuit of beauty" (Joyce, 1916, p. 50). It indicates that he has matured after struggling through identity-seeking stages. The protagonist is an artist whose art and creativity ideals form the theme of creativity and aesthetics in his powerful dialogues. Besides, when Stephan sits with his classmates at Dublin College and attempts to participate in the debate around sports and political dynamics, he reflects that he cannot connect and gets absorbed in his ideals on these subjects (Joyce, 1916, p. 123). His reflections put light on the sense of social detachment emphasized by the author by leading the reader directly into his mind through soliloquy. Finally, the dialogues and monologues in the novel play a crucial role in enhancing the essence and understanding of the novel's central themes, such as identity, social detachment, and existentialism.

In Joyce's works, the character conversations and reflections in solitude often serve as vehicles to discover broader thematic concerns. The author delves into their personalities and social backgrounds through speech patterns, dialects, the context of dialogues, and linguistic approaches, providing an enriched narrative. Likewise, the quality of the characters' stream-of-consciousness reflections also leads to their sociocultural perspectives, where the author conducts the thematic thread of a story. Through dialogues and monologues in his novels, the reader notices Joyce's interest

in language and constant experiments with form and style in all his books. "History, Stephen said, is a nightmare from which I am trying to awake." (Joyce, 1922, p. 23). Eventually, the interplay between the conversation/monologue and the thematic value of his novels results in enhanced complexity and multifold meanings of his storytelling.

### Narrative Structure and Dialogue Technique

Joyce has manipulated the narrative technique by adding elements of realism into it. He changes the narrative structure to create an air of intimacy and psychological depths of human nature through his characters. Dialogues and monologues in the novels have multiple layers of meaning and intersect between external and internal reality. The characters' speaking with others and reflections in solitude grant a complete, naturalistic human personality interacting with social, cultural, religious, political, and environmental factors.

"Ineluctable modality of the visible: at least that if no more, thought through my eyes. Signatures of all things I am here to read, seaspawn and seawrack, the nearing tide, that rusty boot. Snotgreen, bluesilver, rust: coloured signs. Limits of the diaphane. But he adds: in bodies. Then he was aware of them bodies before of them coloured. How? By knocking his sconce against them, sure. Go easy. Bald he was and a millionaire, maestro di color che sanno. Limit of the diaphane in. Why in? Diaphane, adiaphane. If you can put your five fingers through it, it is a gate, if not a door. Shut your eyes and see." (Joyce, 1922, p.37)

Joyce broke free from conventional romanticism in dialogues and let the audience directly read the characters' minds through stream-of-consciousness, which impacted his storytelling to a great extent. With this technique, the author provides a fragmented set of thoughts from the characters' minds without any linear pattern in his storytelling. As the above-given examples show, Joyce provides insight into the characters' minds and imaginations through his narrative techniques, such as Stephen's ideas and motivations (Wicht, 2008). Also, most of his works give the social, historical, and cultural context of places such as Dublin.

Joyce incorporates soliloquies to provide keen insights into his characters' mentality and experiences. By creating direct access to the sentiments and feelings of the characters, the reader senses authenticity and immediacy. By employing a stream-of-consciousness strategy, the author captures the flow of thoughts that shows the density of human consciousness. "Welcome, O life, I go to encounter for the millionth time the reality of experience and to forge in the smithy of my soul the uncreated conscience of my race" (Joyce, 1916, p. 29). The interior monologue leads to the characters' minds, accentuating their associations, nostalgia, struggle, contradictions, and susceptibility. The narrative technique provides subjective experiences of characters, which develops compassion, enriching the character portrayals and enhancing thematic exploration.

## Comparison with Other Literary Techniques

Joyce's narrative technique contrasts with the traditional method of character portrayal. The author provides direct access to the characters' minds and perspectives, which explore their subjective life experience. On the other hand, in traditional narrative, the authors interpret the characters' personalities and interactions (Saadoun, 2007). Additionally, the author provides fragment thoughts coming directly from the characters' minds, while traditionally, it is a meditation of the author in a linear way. Hence, Joyce's narrative is innovative, naturalistic, and complex, with a tapestry of different voices. In contrast, the traditional narrative technique provides a dramatic and linear flow of thought from the character to the reader.

Joyce's use of stream-of-consciousness is similar to Virginia Woolf's approach to the narrative style. She has also used internal soliloquies to reveal her characters' inner thoughts and perceptions to reveal characters and enhance the thematic value of her stories. However, Joyce's stream of consciousness is more fragmented compared with her while exploring less psychological themes than those of Woolf (Parsons, 2014, p. 5). Besides Woolf, Marcel Proust is another remarkable modernist writer providing a similar approach to the characters' consciousness as Joyce's. He also explores the themes of time, memory, and identity by connecting his thematic concerns with the characters' minds and imaginations. However, he provides a linear flow of thoughts, unlike Joyce, who delivers a fragmented and non-linear flow directly from the character's mind (Lamos, 1998, p.118). Joyce's narrative technique, particularly his stream-of-consciousness, is unique and more naturalistic than other modernistic writers.

Joyce's approach to narrative proved to be a ground-breaking innovation for the subsequent generations of writers. Many modernists and postmodernists appreciated and adapted the subjective narrative technique by Joyce to comprehend the complexities of human consciousness (TEKDEMİR, 2017). The authors whom Joyce became a source of inspiration include Virginia Woolf, William Faulkner, and Samuel Beckett, who considered the author's experiment with form and structure an important revolution in the world of literature.

## Conclusion

James Joyce stands as one of the most influential and controversial writers in modernist literature, known for his groundbreaking use of language and narrative structure. By crafting dialogues and stream-of-consciousness soliloquies that capture the natural rhythms of speech and thought, Joyce provides readers with profound insights into his characters' inner lives and the significant themes of his works. His characters' outward and inward personalities are vividly painted through their interactions and reflections, emphasizing themes such as religion, identity, and social critique.

Joyce's ability to intertwine character development and thematic exploration through dialogues and monologues is unmatched, offering a rich depiction of 19th and 20th-century Dublin with all its social and cultural complexities. This approach not only deepens our understanding of his characters but also reflects the intricacies of the human experience in a rapidly changing world.

The broader implications of Joyce's techniques extend far beyond his own works, opening new avenues for writers to adopt more naturalistic and realistic methods of character and dialogue creation. His experimentation with form and structure has inspired generations of modernist and postmodernist authors, encouraging them to explore the depths of human consciousness and societal issues.

Future research could analyze deeper the impact of Joyce's narrative innovations on subsequent literary movements and individual writers. Comparative studies might examine the nuances of Joyce's techniques alongside those of contemporaries like Virginia Woolf and Marcel Proust, or later writers such as William Faulkner and Samuel Beckett. Additionally, exploring how Joyce's methods have been received and adapted in different cultural contexts could provide valuable insights into the global influence of his work. Understanding how Joyce's pioneering narrative strategies continue to resonate and evolve in contemporary literature will enrich our appreciation and study of modernist literature and its lasting legacy.

## References

- [1] Attridge, D. (2000). *Joyce effects: On language, theory, and history*. Cambridge University Press.
- [2] Brick, M. (2022). It Skips a Generation: Spirituality in David Foster Wallace and James Joyce. *Christianity & Literature*, 71(1), 78-96.
- [3] Corcoran, M. G. (1991). Language, Character, and Gender in the Direct Discourse of "Dubliners". *jstor*, 25(3), 439-452. <https://www.jstor.org/stable/42945929>
- [4] Crispi, L. (2019). Stephen Dedalus from a portrait of the artist as a young man to Ulysses. *James Joyce Quarterly*, 57(1-2), 67-79. <https://doi.org/10.1353/jjq.2019.0103>
- [5] Daneshzadeh, A. (2015). Analysis of James Joyce's short stories. *International Letters of Social and Humanistic Sciences*, 54, 115-122.
- [6] Ferhi, S. (2021). Textual analysis of James Joyce's Dubliners: A Fanonian reading, 60-71. <https://doi.org/10.31235/osf.io/p6fa7>
- [7] Gabler, H. W. (2022). Emergence of James Joyce's Dialogue Poetics. *Journal of Early Modern Studies*, 11, 229-252.

- [8] Gale, C. L. (2015). A Study Guide for James Joyce's *A Portrait of the Artist as a Young Man*. Gale, Cengage Learning.
- [9] Hart, C., & Hayman, D. (Eds.). (1974). *James Joyce's Ulysses: critical essays*. Univ of California Press.
- [10] Henke, S. A. (2015). *James Joyce and the politics of desire*. Routledge.
- [11] Iser, W. (2015). Patterns of communication in Joyce's *Ulysses*. New Perspectives in German Literary Criticism: A Collection of Essays, 320-356. <https://doi.org/10.1515/9781400866984-015>
- [12] Jameson, F. (2015). 'Ulysses' in History. In *James Joyce and Modern*, Routledge, 126-141.
- [13] Joyce, J. (2001). *A Portrait of the Artist as a Young Man* (1916). *Reading Fiction: Opening the Text*, 91-97.
- [14] Joyce, J. (1916). *A Portrait of the Artist as a Young Man*. Planet Pdf
- [15] Joyce, J. (1922). *Ulysses*. Planet Pdf.
- [16] Joyce, J. (2005). *Dubliners*. Icon Group Online.
- [17] Lamos, C. (1998). Deviant modernism. <https://doi.org/10.1017/cbo9780511485138>
- [18] Mahaffey, V. (2004). Joyce's shorter works. *The Cambridge Companion to James Joyce*, 172-95.
- [19] Nolan, E. (2018). James Joyce as Cultural Critic. *Joyce's Non-Fiction Writings: "Outside His Jurisdiction"*, 111-125.
- [20] O'Brien, D. (2015). *The Conscience of James Joyce* (Vol. 2155). Princeton University Press.
- [21] Parsons, D. (2014). Theorists of the modernist novel: James Joyce, Dorothy Richardson and Virginia Woolf. Routledge, 118-169.
- [22] Plock, V. M. (2007). Modernism's feast on science: Nutrition and diet in Joyce's *Ulysses*. *Literature & History*, 16(2), 30-42.
- [23] Radway, J. A. (2009). *Reading the romance: Women, patriarchy, and popular literature*. Univ of North Carolina Press.
- [24] Saadoun, F. (2007). Stephen Dedalus Linguistic Maturity by Sentence Growth Complexity In James Joyce's "A Portrait of the Artist as a Young Man". Dspace, 136-140. <https://dspace.univ-ouargla.dz/jspui/bitstream/123456789/632/1/Saadoun-Farida.pdf>

- [25] Shoily, K. F. (2013). Myth and Meaning in Ulysses: Homer, Tennyson and Joyce (Doctoral dissertation, BRAC University).
- [26] Silva, E. L. (2023). Modernist Minds: Materialities of the Mental in the Works of James Joyce (Vol. 235). Brill.
- [27] TEKDEMİR, H. (2017). Textual conversations and dialogic imagination in James Joyce's Ulysses. Celal Bayar Üniversitesi Sosyal Bilimler Dergisi, 131-146. <https://doi.org/10.18026/cbayarsos.297878>
- [28] Wicht, W. (2008). Dramatized narration: The development of Joyce's narrative technique from "Stephen hero" to "Ulysses," (review). James Joyce Quarterly, 46(1), 150-153. <https://doi.org/10.1353/jjq.0.0128>

## The Relation Between the Courts of the Member Countries and the European Court of Justice in the Legal System of the European Union

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### Abstract

After joining the European Union, the new member countries are obliged to implement the legislation of the European Union in addition to the local legislation. The implementation of the European legislation stipulates as an obligation for the judges of the new member states of the European Union, to interpret the internal legislation as much as possible in accordance with that of the European Union. In cases where this is not possible, then it is the duty of the judges of EU member states not to implement domestic legislation, which is incompatible with European law. The relationship between the European Court of Justice and national courts is based on the principle of cooperation rather than on the form of a structural hierarchy. The aim of this article is to prepare the judges of the new members states with the procedures they should follow in case there is an incompatibility of the domestic legislation with that of EU legislation.

**Keywords:** European Union, domestic legislation, national courts, European Court of Justice, preliminary procedure.

### Introduction

At the top of the European jurisdictional system is the European Court of Justice, established by the ECSC Treaty. This institution later was formalized as the sole jurisdictional instance of all European communities. Through historic decisions, the Court has contributed decisively to the precise delineation of the nature and dimensions of European law. The European Court of Justice is the institution which, through the exercise of its jurisdictional function, ensures respect for community law in the interpretation and implementation of treaties and normative acts derived from them (Article 220 of TEC<sup>1</sup>)

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<sup>1</sup> Canaj E., Bana S., E drejta e Bashkimit Evropian, Shtëpia Botuese "Arbëria 07", Tiranë 2010, fq. 104

The European judicial system can be classified as a system divided into two major branches: that of the national courts of the member states of the European Union and of the European Court of Justice. In principle, the national courts of the member countries must apply the European legislation. In cases where there is inconsistency between the EU legislation and the internal legislation of the member countries, they must give priority to the EU legislation.

The Treaties foreseen the possibility of using the preliminary request procedure as a channel of communication between the judges of the member countries and the European Court of Justice. In this way, judges of national courts can send questions related to the interpretation of articles of European legislation to the European Court of Justice. In the capacity of a judicial body, the ECJ acts independently from the governments of the member countries of the European Union and from other EU institutions. The European Court of Justice is responsible for interpreting the legislation of the European Union, as well as for guaranteeing the implementation of this legislation by the EU member states.

Three forms of preliminary requirements have been used in the European Union legislation regime over the years. The first and most important one, which is currently used, is the general procedure, referring to Article 267 (former Article 234 of the TEC) of the Treaty on the Functioning of the European Union (TFEU<sup>1</sup>). The initiators of this procedure can only be the member countries of the European Union (both the courts of first instance and the high court).

The second regime of prior requirements that was used in the EU was Article 68 of the European Community Treaty, which referred to the area of freedom, security and justice. Currently, this article has been repealed by the TFEU<sup>2</sup>. In contrast to Article 267 of the Treaty on the Functioning of the European Union, i.e. from the first case, the second regime of preliminary requirements required specific conditions to be implemented. In the first case, the courts of a member country, are the institutions which can send a preliminary request to the ECJ, while in the second case, Article 68 of the TEC, only the High Courts are legitimized to send preliminary requests to the European Court of Justice.

The third regime of preliminary requirements, also abolished by the TFEU, was sanctioned by Article 35 of the Treaty of the European Community in the field of police and judicial cooperation in criminal cases. This provision allowed member states to select a preliminary request procedure, as well as to choose which of the judicial levels had the right to send preliminary requests to the European Court of Justice. According to this provision, the ECJ had the jurisdiction to give preliminary rulings regarding the validity and interpretation of the measures adopted by Section

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<sup>1</sup> Versioni I Konsoliduar I Traktateve të Bashkimit Evropian dhe Karta e të Drejtave Themelore të Bashkimit Evropian, Ministri e Integrimit dhe GIZ, fq. 157

<sup>2</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:12002E068:EN:HTML>

VI of the Treaty on European Union, but only in cases where the EU member states had made a declaration based on this article and that accepted the jurisdiction of the European Court of Justice<sup>1</sup>.

Regardless of the type of preliminary requests regime, courts of first instance are considered the basic institutions in the process of sending preliminary requests to the Supreme Court of Justice. Their intervention is crucial, since these are the courts that initially identify the need for interpretation of articles of European legislation. The cooperation of national courts, as well as developments in the legal order of the European Union, are the essence of the success of the procedure for preliminary requests.

### **The implementation of the principles of European Union**

The relation between the internal legislation of the member countries and the legislation of the EU is based on three main principles: the doctrine of supremacy, the direct effect and the implementation of the legislation of the European Union. The principle of supremacy was used in the well-known case Costa v. Ennel, according to which the legislation of the member countries of the European Union is dependent on the legislation of the European Union. The supremacy of European legislation over that of the member countries is not provided for in the Treaties of the European Community. In fact, none of these treaties contain articles, which sanction that the legislation of the EU has priority over the national legislation of the member countries. Concretely an Italian lawyer (Costa) refused to pay to an Italian national electricity company (Enel) a tax set out in national law on the grounds that Italian law was not in compliance with the Community law. The case went to the court of Milan, which sent a petition to the ECJ to prepare a preliminary ruling regarding the contradiction between the Italian national law and the EU community law. The ECJ stated that the legal order of the Community takes precedence over the national legislations, for the reason that the national laws of the countries would harm the fulfillment of the objectives of the Treaty of Rome if different degrees of validity were attributed to the Community law from one member state to another. Consequently, the national law that is not in compatibility with the Community law cannot be applied. When the ECJ makes a decision, all member states are obliged to take the necessary measures to comply with the decision. In this case, the EU member states have adapted the legislation in accordance with the Community law

According to the principle of direct effect, established by the well-known Van Gend en Loos case<sup>2</sup>, the rights of individuals deriving from the legislation of the European Union must be enforced by them in the national courts of the member states. These courts are obliged to apply and interpret national legislation. Due to the diversity of member countries' legislation, as well as the means of interpretation, EU legislation

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<sup>1</sup> Kacsorowska, Alina, European Union Law, Second Edition, Routledge, 2011, fq. 262

<sup>2</sup> ECJ, Van Gend en Loos, case C-26-1962

may not be interpreted in the correct way. The "Van Gend & Loos" case refers to a shipping company, which transported goods from Germany to the Netherlands and which had to pay customs duties, which it considered contrary to the article of the EEC treaty, and prohibits member states from increasing duties customs in their mutual trade relations. The recourse of a Dutch jurisdiction before the Court of Justice raise the issue of a conflict between a national legislation and the rules of the EEC Treaty. The court after examining the case confirmed the doctrine of direct effect, thereby offering the Dutch transport company a direct guarantee of the enforcement of its rights based on Community Law before national jurisdiction.

Since the Treaties do not explicitly state the conflict that may arise from the implementation of two legislations (domestic or European Union legislation), it became necessary to define a framework of rules, which determined the legal norm that had to be used in such a mismatch case. In this context, the European Court of Justice has created a system, according to which the legislation of the European Union has precedence over the national legislation of the member countries. In order to prevent inconsistencies of legislation, the courts of the member countries must interpret the national law in such a way that it is compatible with the EU legislation.

This procedure may not be simple in terms of its implementation, as in some cases the narrow interpretation that the courts may give to domestic legislation may be used. In this framework, the courts of the member countries are obliged to apply the legislation of the European Union. While this procedure seems simple in theory, its implementation in practice encounters several obstacles. Member country governments may try to maintain national legislation incompatible with that of the European Union, which delays or prevents the application of EU legislation in cases of incompatibility between these legislations.

The courts of the EU member countries may hesitate regarding the fact of non-implementation of their national legislation, which they consider important, despite the fact that this legislation has inconsistencies with the legislation of the European Union. Another problem that can be encountered in relation to this issue is the "disregard" that the courts of the member countries can do to the legislation of the European Union (due to its ignorance), applying the national legislation of the member country in its decisions. In practice, regarding the issue of reference of European legislation in relation to the national one, when there is inconsistency between them, there have been and continue to be debates and objections.

Returning to the preliminary request procedure, sanctioned by Article 267 of the Treaty on the Functioning of the European Union, the European Court of Justice gives decisions on the interpretation of European Union legislation, based on the request of the national court. According to this article "The Court of Justice has the jurisdiction to express through the preliminary procedure, related to the interpretation of the Treaty, the validity and interpretation of the acts of the institutions, bodies, offices or

agencies of the Union. Where such a question is raised before any court or tribunal of a Member State, that court or tribunal may, if it considers that a decision on the question is necessary to enable it to give judgment, request the Court to give a ruling thereon...<sup>1</sup>". The purpose of the jurisdiction to send a case for preliminary request is defined in the first two paragraphs of this article. In order to fulfill the jurisdiction condition, several requirements must be met, such as the judicial body must be a court of a member state, the question that is sent to the European Court of Justice must concern the validity and interpretation of the legislation of the European Union, and the national court in its request must emphasize the need for granting a decision by the European Court of Justice.

The same reasoning of the Dorsch case was followed by the European Court of Justice in the Garofalo case<sup>2</sup>, where the Italian Council of State raised the question whether the conditions for this institution will be considered as a "court" were met when it gave second and final decisions of appeals against regional court decisions related to administrative matters. The European Court of Justice assessed the conditions under which the Italian Council of State operates, when this body acts within the framework of the procedure for annulment of Italian administrative acts and of the nature of extraordinary petitions as a legal means for the annulment of these acts.

Regarding this matter, the European Court of Justice assessed that the Italian Council of State is a permanent, impartial and independent body whose members must meet the legal requirements of independence and impartiality, in the case where they are part of the advisory section or of the judicial section, and do not belong to both sections at the same time. The procedures related to both acts, extraordinary petitions, as well as ordinary applications of administrative courts were considered inter parties and at the same time fulfilled the principle of impartiality and independence. Based on the above, the European Court of Justice came to the conclusion that the Italian Council of State met the conditions to be considered a court, within the framework of Article 234 of the Treaty of the European Community (currently Article 267 of the TFEU).

As for the questions on the jurisdiction of the legislation of the European Union, they find answers in the first paragraph of Article 267 of the TFEU Treaty. Jurisdiction mainly covers all acts of community institutions, including the European Central Bank. During its history as an institution, preliminary requests related to the interpretation of European legislation and requests related to the validity of this legislation have been filed with the European Court of Justice.

Also, this Court has given decisions related to the interpretation and validity of international agreements approved by the EU, on the general principles of the

<sup>1</sup> ECJ I-4961 [1997], case C-54/96, Dorsch Consult Ingenieursgesellschaft mbH against Bundesbaugesellschaft Berlin mbH

<sup>2</sup> ECJ I-5603 [1997], case C-69-79/96, Maria Antonella Garofalo against Ministry of Health

legislation of the European Union, which becomes part of the internal legislation of the member countries of the Union. The European Court of Justice has been strict in refusing to issue Decisions on the interpretation or validity of European Union legislation. Given that the decisions of the ECJ have a binding effect on the courts, to which preliminary requests are addressed, in many of these decisions on the interpretation of EU legislation, it is sanctioned that the national legislation be declared abrogated by the courts of the member countries.

Questions related to European Union legislation have been varied and complex. In the Nölle case<sup>1</sup>, the question arose as to whether or not Sri Lanka should be taxed as a reference country for paint brushes exported from China. The European Court of Justice itself in relation to this issue stated that the procedure for a preliminary request was inappropriate for the purpose of the evidence filed.

Article 267 of the TFEU gives the opportunity to any national court of the member countries to send a preliminary request to the European Court of Justice, when they consider it necessary that a judgment is needed on a question raised by these courts. But the ECJ has had cases when it has rejected cases due to jurisdiction. In the Foglia Nuvelio case<sup>2</sup>, the ECJ declined jurisdiction over this issue as it considered it a matter covered by comparative law. While in the Van Eycle case<sup>3</sup>, it set a precedent to refuse jurisdiction only if "obviously from the facts presented, the dispute is false". According to this case although it is true that Articles 85 and 86 of the Treaty per se are concerned only with the conduct of undertakings and not with national legislation, the fact remains that those articles in conjunction with Article 5 of the Treaty require the Member States not to introduce or maintain in force measures, even of a legislative nature, which may render ineffective the competition rules applicable to undertakings. Such would be the case in particular if a Member State were to require or favour the adoption of agreements, decisions or concerted practices contrary to Articles 85 or to reinforce their effects, or to deprive its own legislation of its official character by delegating to private traders responsibility for taking decisions affecting the economic sphere. .

In practice, the ECJ does not refuse jurisdiction for a preliminary request from a national court of a member country, on the grounds that the decision was requested in order to determine the validity of a legal act of another member country<sup>4</sup>. In some of its decisions, the European Court of Justice has expressed determination to reject jurisdiction over preliminary claims that are not based on facts or domestic legislation. Keeping this position, the European Court of Justice has gone against the practice issued by this Court itself, (referred here to the well-known case Costa v.

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<sup>1</sup> ECJ I-5163 [1991], case C-16/90, Nölle against Hauptzollamt Bremen-Freihafen

<sup>2</sup> ECJ 745 [1980] , case C-104/79, Pasquale Foglia against Mariella Novello

<sup>3</sup> ECJ 4769 [1988], case 267/86, Pascal Van Eycle against ASPA NV

<sup>4</sup> ECJ I-3891 [1989], case C-150/88, Kommanditgesellschaft in Firma Eau de Cologne & Parfümerie-Fabrik Glockengasse No 4711 against Provide Srl

ENEL), which directs all questions to the courts of the member countries, without considering the short time during which this procedure must be performed.

What are the effects that article 267 of the Treaty on the Functioning of the European Union can have? Article 267 is one of the most important procedural articles of the Treaty. This article facilitates the dialogue between national courts and the European Court of Justice, as well as provides meeting points between the legislation of the European Union and the legislation of the member states. Mainly Article 267 of the TFEU ensures equal application of the legislation of the European Union, uniformity of the Community legal order and coherence in the systems of judicial remedies sanctioned by the Treaty, leaving it to the European Court of Justice to decide on the validity of acts of the Community discussed by national courts.

This article facilitates access to the justice system, making it clear that the legislation of the European Union must be implemented not only by the European Court of Justice, but also by the national courts of the member countries, which would make it possible for European citizens to exercise their community rights in the national jurisdictions of member countries.

The system of preliminary requests made it possible to transfer powers at three levels, the first from the governments of the member countries, to the institutions of the Community, the second from the executive and legislative power, to the judiciary and the third from the courts of the highest levels to the courts of the first steps.

The combination of the mechanism of preliminary requests with the doctrine of supremacy and direct effect enables individuals and companies to seek Community rights in the courts of member countries. For this reason, individuals can use European Union legislation for two purposes, firstly to protect themselves from decisions of national courts which are contrary to the rights derived from European Union legislation and secondly they can use this legislation as a "sword" to challenge national measures which contradict the legislation of the European Union.

Although the courts of member countries are obliged to send preliminary requests to the European Court of Justice, in practice it has happened that the courts have not always implemented this sanction. National courts may decide that an act of European Union legislation may be unenforceable without first making a request to the European Court of Justice. Under these conditions, even the High Courts of the member countries may not send preliminary requests to the ECJ. In all these cases, the European Court of Justice cannot intervene in this process to ask the Courts of the member countries to send preliminary requests for review.

In the Kapferer case<sup>1</sup>, a national court, the Landesgericht Innsbruck, addressed a preliminary request to the European Court of Justice regarding the question of under what conditions the principle of cooperation enshrined in Article 10 of the Treaty of

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<sup>1</sup> ECJ [2006], case C-234/04, Rosmarie Kapferer against Schlank & Schick GmbH

the European Community imposes an obligation on the national courts of the member states of review and not accept a court decision of another court of the same country, if this decision contradicts the legislation of the European Union.

According to the ECJ, the principle of cooperation established at Article 10 of the EC Treaty does not determine that a national court must not apply the procedural code in order to examine and not apply a judicial decision, which is against the European Union legislation. Although the decision given by the European Court of Justice is binding on national courts, it is up to the latter to decide whether to implement the decision given by the ECJ. One of the most important facts is that it is the national courts that give the final decision and not the European Court of Justice. Although the court's decision does not constitute a judicial precedent, as in the case of the common law system, this decision has a normative value in resolving the interpretation or validity, when a case is raised before a national court, which is related to interpretation of European legislation and in the past the European Court of Justice has given a decision, that had the same object as the case in question, then the national court can refer to the practice of the ECJ.

The binding effect for the national judges of the member countries applies to all preliminary decisions of the ECJ. The binding nature of a preliminary decision for the judge of a member country of the European Union, as well as its effect as a judicial practice to be referred to, is defined in the Joustra case. In this case, the Court of the EU member country sent a preliminary request to the ECJ. In this request, the obligation to pay customs tax for wine in the Netherlands by Mr. Joustra, who lived in France, wine, which was to be used for domestic consumption and transported to the Netherlands by a transport company established in the Netherlands.

The Dutch Supreme Court, which referred the preliminary request to the European Court of Justice, claimed an interpretation of the directive for customs duties, as well as for the holding, transport and monitoring of products such as wine. While the European Court of Justice, after interpreting this case, came to the conclusion that a product imported from one country to another in the European Union, for private use, is only exempted from the excise duty of the member state to which it will be imported, if it is personally transported by the buyer.

Although Joustra was an administrative case, which involved a small part of the fundamental principles of European Union legislation, and not the articles of the Treaty, this case shows best, that the interpretation given by the European Court of Justice can be important for a large number of imports and transactions in the internal market of the European Union.

Going back to the obligations sanctioned by the second regime of prior requirements used in the European Union, Article 68 of the Treaty on the European Community (TEC), now repealed by the Treaty on the Functioning of the European Union, determined that "Article 234 applies to this title in the following circumstances and

conditions when: if a question is raised about the interpretation of this title or about the validity or interpretation of the acts of the Community institutions, in a case pending in a court of a member country of the European Union and in the conditions when for these decision has no legal basis according to the national legislation of this country, then the court sends the case to the European Court of Justice<sup>1</sup>.

In any case, the CJEU had no jurisdiction to judge any measure or decision taken on the basis of Article 62 (1) of the TKE related to the implementation of law and order and the preservation of internal security. The Council, the Commission or a Member State could ask the European Court of Justice to give a judgment on the interpretation of this title or the acts of the Community institutions. The decision given by the Court of Justice in response to such a request would not be applied to the decisions of the courts of the member countries that had become res iudicata". Based on Article 68 of the TKE, only national high courts could send preliminary requests to the European Court of Justice, a condition which limited the realization of the object of the procedure for sending the preliminary request to the ECJ. Meanwhile, Article 35 par. 3 of the EU Treaty, left open the possibility that a member state could apply the preliminary procedure from all levels of the judiciary. This procedure for sending preliminary requests is used by 11 member states, which have chosen to allow all levels of courts to request a preliminary ruling from the European Court of Justice. This rule was not defined in Article 68 of the European Community Treaty.

However, Article 68 of the EC Treaty defined an extra source for sending preliminary requests, which was not foreseen by the general regime of Article 267 TFEU: the Council, the Commission and the Member States could ask the European Court of Justice the interpretation of articles 61-69 of the Treaty and acts based on one of those articles such as Regulation 44/2001 regarding jurisdiction, recognition and enforcement of decisions in civil and commercial matters (Brussels Regulation I), Regulation 2201/2003 on jurisdiction, recognition and enforcement of judgments in matrimonial matters and in matters of parental responsibility repealing Regulation (EC) No 1347/2000 (Brussels II Regulation<sup>2</sup>).

## Conclusions

During the first years of their membership the new EU member countries send few requests to the European Court of Justice for preliminary decisions. The reasons for sending few preliminary requests to the CJEU have been different. One of these reasons was the lack of legal basis, since the cases were not directly related to the implementation of European legislation. The High Courts of the member countries assessed these preliminary requests as not legal and did not send them for review to the European Court of Justice. There are many court cases for which a preliminary request should have been sent to the European Court of Justice. These requests were

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<sup>1</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:12002E068:EN:HTML>

<sup>2</sup> <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32000R1347>

not sent, due to the fact that the judges of the new member countries of the European Union, in the first years of membership, were unclear about the purpose of Article 234 of the procedure of the European Community.

Even the position of the Constitutional Courts on the preliminary requests has been controversial. The approach of these courts fluctuated between their assessment that these courts should remain outside the scope of the legislation of the European Union and the Treaty of the European Community and between the fact that they agreed to be courts in the sense of Article 234 of the Treaty, but without addressing any preliminary questions or requests to the European Court of Justice. Referring to the experience of the 10 new member countries of the former Eastern Bloc, only the Polish and Slovak Constitutional Courts have expressed themselves in favor of sending preliminary requests to the European Court of Justice.

There have been cases in the judicial practice of the new member countries, where the courts of these countries, having a significant number of applications for the implementation of procedures for preliminary requests, dismissed the applications, not because they did not have the appropriate competence to perform this action, but because they considered the demands to be not legal. In these cases, individuals can rightly raise the claim that these courts should not judge the request for a preliminary ruling, but apply the procedures to refer these requests to the CJEU.

The combination of the mechanism of preliminary requests with the doctrine of supremacy and direct effect of EU legislation, enables individuals and companies to seek Community rights in the courts of member countries. For this reason, individuals can use European Union legislation for two purposes, firstly to protect themselves from decisions of national courts, which are contrary to the rights derived from European Union legislation, and secondly they can use this legislation as a "sword" to challenge national measures which contradict the legislation of the European Union.

Regarding the preliminary requests sent by national courts to the European Court of Justice, it is important to mention that for the judges of these courts, procedures as well as the implementation of European legislation were new "paths" to be discovered. For this reason, the knowledge of these instruments, as well as the experiences of the countries during the first years of membership for the implementation of these instruments, is very important for the judges of the new member states.

## References

- [1] Canaj E., Bana S., E drejta e Bashkimit Evropian, Shtëpia Botuese "Arbëria 07", Tiranë 2010, pg. 104
- [2] Versioni I Konsoliduar I Traktateve të Bashkimit Evropian dhe Karta e të Drejtave Themelore të Bashkimit Evropian, Ministri e Integrimit dhe GIZ, pg. 157

- [3] <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:12002E068:EN:HTML>
- [4] Kacorowska, Alina, European Union Law, Second Edition, Routledge, 2011, pg. 262
- [5] ECJ, Van Gend en Loos, case C-26-1962
- [6] ECJ I-4961 [1997], case C-54/96, Dorsch Consult Ingenieursgesellschaft mbH against Bundesbaugesellschaft Berlin mbH
- [7] ECJ I-5603 [1997], case C-69-79/96, Maria Antonella Garofalo against Ministry of Health
- [8] ECJ I-5163 [1991], case C-16/90, Nölle against Hauptzollamt Bremen-Freihafen
- [9] ECJ 745 [1980], case C-104/79, Pasquale Foglia against Mariella Novello
- [10] ECJ 4769 [1988], case 267/86, Pascal Van Eycke against ASPA NV
- [11] ECJ I-3891 [1989], case C-150/88, Kommanditgesellschaft in Firma Eau de Cologne & Parfümerie-Fabrik Glockengasse No 4711 against Provide Srl
- [12] ECJ [2006], case C-234/04, Rosmarie Kapferer against Schlank & Schick GmbH
- [13] <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:12002E068:EN:HTML>
- [14] <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32000R1347>

## Use of AI in Accounting Records in the Banking Sector - Case of OTP Bank in Albania

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### Abstract

Accounting records are the core of any organization's operation, providing a clear picture of its finances and transactions. Nowadays, with the development of technology, artificial intelligence (AI) is gaining immense importance in the field of accounting records. This is due to its ability to analyze and interpret information quickly and efficiently, creating new opportunities for automation and process improvement. Objectives of this paper are to analyze the use of artificial intelligence in the accounting records in the banking sector focused at OTP Bank in Albania, to identify the benefits and challenges of this implementation and to provide recommendations to improve the use of artificial intelligence in the banking sector, including continuous investment in the development and improvement of this technology, increasing the capacity and skills of personnel, focusing on data security, using AI to support strategies of marketing and customer service, as well as cooperation with experts in the field of AI. This paper analyzes the use of artificial intelligence (AI) in the accounting records of OTP Bank and offers recommendations to advance the use of this technology in the banking sector. After assessing the benefits and challenges of using AI, a continuous investment in the development and improvement of AI technology is recommended to ensure competitiveness and meet future market challenges. Also, an increase in the capacity and skills of personnel in the field of AI to understand and manage this technology efficiently is recommended. Data security is another priority, so an increased focus on data security infrastructure and policies is recommended. Going forward, using AI to support marketing and customer service strategies amplifies the customer experience and personalizes offers. Cooperation with experts in the field of AI can bring innovation and further success, for which close cooperation with universities and specialized companies is recommended. These recommendations help OTP Bank to fully exploit the potential of AI in accounting records and fulfill its strategic goals in a sustainable and innovative way. This paper also exhibits the avenues for future researchers in the subject of AI in the Accounting and especially in the banking sector.

**Keywords;** Artificial Intelligence, Innovation, Accounting Records

## Introduction

Nowadays, with the advancement of technology, artificial intelligence (AI) is gaining immense importance in the field of accounting records. The field of study of this paper contains the analysis of the use of artificial intelligence in the accounting records of OTP Bank. This includes assessing the benefits and challenges of using this technology in the financial sector, as well as identifying recommendations to improve the efficiency and effectiveness of bank operations. Also, the study aims to examine the impact of the use of artificial intelligence on customer experience and data security in the context of accounting records. This field of study provides a broad perspective on the use of advanced technology in one of the key areas of banking operations.

The innovations of this study include:

- Recent analysis of the use of artificial intelligence in bank accounting, including an overview of the latest methods and techniques used in this field.
- Identification of challenges and opportunities for the use of artificial intelligence in the specific context of OTP Bank, including data security risks and the need for staff training.
- Using concrete case studies and empirical data to support the arguments and recommendations made in the study.
- Assessment of the impact of the use of artificial intelligence on customer experience and data security in the context of OTP Bank's accounting records.
- Providing a general approach to understand how the use of artificial intelligence in accounting records may advance in the future and affect bank operations and strategies.

## Literature review

Artificial intelligence (AI) represents a field of technology that aims to develop systems and applications that can perform tasks that have always been considered related to human intelligence. This includes the advancement of machine learning, data analysis, and natural language processing algorithms that can be used to make decisions and perform tasks independently of humans (Baran et al., 2018).

In the context of accounting, AI can be applied in many ways to improve processes and add value. One of the main ways AI can be used in accounting is through the automation of routine tasks. For example, machine learning algorithms can be used to automatically classify given financial transactions into the appropriate ledger accounts, reducing the time and opportunity for human error.

Also, AI can be used to identify and correct errors in accounting records. Through big data analysis, AI can detect anomalies and unusual points in financial transactions, identifying opportunities for errors in existing records and suggesting necessary corrections.

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Another application of artificial intelligence in accounting records is to predict trends and do trend analysis in financial data. Through machine learning algorithms, AI can identify common patterns and signs in financial transactions, allowing the organization to better understand market behavior and make strategic decisions based on this analysis.

Also, AI can be used to optimize financial reporting processes. Using data analysis and machine learning algorithms, AI can create financial reports automatically, reducing the cost and time required to prepare traditional reports manually.

Overall, artificial intelligence has the potential to transform accounting processes in many and varied ways. Using machine learning and data analysis technologies, AI can create additional value for organizations by improving the efficiency, accuracy, and timeliness of accounting records (Baran et al., 2018).

### **The importance of using AI in accounting records in Banking Sector**

To fully understand the importance and impact of the use of artificial intelligence (AI) in the field of accounting records, it is important to first analyze what this technology represents and how it can be applied in the context of an organization's financial processes (Ricci et al., 2011).

Basically, AI represents a set of technologies and methods that enable computers to perform tasks that previously required human presence. This concept of artificial intelligence includes numerous machine learning algorithms and data processing techniques that enable computers to learn from experience and make informed decisions. In the context of accounting records, the use of AI offers a wide range of advantages and has a substantial impact on the efficiency and accuracy of the financial analysis and documentation process. AI can be used to automate routine tasks, such as classifying transactions, identifying errors, and following various accounting rules (Baran et al., 2018).

An important aspect of the use of AI in accounting records is its ability to detect patterns and trends in financial data, providing a deeper and more detailed analysis for management and decision-making of the organization. For example, AI can help

identify patterns of security breaches or uncover opportunities to improve financial performance.

Also, the use of AI in accounting records has the potential to reduce the costs and time required to process financial information, making the process more efficient and faster. This has a direct impact on increasing productivity and reducing opportunities for human error.

In a changing and complex business environment, the use of artificial intelligence technology in accounting records becomes increasingly critical for organizations that want to be competitive and take advantage of technological innovation. With its potential to change the way financial data is processed and analyzed, AI becomes a key element for the future of accounting and financial management.

### **Explaining the context of accounting records in Banking Sector and the need for innovation in this field**

Accounting records represent a critical part of an organization's financial process. They involve documenting all financial transactions, including purchases, sales, payments, and receipts. The purpose of accounting records is to provide an accurate and complete summary of the financial situation of an organization at a given time.

In this context, the need for innovation in the field of accounting records is profound. For many decades, accounting processes have been done manually, using traditional and old-fashioned methods to document and analyze financial data. However, with the advancement of technology and changes in the business environment, this old methodology is facing major challenges and limitations.

One of the main challenges that organizations face in the field of accounting records is the increasing difficulty and volume of data. With the development of technology and the growth of business activity, the number and complexity of financial transactions is constantly increasing. This increase in difficulties creates the need for a more efficient and advanced methodology to handle and analyze financial data (Matz et al., 2017).

Also, organizations face pressure to provide more accurate and precise financial information in a faster time. Management and other stakeholders of the organization need quick access to financial information to make informed decisions and to respond to rapid changes in the business environment.

To address these challenges and meet the demands of a changing business environment, the time has come for innovation in the field of accounting records. The use of advanced technologies, such as artificial intelligence (AI), offers great opportunities to improve the efficiency, accuracy, and speed of accounting processes. AI can be used to automate routine accounting tasks, reducing time and opportunities for human error.

It can also be used to identify patterns and trends in financial data, providing a deeper and more detailed analysis for management and stakeholders of the organization. With these advantages in mind, the need for innovation in the field of accounting records is more important than ever. Organizations that wish to remain competitive and take advantage of artificial intelligence technology must take steps towards using this technology in their accounting processes. Progress in this direction will bring significant advances in financial management and in the ability of organizations to adapt and grow in a diverse and technology-sensitive environment.

## **Introduction to OTP Bank and the context of accounting records in the Banking Sector**

OTP Bank is one of the largest and most important financial institutions in the banking market in Albania, offering a wide range of banking products and services to its customers. With a strong presence in its market, OTP Bank has a wide network of branches and an advanced technological infrastructure to offer services that meet the needs of its customers.

As is the case with any bank, accounting records at OTP Bank are essential to its day-to-day operations. Due to the nature of banking operations, accounting records in a bank are complex and important to ensure that financial activity is monitored and reported correctly and accurately (Ricci et al., 2011). In the context of a bank like OTP Bank, accounting records include the documentation and monitoring of various financial transactions, such as customer deposits and withdrawals, lending, and credit of the institution, as well as all other cash movements that occur in the day-to-day flow of banking operations. This also includes reporting data to control bodies and to various regulatory authorities.

Accounting records in a bank are different from those of other companies due to the nature of their operation based on financial services. Banks are required to follow high security standards and meet the requirements of various regulators, including reporting financial information on time and with complete accuracy (Ricci et al., 2011).

In the context of OTP Bank, the need to keep accurate and up-to-date accounting records is important to ensure that the bank operates in accordance with banking industry regulations and standards. In addition, a strong system of accounting records ensures that the bank has the necessary information to understand and manage financial risk, to make strategic decisions about its future development and to report its financial data in a transparent and reliable manner for all its stakeholders (Matz et al., 2017).

In an environment sensitive to competition and technological change, it is important for banks to be at the forefront of innovation and use the latest technologies to improve efficiency and provide better services to their customers. The use of artificial

intelligence in the accounting records of OTP Bank can provide such an opportunity to improve processes and gain new competitive advantages in the banking market.

### **The need to use AI in the banking sector focused on OTP Bank**

The need for the use of artificial intelligence (AI) in OTP Bank is high and justified in an environment sensitive to competition and technological changes in the banking industry. As one of the largest financial institutions in the market, OTP Bank has faced great challenges and needed to identify new ways to improve efficiency and provide better services to its customers.

In a changed and technology-sensitive environment, the use of artificial intelligence can bring significant advantages to OTP Bank. One of the main requirements for a bank is to maintain transparency and security in its operations. The use of AI can help detect and prevent illegal activity and reduce the risk of illegal interference.

Another need for using AI at OTP Bank is to improve the customer experience. Using machine learning algorithms, the bank can personalize offers and provide personalized services to each customer efficiently and quickly. This can increase the level of customer engagement and ensure their loyalty in a clear market.

The use of artificial intelligence in OTP Bank can also contribute to improving operational efficiency. AI can automate routine tasks, such as document verification and transaction processing, reducing the cost and time required to perform these tasks. This will allow the bank to focus on more strategic activities and invest in the development of other innovations. In an industry where innovation and technological advancement are critical to success, the use of AI is an important step to ensure that OTP Bank remains at the top of the game. Using machine learning algorithms and big data analysis, the bank can discover patterns and trends in customer behavior and its financial performance, making informed and strategic decisions for the future.

Another aspect of the need to use AI in OTP Bank is to improve risk analysis. As the complexity of banking operations increases and the risk of security breaches increases, it is important that the bank has a strong capacity to identify and manage risk. The use of machine learning and data analysis technologies can help detect potential signs of risk and take preventative measures to prevent potential losses.

In general, the need to use AI in OTP Bank is fair and reasonable. With its potential to bring improvements in efficiency, security and customer experience, the use of artificial intelligence can provide significant competitive advantages for OTP Bank in a difficult and technology-sensitive market.

### **Methodology**

The methodology of this paper is to analyze the use of artificial intelligence in the accounting records of Banking Sector focusing on OTP bank and provide recommendations to advance the use of this technology in the financial sector. By

assessing the benefits and challenges of using AI, it aims to identify best practices and strategies for successful implementation of this technology. This includes identifying ways to increase the efficiency, accuracy, and security of accounting processes, as well as improve the customer experience and improve marketing and customer service strategies. This analysis aims to help OTP Bank meet its business goals in a diverse and technologically advanced environment.

To achieve the objectives of this paper, a questionnaire was distributed to the staff of the OTP bank, where the use of artificial intelligence in the accounting records of OTP Bank will be analyzed through descriptive analysis and the benefits and challenges of this implementation will be identified. The methodology of this paper is to analyse the use of artificial intelligence in the accounting records of Banking Sector focusing on OTP bank and provide recommendations to advance the use of this technology in the financial sector. To achieve the objectives of this paper, a questionnaire was distributed to the staff of the OTP bank, where the use of artificial intelligence in the accounting records of OTP Bank will be analysed through descriptive analysis and the benefits and challenges of this implementation will be identified.

## **Discussion and analysis**

### **Description of specific AI techniques that can be applied in the field of accounting records in the banking sector**

The use of artificial intelligence (AI) in the field of accounting records has a lot of potential to bring about significant advances in the efficiency and accuracy of financial processes. There are some specific AI techniques that can be applied in this area to improve performance and meet the goals of organizations. These techniques include:

#### **Machine Learning**

Advanced machine learning, also known as Machine Learning (ML), is an important branch of artificial intelligence that deals with the ability of computers to learn from their experience and perform certain tasks without being explicitly programmed to them. This process requires sophisticated algorithms that can analyze and draw conclusions from data. Basically, advanced machine learning uses a significant amount of data to define patterns and make predictions or decisions about new data. This involves using various supervised, unsupervised and reinforcement learning algorithms to build diverse models. An important aspect of advanced machine learning is the ability to learn and adapt in real time. This means that the system can update and adapt based on the new data it receives, making it suitable for different environments and for unforeseen situations. (Ricci et al., 2011)

#### **Big Data Analysis**

Big Data Analysis is a field of data study that deals with analyzing, interpreting, and drawing conclusions from large and complex data that are difficult to analyze with

traditional data analysis methods. Another application of big data analysis is in detecting anomalies and identifying potential risks. By analyzing big data, a specialized system can identify anomalies and unusual points in the data, which may indicate potential problems, such as security breaches, fraud, or other problems (Baran et al., 2018). By using specialized big data analysis techniques and tools, organizations can discover patterns and trends, identify risks and opportunities, and improve the efficiency and effectiveness of their operations.

### **Natural Language Processing - NLP**

Natural Language Processing - NLP) is a field of artificial intelligence that deals with analyzing, understanding, and producing data in the form of human language or human-computer communication in a natural way. This process involves the use of algorithms and specialized techniques to speed up and improve the interpretation of texts and other data presented in the form of human language. NLP can be used to understand and classify texts to create advanced search engines that can provide more concise and user-friendly results (Matz et al., 2017).

### **Neural Networks**

Neural Networks are one of the most important and used technologies in the field of artificial intelligence. These are computer models consisting of a network of many artificial recognizers, which work in parallel to solve certain tasks. Their structure is very similar to the human brain, where many recognizers (neurons) are connected to each other through weighted connections.

### **Potential benefits of using AI in accounting, including efficiency, accuracy, and cost reduction.**

Efficiency is a key advantage of using AI in bookkeeping. AI systems can automate the routine tasks of recording transactions, allowing for a faster and less tedious process of recording, and analyzing financial data. This reduces the time needed to complete tasks and allows staff to focus on more complex and strategic tasks (Baran et al., 2018). Accuracy is another advantage of using AI in accounting records. AI algorithms can identify and correct potential errors in financial records with a high level of accuracy. Using advanced machine learning, AI can learn from historical data and use this knowledge to predict and correct errors efficiently and accurately. Cost reduction is a significant advantage of using AI in bookkeeping. By automating transaction recording tasks and using artificial intelligence algorithms to detect patterns and trends in financial records, organizations can reduce the need for large staff and reduce administration costs. This reduction in costs can contribute to increased efficiency and improved profitability for the organization. At the same time, it is important to note that the use of AI in accounting records comes with potential challenges and risks. Some of these challenges include data security, the risk of algorithmic errors, and the need for careful oversight to ensure the accuracy and integrity of financial data (Ricci et al., 2011).

## **Identifying and discussing potential challenges, such as data security, ethical use, and resistance to change.**

The identification and discussion of potential challenges in the use of artificial intelligence (AI) in accounting records covers a wide range of issues that organizations must address to ensure a successful and sustainable use of this new technology in the field of financial management. Data security is a critical challenge in using AI in accounting. Due to major changes in the way data is processed and stored, organizations need to be sure that their data is protected and safe from information security threats. This includes measures to protect data from hackers, using information security technologies and implementing clear security policies and data protection procedures. The use of ethics is another challenge that organizations must face in using AI in accounting records. By using advanced machine learning algorithms and deep neural networks, organizations can face ethical questions about data privacy, fairness, and algorithmic transparency. It is important that organizations draw up clear ethical policies and rules for the use of AI and take care to ensure that the use of this technology is consistent with their ethical values and standards. Resistance to change is another challenge that organizations may face when trying to use AI in accounting records. Due to the new and different nature of this technology, some users may have difficulty accepting changes in the way they work and make decisions.

## **Description of the methods used to analyze the use of AI in the accounting records of OTP Bank.**

The description of the methods used to analyze the use of artificial intelligence in the accounting records of OTP Bank is an essential process to understand how AI has been implemented and what advantages it has brought to the processes of accounting records in the bank. An important method that has been used to analyze the use of AI in OTP Bank's accounting records is big data analysis. This involves collecting and processing large amounts of data from the bank's systems and using big data analysis techniques to identify patterns and trends in the data. Through this analysis, it is possible to identify the ways in which AI has been used in accounting processes and to assess the effectiveness of this use. Another important method is the case study. This method involves the analysis of specific AI use cases in OTP Bank's accounting records. Through this study, it is possible to identify concrete cases where AI has been used and to assess its impact on the efficiency and accuracy of accounting records processes.

Through case analysis, challenges, and opportunities for further use of AI in this field can also be identified. Another method used is interviewing the staff and managers of OTP Bank. Through interviews and conversations with bank personnel, it is possible to gather important information about the use of AI in accounting records. Staff can provide their perspective on the benefits and challenges of using AI and identify

specific instances where AI has had a positive impact on their processes. Also, another method that can be used is the analysis of documents and reports produced by the bank. Through analysis of bank documents and reports, it is possible to identify important information about the use of AI in accounting records. This includes documentation of AI usage projects, performance reports and analysis of performance indicators. Through these methods used to analyze the use of AI in OTP Bank's accounting records, it is possible to better understand how AI has been used in the bank and what benefits it has brought to the accounting processes. This information is important to evaluate the effectiveness of the use of AI and to identify opportunities for the further use of this technology in the bank.

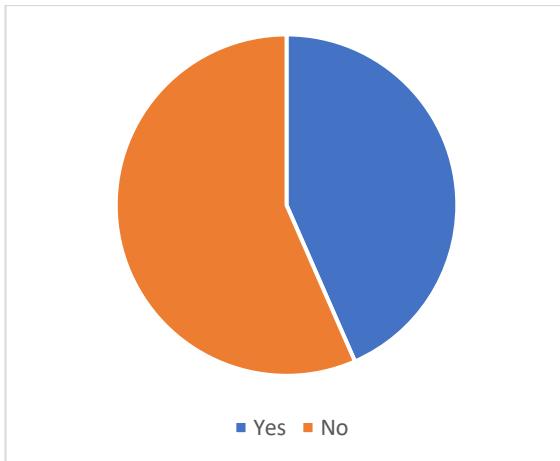
### **Questionnaire analysis of the survey**

Questionnaire, as a method of gathering research data, has a basic "instrument", which is the survey. A survey represents a questionnaire, a written document in which several questions are listed. Survey questions are addressed to a given number of individuals. The responding individuals are selected according to a rigorously defined procedure. The responses provided by the individuals surveyed constitute the survey information. Survey questions are usually coded. By means of coding, the research information obtained through the survey is transformed into numbers. Numerical information is entered into the computer by opinions given by surveyed individuals, converting information into numbers. For this reason, the survey is considered a quantitative research method. Our questionnaire was delivered to 200 employees of several OTP Bank branches but only 160 answered it. The results were classified as follows:

#### **Question 1**

Are you familiar with the concepts of artificial intelligence (AI) and their use in accounting in the Banking Sector?

In this question 70 employees who answered "Yes" indicates that a good part of the staff at OTP bank is familiar with artificial intelligence (AI) concepts and their use in accounting. This may suggest that their knowledge and awareness of the potential of AI to improve accounting processes is relatively high. This may also indicate that they are more likely to be open to using AI technology to solve challenges and improve efficiency in their day-to-day accounting tasks. However, 90 employees who answered "No" indicates that there is also a significant number of employees who are not familiar with AI and its potential in the field of accounting. This may have been caused by a lack of training or information on the subject and suggests a possible step to increase awareness and knowledge about the use of AI technology in OTP banking.

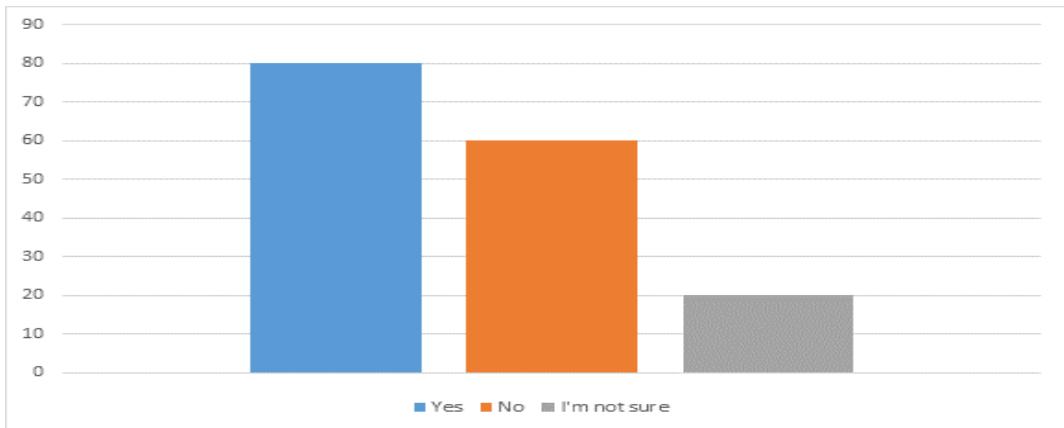


**Figure.1 Knowledge of AI concepts.**

**Source:** Authors from data analysis

## Question 2

Do you think that the use of AI technology can help improve the processes of accounting records in the Banking Sector?



**Figure.2 Improvement of accounting processes with AI.**

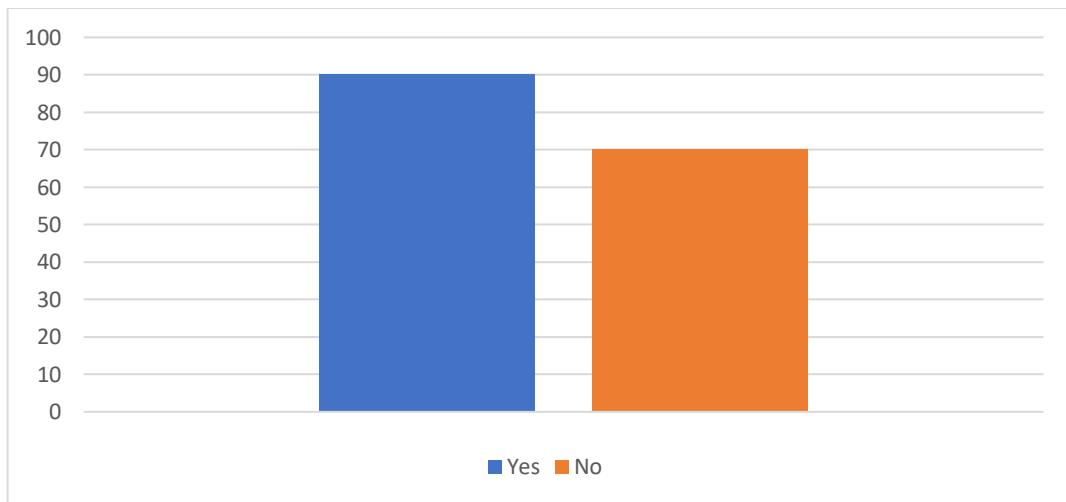
**Source:** Authors from data analysis

A significant majority of the staff at OTP bank believe that the use of AI technology can help improve the processes of accounting records as 80 employees who answered "Yes" indicates that. This can be interpreted as a sign of their confidence in the capabilities and potential benefits of AI in improving the efficiency and accuracy of accounting records. A few 60 employees who answered "No" indicates that there is a certain experience that could possibly be negative for the use of AI in accounting

records, or their lack of knowledge about AI technology may have affected their confidence in limited to its benefits. On the other hand, 20 employees who answered "I am not sure" indicate that there is a certain group of personnel who are not completely sure about the effectiveness and possible benefits of using AI in accounting records. This may be caused by their lack of knowledge about AI technology or lack of confidence in their abilities to adapt and benefit from technological changes in the accounting field.

### Question 3

Do you have personal experience with applications of AI technology in your daily tasks?



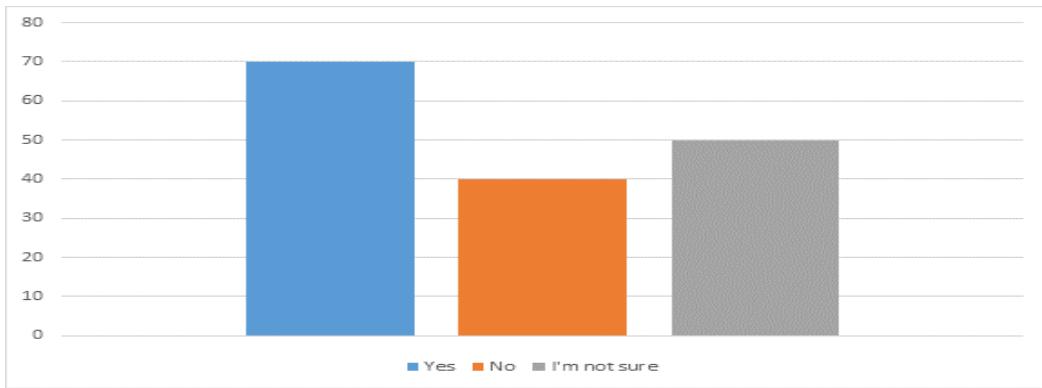
**Figure.3 Personal experience in the application of AI.**

**Source: Authors from data analysis**

With 90 employees answering "Yes", it seems that a large proportion of employees at OTP bank have personal experience with applications of AI technology in their daily tasks. This indicates that there is a significant level of employee experience with AI, which may include using algorithms for computer-generated solutions, processing big data, or using automation of everyday tasks. On the other hand, with 70 employees answering "No", there is still a certain group of employees who do not have personal experience with AI applications in their daily tasks. This may affect their level of knowledge and confidence in AI capabilities to improve efficiency and work processes in the OTP bank.

### Question 4

Do you think that the use of AI technology can reduce the number of errors in accounting records in the Banking Sector?



**Figure. 4. AI reducing the number of errors in accounting records.**

**Source: Authors from data analysis**

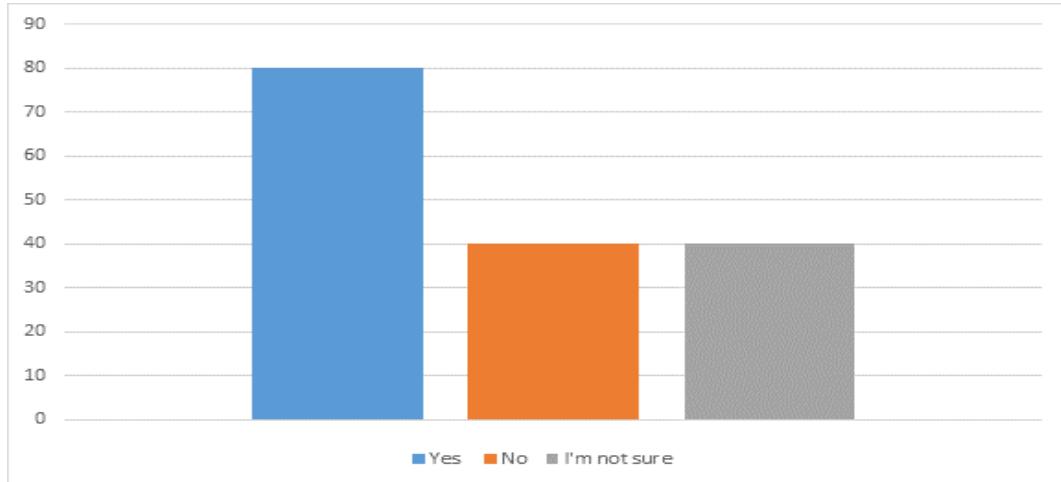
It seems that a significant majority of employees at OTP bank believe that the use of AI technology can reduce the number of errors in accounting records with 70 employees answering "Yes". This shows that they have a strong belief in the ability of AI technology to detect and correct errors in accounting records beyond human capabilities. With 40 employees answering "No", it seems that there is a certain group of employees who do not believe that the use of AI will bring about a noticeable reduction in errors in accounting records. This may be based on their previous experience with AI technology or a lack of information about its potential benefits. With 50 employees answering, "I'm not sure," it shows that there is a certain group of employees who are divided about the potential of AI technology to reduce the number of errors in accounting records. This may be caused by their lack of knowledge about AI technology or lack of confidence in its ability to detect and correct errors efficiently.

**Question 5**

Do you believe AI technology can help detect suspicious activity or security breaches in accounting records in Banking Sector?

With 80 employees answering "Yes", it seems that a significant majority of employees at OTP bank believe that AI technology can help detect suspicious activities or security breaches in accounting records. This shows that they have a strong belief in AI's ability to identify anomalies and suspicious signs that may appear in accounting records. With 40 employees answering "No", it appears that there is a certain group of employees who do not believe that AI is effective in detecting suspicious activities in accounting records. This may be based on their previous experience with AI technology or lack of knowledge about AI capabilities in this area. 40 employees responded, "I'm not sure," it shows that there is a certain group of employees who are divided about the potential of AI to help detect suspicious activity in accounting

records. This may be caused by a lack of knowledge about AI capabilities in this area or a lack of personal experience with AI applications for security breach detection.

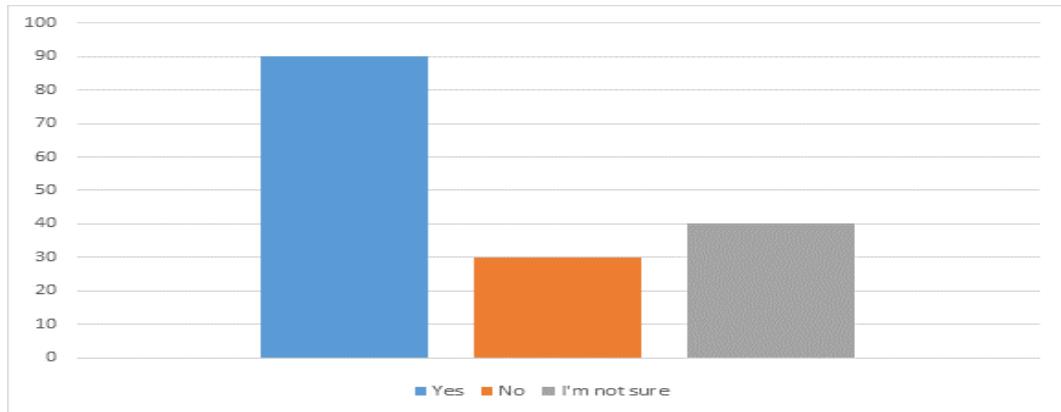


**Figure.5 Impact on security breach.**

**Source:** Authors from data analysis

#### Question 6

Are you ready to use AI applications to improve the efficiency of accounting records processes in the Banking Sector?



**Figure.6 Use of the AI application in the future**

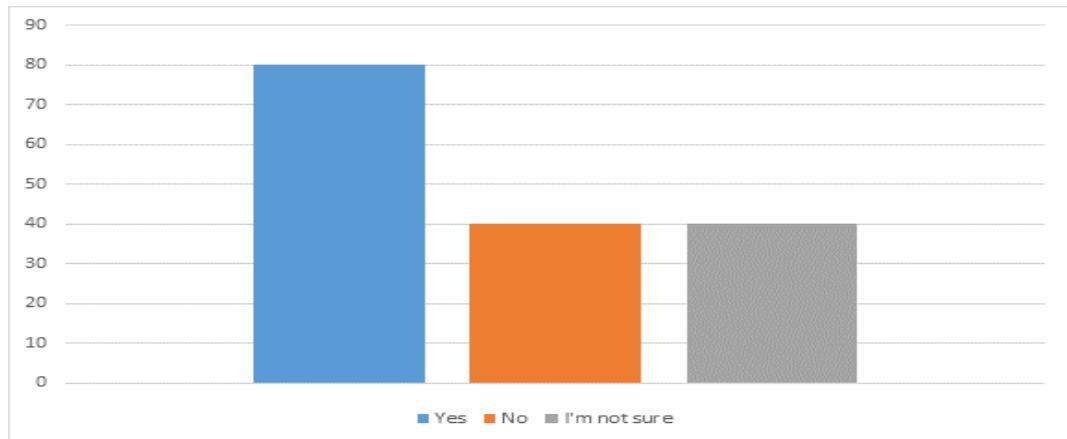
**Source:** Authors from data analysis

It appears that a large majority of employees at OTP bank are willing to use AI applications to improve the efficiency of accounting records processes with 90 employees answering "Yes". This shows that they are open and interested in using AI

technology to optimize and improve their performance in accounting work. With 30 employees answering "No", it seems that there is a certain group of employees who are not willing to use AI applications to improve their efficiency in accounting records work. This may be based on a lack of trust in AI technology or their lack of acceptance of technological changes in their daily work methods. With 40 employees answering, "Depending on the quality of the application", it shows that there is a certain group of employees who are open to using AI applications but are cautious about their quality and effectiveness. This suggests that they are interested in using AI technology but want to ensure that the applications they use will be efficient and suitable for their accounting tasks.

### Question 7

Do you think that the use of AI technology can reduce the cost of accounting records processes in the Banking Sector?



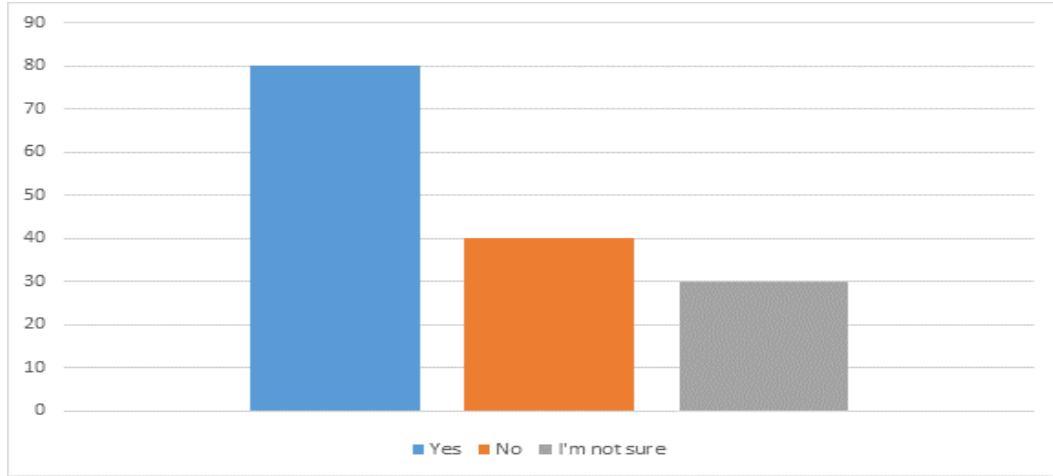
**Figure.7 Reduction of process costs**

**Source: Authors from data analysis**

A large majority of employees at OTP bank believe that the use of AI technology can reduce the cost of accounting records processes as 90 employees answered "Yes". This shows that they have a strong belief in AI's ability to reduce costs and improve the efficiency of accounting processes. With 40 employees answering "No", it seems that there is a certain group of employees who do not believe that the use of AI will reduce the cost of accounting processes. This may have been based on their previous experience with AI technology or their lack of belief in its abilities to bring economic benefits to OTP banking. With 40 employees responding, "I'm not sure," it shows that there is a certain group of employees who are divided about AI's potential to reduce the cost of accounting processes. This may have been caused by their lack of knowledge about the capabilities of AI to reduce costs or lack of personal experience with AI applications in the accounting field.

## Question 8

Do you think it is important to train employees to use AI technology in the accounting field in the Banking Sector?



**Figure.8 The importance of training for the use of AI**

**Source: Authors from data analysis**

In this question 90 employees answered "Yes", it seems that a large majority of employees at OTP bank believe that it is important for employees to be trained to use AI technology in the accounting field. This shows that they understand the importance of the benefits that the use of AI can bring and believe in improving their efficiency and performance through training in this area. With 40 employees answering "No", it appears that there is a certain group of employees who do not believe it is important to be trained to use AI technology in accounting. This may be based on their lack of confidence in AI's abilities to bring benefits to their work, or their lack of knowledge about AI technology and its potential benefits. With 30 employees answering, "I'm not sure", it shows that there is a certain group of employees who are divided about the importance of training on the use of AI technology in accounting. This may be caused by their lack of knowledge about the capabilities of AI to bring benefits to the accounting field or lack of certainty about the changes that AI technology may bring to their way of working.

## Conclusions and Recommendations

In conclusion, the main results of the use of artificial intelligence in accounting records in the Banking sector. OTP Bank demonstrate a substantial advance in the efficiency, accuracy, and effectiveness of the processes of this critical area of banking. By using AI technology smartly and strategically, the bank has managed to benefit from many aspects of its operations. First, the implementation of AI has led to a significant increase in efficiency in accounting processes. By automating routine and

repetitive tasks, the bank has reduced the time and resources needed for these activities, allowing staff to focus more on more complex and important tasks for the business. Also, significant progress has been observed in the accuracy of accounting records. The use of machine learning algorithms has reduced human errors and mistakes, bringing a higher level of accuracy to the bank's financial reporting, and managing its financial performance. Another sustainable benefit is the reduction of operating costs. By using AI to automate repetitive tasks, the bank has reduced the need for additional staff and other operational resources, reducing the total cost of operations and leaving more resources for other necessary investments. The increased ability to better analyze and understand financial data is another key advancement that has come with the use of AI. By identifying patterns and trends in financial data in a more efficient and faster way, the bank has made more informed and advanced decisions regarding business strategies and future investments. In the end, data security and protection are a significant advancement that has come with the use of AI. By detecting and preventing security risks in accounting records, the bank has increased the level of security and protection of its data, giving additional security to customers and investors. In summary, the use of artificial intelligence in OTP Bank's accounting records has brought significant advances in efficiency, accuracy, customer experience and data security. These benefits prove that investing in advanced technology is worthwhile and brings significant advantages to the banking sector.

After evaluating the use of artificial intelligence in the accounting records of OTP Bank and after identifying the benefits and challenges of this implementation, some important recommendations for the bank and the banking sector in general follow:

- Continued investment in the development and improvement of artificial intelligence technology: Given the clear benefits that the use of AI has brought, it is important that the bank continues to invest in the development and improvement of this technology.
- Increasing staff capacity and skills: Successful use of AI requires a trained and skilled staff to understand and manage the technology.
- Focus on data security: Reflecting an increased concern for data security, it is important that the bank continues to invest in security infrastructure and protecting customer data.
- Using AI to support marketing and customer service strategies: Artificial intelligence can be used to personalize offers and provide better customer experience.
- Cooperation with experts in the field: The bank can benefit from cooperation with experts in the field of artificial intelligence and data analysis to develop and implement more successful projects.

An important point that stands out in the questionnaire results is a widespread belief in the potential of AI technology to improve the efficiency and accuracy of accounting

processes. Most employees believe that AI can reduce the number of errors, help detect suspicious activities, and reduce process costs. This indicates widespread optimism about the potential benefits of AI in accounting. At the same time, there is a certain group of employees who express doubts or lack of confidence in the capabilities of AI. Some of them do not believe that the use of AI technology can bring tangible benefits in accounting, while others are divided about the importance of training on the use of AI in their daily work. This suggests the need for more information and awareness in the organization to ensure that all employees have a clear understanding and necessary knowledge of the potential and use of AI technology in accounting. To advance the use of AI in accounting in OTP bank, it is important to take certain steps. This may include organizing training and workshops for employees to better understand AI capabilities and learn how to use them in their daily tasks. Also, investments in the development and implementation of AI applications appropriate to the context and needs of the OTP bank may be necessary. In conclusion, by analyzing and discussing the results of the questionnaire, OTP bank can take sustainable steps towards the more extensive and effective use of AI technology in the field of accounting, thus improving its performance and efficiency in terms of strategic goals. This paper also exhibits the avenues for future researchers in the subject of AI in the Accounting and especially in the banking sector.

## References

- [1] Shin, Minkyu; Kim, Jin; van Opheusden, Bas; Griffiths, Thomas L. (2023). "Superhuman artificial intelligence can improve human decision-making by increasing novelty". Proceedings of the National Academy of Sciences. 120 (12). doi:10.1073/pnas.2214840120. PMC 10041097. PMID 36913582.
- [2] Brynjolfsson, Erik; Mitchell, Tom (22 December 2017). "What can machine learning do? Workforce implications". Science. 358 (6370): 1530–1534. Bibcode:2017Sci...358.1530B. doi:10.1126/science.aap8062. PMID 29269459. S2CID 4036151. Retrieved 7 May 2018.
- [3] Francesco Ricci and Lior Rokach and Bracha Shapira, Introduction to Recommender Systems HandbookArchived 2016-06-02 at the Wayback Machine, Recommender Systems Handbook, Springer, 2011, pp. 1-35
- [4] Grossman, Lev (27 May 2010). "How Computers Know What We Want — Before We Do". Time. Archived from the original on 30 May 2010. Retrieved 1 June 2015.
- [5] Pankaj Gupta, Ashish Goel, Jimmy Lin, Aneesh Sharma, Dong Wang, and Reza Bosagh Zadeh WTF:The who-to-follow system at Twitter, Proceedings of the 22nd international conference on World Wide Web

- [6] Baran, Remigiusz; Dziech, Andrzej; Zeja, Andrzej (1 June 2018). "A capable multimedia content discovery platform based on visual content analysis and intelligent data enrichment". *Multimedia Tools and Applications*. 77 (11): 14077–14091. doi:10.1007/s11042-017-5014-1. ISSN 1573-7721. S2CID 36511631.
- [7] "What are the security risks of open sourcing the Twitter algorithm?". VentureBeat. 27 May 2022. Retrieved 29 May 2022.
- [8] "Examining algorithmic amplification of political content on Twitter". Retrieved 29 May 2022.
- [9] Park, SoHyun; Oh, Heung-Kwon; Park, Gibeom; Suh, Bongwon; Bae, Woo Kyung; Kim, Jin Won; Yoon, Hyuk; Kim, Duck-Woo; Kang, Sung-Bum (February 2016). "The Source and Credibility of Colorectal Cancer Information on Twitter". *Medicine*. 95 (7): e2775. doi:10.1097/MD.0000000000002775. PMC 4998625. PMID 26886625.
- [10] Efthimion, Phillip; Payne, Scott; Proferes, Nicholas (20 July 2018). "Supervised Machine Learning Bot Detection Techniques to Identify Social Twitter Bots". *SMU Data Science Review*. 1 (2).
- [11] "The online information environment" (PDF). Retrieved 21 February 2022.
- [12] Islam, Md Rafiqul; Liu, Shaowu; Wang, Xianzhi; Xu, Guandong (29 September 2020). "Deep learning for misinformation detection on online social networks: a survey and new perspectives". *Social Network Analysis and Mining*. 10 (1): 82. doi:10.1007/s13278-020-00696-x. ISSN 1869-5469. PMC 7524036. PMID 33014173.
- [13] Mohseni, Sina; Ragan, Eric (4 December 2018). "Combating Fake News with Interpretable News Feed Algorithms". arXiv:1811.12349 [cs.SI].
- [14] Matz, S. C.; Kosinski, M.; Nave, G.; Stillwell, D. J. (28 November 2017). "Psychological targeting as an effective approach to digital mass persuasion". *Proceedings of the National Academy of Sciences of the United States of America*. 114 (48): 12714–12719. Bibcode:2017PNAS..11412714M. doi:10.1073/pnas.1710966114. JSTOR 26485255. PMC 5715760. PMID 29133409.
- [15] "Introducing the AI Sandbox for advertisers and expanding our Meta Advantage suite". www.facebook.com. 2023-05-11. Retrieved 2023-09-08.
- [16] Busby, Martha (30 April 2018). "Revealed: how bookies use AI to keep gamblers hooked". *The Guardian*.
- [17] Celli, Fabio; Massani, Pietro Zani; Lepri, Bruno (2017). "Profilio". *Proceedings of the 25th ACM international conference on Multimedia*. pp. 546–

550. doi:10.1145/3123266.3129311. ISBN 978-1-4503-4906-2. S2CID 767688.

- [18] "How artificial intelligence may be making you buy things". BBC News. 9 November 2020. Retrieved 9 November 2020.
- [19] Rowinski, Dan (15 January 2013). "Virtual Personal Assistants & The Future Of Your Smartphone [Infographic]". ReadWrite. Archived from the original on 22 December 2015.
- [20] "Supercharging Search with generative AI". Google. 2023-05-10. Retrieved 2023-08-30.
- [21] Galego Hernandes, Paulo R.; Floret, Camila P.; Cardozo De Almeida, Katia F.; Da Silva, Vinícius Camargo; Papa, João Paulo; Pontara Da Costa, Kelton A. (December 2021). "Phishing Detection Using URL-based XAI Techniques". 2021 IEEE Symposium Series on Computational Intelligence (SSCI). pp. 01–06. doi:10.1109/SSCI50451.2021.9659981. ISBN 978-1-7281-9048-8. S2CID 246291125.
- [22] Jáñez-Martino, Francisco; Alaiz-Rodríguez, Rocío; González-Castro, Víctor; Fidalgo, Eduardo; Alegre, Enrique (2023-02-01). "A review of spam email detection: analysis of spammer strategies and the dataset shift problem". Artificial Intelligence Review. 56 (2): 1145–1173. doi:10.1007/s10462-022-10195-4. hdl:10612/14967. ISSN 1573-7462. S2CID 248738572.
- [23] Clark, Jack (8 December 2015b). "Why 2015 Was a Breakthrough Year in Artificial Intelligence". Bloomberg L.P. Archived from the original on 23 November 2016. Retrieved 23 November 2016.
- [24] Briefer, Elodie F.; Sypherd, Ciara C.-R.; Linhart, Pavel; Leliveld, Lisette M. C.; Padilla de la Torre, Monica; Read, Eva R.; Guérin, Carole; Deiss, Véronique; Monestier, Chloé; Rasmussen, Jeppe H.; Špinka, Marek; Düpjan, Sandra; Boissy, Alain; Janczak, Andrew M.; Hillmann, Edna; Tallet, Céline (7 March 2022). "Classification of pig calls produced from birth to slaughter according to their emotional valence and context of production". Scientific Reports. 12 (1): 3409. Bibcode:2022NatSR..12.3409B. doi:10.1038/s41598-022-07174-8. ISSN 2045-2322. PMC 8901661. PMID 35256620.
- [25] Heath, Nick (11 December 2020). "What is AI? Everything you need to know about Artificial Intelligence". ZDNet. Retrieved 1 March 2021.
- [26] Clark 2015b.
- [27] Markoff, John (16 February 2011). "Computer Wins on 'Jeopardy!': Trivial, It's Not". The New York Times. Archived from the original on 22 October 2014. Retrieved 25 October 2014.

- [28] "AlphaGo – Google DeepMind". Archived from the original on 10 March 2016.
- [29] "Artificial intelligence: Google's AlphaGo beats Go master Lee Se-dol". BBC News. 12 March 2016. Archived from the original on 26 August 2016. Retrieved 1 October 2016.
- [30] Metz, Cade (27 May 2017). "After Win in China, AlphaGo's Designers Explore New AI". Wired. Archived from the original on 2 June 2017.
- [31] "World's Go Player Ratings". May 2017. Archived from the original on 1 April 2017.
- [32] "MuZero: Mastering Go, chess, shogi and Atari without rules". Deepmind. 23 December 2020. Retrieved 1 March 2021.
- [33] Steven Borowiec; Tracey Lien (12 March 2016). "AlphaGo beats human Go champ in milestone for artificial intelligence". Los Angeles Times. Retrieved 13 March 2016.
- [34] Solly, Meilan. "This Poker-Playing A.I. Knows When to Hold 'Em and When to Fold 'Em". Smithsonian. Pluribus has bested poker pros in a series of six-player no-limit Texas Hold'em games, reaching a milestone in artificial intelligence research. It is the first bot to beat humans in a complex multiplayer competition.
- [35] Bowling, Michael; Burch, Neil; Johanson, Michael; Tammelin, Oskari (9 January 2015). "Heads-up limit hold'em poker is solved". Science. 347 (6218): 145–149. Bibcode:2015Sci...347..145B. doi:10.1126/science.1259433. ISSN 0036-8075. PMID 25574016. S2CID 3796371.
- [36] Ontanon, Santiago; Synnaeve, Gabriel; Uriarte, Alberto; Richoux, Florian; Churchill, David; Preuss, Mike (December 2013). "A Survey of Real-Time Strategy Game AI Research and Competition in StarCraft". IEEE Transactions on Computational Intelligence and AI in Games. 5 (4):293311. CiteSeerX 10.1.1.406.2524. doi:10.1109/TCIAIG.2013.2286295. S2CID 5014732.
- [37] "Facebook Quietly Enters StarCraft War for AI Bots, and Loses". WIRED. 2017. Retrieved 7 May 2018.
- [38] Silver, David; Hubert, Thomas; Schrittwieser, Julian; Antonoglou, Ioannis; Lai, Matthew; Guez, Arthur; Lanctot, Marc; Sifre, Laurent; Kumaran, Dharshan; Graepel, Thore; Lillicrap, Timothy; Simonyan, Karen; Hassabis, Demis (7 December 2018). "A general reinforcement learning algorithm that masters chess, shogi, and go through self-play". Science. 362(6419): 1140–1144. Bibcode:2018Sci...362.1140S. doi:10.1126/science.aar6404. PMID 30523106.

- [39] Sample, Ian (18 October 2017). "'It's able to create knowledge itself': Google unveils AI that learns on its own". *The Guardian*. Retrieved 7 May 2018.
- [40] "The AI revolution in science". *Science | AAAS*. 5 July 2017. Retrieved 7 May 2018.
- [41] "The superhero of artificial intelligence: can this genius keep it in check?". *The Guardian*. 16 February 2016. Archived from the original on 23 April 2018. Retrieved 26 April 2018.
- [42] Mnih, Volodymyr; Kavukcuoglu, Koray; Silver, David; Rusu, Andrei A.; Veness, Joel; Bellemare, Marc G.; Graves, Alex; Riedmiller, Martin; Fidjeland, Andreas K.; Ostrovski, Georg; Petersen, Stig; Beattie, Charles; Sadik, Amir; Antonoglou, Ioannis; King, Helen; Kumaran, Dharshan; Wierstra, Daan; Legg, Shane; Hassabis, Demis (26 February 2015). "Human-level control through deep reinforcement learning". *Nature*. 518 (7540): 529–533. Bibcode:2015Natur.518..529M. doi:10.1038/nature14236. PMID 25719670. S2CID 205242740.
- [43] Sample, Ian (14 March 2017). "Google's DeepMind makes AI program that can learn like a human". *The Guardian*. Archived from the original on 26 April 2018. Retrieved 26 April 2018.
- [44] Schrittwieser, Julian; Antonoglou, Ioannis; Hubert, Thomas; Simonyan, Karen; Sifre, Laurent; Schmitt, Simon; Guez, Arthur; Lockhart, Edward; Hassabis, Demis; Graepel, Thore; Lillicrap, Timothy (23 December 2020). "Mastering Atari, Go, chess and shogi by planning with a learned model". *Nature*. 588 (7839): 604–609. arXiv:1911.08265. Bibcode:2020Natur.588..604S. doi:10.1038/s41586-020-03051-4. ISSN 1476-4687. PMID 33361790. S2CID 208158225.
- [45] K, Bharath (2 April 2021). "AI In Chess: The Evolution of Artificial Intelligence In Chess Engines". *Medium*. Archived from the original on 6 January 2022. Retrieved 6 January 2022.
- [46] Preparing for the future of artificial intelligence. National Science and Technology Council. OCLC 965620122.
- [47] Gambhire, Akshaya; Shaikh Mohammad, Bilal N. (8 April 2020). Use of Artificial Intelligence in Agriculture. Proceedings of the 3rd International Conference on Advances in Science & Technology (ICAST) 2020. SSRN 3571733.
- [48] "The Future of AI in Agriculture". Intel. Retrieved 5 March 2019.
- [49] Sennaar, Kumba. "AI in Agriculture – Present Applications and Impact | Emerj - Artificial Intelligence Research and Insight". Emerj. Retrieved 5 March 2019.

- [50] Vera Göröntsér (1 June 2017). "Az egykori Ugriai-Nasici Fabank épületdíszei". Köztértép.
- [51] "Financial Statements" (PDF). OTP Bank. Retrieved 8 November 2019.
- [52] "OTP Bank — Magánszemélyek". www otpbank hu. Archived from the original on 10 August 2014. Retrieved 26 April 2018.
- [53] "OTP Bank — Magánszemélyek". www otpbank hu. Archived from the original on 3 December 2013. Retrieved 26 April 2018.
- [54] "BSE — Company Profile". Archived from the original on 2013-01-30. Retrieved 2013-06-01.
- [55] Imre Lengyel (April 1994), "The Hungarian Banking System in Transition", GeoJournal, 32 (4): 381–391, doi:10.1007/BF00807358, JSTOR 41146180, S2CID 150554109
- [56] "Company profile". Bet site. Retrieved 2020-07-24.
- [57] "OTP Bank - History". www otpbank hu. Retrieved 2020-07-24.

## The Italian Criminalization of NGO Vessels in the Central Mediterranean Sea: Violation of the International Legal Framework

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### Abstract

The Central Mediterranean Sea is infamously connoted with the irregular migration phenomenon travelling in irregular means in overcrowded unseaworthy vessels often resulting in fatalities of deaths at sea. The irregular migration routes are largely organized by smuggling and trafficking networks. Taking advantage of international obligations and human rights law, these criminalized networks have become innovative and strategic. The smugglers' innovative strategy is to first cross the irregular migrants' boats from the territorial sea of Libya and then leave them stranded at sea, waiting to be rescued by Member States patrol boats or private vessels. Once stranded at sea for days or weeks, the irregular migrants have suffered from starvation, dehydration, suffocation and even violence from human smugglers. In accordance with the international legal framework on Search and Rescue (SAR), captains of vessels have the obligation to rescue them. To discourage the irregular migrant crossing, the Italian strategy is to prevent and thus stop captains of private vessels or SAR NGOs from responding to rescue calls at sea through criminalizing SAR operations without prior authorization of the disembarking coastal state. This research argues that Italy has adopted a new irregular migrant containment strategy in the form of SAR activity discouragement. Their objective is to disengage these smuggling and trafficking networks. This paper argues that the criminalization measures against captains of vessels is argued to violate the international legal framework on search and rescue, international obligations and international human rights law. This research analysis how border enforcement measures and closed border policies under the pretense of the pandemic have negatively impacted upon the rights of refugees and asylum seekers travelling in an irregular manner by sea.

**Keywords:** criminalization, irregular migrants, Italy, SAR activity discouragement, search and rescue.

### Introduction

To stop captains of private vessels or SAR NGOs from responding to rescue calls at sea, Italy adopted a containment strategy of rescue discouragement targeting the captains of NGO vessels through the criminalization of SAR operations without prior authorization of the disembarking coastal state. Since 2018, the former interior minister of Italy, Matteo Salvini, targeted the rescued irregular migrants by considering them a 'threat to national security' and thereby declaring the Italian ports 'closed' to rescued migrants' ships.<sup>1</sup> The containment strategy consisted of criminalization measures against SAR NGOs in the form of seizure and confiscation of NGO boats, prosecutions for the facilitation of irregular migration and human smuggling, penalization for unauthorized entry to national ports, and imposition of administration fines.<sup>2</sup> Those captains of ships that refused to obey orders faced up to 50,000 euros of fine and in case of repeated offences, the ship's seizure. The underlying aim of such drastic measures were to stop rescue operations conducted by NGOs or other vessels at international waters.

As a counter response, to discourage the irregular migrant crossing and prevent massive arrivals of irregular migrants to European territory, SAR operations at sea had to stop in the name of deterrence to namely 'punishing one to discourage others'.<sup>3</sup> Amongst other measures were the disengagement of EU coastal states in SAR operations through the suspension of Frontex Joint Maritime Operations Themis (launched in 2018 replacing Operation Triton initiated in 2014)<sup>4</sup> and the withdrawal of EUNAVFOR-MED operation 'Sophia' (launched in 2015 until march 2020) or EUNAVFOR MED IRINI (launched in 2021 and extended until march 2023), which has as its core task the implementation of the UN arms embargo on Libya through the use of aerial, satellite and maritime assets. Frontex will assist EUNAVFOR MED IRINI with crucial information on agency's risk analysis activities, such as tracking vessels of interests on the high seas, as well as data from its aerial surveillance in the Central Mediterranean. These disengagement practices though added the burden on the shipping industry to rescue irregular migrants travelling in unseaworthy boats upon

<sup>1</sup> Italy's Matteo Salvini shuts ports to migrant rescue ship, 11 June 2018, <https://www.bbc.com/news/world-europe-44432056>, accessed 14 march 2022.

<sup>2</sup> Vosyliütė, L. and Conte, C. (2018). Crackdown on NGOs assisting refugees and other migrants. ReSOMA Discussion Brief. Online: <http://www.resoma.eu/publications/discussion-brief-crackdown-ngos-assisting-refugees-and-other-migrants>; Cuttitta, P. (2018). 'Pushing Migrants Back to Libya, Persecuting Rescue NGOs: The End of the Humanitarian Turn (Part II)'. Border Criminologies. <https://www.law.ox.ac.uk/research-subject-groups/centre-criminology/centreborder-criminologies/blog/2018/04/pushing-0>

<sup>3</sup> Communication to the Office of the Prosecutor of the International Criminal Court Pursuant to Article 15 of the Rome Statute. EU Migration Policies in the Central Mediterranean and Libya (2014-2019), paragraphs 520-523 and paragraphs 555, 561 and 562 <http://www.statewatch.org/news/2019/jun/eu-icc-case-EU-Migration-Policies.pdf>.

<sup>4</sup> News Release, Frontex launching new operation in Central Med, <https://frontex.europa.eu/media-centre/news/news-release/frontex-launching-new-operation-in-central-med-yKqSc7#:~:text=Frontex%20launching%20new%20operation%20in%20Central%20Med%202018-02-01,replace%20operation%20Triton%2C%20which%20was%20launched%20in%202014>, accessed 13 march 2022.

a distress call out in accordance with their international obligations under international maritime law.

The article is addressing the issue on taking respective measures from governments to regulate the immigrants trafficking. The main objective of the article is to argument policies on preventing irregular migration and sanctioning human smuggling activities which continue to over-burden the Italian asylum and not only but EU asylum and immigration capacities. This paper analyses the administrative measures imposing criminal liability to the captains of vessels who transport irregular migrants and the classification status of smuggled migrants as 'offenders'.

Furthermore, this paper supports the argument that the Italian law on the criminalization of rescue is not the solution to containing irregular migration. On the contrary, it contributes to exacerbating migrants' vulnerabilities and further serves to increase trafficking in persons.

### **The Emerging Containment Strategy of Rescue Discouragement**

The publicly known 'Europe's refugee crises'<sup>1</sup> has become a migration and political challenge for Italy and the European Union (EU). Due to its geographic proximity with the third countries under turmoil, the external borders of Italy have been subjected to most pressure, contributing to a breakdown of their asylum and immigration systems. To minimize such damage, Italy undertook a series of measures to prevent and reduce arrivals of irregular<sup>2</sup> migrants to their external borders, such as strengthening their surveillance capacities and increased policing via interception operations at sea and land borders, referred to as 'externalization' measures of border control.<sup>3</sup> To protect its external borders, Italy has undertaken a series of

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<sup>1</sup> Florian Trauner, 'Asylum Policy: the EU's "crises" and the looming policy regime failure' (2016) JEI 38(3) 311-325, 311; the UN Refugee Agency, <https://www.unrefugees.org/emergencies/refugee-crisis-in-europe/>, last accessed 14 march 2022.

<sup>2</sup> IOM defines irregular migration as 'movement that takes place outside the regulatory norms of the sending, transit and receiving countries. However, there is no clear or universally accepted definition of irregular migration'. IOM, Key Migration Terms <<https://www.iom.int/key-migration-terms>> accessed 26 October 2017; Whereas 'illegal migrant/migration' is defined as the illegal crossing of borders in violation of the immigration laws of a destination country. See UN Protocol Against the Smuggling of Migrants by Land, Sea and Air, supplementing the UN Convention against Transnational Organized Crime, 2000, article 3(b); Also see IOM Glossary, 49, <<http://www.corteidh.or.cr/sitios/Observaciones/11/Anexo5.pdf>> accessed 18 May 2018; In the Mediterranean and Aegean seas irregular migration is 'mixed'. It consists of people flows moving for different reasons but which share the same route. The 'boat people' share the same vessel and cross the sea without authorisation with the aim to reach EU territory. Thus, the term 'irregular migrant' includes asylum seekers, refugees, trafficked and smuggled persons, unaccompanied children, stateless persons, economic migrants and displaced persons; see Bernardino-Tahir, N. and Schmoll, C. (2014) Islands and Undesirables: Introduction to the Special Issue on Irregular Migration in Southern European Islands (2014) JIRS 12(2), 87-102, 88-89.

<sup>3</sup> Veshi, D. (2020) The EU Regulatory Competition in Asylum Law, Central European Journal of Public Policy 14.1: 19-30; Koka, E, and Veshi D. (2019) Illicit Return Practices of Irregular Migrants from Greece to Turkey, International Journal of Law and Political Sciences 14.1: 45-51; Koka, E, and Veshi D.. (2019) Irregular migration by sea: Interception and rescue interventions in light of international law and the EU Sea Borders Regulation, European Journal of Migration and Law 21.1 26-52.

legislative and administrative measures linking irregular migration with issues on security and criminalization.<sup>12</sup>

These ‘externalization measures of border control’<sup>3</sup> however have not been successful into achieving their objective due to the smugglers’ innovative strategy taking advantage of the international legal framework on rescue at sea. For many years now, the smugglers’ innovative strategy has been to first cross the irregular migrants’ boats from the territorial sea of Libya and then leave them stranded at sea waiting to be rescued by Member States patrol boats or private vessels.<sup>4</sup> Smugglers teach the irregular migrants to sabotage their own vessels (self-induced distress) upon crossing over onto the high seas. They are to then call for rescue and thus oblige State authorities or private vessels to rescue them.<sup>5</sup>

In continuance with its containment strategy, Italy then raised the pandemic card justification to resort to overly restricted extraterritorial measures against irregular migrants arriving by sea. On 21 February 2020, Italy went into its first lockdown by declaring a national state of emergency. Under the pretense of health risks, from March 2020, Italy chose once again to close its ports to rescue people. On 18 March 2020 and 15 April 2020, the Italian government issued Directives stating that ‘vessels, either with Italian or foreign flag, rescuing migrants in waters that are outside Italy's responsibility and without the coordination of the authority internationally recognized as competent for coordinating rescue activities and subsequently entering Italian territorial waters, harm the good order and security of the Italian State’, ‘prerequisites for the designation of a place of safety in Italian ports are lacking’. The Italian government considered these private vessels to conduct their operations ‘with the aim to circumvent national legislation on border control and

<sup>1</sup> Salamon, Neža K. (2020) Causes and consequences of migrant criminalization, Springer International Publishing; Koka, E. (2018) Irregular Migration by Sea: A Critical Analysis of EU and EU Member State Extraterritorial Practice in the Light of International Law. Diss. University of Kent, Sergio C, Roberto C, (2019) Search and Rescue, disembarkation and relocation arrangements in the Mediterranean, Sailing Away from Responsibility No. 10, [http://aei.pitt.edu/100390/1/LSE2019-10\\_ReSoma\\_Sailing-Away-from-Responsibility.pdf](http://aei.pitt.edu/100390/1/LSE2019-10_ReSoma_Sailing-Away-from-Responsibility.pdf).

<sup>2</sup> IOM UN Migration, <https://www.iom.int/news/mediterranean-migrant-arrivals-reach-77555-deaths-reach-1723#:~:text=According%20to%20the%20latest%20figures%2C%202020%2C777%20irregular%20migrants,la,st%20year.%20Libya%20remains%20the%20main%20departure%20country> last accessed 15 march 2022.

<sup>3</sup> Triandafyllidou, A (2013) Summary on EU and Member State extraterritorial policies and Dimitriadi A, (2014) Migration Management at the Outposts of the European Union GLR 22(3) 598-618, 600; Judith K, (2013) The Challenge of Mixed Migration by Sea FMR 45, 49; Bernardie-Tahir, N. and Schmoll C, (2014) Islands and Undesirables: Introduction to the Special Issue on Irregular Migration in Southern European Islands, JIRS 12(2), 87-102, 88-89; Bialasiewicz, L. (2012) Off-shoring and Out-sourcing the Borders of Europe: Libya and EU Border Work in the Mediterranean *Geopolitics* 17(4), 843–866; Casas-Cortes, M. Cobarrubias S. and John Pickles, (2014) Good neighbors make good fences: Seahorse Operations, Border Externalization and Extra-territoriality EURS 1-21, 2.

<sup>4</sup> Coventry, T. A. C. (2019) Appropriate measures at sea: extraterritorial enforcement jurisdiction over stateless migrant smuggling vessels, Maritime Safety and Security Law Journal 7.2019/2020 5-30; Reitano, T. and P. Tinti (2015) Survive and Advance: the Economics of Smuggling Refugees and Migrants into Europe ISS Paper 289, 12.

<sup>5</sup> Patricia, M (2009) Migrant Smuggling by Sea: Combating a Current Threat to Maritime Security through the Creation of a Cooperative Framework (Martinus Nijhoff Publishers, 98).

regular migration', 'a threat to public order and national security of the coastal State'.<sup>1</sup> On 7 April 2020, Italy declared its ports as 'unsafe' for the disembarkation of rescued people from boats flying a foreign flag 'for the duration of the national public health emergency'.<sup>2</sup> This measure was supported under the argument that 1) Italy could not guarantee the safety of the individuals due to the outbreak and 2) rescued people might have contacted Covid-19.<sup>3</sup>

It is argued that these Italian Decrees were issued for the sole purpose of targeting civil society's search and rescue activities in the Mediterranean. Before announcing the 'closed port' declaration, Italy was aware at that time that 10 boats carrying irregular migrants had fled Libyan waters and were in the vicinity of Italian waters.<sup>4</sup> These boats were in addition to the other 2 (two) unescorted migration boats with 124 people arriving on the island of Lampedusa, rescued by NGO vessel Sea Eye.<sup>5</sup> During the pandemic, the German NGO Sea Eye happened to be one of the few organizations operating its Alan Kurdi boat to conduct rescue operations in the central Mediterranean. The Italian government also seems to have targeted the NGO boat Mare Jonio, operating for the Mediterranea Plaftorm under the Italian flag. After being stranded for two days at sea, Mare Jonio, was allowed to dock on the island of Lampedusa. All the other charity organizations had transferred their aid efforts to other urgent necessities as caused by the pandemic.

This paper analyses the administrative measures imposing criminal liability to the captains of vessels who transport irregular migrants and the classification status of smuggled migrants as 'offenders'<sup>6</sup> in accordance with Articles 1, 10 and 12 of the

<sup>1</sup> Directive for the unified coordination of surveillance activities of maritime borders and fight against illegal immigration according to Article 11 of Legislative Decree n. 286/1998, alias Ministerial Circular n. 14100/141(8), issued in March 2019; Lorenzo Tondo, Italy declares own ports 'unsafe' to stop migrants arriving, (The Guardian) <https://www.theguardian.com/world/2020/apr/08/italy-declares-own-ports-unsafe-to-stop-migrants-disembarking>, last accessed 5 march 2022.

<sup>2</sup> Directive for the unified coordination of surveillance activities of maritime borders and fight against illegal immigration according to Article 11 of Legislative Decree n. 286/1998, alias Ministerial Circular n. 14100/141(8), issued in March 2019; [https://www.avvenire.it/c/attualita/Documents/M\\_INFR.GABINETTO.REG\\_DECRETI\(R\).0000150.07-04-2020%20\(3\).pdf?fbclid=IwAR1ND4AFGVqsfm07pzXcIdlG2NIPGcPKUgT1Mjig6lYqsU-3cEsfPu3ovU4](https://www.avvenire.it/c/attualita/Documents/M_INFR.GABINETTO.REG_DECRETI(R).0000150.07-04-2020%20(3).pdf?fbclid=IwAR1ND4AFGVqsfm07pzXcIdlG2NIPGcPKUgT1Mjig6lYqsU-3cEsfPu3ovU4).

<sup>3</sup> Lorenzo Tondo, Italy declares own ports 'unsafe' to stop migrants arriving, (The Guardian) <https://www.theguardian.com/world/2020/apr/08/italy-declares-own-ports-unsafe-to-stop-migrants-disembarking>, last accessed 5 march 2022.

<sup>4</sup> Alarm Phone 2020. The COVID-19 Excuse. 11 April 2020. <https://alarmphone.org/en/2020/04/11/the-covid-19-excuse/>.

<sup>5</sup> Lorenzo Tondo, Italy declares own ports 'unsafe' to stop migrants arriving, (The Guardian) <https://www.theguardian.com/world/2020/apr/08/italy-declares-own-ports-unsafe-to-stop-migrants-disembarking>, last accessed 5 march 2022.

<sup>6</sup> Cusumano, E, and Villa M. (2021) From "angels" to "vice smugglers": the criminalization of sea rescue NGOs in Italy. European journal on criminal policy and research 27.1: 23-40.

Italian Legislative Decree<sup>1</sup> no. 286/1998<sup>2</sup> referred to as the ‘Italian Consolidated Text on Migration’ under the argument that these provisions are in violation of Italian obligations under EU law (in contravention of Asylum Procedures Directive, the Charter of Fundamental Rights and the Schengen Border Code) and international law (UN Convention on the Law of the Sea, Article 98, SOLAS Convention, UN Palermo Protocols). The criminalization of rescue operations violates the international legal framework on search and rescue, international obligations and international human rights law.<sup>3</sup> Furthermore, this paper supports the argument that the Italian law on the criminalization of rescue is not the solution to containing irregular migration. On the contrary, it contributes to exacerbating migrants’ vulnerabilities and further serves to increase trafficking in persons.

### Cases of Criminalization Measures to Discourage NGO SAR Activities

On many occasions, the captains of private ships rescuing irregular migrants have been criminally charged by Italian authorities. In 2019, to disembark rescued people whose health were deteriorating, the captain of Sea Watch 3, Ms Carola Rackete, entered the Lampedusa port disobeying the Italian decree. During the captains’ attempt to enter the port, a vessel from the Guardia di Financa tried to stop Sea Watch 3 with the consequence of being brushed by the passing ship.<sup>4</sup> The captain of Sea Watch 3, Ms Carola Rackete, was placed on house arrest ‘in connection with investigations for resistance or violence against a war vessel, and for aiding and abetting illegal immigration’.<sup>5</sup> Administrative sanctions were also imposed against the captain, the ship-owner and the shipping company. As a result, the NGO vessel Sea Watch 3 was impounded. The Italian judicial authorities, however, did not rule in support of the Italian government discriminate administrative measures. The preliminary investigative judge declared the prosecution order for house arrest as inadmissible by holding that the captain acted in fulfilment of her duties to rescue at sea. The prosecutor appealed the decision to the Court of Cassation, which the latter rejected it on 17 January 2020. According to the reasoning of the Court of Cassation,

<sup>1</sup> According to Article 76 of the Italian Constitution, *the exercise of the legislative function may not be delegated to the Government unless principles and criteria have been established and then only for a limited time and for specified purposes*. Thus, a Legislative Decree is a decree issued by the Italian Government, where the principles and criteria have been established by the Parliament that has the force of a Law.

<sup>2</sup> National Legislative Bodies/National Authorities, Italy: Legislative Decree No. 286 of 1998, Testo Unico sull’Immigrazione, 25 July 1998, available at: <https://www.refworld.org/docid/54a2c23a4.html> [accessed 5 March 2022]

<sup>3</sup> OHCHR, Opening Statement by UN High Commissioner for Human Rights Michelle Bachelet, 41<sup>st</sup> session of the Human Rights Council, 24 June 2019, <https://ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?LangID=E&NewsID=24724>; OHCHR, Italy: UN Experts Condemn Bill to Fine Migrant Rescuers, 20 May 2019, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24628&LangID=E>.

<sup>4</sup> Freudenberg, Zara, Mauer, Karl, Schöler, Florian; Goldoni, Marco: The Island of Hope in a Sea of Misery 2020: The Italian Court of Cassation’s Unequivocal Stance on the Right to Disembark, VerfBlog, /3/10, <https://verfassungsblog.de/the-island-of-hope-in-a-sea-of-misery/>.

<sup>5</sup> Relief web, UNHCR Italy Factsheet, June 2019, <https://reliefweb.int/report/italy/unhcr-italy-factsheet-june-2019>

a ship at sea cannot be considered a 'safe place' for the purpose of rescue at sea.<sup>1</sup> In addition, the court reasoned that the obligation as laid out by the 1951 Geneva Refugee Convention requires that the rescued irregular migrants should have the possibility to apply for international protection in the flag state of the vessel.<sup>2</sup>

On 12 June 2019, the situation with Sea Watch 3 which rescued 53 people, travelling on a rubber dinghy 47 miles off the Libyan city of Zawiya did not end well. After informing Malta, Italy, the Netherlands under the ship's flag state and Libya of the rescue, only the Libyan authorities agreed to sign off Libya as the 'safe port' of disembarkation. Sea Watch 3 refused disembarkation to Libya on the grounds that it is not a safe place of disembarkation in accordance with international law.<sup>3</sup> For more than a decade, Libya has not been a safe place to disembark rescued people at sea. According to the UN which has repeatedly emphasized that once disembarked to Libya, rescued individuals face arbitrary detention in abysmal conditions and a well-documented risk of serious abuse, including forced labor, torture, and sexual violence.<sup>4</sup> Instead, the captain of Sea Watch 3 decided to head towards Lampedusa, as the closest safe port.

Responding to the urgent filing by the representatives of the rescued people found on board of Sea Watch 3, the European Court of Human Rights (ECtHR)<sup>5</sup> requested Italy to 'continue to provide all necessary assistance' but failed to indicate the Italian government the interim measure as requested to order Italy to allow disembarkation. According to the court, interim measures under Rule 19 of the Rules of Court are granted only on an exceptional basis, when the applicants would otherwise face a real risk of irreversible harm.<sup>6</sup> The ECtHR continued to leave unanswered the question as to whether rescued individuals by NGO boats need to wait until they become 'vulnerable' onboard a ship, for a state's obligation to disembark to arise.<sup>7</sup> The ECtHR has already ruled in its landmark Hirsi case in 2012, their extraterritorial jurisdiction was triggered when Italian authorities exercised de jure or de facto control over the

<sup>1</sup> Italian Court of Cassation, Criminal Session, Session III, 16 January 2020 (deposit 20 February 2020), no. 6626, [https://www.sistemapenale.it/pdf\\_contenuti/1582492635\\_sea-watch-rackete-cass-2022020-arresto.pdf](https://www.sistemapenale.it/pdf_contenuti/1582492635_sea-watch-rackete-cass-2022020-arresto.pdf) last accessed 22 march 2022.

<sup>2</sup> *Ibid.*

<sup>3</sup> UNHCR, Report of the Special Rapporteur on trafficking in persons, especially women and children, 30 April 2018, A/HRC/38/45.

<sup>4</sup> Berti, Carlo. "Right-wing populism and the criminalization of sea-rescue NGOs: The 'Sea-Watch 3' case in Italy, and Matteo Salvini's communication on Facebook." *Media, Culture & Society* 43.3 (2021): 532-550; Neumann, Klaus. "The Appeal of Civil Disobedience in the Central Mediterranean: German Responses to the June 2019 Mission of the Sea-Watch 3." *Journal of Humanitarian Affairs* 2.1 (2020): 53-61; Del Guercio, Adele. "Il caso della" Sea-Watch 3" tra obblighi di diritto del mare, diritti umani e tutela dell'infanzia." *Diritti umani e diritto internazionale* 2 (2019): 331-362.

<sup>5</sup> ECtHR, *Rackete and Others v Italy* (application no. 32969/19)

<sup>6</sup> ECtHR, Interim Measures, factsheet, [https://www.echr.coe.int/Documents/FS\\_Interim\\_measures\\_ENG.pdf](https://www.echr.coe.int/Documents/FS_Interim_measures_ENG.pdf) last accessed 30 march 2022.

<sup>7</sup> Ambroselli, Davide A. (2021) Dai decreti sicurezza al decreto immigrazione: spunti di riflessione sul caso Sea watch tra diritto costituzionale e diritto internazionale, *Diritto Pubblico Europeo-Rassegna online* 1

persons concerned.<sup>1</sup> Thus, Italian authorities had the obligation to ensure an assessment of the individuals' needs was performed and access to effective legal remedies was granted before their return to Libya. It should be noted that the ECtHR has sanctioned Italy in several court decisions, such as *Khlaifia*<sup>2</sup> or *Samsam Mohammed Hussein*.<sup>3</sup>

In March 2021, the Sea Watch 4, after saving more than 450 migrants, has been under administrative detention. While before the administrative detention was held in Palermo (September 2020-March 2021), now the boat is under administrative detention in Trapani. The Administrative Tribunal of Sicily has requested a preliminary ruling to the Court of Justice of the EU by referring the question whether Directive 2009/16/EC of the European Parliament and of the Council of 23 April 2009 on port State control also includes the controls over a ship that has been classified as a cargo ship by the classification society of the flag State but which in practice routinely engages only in non-commercial activities such as search and rescue.<sup>4</sup> Although the Court of Justice of the EU has not yet reached a decision, the conclusions of the General Advocate Athanasios Rantos,<sup>5</sup> has underlined that despite being classified and certified as "cargo ships" by the flag State, 'private ships carrying out regular search and rescue activities at sea may be subject to a control of compliance with international standards, ensured by the port State which, under Union law, can adopt detention measures when detected irregularities present a manifest risk to safety, health or the environment'. It remains to be seen what the decision of the Court of Justice of the EU will be on the interpretation of the Directive 2009/16/EC.

The Italian efforts to stop NGO efforts of rescue at sea have continued. Médécins Sans Frontières (MSF) has been subject to Italian authorities' criminalization measures marking the stopping of the MSF rescue ship GeoBarents on 2 July 2021, the 13th time in the last 3 years that Italian authorities detained an NGO search and rescue (SAR) ship.<sup>6</sup> Only in the first three months of 2022, the GeoBarents in two

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<sup>1</sup> ECtHR, *Hirsi Jamaa and Others v Italy* (application no. 27765/09).

<sup>2</sup> ECtHR, *Khlaifia and Others v Italy* (application no. 16483/12).

<sup>3</sup> ECtHR, *Samsam Mohammed Hussein and Others v the Netherlands and Italy* (application no. 27725/10).

<sup>4</sup> Official Journal of the European Union, Request for a preliminary ruling from the Tribunale Amministrativo Regionale per la Sicilia (Italy) lodged on 8 January 2021 — Sea Watch E.V. v Ministero delle Infrastrutture e dei Trasporti, Capitaneria di Porto di Palermo (Case C-14/21) <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:62021CN0014:EN:PDF> last accessed 30 march 2022.

<sup>5</sup> Eur-Lex, Conclusioni dell'avvocato Generale, Athanasios Rantos, presentate il 22 febbraio 2022, Cause riunite C-14/21 e C-15/21, Sea Watch eV contro Ministero delle Infrastrutture e dei Trasporti, Capitaneria di Porto di Palermo (C-14/21) Ministero delle Infrastrutture e dei Trasporti, Capitaneria di Porto di Porto Empedocle (C-15/21) <https://eur-lex.europa.eu/legal-content/it/TXT/?uri=CELEX:62021CC0014#Footnote1> last accessed 30 march 2022.

<sup>6</sup> Press Release Point, Italy: Port Authorities Detain MSF's Search and Rescue Ship, 4 July 2021, <https://www.pressreleasepoint.com/italy-port-authorities-detain-msfs-search-and-rescue-ship>, last accessed 15 march 2022; MSF is Determined to Return to Sea to Save Lives After GEO Barents Detained in Italy, 4 July 2021, <https://www.msf.org/msf-determined-return-sea-save-lives-after-geo-barents-detained-italy>, last accessed 12 march 2022.

different rescues: on 27<sup>th</sup> January 2022, the GeoBarents saved 439 migrants,<sup>1</sup> and on 6<sup>th</sup> March 2022, the GeoBarents saved 31 migrants.<sup>2</sup>

In both these cases, after staying for more than a week in the open sea, the boat had the permission to port in the port of Augusta, in Sicily. Grave concerns have been voiced by scholars and academics on the aggressive Italian ministry of interior policy against SAR NGO activities, used as an oppressive tool to oblige captain of ships to disengage from assisting people in distress at sea and from bringing them to Italy, considered the safest place of disembarkation according to the international legal framework on search and rescue, UNCLOS, international law and obligations, as well as EU law.<sup>3</sup>

Their voices prompted the UN Security Council to ask the 'Prosecutor of the International Criminal Court to initiate proprio motu an investigation into high-ranking Italian authorities as regards their complicity in the crimes against humanity taking place in Libya; and it asked Council of Europe members to file an inter-state complaint against the Italian government before the European Court of Human Rights'.<sup>4</sup> The Italian prosecution have accused former interior minister Matteo Salvini to have illegally detained migrants at sea in July 2019.<sup>5</sup> The Italian Senate agreed to lift the immunity of the far-right leader Matteo Salvini, thereby, allowing the magistrates in Sicily to press charges over his decision to keep more than 100 irregular migrants on board a coastguard ship for 6 days.<sup>6</sup> Until now, the tribunal of first instance of Palermo has not yet decided, given that court proceedings have commenced on 17 October 2021.

In October 2020, the UN Special rapporteur on human rights defenders have criticized and called on Italy to stop the criminalization of rescuers for humanitarian purposes.<sup>7</sup> Attention was brought to Italy for impounding the rescue ship of Médecins Sans Frontières in September 2020; the open cases of Carola Rackete, the captain of a Sea Watch ship; and 10 crew members of the Iuventa rescue ship. According to the Special Rapporteur, Ms Mary Lawlor, reminded Italy that these rescue vessels at sea,

<sup>1</sup> Fanpage, Geo Barents, 439 migranti ancora in mezzo al mare senza un porto sicuro, <https://www.fanpage.it/attualita/geo-barents-439-migranti-ancora-in-mezzo-al-mare-senza-un-porto-sicuro/> last accessed 30 march 2022.

<sup>2</sup> Ansa, Migranti: altri 31 soccorsi dalla nave Geo Barents

[https://www.ansa.it/sito/notizie/cronaca/2022/03/06/migranti-altri-31-soccorsi-dalla-nave-geo-barents-dimsf\\_1000c32c-ce98-4ca0-954a-675728209f61.html](https://www.ansa.it/sito/notizie/cronaca/2022/03/06/migranti-altri-31-soccorsi-dalla-nave-geo-barents-dimsf_1000c32c-ce98-4ca0-954a-675728209f61.html) last accessed 30 march 2022.

<sup>3</sup> Statewatch, Statement by 29 academics on Italy seizing the rescue boat Open Arms, retrievable from <http://statewatch.org/news/2018/mar/open-arms-statement.pdf> last accessed 30 march 2022.

<sup>4</sup> *Ibid.*

<sup>5</sup> AlJazeera, Italy Strips Immunity From Far-right Salvini, <https://www.aljazeera.com/news/2020/2/12/italy-strips-immunity-from-far-right-salvini>, last accessed 15 march 2022.

<sup>6</sup> AlJazeera, Italy Strips Immunity From Far-right Salvini, <https://www.aljazeera.com/news/2020/2/12/italy-strips-immunity-from-far-right-salvini>, last accessed 15 march 2022.

<sup>7</sup> OHCHR, Italy: UN Expert Condemns 'Criminalization' of Those Saving Lives in the Mediterranean, 8 October 2020, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26361&LangID=E>, last accessed 16 march 2022.

are to be considered 'human rights defenders, not criminals.<sup>1</sup> Also, the message sent by the Palermo court on February 6, 2020, ordering the release of the NGO Mare Jonio rescue vessel and dismiss all charges against Commander Marrone and Mission Chief Casarini, is a clear message that this law must be repealed.<sup>2</sup>

### **Administrative Measures in Violation of the International Legal Framework on Rescue at Sea**

Italy is a party to the UN Convention against Transnational Organised Crime 2000 and its Protocols (Palermo Protocols),<sup>3</sup> which requires in Article 6 of the Protocol against the Smuggling of Migrants by Land, Sea and Air<sup>4</sup> that the State adopts 'such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally and in order to obtain, directly or indirectly, a financial or other material benefit: (a) The smuggling of migrants' Italy complied with its obligations under the Palermo Protocols through the implementation of Article 12 of the Italian Consolidated Text on Migration (Criminalizing the facilitation of illegal entry)<sup>5</sup> and Article 601 of the Italian Criminal Code (Criminalizing trafficking in human beings).<sup>6</sup> The provisions of Article 12 of the Italian Consolidated Text on Migration added to the national criminal code to regulate the irregular migration issues from a criminal law management perspective. These provisions criminalize the smuggling of migrants in its various forms including the smuggling within the territory and cross-border smuggling.<sup>7</sup> The basic form of smuggling is defined in Article 12(1) of the Consolidated Text on Migration as the 'the promotion, management, organization, support, or conduct of the transportation of a third-country national in the territory of the State, of which the person is not a citizen nor a permanent resident, against the provisions of the Testo Unico'.<sup>8</sup>

For the crime of migrant smuggling, state authorities must prove two legal elements, that of the 1) act embodied in the procurement of the illegal entry and 2) the purpose

<sup>1</sup> OHCHR, Italy: UN Expert Condemns 'Criminalization' of Those Saving Lives in the Mediterranean, 8 October 2020, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26361&LangID=E>, last accessed 16 march 2022.

<sup>2</sup> Desiderio, E. (2019) Palermo Court Orders Release of Rescue Vessel Mare Jonio, <https://www.infomigrants.net/en/post/22596/palermo-court-orders-release-of-rescue-vessel-mare-jonio>, last accessed 3 march 2022.

<sup>3</sup> UN Convention against Transnational Organized Crime 2000 and its Protocols, Resolution A/RES/55/25 of 15 November 2000 (New York, 15 November 2000) UNTS 12, Volume 2225, 209.

<sup>4</sup> UN General Assembly, Protocol against the Smuggling of Migrants by Land, Sea and Air, Supplementing the United Nations Convention against Transnational Organized Crime, United Nations, (Resolution 55/25 of 15 November 2000) United Nations, Treaty Series, Volume 2241, 507 (Migrant Smuggling Protocol) article 6.

<sup>5</sup> Legislative Decree 286/1998 (referred to as the Consolidated Text on Migration); Italian title "Disposizioni contro le Immigrazioni clandestine".

<sup>6</sup> Legislation Penal Code law no. 228/2003 of 11 August 2003: "Measures against Trafficking in persons" (Legge 11 agosto 2003 n.228 Misure contro la tratta di persone) (in Italian)

<sup>7</sup> Paragraphs (1), (3) and (3ter) of Article 12 of the Consolidated Text on Migration regulate illegal entry in the territory.

<sup>8</sup> Legisaltive Decree n.286 dated 25 July 1998, Consolidated Act of Provisions Concerning Regulations on Immigration and Rules about the Conditions of Aliens, article 12(1), unofficial translation.

including a financial or other material benefit to be gained by the smuggler.<sup>1</sup> The aim behind these two legal elements as included by the UN legislator were to clearly exclude from criminal liability humanitarian actors or family members who assist the illegal crossing of borders for non-material reasons. Thus, the UN legislator's intention was to simultaneously ensure the interest of a state's protection of its migration policy but also to protect the rights of migrants and the exclusion of criminal liability of the humanitarian actors. The same intention was preserved by the EU legislator in the context of the EU Refit Evaluation in 2017 when it excluded liability amid financial gain in its assessment of the EU Facilitators Package.<sup>2</sup> Following the same logic, Italy incorporated the inclusion of the 'financial gain element' as an 'aggravating circumstance' in its paragraph 3 of Article 12 of the Italian Consolidated Text on Migration rather than a 'constitutive element' of the crime.

Although the inclusion of the financial gain element was reflected as a downgrading aggravating circumstance of the Italian facilitation of illegal entry, it is worth noting that the provisions require a mere commission of the action as sufficient for criminal liability to arise.<sup>3</sup> Thus, paragraph 3 of Article 12, of the Italian Consolidated Text on Migration expands its scope to virtually anyone assisting in any form the illegal crossing of borders to Italian territory. Paragraph 3 of Article 12 of the Italian Consolidated Text on Migration does not distinguish between the intention of the facilitators contrary to the intention of the UN and EU legislators. This paper argues that the codification of the Italian Smuggling Legislation has failed in its transposition of the dispositions of the UN Smuggling Protocol and the European Legal Framework on the facilitation of smuggling and trafficking networks.

The wrongful transposition of the Italian smuggling legislation is not only in incompliance with international law in terms of the UN Smuggling Protocol and the European Legal Framework, but it has also raised concerns as to its incompatibility with the International Law of the Sea, International Refugee Law and international human rights law and obligations. According to the substantive transposition of the codification of the Italian smuggling legal framework, Search and Rescue activities carried on by NGOs operating in the Mediterranean Sea complying under their obligation to rescue people in danger according to international law conventions such as UNCLOS, SOLAS and SAR Convention, fall under the scope of Article 12 of the Italian Consolidated Text on Migration. According to paragraph 1 of the Article 12 of the Italian Consolidated Text on Migration, the mere transporting of irregular migrants

<sup>1</sup> Fitzpatrick, J. (2002) Trafficking and a human rights violation: The complex intersection of legal frameworks for conceptualizing and combating trafficking." *Mich. J. Int'l L.* 24.

<sup>2</sup> Ricci, Chiara M. 2020 Criminalizing Solidarity? Smugglers, Migrants and Rescuers in the Reform of the 'Facilitators' Package', *Securitising Asylum Flows*. Brill Nijhoff, 34-56; Mitsilegas, V. 2019 Decriminalisation in the Law of the European Union. The Future of EU Criminal Justice Policy and Practice. Brill Nijhoff, 106-118; Minetti, M. (2020) The Facilitators Package, penal populism and the Rule of Law: Lessons from Italy." *New Journal of European Criminal Law* 11.3 335-350.

<sup>3</sup> Veas, Javier E. (2018) Il fine di profitto nel reato di traffico di migranti: analisi critica della legislazione europea, *Journal of Migration and Law* 5.2 259.

in Italian territory is punished with ‘imprisonment from one to five years and with a 15,000 Euro fine for each person’.

Furthermore, the systematic interpretation of Articles 10 and 12 of the Italian Consolidated Text on Migration criminalizes any person that enters the State irregularly. These provisions are interpreted that Italian authorities should prosecute, fine and punish the smuggled migrant for the illegal crossing of national borders. According to paragraph 1 of Article 10 of the Italian Consolidated Text on Migration, any person infringing the provisions of the Consolidated Act as well as those mentioned under Article 1 of law no. 68 dated 28 May 2007, is punished with a sanction from 5,000 to 10,000 euros. It may be considered that this type of interpretation punishes the status of the person and not the act per se.

Through their actions, Italian authorities seem to justify such interpretation under the argument that the international law gives the state freedom to decide on the criminal law status of the smuggled migrant, be that of victim, material object of the crime or an offender. Thus, the codification of the Italian legal framework on migrant smuggling treats the smuggled migrant as an offender. However, these provisions though are incompatible with the UN legislators’ protocol on Human Trafficking which provides that the migrant smuggling in trafficking situations should be recognized as victims and hence be granted protection and compensation.<sup>1</sup> Such, the decision of the Italian legislator to classify the criminal law status of the smuggled migrant as offenders instead of victims is incompatible with international law.

Although Italy justifies these measures based on meeting the overall object and purpose of the Protocol against the Smuggling of Migrants by Land, Sea and Air, Italy is violating Article 5 of Smuggled Migrant Protocol, which prohibits the ‘criminalization’ of migrants, specifying that smuggled migrants should not be subject to criminal prosecution if they are the object of conduct related to migrant smuggling as set forth in Article 6 of the same Protocol. It should be noted that such an obligation is similar to that of Article 31 of the Refugee Convention. The legislative guide for the implementation of the Protocol expressly provides that sanctions should not apply to migrants ‘even in cases where it involves entry or residence that is illegal under the laws of the State concerned’.<sup>2</sup> It has been acknowledged since 1949, that people fleeing from persecution and other forms of hardship do not usually have the required travel documents, as they often have no choice but to cross international borders irregularly.<sup>3</sup> Otherwise, potential asylum seekers leaving their country might also be persecuted or criminalized. Such interpretation derives from international refugee law providing asylum seekers with the implicit right to reside in the host

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<sup>1</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, Adopted and opened for signature, ratification and accession by General Assembly resolution 55/25 of 15 November 2000.

<sup>2</sup> UNODC Legislative Guides for the Implementation of the UN Convention against Transnational Organized Crime and the Protocols Thereto’ (UN 2004) 340.

<sup>3</sup> UN Economic and Social Council, ‘Study on Statelessness’ (UN doc E/1112/Add.1, 1949) 24.

country until the asylum procedures have been completed. This approach has been confirmed by the UNHCR,<sup>1</sup> the General Assembly of UN,<sup>2</sup> other regional organizations,<sup>3</sup> and academic scholars.<sup>4</sup> Thus, although refugees do not have a right to seek asylum, national states have the duty to provide access to claiming this right.<sup>5</sup> As a consequence, States cannot legitimately prosecute migrants who use fraudulent documents to leave their country.<sup>6</sup> These measures disregard the mixed migration pattern in the Central Mediterranean routes which consist of refugees and economic migrants.<sup>7</sup>

Furthermore, the Migrant Smuggling Protocol not only protects refugees but also covers the contemporary reality of the broad category of migrant smuggling. As Andreas Schloenhardt and Hadley Hickson have argued, the immunity granted by Article 5 of the said Protocol must extend to any administrative measure punishing smuggled migrants. Holding otherwise would result in states being allowed to impose 'punitive measures under the guise of administrative immigration processes' even though they are precluded from imposing criminal sanctions.<sup>8</sup> This view is supported by the travaux préparatoires which confirm that Article 6(1)(b) applies even when an individual knowingly possesses fraudulent documents for the purpose of migrant smuggling within the meaning of Article 6(1)(a).<sup>9</sup> Administrative measures such as fines pose a greater threat to smuggled migrants' rights due to the limited involvement of the courts. Although states have a sovereign right to impose

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<sup>1</sup> UNHCR (2007) *Advisory Opinion on the Extraterritorial Application of Non-Refoulement Obligations under the 1951 Convention relating to the Status of Refugees and its 1967 Protocol*, 26 January; EXCOM Conclusion on Safeguarding Asylum No. 82 (XLVIII), 1997; UNHCR EXCOM General Conclusion No. 90 (LV), 2004.

<sup>2</sup> The UN, the Declaration on Territorial Asylum, 1997.

<sup>3</sup> Organization of African Unity (OUA) Convention Governing Refugee Problems; Asian-African Legal Consultative Organization; European Convention on Human Rights and the Committee of Ministers of the Council of Europe in 1967.

<sup>4</sup> Hathaway, James C., and William S. Hicks. (2004) Is There A Subjective Element in the Refugee Convention's Requirement of Well-Founded Fear. *Mich. J. Int'l L.* 26 505, Coleman, N. (2003) Non-Refoulement Revised Renewed Review of the Status of the Principle of Non-Refoulement as Customary International Law. *European Journal of Migration and Law* 523-68; Lauterpacht, E, and Bethlehem D. (2003) The scope and content of the principle of non-refoulment: Opinion. *Refugee protection in international law: UNHCR's global consultations on international protection* Guy S. Goodwin-Gill, and Jane McAdam. (2007) The Refugee in International Law." 2-11; Hurwitz, Agnès G. *The collective responsibility of states to protect refugees*. Oxford University Press on Demand, 2009. On the contrary: Grahl-Madsen, Atle. *The status of refugees in international law*. Vol. 2. Leyden: AW Sijthoff, 1972; Calamia, Antonio Marcello. *Ammisione ed allontanamento degli stranieri*. A. Giuffrè, 1980.

<sup>5</sup> Goodwin-Gill, Guy S., Jane McAdam, and Jane McAdam. 1996 *The refugee in international law*. Vol. 12. Oxford: Clarendon Press.

<sup>6</sup> Colin Harvey and Robert Barnidge, 'Human Rights, Free Movement, and the Right to Leave in International Law' (2007) IJRL 19(1), 1-21, 16.

<sup>7</sup> Triandafyllidou A, (2013) *Disentangling the Migration and Asylum Knot, Dealing with Crisis Situations and Avoiding Detention* (RSCAS PP 2013/19 Policy Papers, 1.

<sup>8</sup> Schloenhardt A. and Hickson H, (2013) Non-Criminalization of Smuggled Migrants: Rights, Obligations, and Australian Practice under Article 5 of the Protocol against the Smuggling of Migrants by Land, Sea and Air' IJRL 25 (1), 39-64, 47.

<sup>9</sup> UN GAOR, Report of the Ad Hoc Committee, *Elaboration of a Convention Against Transnational Organized Crime on the Work of its First to Eleventh Sessions*, 55th Session, Addendum, 'Interpretative Notes for the Official Records' (Travaux Préparatoires) of the Negotiation of the United Nations Convention Against Transnational Organized Crime and the Protocols Thereto (Travaux Préparatoires) (UN Doc. A/55/383 / Add.1, 14, paragraph 93.

administrative measures on smuggled migrants, in effect they are sanctioning them contrary to Article 5 and the good faith principle,<sup>1</sup> rendering this obligation ineffective.<sup>2</sup> A State cannot invoke provisions of its national law to justify its failure to carry out the terms of a treaty.<sup>3</sup> Nor do the Palermo Protocols permit border controls to interfere with the free movement of people whilst discovering trafficking and smuggling.<sup>4</sup> Articles 14 of the Trafficking Protocol and Article 19 of the Smuggling Protocol expressly state that the measures taken under these protocols must not affect human rights and refugee law obligations.

These disengagement measures are argued to be wrongful acts acting in violation with international obligations, human rights and maritime law. Moreover, criminalization actions against SAR civil society actors are incompatible with the human rights principles and the fundamental principles set forth in the UN Declaration on Human Rights Defenders on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms.<sup>5</sup> The UN Declaration on Human Rights Defenders refers in its Article 1 of the Declaration that 'Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels' and in Article 2(1) underlines that 'Each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms'.<sup>6</sup> Therefore, in accordance with Article 2(2) of the Declaration, Articles 14 of the Trafficking Protocol and Article 19 of the Smuggling Protocol and Article 31 of the Refugee Convention, Italy has the obligation to adopt its legislation or administrative acts in accordance with the rights and freedoms.

## Conclusion

Declaring its ports as 'unsafe', Italy attempts to withdraw its coastal authorities from coordinating rescue operations, failing to respond to boats found in distress at sea and ensuring disembarkation in a safe port contrary to its obligations under

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<sup>1</sup> *Free Zones (Switzerland v France)(Merits)* [1930] PCIJ (ser A/B) No 46.

<sup>2</sup> Schloenhardt A. and Hickson H. (2013) Non-Criminalization of Smuggled Migrants: Rights, Obligations, and Australian Practice under Article 5 of the Protocol against the Smuggling of Migrants by Land, Sea and Air' IJRL 25 (1), <https://doi.org/10.1093/ijrl/eet003>

<sup>3</sup> United Nations, Vienna Convention on the Law of Treaties, 23 May 1969, United Nations, Treaty Series, Volume 1155, 331 (VCLT) article 27.

<sup>4</sup> UN Office on Drugs and Crime, International Framework for Action to Implement the Smuggling of Migrants Protocol (2011), 43 '[w]ithout prejudice to international commitments in relation to the free movement of people'; Migrant Smuggling Protocol, article 5; Colin Harvey and Robert Barnidge, 'Human Rights, Free Movement, and the Right to Leave in International Law' (2007) IJRL 19(1), 1-21, 14: States can control departure of migrants within the limits of the ICCPR, article 12(3).

<sup>5</sup> UN General Assembly, Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, A/RES/53/144, 8 March 1999, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N99/770/89/PDF/N9977089.pdf?OpenElement>.

<sup>6</sup> UN General Assembly, Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, A/RES/53/144, 8 March 1999, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N99/770/89/PDF/N9977089.pdf?OpenElement>.

international obligations and human rights law, and the international framework on search and rescue. The Italian 'closed ports' policy and its refusal to allow NGO ships to conduct SAR operations, entry and disembarkation into Italian ports, has resulted into Italy committing grave human rights violations towards irregular migrants attempting to cross the Mediterranean Sea. These restrictive measures will not have the effect of restricting boat departures, on the contrary, it will only force the irregular migrant boats to travel longer distances to reach European territory.

The Italian policy of a 'contained mobility' of rescue at sea is a disengagement strategy for SAR activities of coastal authorities and NGO humanitarian SAR operations to stop after confronted with increased penalization measures under the stigmatization of criminalization and security issues. Simultaneously, the penalization and disengagement of NGO SAR operations through the prevention of entry to Italian ports oblige captain of ships to disembark the rescued irregular migrants to Libya, an unsafe and a known gross human rights violator. Once under Italian territory or jurisdiction, the rescued migrants should be identified as potential victims of trafficking in which Italy has the obligation to protect and assist victims of trafficking. As provided in Guideline 2 of the OHCHR Recommended Principles and Guidelines on Human Rights and Human Trafficking, a failure by the State to identify a trafficked person correctly 'is likely to result in a further denial of that person's rights'.<sup>1</sup> To conduct a proper identification of vulnerabilities and protection needs, the rescued migrants must be disembarked in a safe place. Such a practice is contrary to the prohibition of collective expulsions and the non-refoulement principle.

It cannot be accepted that a legislative decree is used as a justification to suspend or override principles of international law. This particular action cannot be accepted, as otherwise, any executive act would be used to thwart the application of international treaties or discharge state obligations under international law at any time. National governments cannot evade or bypass their obligations under international maritime, human rights and refugee law, as well as EU treaties and their constitutional laws with a simple executive act under the grounds of public security or health protection.

Considering the above legal analysis, this paper recommends that Italy in collaboration with other EU Member States should implement a coherent, human rights-based response to maritime migration from Libya. But most importantly, whilst the Italian right to conduct controls on private vessels carrying out regular search and rescue activities at sea is not denied nor reject, it is argued in this paper that these controls shall not be conducted in violation of national, EU and international legal frameworks. Hence, Italy should respect and implement its international obligation to save lives at sea, while upholding the principle of non-refoulement under international human rights, refugee and humanitarian law.

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<sup>1</sup> OHCHR, OHCHR Recommended Principles and Guidelines on Human Rights and Human Trafficking, Guideline 2, p 4, <https://www.ohchr.org/Documents/Publications/Traffickingen.pdf>

## Bibliography

- [1] Vosyliūtė, L. and Conte, C. (2018). Crackdown on NGOs assisting refugees and other migrants. ReSOMA Discussion Brief.
- [2] Cuttitta, P. (2018). Pushing Migrants Back to Libya, Persecuting Rescue NGOs: The End of the Humanitarian Turn (Part II). *Border Criminologie*.
- [3] Florian Trauner, 'Asylum Policy: the EU's "crises" and the looming policy regime failure' (2016) JEI 38(3) 311-325, 311; the UN Refugee Agency,
- [4] Bernardie-Tahir, N. and Schmoll, C. (2014) Islands and Undesirables: Introduction to the Special Issue on Irregular Migration in Southern European Islands JIRS 12(2).
- [5] Veshi, D. (2020) "The EU Regulatory Competition in Asylum Law." Central European Journal of Public Policy 14.1.
- [6] Koka, E. and Veshi, D. (2019) Illicit Return Practices of Irregular Migrants from Greece to Turkey, *International Journal of Law and Political Sciences* 14.1; Koka, Enkelejda, and Denard Veshi. (2019):
- [7] Koka, E. and Veshi, D. (2019) Irregular migration by sea: Interception and rescue interventions in light of international law and the EU Sea Borders Regulation, *European Journal of Migration and Law* 21.1.
- [8] Veshi, D. (2020) The EU Regulatory Competition in Asylum Law, Central European Journal of Public Policy 14.1;
- [9] Šalamon, Neža K. (2020) Causes and consequences of migrant criminalization, Springer International Publishing;
- [10] Koka, E. (2018) Irregular Migration by Sea: A Critical Analysis of EU and EU Member State Extraterritorial Practice in the Light of International Law, University of Kent;
- [11] Sergio C, Roberto C, (2019) Search and Rescue, disembarkation and relocation arrangements in the Mediterranean, *Sailing Away from Responsibility* No. 10;
- [12] Triandafyllidou, A (2013) Summary on EU and Member State extraterritorial policies;
- [13] Dimitriadi A, (2014) Migration Management at the Outposts of the European Union GLR 22(3)
- [14] Judith K, (2013) The Challenge of Mixed Migration by Sea FMR;
- [15] Bernardie-Tahir, N. and Schmoll C, (2014) Islands and Undesirables: Introduction to the Special Issue on Irregular Migration in Southern European Islands, JIRS 12(2);

- [16] Bialasiewicz, L. (2012) Off-shoring and Out-sourcing the Borders of Europe: Libya and EU Border Work in the Mediterranean Geopolitics 17(4);
- [17] Casas-Cortes, M. Cobarrubias S. and John Pickles, (2014) Good neighbors make good fences: Seahorse Operations, Border Externalization and Extra-territoriality EURS 1–21, 2;
- [18] Coventry, T. A. C. (2019) Appropriate measures at sea: extraterritorial enforcement jurisdiction over stateless migrant smuggling vessels, Maritime Safety and Security Law Journal 7.2019/2020 5-30;
- [19] Reitano, T. and P. Tinti (2015) Survive and Advance: the Economics of Smuggling Refugees and Migrants into Europe ISS Paper 289;
- [20] Patricia, M (2009) Migrant Smuggling by Sea: Combating a Current Threat to Maritime Security through the Creation of a Cooperative Framework (Martinus Nijhoff Publishers, 98.
- [21] Cusumano, E, and Villa M. (2021) From “angels” to “vice smugglers”: the criminalization of sea rescue NGOs in Italy. European journal on criminal policy and research 27.1;
- [22] OHCHR, Opening Statement by UN High Commissioner for Human Rights Michelle Bachelet, 41<sup>st</sup> session of the Human Rights Council, 24 June 2019, OHCHR, Italy: UN Experts Condemn Bill to Fine Migrant Rescuers, 20 May 2019.
- [23] Freudenberg, Zara, Mauer, Karl, Schöler, Florian; Goldoni, Marco 2020 The Island of Hope in a Sea of Misery: The Italian Court of Cassation’s Unequivocal Stance on the Right to Disembark, VerfBlog, 3/10,
- [24] UNHCR Italy Factsheet, June 2019,
- [25] Italian Court of Cassation, Criminal Session, Session III, 16 January 2020 (20 February 2020), no. 6626.
- [26] UNHCR, Report of the Special Rapporteur on trafficking in persons, especially women and children, 30 April 2018, A/HRC/38/45.
- [27] ECtHR, Rackete and Others v Italy (application no. 32969/19)
- [28] ECtHR, Interim Measures, factsheet.
- [29] Ambroselli, Davide A. (2021) Dai decreti sicurezza al decreto immigrazione: spunti di riflessione sul caso Sea watch tra diritto costituzionale e diritto internazionale, Diritto Pubblico Europeo-Rassegna online 1.
- [30] ECtHR, Hirsi Jamaa and Others v Italy (application no. 27765/09).
- [31] ECtHR, Khlaifia and Others v Italy (application no. 16483/12).

- [32] ECtHR, Samsam Mohammed Hussein and Others v the Netherlands and Italy (application no. 27725/10).
- [33] Official Journal of the European Union, Request for a preliminary ruling from the Tribunale Amministrativo Regionale per la Sicilia (Italy) lodged on 8 January 2021 — Sea Watch E.V. v Ministero delle Infrastrutture e dei Trasporti, Capitaneria di Porto di Palermo (Case C-14/21).
- [34] Eur-Lex, Conclusioni dell'avvocato Generale, Athanasios Rantos, presentate il 22 febbraio 2022, Cause riunite C-14/21 e C-15/21, Sea Watch eV contro Ministero delle Infrastrutture e dei Trasporti, Capitaneria di Porto di Palermo (C-14/21) Ministero delle Infrastrutture e dei Trasporti, Capitaneria di Porto di Porto Empedocle (C-15/21)
- [35] OHCHR, Italy: UN Expert Condemns 'Criminalization' of Those Saving Lives in the Mediterranean, 8 October 2020.
- [36] OHCHR, Italy: UN Expert Condemns 'Criminalization' of Those Saving Lives in the Mediterranean, 8 October 2020.
- [37] UN General Assembly, Protocol against the Smuggling of Migrants by Land, Sea and Air, Supplementing the United Nations Convention against Transnational Organised Crime, United Nations, (Resolution 55/25 of 15 November 2000) United Nations, Treaty Series, Volume 2241, 507 (Migrant Smuggling Protocol).
- [38] Desiderio, E. (2019) Palermo Court Orders Release of Rescue Vessel Mare Jonio.
- [39] Fitzpatrick, J. (2002) Trafficking and a human rights violation: The complex intersection of legal frameworks for conceptualizing and combating trafficking." Mich. J. Int'l L. 24.
- [40] Ricci, Chiara M. 2020 Criminalizing Solidarity? Smugglers, Migrants and Rescuers in the Reform of the 'Facilitators' Package', Securitising Asylum Flows. Brill Nijhoff;
- [41] Mitsilegas, V. 2019 Decriminalisation in the Law of the European Union. The Future of EU Criminal Justice Policy and Practice. Brill Nijhoff,
- [42] Minetti, M. (2020) The Facilitators Package, penal populism and the Rule of Law: Lessons from Italy. New Journal of European Criminal Law 11.
- [43] Ricci, Chiara M. 2020 Criminalizing Solidarity? Smugglers, Migrants and Rescuers in the Reform of the 'Facilitators' Package', Securitising Asylum Flows. Brill Nijhoff., 34-56; Mitsilegas, V. 2019 Decriminalisation in the Law of the European Union. The Future of EU Criminal Justice Policy and Practice. Brill Nijhoff. 106-118; Minetti, M. (2020) The Facilitators Package, penal populism

- and the Rule of Law: Lessons from Italy." New Journal of European Criminal Law 11.3 335-350.
- [44] Veas, Javier E. (2018) Il fine di profitto nel reato di traffico di migranti: analisi critica della legislazione europea, *Journal of Migration and Law* 5.2.
- [45] UN Economic and Social Council, 'Study on Statelessness' (UN doc E/1112/Add.1, 1949) 24.
- [46] UNHCR (2007) Advisory Opinion on the Extraterritorial Application of Non-Refoulement Obligations under the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 26 January; EXCOM Conclusion on Safeguarding Asylum No. 82 (XLVIII), 1997; UNHCR EXCOM General Conclusion No. 90 (LV), 2004.
- [47] The UN, the Declaration on Territorial Asylum, 1997.
- [48] Organization of African Unity (OUA) Convention Governing Refugee Problems; Asian-African Legal Consultative Organization; European Convention on Human Rights and the Committee of Ministers of the Council of Europe in 1967.
- [49] Hathaway, James C., and William S. Hicks. (2004) Is There A Subjective Element in the Refugee Convention's Requirement of Well-Founded Fear. *Mich. J. Int'l L.* 26 505,
- [50] Coleman, N. (2003) Non-Refoulement Revised Renewed Review of the Status of the Principle of Non-Refoulement as Customary International Law. *European Journal of Migration and Law* 523;
- [51] Lauterpacht, E, and Bethlehem D. (2003) The scope and content of the principle of non-refoulment: Opinion. *Refugee protection in international law:*
- [52] UNHCR's global consultations on international protection Guy S. Goodwin-Gill, and Jane McAdam. (2007) *The Refugee in International Law.*" 2-11;
- [53] Hurwitz, Agnès G. 2009 The collective responsibility of states to protect refugees. Oxford University Press on Demand, On the **contrary**: Grahl-Madsen, Atle. The status of refugees in international law. Vol. 2. Leyden: AW Sijthoff, 1972; Calamia, Antonio Marcello. Ammissione ed allontanamento degli stranieri. A. Giuffrè, 1980.
- [54] Goodwin-Gill, Guy S., Jane McAdam, and Jane McAdam. 1996 *The refugee in international law.* Vol. 12. Oxford: Clarendon Press.
- [55] Schloenhardt A. and Hickson H, (2013) Non-Criminalization of Smuggled Migrants: Rights, Obligations, and Australian Practice under Article 5 of the Protocol against the Smuggling of Migrants by Land, Sea and Air' *IJRL* 25 (1).

- [56] UN GAOR, Report of the Ad Hoc Committee, Elaboration of a Convention Against Transnational Organized Crime on the Work of its First to Eleventh Sessions, 55th Session, Addendum, 'Interpretative Notes for the Official Records' (Travaux Préparatoires) of the Negotiation of the United Nations Convention Against Transnational Organized Crime and the Protocols Thereto (Travaux Préparatoires) (UN Doc. A/55/383/ Add.1, 14.
- [57] Free Zones (Switzerland v France)(Merits) [1930] PCIJ (ser A/B) No 46.
- [58] United Nations, Vienna Convention on the Law of Treaties, 23 May 1969, United Nations, Treaty Series, Volume 1155, 331 (VCLT) article 27.
- [59] United Nations, Vienna Convention on the Law of Treaties, 23 May 1969, United Nations, Treaty Series, Volume 1155, 331 (VCLT) article 27.
- [60] UN Office on Drugs and Crime, International Framework for Action to Implement the Smuggling of Migrants Protocol (2011), 43 '[w]ithout prejudice to international commitments in relation to the free movement of people'; Migrant Smuggling Protocol, article 5; Colin Harvey and Robert Barnidge, 'Human Rights, Free Movement, and the Right to Leave in International Law' (2007) IJRL 19(1), 1-21, 14: States can control departure of migrants within the limits of the ICCPR, article 12(3).

## Legal Acts

- [1] Directive for the unified coordination of surveillance activities of maritime borders and fight against illegal immigration according to Article 11 of Legislative Decree n. 286/1998, alias Ministerial Circular n. 14100/141(8), issued in March 2019;
- [2] Legislative Decree No. 286 of 1998, Testo Unico sull'Immigrazione, 25 July 1998.
- [3] National Legislative Bodies/National Authorities, Italy: Legislative Decree No. 286 of 1998, Testo Unico sull'Immigrazione, 25 July 1998.
- [4] UN Convention against Transnational Organised Crime 2000 and its Protocols, Resolution A/RES/55/25 of 15 November 2000 (New York, 15 November 2000) UNTS 12, Volume 2225.
- [5] Legislative Decree 286/1998 (referred to as the Consolidated Text on Migration); Italian title "Disposizioni contro le Immigrazioni clandestine".
- [6] Legislation Penal Code law no. 228/2003 of 11 August 2003: "Measures against Trafficking in persons" (Legge 11 agosto 2003 n.228 Misure contro la tratta di persone) (in Italian).
- [7] Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against

Transnational Organized Crime, Adopted and opened for signature, ratification and accession by General Assembly resolution 55/25 of 15 November 2000.

- [8] UNODC Legislative Guides for the Implementation of the UN Convention against Transnational Organized Crime and the Protocols Thereto' (UN 2004).

## Media

- [9] Italy's Matteo Salvini shuts ports to migrant rescue ship, 11 June 2018.
- [10] Communication to the Office of the Prosecutor of the International Criminal Court Pursuant to Article 15 of the Rome Statute. EU Migration Policies in the Central Mediterranean and Libya (2014-2019).
- [11] News Release, Frontex launching new operation in Central Mediterranean
- [12] Lorenzo Tondo, Italy declares own ports 'unsafe' to stop migrants arriving, (The Guardian)
- [13] Alarm Phone 2020. The COVID-19 Excuse. 11 April 2020.
- [14] Press Release Point, Italy: Port Authorities Detain MSF's Search and Rescue Ship, 4 July 2021,
- [15] MSF is Determined to Return to Sea to Save Lives After GEO Barents Detained in Italy, 4 July 2021.
- [16] Fanpage, Geo Barents, 439 migranti ancora in mezzo al mare senza un porto sicuro,
- [17] Ansa, Migranti: altri 31 soccorsi dalla nave Geo Barents.
- [18] Statewatch, Statement by 29 academics on Italy seizing the rescue boat Open Arms, retrievable from last accessed 30 march 2022.
- [19] AlJazeera, Italy Strips Immunity From Far-right Salvini,

## Family and Children with Disabilities

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### Abstract

In this article experiences, dilemmas, and challenges of parents who have children with disabilities during birth, growth, and socialization of their children will be dealt with. The purpose of this study is to explore and analyze the dilemmas and experiences of parents and other members of their families who care for a child with disabilities. The study involved thirty parents and their families who have children with disabilities. They have followed up and were treated at the national center disabilities of psycho-social in the city Tirana. The results of this study show that the birth and growth of a child with disabilities for parents can be described as a process of loss and sorrow too great. Their families often suffer from severe economic crisis, social, and emotional problems. Having a child with disabilities often increases the stress on parents. The side effects after birth are many health problems that are both physical and mental. In these circumstances, parents find it difficult to pay attention to their other children, family members and relatives. These families, in most cases, have highlighted the economic problems due to the financial cost of health services for their children with disabilities. Despite all the obstacles, dilemmas and doubtful feelings that these parents have, they remain committed and faithful to the process of raising and caring for their children with disabilities. Conclusions: society should support and encourage children with disabilities, being more receptive, more open and more tolerant. Parents should take their responsibilities associated with growth socialization, education and integration of their child with disabilities avoiding stress and emotional burdens.

**Keywords:** dilemmas, social, parents, health, emotional problem, challenges.

### Introduction

Being a parent of a child with disabilities means to deal with difficulties, ranging from growth, education, education to the problems of adolescence or child care in the later age.

Living with a child with disabilities for parents and other family members means that their life is often buffeted by strong crisis D.M. Stack. et all. (2010), which can have profound effects throughout the family life complexity for parents, siblings and other members of the extended family. This is a unique experience, common to nearly all households and definitely can affect all aspects of the functioning of family dynamics. Process of raising a child with disabilities is a long and difficult process for the whole family. A. L. Weber (2008) Having and raising a child with disabilities, family and parents, often viewed from two overview. One side: families who are caring for a child with disabilities are more aware and made aware about the needs, characteristics and developments in this field. They have a higher level of cohesion, stand for the inner emotional strength in facing life's difficulties, are encouraged to establish links and relationships with community groups and religious institutions, but on the other hand, time and commitment that members of the family should be made available to the physical, health, social and emotional welfare of a child with disabilities, increase the financial costs, consumption of all family members, especially the mothers of these children. weight of these consequences dependson the degree and level of disability that the child brings, and the financial opportunities available. J.A. Caldwell, J.L. Jones, K.L. Gallus, and C.S. Henry (2018).

Having a child with a disability often leads to increased stress level of parents, mostly mothers and the birth of many health problems in their physical and mental. S. L. Neely-Barnes, and M. O. Marcenko (2004).

In these circumstances, parents find it difficult to pay other family child care and attention of right They face many obstacles in making the right decisions on important issues dealing with education, employment and training of members other family members. V.V. Duma, N. Tshabalala, and G. Mji, (2021).

Often these parents experience feelings of guilt or exhibit a pronounced selfesteem can lead to low.

This can lead to the of attention from other aspects of family functioning. The cost of health services and many other services that require a child with disabilities affects the opportunities of parents to have an active life, the quality of the relationship between them and the future of family life and all its structure. N. Oelofsen, and P. Richardson (2006) Having a disabled child in the family can also affect the limitation of time and financial resources needed for other children of family, can not bring good parenting practicesagainst them, limiting the utility of the family against grandparents and to bridge the relationship between parents and their families of origin. T. Douglas, B. Redley, and G. Ottmann, (2017). No doubt that all these effects felt in the welfare and health of children with disabilities.Other family children, often feel out of parental care and attention because the growth and care of children with disabilities requires time and dedication of all parents. K. M. Plant, and M. R. Sanders (2007). Despite all this, these children develop very precious human quality. They

appreciate their families and are loyal to them, are sensitive, humane, and over the years made positive people, special, very mature and without the aid of anyone in life.  
J. Kersh, at all. (2006)

Studies conducted in other countries have shown that when a child presents serious problems in its development, the family has many consequences. It may be that parents go to and divorce, mothers should not work outside the home and fathers never reduce their hours of work. Social inclusion parents may be at too low compared with other parents who have children with disabilities. Also they are deprived of the opportunity to have a large family with many children. S.J. Nam, and E.Y. Park (2017)

Psychological character studies have shown that the specific conditions that dictate the health of children with disabilities associated with the appearance of many mental health problems in parents of these children, grandparents, brothers and sisters. One recent study shows that the results of the brothers and sisters of children who have serious chronic illness, or in schools and what cognitive, and other activities are weaker than other children. M. B. Olsson, and C. P. Hwang (2006)

In Albania, it is not done any real study in this area, to see in depth the effects that the birth and growth of a child with disabilities in the lives of all family members. In this context, this study is important to present some of the economic and psychological effects it has on family social birth and raising a child with disabilities in our country.

### **Aims of the study**

Give a clear picture of the dilemmas and challenges faced by families of children with disabilities in the process of growth and socialization of their children. To explore and analyze the experiences and their lives of other family members who care for children with disabilities.

### **Methodology**

The study included 30 families of children with disabilities, who followed and treated in national psycho-social center in Tirana. Interviews were conducted on the premises of the center, over a period of three months. Total of 30 interviews were conducted with parents and siblings of children with disabilities. These parents, brothers and sisters of children with disabilities are also observed in relation to each other, with children, other family members, staff of the center, during therapy sessions that children develop or obtain other needed services for them. The survey instrument was semi-structured interviews. Interviews method used is individual, in accordance with the methodology described in international literature for studies of this type. A cross-sectional study was undertaken, which included a representative family of children with disabilities. Parents involved in study indicated that their child before coming to life and they like all the other parents, have addressed many questions related to their child. Is obtained through a questionnaire necessary

information to situations experienced by parents in moments when you are confronted with the birth and existence of a child with disabilities, for feedback and ways of coping with this problem over years, relationship and functioning of their lives couple, reports and their relationship with children and other family members, social-economic situation of family, educational status and employment of parents and attitudes of family members facing the child with disabilities.

To accomplish this review, literature analysis methods were used, as well as the combination of data from different works and projects of different authors. To successfully carry out this review paper, we studied and analyzed the contemporary scientific literature provided by various Internet-based research sectors such as: "Jab Ref" "Pub Med" "Google Scholar" "Medline" and "Research Gate". The methods used are: literature analysis, interviews, conclusions and references.

## **Results and discussion**

Referring to the methodology presented in the following answers to some interviews with the family at center of children with disabilities:

Ljiljana mother who has borne a child trizomik shows: "As soon as my baby was born so long desired, sought to give me one hand, you see, to touch, to kiss. But the reactions of doctors and health staff, made me worried, they seemed to whisper something to each - other, sought to force them to give me my baby and just saw, I could understand it all. I was born a boy, which differed from other babies, had a smaller head, his face looked very peculiar, had a flat nose, slightly down, eyes as with drawn, the mouth seemed less than of other children, shorter neck, smaller hands, with fingers shorter than the fingers of the other children. I asked the doctor to explain what had my child. He told me that I had a baby trizomik, it was diagnosed, or otherwise, children with down syndrome, I was born a child with disabilities.

Many other mothers have shown that their husbands have been given after drinking, or gambling to run immediately after the birth of their children with disabilities could not face reality. Many of these parents' expectations are not realized and they are faced with a reality which has not been prepared. Have experienced loss of their parents often described as a process of great sorrow. Parents always have dreamed and fantasized how would enhance their child, how will love him and to express how much pleasure he will donate to children, that they had dreamed of seeing them as a child while growing beautiful, healthy, smart. But their disappointment was great when they found their child, "would not be like other children." Parents and family have lost family balance. They were concerned about their ability to cope with the growth of their child's care.

Parents are also concerned about the fact that society and the community is biased and stigmatizing their children. They have lost the comfort and tranquility of the past and emotional stability in their lives. Their marital relationships are often

overwhelmed by strong family crisis. Pessimism and demoralization are made fellow of their daily lives.

Sandra mother of an autistic child says: "I felt very bad when the conclusion that some- thing is going to have my child's development, but I felt even worse when my husband did not accept this fact, but blaming me that there I worked enough with the boy. I tried to understand and explain his reaction. He had dreamed more than anything else this kid, who looks much like him and it made him happy. But I suffer because he did not believe the truth is bitter, our son was not talking, he behaved in the strange and the husband refused to examine a doctor or other specialists".

Parents of children with disabilities say they often experience feelings of many of the complex:

- Concern for the futur.
- Feeling guilty that they are causing to their child's condition.
- Economic problems.  
Have the child care increased with disability
- Experience the dispute between them for the child.
- They lack interest and low level of care for other children of the family, as all attention focuses on the child with disabilities
- Lose interest in things beautiful and interesting life.
- Abandoning the social circle of friends and companions.
- Feel prejudice and stigmatized by the community where they live.
- Lose confidence and become pessimistic about their future and children.

Despite all these experiences, dilemmas of ambivalent feelings that parents try, they commit themselves and maximally engage in the process of growing and caring for their children with disabilities. They do everything they can to these children grow up and educated as all other children. All parents accompanying children in therapy sessions at the premises of training centers, show that: regardless of health conditions and level of development of their children present, they try every day to be near them to provide services for which they need, hoping that improved and their rehabilitation will be close.

Many parents feel exhausted and hopeless during difficult process of raising their children with disabilities. Changes, improvements and advances in the development of these children, have been slowly and often have been insignificant. Parents had to wait long to get a minimum satisfaction, or a small result of their work several months and sometimes several years with their chilrens.

Arsen mother Kathy says: "I tried for months to teach my son how to use a spoon, how to eat yourself, use a cup, but I made it. He learned this habit self-service, after two years of work and effort".

Lisa claims that another mother: "It took several years and a great job her daughter to walk without support and without help of anyone who can climb the stairs down, independently".

Other mothers and fathers, stated that: have waited long and worked hard with their children to learn even a single word, or learn to use the pen, the recognition of a number, learning a short poem or execution of a locomotor game.

Valentina mother a child says : while trying hard to teach her five year old son with disabilities, a short poem for the New Year celebration in the garden, was surprised when he noticed that her other daughter, the which was only two years old and beautifully recited poem she though she had never tried to teach her".

Some parents said that: they had been very difficult to cope with the frustrations of their children, to see small achievement of extremely slow, especially those children who have serious disabilities.

Matthey father of a disabled boy says: For many years he had denied that his son had developmental problems, but now had no choice. His child could not go to kindergarten like all friends, it was a garden center and its schools.

Parents and other children in the family. Often parents of children with disabilities, by concentrating all attention to the problems of the child who has them, "left somewhat in limbo requirements, needs and wishes of other children in the family". In this way unwittingly creates a differentiation between children in the household, then in years to come, when other children grow, parents feel and experience feelings of guilt, conscience murder, not sufficiently devoted to these children, who did not washed themselves free to take the pleasures that can be used to observe them.

#### Experiences of siblings of children with disabilities.

- They often perceive themselves differently from their peers.
- Feel powerless to change the situation of their brother or sister with disabilities.
- Receive major responsibilities, depending on age.
- Often feel responsible and ashamed.
- Sometimes, they are thrown in the fear of the fact that they can be disabled, or may
- become in the future.
- Feel neglected or outside their parents' attention.
- Sometimes, they feel unprepared to interact and help their brothers or sisters withdisabilities.
- Often, experience ambivalent feelings about their sisters or brothers.

And siblings of children with disabilities often do not get the right information for them. Sometimes they feel isolated, guilty and sorry for their sister or brother, but these feelings are temporary. They are under pressure incurred, as under pressure from their parents' to care for the sister or brother and worry about their future.

Here as Suzi says sister of a girl with disabilities attending a day center: "every morning mom reminds me that we should not bother sister boredom or small, should give them that she wants, to satisfy their desires, always play with, and take with you whenever sprout, the show many stories and read many books, and do many things like these. These words have become the refrain of my life, wonder whether will live a day without listening to all these. I want to call your strong voice to tell my parents that I dream, that I wish to hear my parents meet. I love my parents and sister, but I need to consider more to me than I really need them".

## **Conclusions**

From this literature review, we drew conclusions about questionnaires that will help us in the most efficient design of tasks for the future with families that have children with disabilities as follows:

- Parents take their responsibilities associated with growth, socialization, education and integration of their child with disabilities, avoiding stress and emotional burdens.
- Parents try and help in process of education, sensitizing and awareness of siblings and community where they live to solve their child's problems, to seek support and help from relevant structures, relatives and society.
- Parents who raise a child with disabilities, must respect and consider other children same family. They to understand their every desire, be careful to set them a warm environment and family entertaining. Family environment, must be prepared for child with disabilities.
- Other children make it clear that their sibling has specific needs that require more commitment and attention from parents and other family members.
- Parents prepare integration of children with disabilities first within family environment, respecting privacy, wishes and lives of other children.
- Society to support and encourage parents of children with disabilities, being more open, more open and more tolerant.

## References

- [1] D.M. Stack, L.A. Serbin, L.N. Enns, P.L. Ruttle, and L. Barrieau (2010). Parental effects on children's emotional development over time and across generations. *Infant. Young. Child.*, 23, pp. 52–69. doi: 10.1097/IYC.0b013e3181c97606.
- [2] A. L. Weber (2008). Family decision-making: Benefits to persons with developmental disabilities and their family members. *Intellectual and Developmental Disabilities*, 46, pp. 93-105
- [3] J. A. Caldwell, J.L. Jones, K.L. Gallus, and C.S. Henry (2018). 'Intellectual and developmental disabilities: Empowerment and resilience in families of adults with intellectual and developmental disabilities', *Intellectual and Developmental Disabilities*, 56(5), pp. 374–388. doi: 10.1352/1934-9556-56.5.374.
- [4] S. L. Neely-Barnes, and M. O. Marcenko (2004). Predicting impact of childhood disability on families: Results from the 1995 National Health Interview Survey Disability Supplement. *Mental Retardation*, 42, pp. 284-293.
- [5] V.V. Duma, N. Tshabalala, and G. Mji, (2021). 'The black hole of dealing with a disability diagnosis: Views of South African rural parents'. *African Journal of Disability*, 15, pp. 235-243.doi: 10.4102/ajod.v10i0.951.
- [6] N. Oelofsen, and P. Richardson (2006). Sense of coherence and parenting stress in mothers and fathers of preschool children with developmental disability. *Journal of Intellectual & Developmental Disability*, 31, pp. 1-12.
- [7] T. Douglas, B. Redley, and G. Ottmann, (2017). 'The need to know: The information needs of parents of infants with an intellectual disability. A qualitative study', *Journal of Advance Nursing*, 73(11), pp. 2600–2608. doi: 10.1111/jan.13321.
- [8] K. M. Plant, and M. R. Sanders (2007). Care-giver stress in families of preschool-aged children with developmental disabilities. *Journal of Intellectual Disability Research*, 51, pp. 109-124.
- [9] J. Kersh, T. Hedvat, P. Hauser-Cram, and M. E. Warfield (2006). The contribution of marital quality to the well-being of parents of children with developmental disabilities. *Journal of Intellectual Disability Research*, 50, pp. 883-893.
- [10] [S.J. Nam, and E.Y. Park (2017). Relationship between caregiving burden and depression in caregivers of individuals with intellectual disabilities in Korea. *J. Ment. Health*, 26, pp. 50–56. doi: 10.1080/09638237.2016.1276538.

- [11] M. B. Olsson, and C. P. Hwang (2006). Well-being, involvement in paid work and division of child-care in parents of children with intellectual disabilities in Sweden. *Journal of Intellectual Disability Research*, 50, pp. 963-969.
- [12] Weber, L. A. (2008). Family decision-making: Benefits to persons with developmental disabilities and their family members. *Intellectual and Developmental Disabilities*, 46, 93-105
- [13] Weber, L. A. (2008). Family decision-making: Benefits to persons with developmental disabilities and their family members. *Intellectual and Developmental Disabilities*, 46, 93-105

## Criminal Liability of Legal Entities

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### **Abstract**

The theory and practice of criminal law, not only in our jurisdiction but also in a wider area, has elaborated. regarding the criminal liability of legal entities, especially of well-organized companies, such as second-tier banks, for the very position they occupy in a market and in the economy of a given country. Furthermore, we would like to emphasize the distinction of criminal responsibility of the employee (employees) and how it is combined and separated from that of the legal entity. In our analysis below, we will show the Prosecutor interpretation of the criteria provided by the special law. Specifically, articles 3 and 4 of Law 9754/2007 "On the criminal liability of legal persons", which is the legal basis on which the criminal liability of any legal organization, in the form of a legal person, is based, according to the provisions of the Civil Code, the Law on Non-Profit Organizations (8788/2001) and the Law on Commercial Companies (9901/2008). To this we must also add the arguments that show that the evidence brought during trial, are not placed in the context of the criminal fact alleged to have been committed by the legal entity, moreover in some cases were deliberately distorted. As we emphasized above, we think that the strategy of the investigation was clear and not in the function of providing justice, i.e. confronting the criminal responsibility of the legal entity, in order to have a future argument for a trial possible civil, to seek civil liability from the latter, in the absence of the ability to pay of the one who caused this civil and non-criminal conflict, the Company and the party itself that claims to be the victim of this criminal process. We think that, in the event that an investigation developed and defended in this trial, in function of this strategy, would create a dangerous precedent for the business environment and would make it liable not only criminally but also civilly, for any action illegal actions carried out by its employees during the exercise of their functional duties, regardless of the fact that its governing bodies have authorized it, or moreover have been aware of these actions. The article presents concrete analysis of the legal interpretation of the legal person's criminal responsibility, but also of the evidence taken during trial in its function, we would like to dwell on some

general considerations of criminal theory and practice, for the criminal liability of the legal person, since it was born as such, how it has been developed and adopted in practice in our jurisdiction, after the entry into force of the law. 9754/2004 "On the criminal liability of legal entities", seeing it in the context of the charge brought by the Prosecution body, against the person protected by me, the Legal Entity.

**Keywords:** criminal liability; legal entity; commercial fraud; financial institutions; joint stock ventures;

## Introduction

### The Criminal Liability of the Legal Entity and its Impact on the Claim of Criminal Liability

Since the birth of the legal entities that separated the responsibility of the individual from that of the organization, issues of civil and administrative responsibility have been developed for the actions of its representatives (we emphasize its representatives), in front of the legal entity itself and towards third parties. Based on this view of the civil and administrative responsibility of the legal entity and its representatives, according to a logical interpretation and under certain legal and factual conditions, the latter must also bear criminal responsibility for criminal offenses<sup>1</sup> committed in its name and his beneficial.

While the civil liability of the legal entity is a matter of the branch of private law (civil<sup>2</sup> and commercial law<sup>3</sup>), the criminal liability of legal entities is a relationship report that is protected by a special law and treated in the light of the theory of criminal law. But it cannot be understood the criminal responsibility of the legal person without first understanding the civil responsibility of it and its legal representatives and, moreover, their organization and internal functioning.

The latter (civil liability) is a responsibility that is seen not only as a relationship between the company and third parties (the external function of the legal entity) but also as a relationship between the legal representatives themselves and the bodies of the company (its internal function).

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<sup>1</sup> Elezi I., Kaçupi S., Haxhia M., "Commentary on the Criminal Code of the Republic of Albania" Tirana, University Book Publishing House, 1999, pg. 115.

<sup>2</sup> Civil Code of the Republic of Albania Law no. 7850/1994 amended by law no. 8536, date 18.10.1999, no. 8781, date 3.5.2001, no. 17/2012, date 16.2.2012, no.121/2013, date 18.4.2013, no.113/2016, date 3.11.2016; VGJK no. 69, date 27.12.2023 ; <https://qbz.gov.al/share/d5M-UVQGTBmotC03IDALMg> (accessed May 2024).

<sup>3</sup> Commercial Law no.9901/2008 <https://qbz.gov.al/eli/ligi/2008/04/14/9901>

To understand these types of liability of legal entities, including civil, administrative and criminal, it is important to understand the internal function of the legal entity (company) and its external function during its business activity.

The internal functions of a commercial company has to establish internal policies and procedures based on regulatory acts and norms for managing the company's activity, especially on legal regulations such as (the law on traders and commercial companies) and statutory ones, in our case there are also specific regulations (*lex specialis*) derived from Law No. 9662, dated 18.12.2006 "For Banks in the Republic of Albania", as well as the internal acts of this company, including the article of association and statute, the internal regulations of the organization and its operation, as well as the regulations and instructions issued by the Bank of Albania as a supervisor body and regulator of the banking system in te Republic of Albania.

The judicial practice developed in our country Albania (below we will bring some decisions of the Criminal Colleges of the Supreme Court), but also the theory of law<sup>1</sup>, for the criminal responsibility<sup>2</sup> of the Legal Entities, have elaborated the existence of an organizational culture (corporate culture) that provide an environment for the exercise of the activity in a logical manner, respecting the rules of the internal function of the company. In our case, the legal provisions of the commercial law, the statute, the internal regulations of the operation and organization of the legal entities, the law on banks in the Republic of Albania and the rules that have emerged and are emerging on the basis of and for its implementation in the banking sector by the Bank of Albania.

In addition, to determine the guilt or innocence of the legal entity for the acts committed by its representatives, we emphasize its representative, in the sense of the civil law, the commercial law and the specific law for Banks in the Republic of Albania, the existence of an organization and control model is required (compliance program) in order to prevent criminal offenses. On the contrary, the absence of such a model also represents the basis of doubt about the guilt of the legal entity.

### **Analysis of Law 9754/2007 "On Criminal Liability of Legal Entities"<sup>3</sup>**

#### **Legal analyse on Article 3 and 4 of the law**

Usually the Prosecution arguments, in order to arrive at the request for the criminal liability of the legal entity, make an analysis of articles 3 and 4 of the law, which is the basis of the criminal liability<sup>4</sup> of the legal entity. We suppose that this analysis has

<sup>1</sup> Omari, L., Principles and Institutions of the Public Law, published "Pegi" Tirane, 2005, pg104.

<sup>2</sup> Elezi, I., and Hysi, V., "Criminal Policy", PEGI, Tiranë, 2006, pg. 78.

<sup>3</sup> Law 9754/2007 "On Criminal Liability of Legal Entities",

[https://www.pp.gov.al/rc/doc/ligi\\_perjegjesia\\_penale\\_e\\_personave\\_juridike\\_38.pdf](https://www.pp.gov.al/rc/doc/ligi_perjegjesia_penale_e_personave_juridike_38.pdf) accessed May 2024.

<sup>4</sup> Law Drafting Manual - A guide for drafting laws in Albania, published by the European Union, Ministry of Justice and EURALIUS, Tirana 2010, pg. 17.

major defects and unfair interpretations, which are out of the context of the criminal fact attributed to a legal entity.

The analysis of point "c" of Article 3 of Law 9754/2004, contains in its foundation, issues of the existence of programs of control and supervision by the legal entity. Before we analyse the criteria that the letter of the law should contain, and show why the Prosecution has interpreted it wrongly and outside the context of the article, we have to quote it. "...The legal person is responsible for criminal offenses committed: ... c) on his behalf or for his benefit, due to the lack of control or supervision by the person who directs, represents and administers the legal entity....".

This clause of the law, from the doctrine and jurisprudence in this field, has been elaborated as a matter of "Compliance program", which means the internal programs (measures) applied by a legal entity in order to comply with the laws in force and other rules, as well as a control body for the design and effective implementation of these programs. In order to avoid the liability of the legal entity for criminal offenses committed by its representatives, this program must contain clear measures for the prevention of such offenses that could potentially be committed by these legal representatives.

The analysis made by the prosecution body in this regard, shows that it did not investigate this issue, and moreover shows extreme poverty of knowledge of the organization and control programs used by second tier levels banks in the Republic of Albania. The Prosecution was satisfied in its arguments of the final conclusions, in a reading of the provisions of the law on the second tiers level banks of Republic of Albania, but the prosecution must be presenting facts in the implementation of this law. Moreover, prosecution must submit clear and accurate analysis of how a second tier level bank is organized, and which point of the acts of the Bank of Albania and of the internal acts of the legal entity, has been violated by the legal representatives of legal entity, which could lead to the failure to establish an accurate model of organization and control of this entity.

Only in the event that the prosecutor<sup>1</sup> would prove such a fact, then he could reach the conclusion that the actions or inactions performed by the employees of the legal entity where the alleged criminal fact occurred, were the result of the lack of a clear program organization and control of legal entity, and that its legal representatives were aware of it and influenced the arrival of unwanted consequences for legal entity. This argument, is the fundamental requirement of point "c" of Article 3 of Law 9754/2007, where the Prosecution based a large part of its conclusions, to prove the guilt of the legal entity.

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<sup>1</sup> Balla, R., "Constitutional Reform, Criminal Justice Reform in the Prevention of Organized Crime and Corruption", Proceedings of the International Conference Faculty of Law, 2017, pg. 557.

All second-tier level banks have a clear organization and control program that originates from several legal sources regulated by special laws and acts of Central Bank of Albania and its internal acts. This must be the focus of the process, as far as the discussion of the criminal responsibility of banks is concerned.

Firstly, the law on commercial companies, the statute, the law on Banks in the Republic of Albania, the regulations and orders as well as the instructions issued in the banking sector by the Bank of Albania, are the acts that must be carefully analysed before reaching a conclusion as to whether they are in the scope of action of point "c" of Article 3 of Law 9754/2004, the actions of the legal entity, the commercial company. When we say legal person, we mean the actions of its legal representatives, recognized as such by the law on commercial companies and the law on banks in the Republic of Albania, as the only law that gives the form of organization and operation of a commercial legal person bank, and not the actions of its employees, at every level and structure of the bank.

In the analysis of point "c" of Article 3 of Law 9754/2007, the subjective aspect of the criminal liability of legal entities should be based precisely on the assessment of the existence or not of a program (measures) for the prevention of criminal offenses that may be committed in their name and benefit. The application or not of a program or measures for the prevention of criminal offenses is also an indicator of the orientation (will) of the legal entity in relation to respecting the values of society protected by the laws in force.

The analysis of the prosecuting body regarding the subjective aspect of criminal responsibility is overlooked in a completely professional manner, and the criminal responsibility according to this analysis that it imposes on the bank comes out as an objective responsibility and that derives directly from the responsibility of the natural person, the bank's employees and not as an analysis of every criminal offense in all its elements, including its subjective element, as required by the criteria of Article 2 of Law 9754/2004 on the Criminal Liability of Legal Entities.

Analysing the provisions of the law on the criminal responsibility of the legal person, specifically its articles 2, 3 and 4, we come to the conclusion that the concept of ruling culpability<sup>1</sup> should be considered as the "key" to the affirmation of criminal responsibility for the legal person, that as a criterion of culpability must take into consideration two essential aspects:

- 1- proving whether the act committed in its name is a consequence of the legal person's interest in benefiting (directly or indirectly) from the criminal act (Article 3/b of the law) and that;

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<sup>1</sup> Islami H., Hoxha A., Panda I., "Commentary on the Criminal Proceeding Code", Tirane, 2010, pg. 154.

- 2- the offense is a consequence of the negligence of the legal entity to take the necessary measures to prevent the damage, namely the criminal offense (Article 3/c of the law).

Until the criminal responsibility of the legal person in our case is derived from the criminal offense of the natural person (its employees), then one of the conditions to conceive this responsibility is the identification of natural persons whom can act in the name and on behalf of the legal entities, and under what conditions the criminal offense committed by them can be the basis of criminal liability for the legal entity as well. This is an important determination that emerges from the content of Article 3 and 4 of Law no. 9754, dated 14. 06. 2007, "On Criminal Liability of Legal Entities".

According to the meaning of this provision (Article 3 of the law), as well as the elaboration made by our jurisprudence, but as well as the experience of those countries from which our law was taken as a model, the basis of the criminal responsibility of the legal person in relation to the act of natural persons, has been determined in several ways:

- 1- the explicit definition of the persons who are in the structure of the legal entity, whom can commit criminal offenses in its name;
- 2- by identifying the responsibility of the legal entity, only with the actions of the higher bodies, as its legal representative and not as an employee in the company;
- 3- based on the non-adequate system of organization and the lack of control and measures for the prevention of criminal offenses (Compliance programs);
- 4- by specifying the entities that, according to the hierarchical position in the legal entity, can commit a criminal offense on its behalf;
- 5- by identifying the person or persons who have the authorization to act on its behalf and with the committed act, also benefited the legal entity;
- 6- the criminal liability of the legal entity can only arise from criminal offenses committed by natural persons who have certain qualities and are part of its management hierarchy (legal representatives of the legal entity) and can be proven to have acted on behalf and benefit of the legal entity, in each specific case of criminal proceedings against the legal entity;

Finally, in the analysis of these provisions of the law, criminal liability consists in proving whether the criminal offense was also the will (intention) of the legal entity.

#### **Analysis of the law on "within the framework of authorizations"**

The term "for the benefit of..." must foresee a specific intention of the responsible person (which means the body of the legal entity or its legal representative, recognized by law and statute). In the interpretation of this part of the provision

(Article 3/b of the law), the goal of a responsible person who causes a violation during its activity, whether is an employee or a legal representative of the legal entity, does not always match the goal of the legal entity itself.

Therefore, regardless of the will of the person responsible, in the specific case of natural persons (employees of the company), who are alleged to have committed the violation attributed to them, according to the criminal offense of fraud, Article 143/3 criminal code in cooperation, it must be proven if the legal entity, intended or allowed such an offense through the conduct of its representative bodies, determined according to the legal sources of the organization, the law on commercial companies, the Statute, the law on second level banks in Republic of Albania, Bank of Albania by-laws, as well as its internal regulations. Moreover, in this analysis we must take into account that when we talk about a legal entity, we are talking about its governing bodies and those representing it, and with which it is identified in the civil legal circulation, since the legal entity is a fiction and acts in relation to the third parties, being represented by the persons<sup>1</sup> who are its legal representatives. Not every employee can be considered a representative of the legal entity. This analysis is missing in the Prosecution's conclusions not without purpose.

As long as the basic conditions of the responsibility of the legal person must be the fact that the act must have been committed "on behalf" and "for the benefit" of it, in the practical plan to prove the guilt of the legal person, the basic duty of the prosecution body and more to the court that judges the case, we think that it is the correct interpretation of these two conditions of the law:

- 1- for the criminal offense to have been committed "in the name" (Article 3 point b) of the legal entity, it is not enough to prove that a natural person, from the structure of employees of the legal entity, is suspected of having committed the criminal offense, but it must be proven that he acted on its behalf and moreover had authorization for such action from the legal entity.

Based on this condition of the law, the question arises, for which illegal action claimed by the Prosecution, did the employees of the legal entity have authorization? Which of these actions were the representatives of legal entity aware of and moreover gave their consent? Otherwise, the legal entity cannot have criminal responsibility and further plead guilty.

- 2- it must be proven whether the legal person had benefit, (Article 3 point b of the law), or gained exclusive interest from the criminal offense that was committed. The benefit of the legal entity can be direct or indirect. In our case, what is the benefit that legal entity has derived from these actions of its employees, in case they would be considered illegal from the point of view of

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<sup>1</sup> Damaska, M. (1975). Structures of Authority and Comparative Criminal Procedure. Yale Law Journal, 84, p. 480 – 544.

criminal law. The answer is clear, based on the evidence presented, not only from our side, but also those presented by the prosecution, there is zero benefit and benefit for legal entity at the end of the day and at the end of the financial year.

We presume that this analysis is not done on the part of by the prosecution office, or at best, it is only mentioned as an expression that ... "the bank was saved from a big loss". This proves our analysis that legal entity has had no benefiting, this is a necessary criterion to prove its criminal responsibility.

In addition to other criteria, these two conditions (that is, the action of the authorized employee in the name and benefit of the legal entity) must exist cumulatively in order to prove the criminal liability of the legal entity. In the request for trial and in the evidence presented by the prosecution body, there is no direct or indirect evidence to prove the knowledge of the legal entity, i.e. the first condition of letter b of Article 3 of the law, the action on behalf of the representative bodies of bank and furthermore for the second benefit condition (benefit condition) that legal entity had from these actions performed by these employees.

### **Analysis of the causal relationship of the criminal offense**

Continuing our analysis, another basis of the legal person's guilt according to the provisions of the special law (Article 2 of the law) and the principles of the criminal law for criminal liability, is the existence of a causal relationship between the damage received and the actions or omissions of the legal entity. The legal entity can be declared guilty if it is proven that the damage is the result of any interest of the legal entity or the latter did not adhere to the necessary standards during the exercise of its activity. So, if such a causal relationship cannot be proven between the actions of the legal entity (its management and legal representative bodies) and the damage caused, there can be no criminal liability. Causing damage as a basis for criminal liability makes sense only if it is proven that there is a causal connection with an interest (actions) or negligence (omissions) of the legal entity in relation to its legal obligations. What is the damage caused in our case by legal entity? and can this damage claimed by the Prosecution be equated with what is claimed to have been caused by its employees, when they are not among those persons defined by Article 4 of the law? This analysis in the prosecution's conclusions is missing, moreover, it is misinterpreted.

Article 4 of Law 9754, dated 14. 06. 2007, has foreseen an exhaustive definition of what is meant by representative bodies of a legal entity according to the definitions of Article 3 letter a. According to the provision of (Article 4), the bodies that act on behalf and for the benefit of the legal entity, in the sense of Article 3 letter a, are any natural person whom, according to the law or acts of the legal entity, is charged with the representation, direction, administration or control of the field of activity of the legal entity and its structures.

The term used by the provisions in the analysis, "according to the law or acts of the legal entity", is a definition that leads to the special laws that regulate the activity of legal entities, in our case commercial law, the law for banks in Republic of Albania, the normative acts based on and its implementation by Bank of Albania and the charter of the Trading Company the bank, as well as its internal regulations of organization and operation.

According to the civil law, from the time the theories were born and the first concepts of legal entities were standardized, the responsibilities of the legal entity and those of its governing bodies were clearly defined. This is embodied in the definition that our Civil Code makes of this responsibility that arises between the legal entity and third parties in the civil legal circulation, from the unjust actions of its governing and representative bodies.

Article 31 of the Civil Code clearly defines that, "The legal entity acts through its bodies provided for in the law, in the act of foundation or in the statute, which express its will. The legal actions performed by the bodies of the legal entity, within their competences, are called as performed by the legal entity itself".

While Article 32 of the Civil Code defines the responsibility of the legal entity as follows: "The legal entity is responsible for the damages caused by its units during the fulfilment of their duties. The legal entity is responsible for its obligations within the limits of its assets. The persons who acted in the capacity of the body of the legal entity, have personal responsibility for the compensation of the damages that were caused due to their fault".

So, it is clearly defined that there is a dividing line between the civil liability of the legal entity towards third parties, due to the actions of its governing bodies, and the personal liability of the latter for damages caused by their fault.

This clear relationship of interaction between the legal entity, its governing and representative bodies according to the law or its acts of foundation, finds the same treatment in the law in the analysis of our arguments, that "On Criminal Liability of Legal Entities", no. 9754, dated 14. 06. 2007.

Article 4 of the law in the title cannot be overlooked in our analysis: "Bodies and representatives acting on behalf or for the benefit of the legal entity", that is, only those bodies and representatives acting on behalf and for the benefit of the legal entity are defined in this provision as follows. The provision has the following content:

"In the sense of Article 3 letter "a" of this law, the body and representative of the legal entity, acting on behalf of or for the benefit of the legal entity, is any natural person who, according to the law or acts of the legal entity, is charged for the representation, direction, administration or control of the field of activity of the legal entity and its structures".

This definition leaves no room for any other fantasy in interpretation. Therefore, the employee in the company cannot be a representative of the legal entity. Simply employees of the legal entity can be responsible and hold liability based on a work contract and with clearly defined duties, the violation of which in any case would burden each of them with individual responsibility, and never the legal entity.

### **Analysis of the Subjective Aspect**

The culpability of the legal entity must be based on its internal organization, the existence and implementation of a model for the prevention of criminal offenses or not, or any other act for this purpose (these criteria are defined in point "c" of the article 3 and in article 4 of the law 9754/2007). In this aspect and in the analysis of these criteria to determine the subjective side of the guilt of the legal person, generally in practice, the criminal offenses that are committed in the name and benefit of the legal person in many cases are a direct consequence of a weak organization of the legal entity, to avoid the commission of criminal offenses<sup>1</sup> by its employees. On this basis, the guilt of the legal entity and its punishment is justified if it is proven that the specific criminal offense is a consequence of the weak organization of the legal entity to avoid it, until the legal entity itself cannot prove the opposite in the process.

The opposite exists for banks as a category of legal entities, which have specific laws governing their organization and operation and, moreover, exercise their activity under the instructions and control and supervision of the Bank of Albania. Only this approach of the banking system in a certain regulated market made our case easier to solve and in favor of not blaming the legal entity. We did not find such an analysis in the investigations conducted by the prosecution body in the conduct of arguments of guilt in the subjective aspect of the legal entity due to the way of its internal organization, the existence and implementation of a model for the prevention of crimes, either in the application for judgment and moreover in its final conclusions.

Criminal offenses by legal entities as well as natural persons can be committed both intentionally and negligently. Intent exists when the act expresses the will of the legal entity (example: corrupt or fraudulent actions instigated by the legal entity itself), while the act is considered to have been committed by negligence in cases where the same situation was the result of poor organization and insufficient of the legal entity to avoid such offense (*culpa in vigilando*). This should be the basis of the guilt of legal persons for criminal offenses also according to the provisions of the special law "On Criminal Liability of Legal Persons", no. 9754, dated 14. 06. 2007.

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<sup>1</sup> Balla, R., "Combating Money Laundering and Terrorist Financing, Amendments to the Law on Prevention of Money Laundering, published by the European Institute, SEE I EU Cluster of Excellence in European and International Law, Verlag Alma Mater, Saarbrucken, Germany, December 2018, pg 304.

## **Analysis of Control and Surveillance Programs**

In the framework of our entire legal analysis, the legal entity the commercial company especially the banks must adopted and implemented such a provision, because it is also an obligation deriving from the special law on banks in Republic of Albania, regulations, orders and instructions of Bank of Albania as well as continuous supervision through periodic controls and audits of the Bank of Albania as a comprehensive supervisory authority. In implementation of this legal obligation and due to the fact that the banking system occupies an important position in a country with a market economy, banks should approve a policy of the organization and control model (so called compliance program), approving a series of internal acts that practically embody all these obligations.

In this way, must be approved and implemented by the bank the Employee Code of Conduct; Human Resources Policies and Procedures Manual; Risk Management Policy; Code of Business Ethics and Data Collection Procedure; Anti-Fraud Policy; Department of Treasury Operations Manual; Insurance Regulation of Branches; Regulations and Manual regarding Training Policies; Regulations for the Procedure of the Denunciation Line; as well as the Employee Performance Evaluation Manual, the Employee Career Development Policy and the Written Test Manual for the Promotion of employees. All these internal acts must be established as internal policies and must be evaluated by us, in the framework of the analysis of point "c" of Article 3 of the law.

Actually, this fact and these internal policies and procedures must be analysed by the prosecution body in accordance with Article 3 point "c" of Law 9754/2007, a criterion on which the prosecutor must supported almost all of its analysis in the final conclusions. In order to reach a clear and legal conclusion of the criminal responsibility of the legal entity, the prosecution body must administer these policies and procedures during the investigation and the analyse of these internal documents would help to determine the accusation against the legal entity.

According to article 2 of the special law, it is stated that: "...the provisions of this law are applied to legal entities as far as it is not provided otherwise in the Criminal Code, or in Criminal Proceedings Code and in other criminal provisions....". So, it is the court's duty to interpret this law in harmony with other criminal provisions, since the special law lacks the basic criteria for determining the guilt of a legal entity. This means that the legal person cannot be punished only on the basis of the objective fact, that a criminal offense was committed by one of the employees, in the exercise of their functions according to the employment agreement. Prosecution must evaluate the claims and analyse the actions of the employees, in order to determine the criminal responsibility of the legal entity. Meanwhile if it does not result in anything determined in the regulatory acts of the legal entity, the employment contract, or the

job description that these employees then it must be clear to the prosecution that the criminal responsibility must not be changed to the legal entity.

Based on Article 14 of the Criminal Code<sup>1</sup>: "No one can be punished for an action or omission provided by the law as a criminal offense, if the offense was not committed with guilt. The person who commits the crime intentionally or negligently is called guilty".

So, for the natural person, based on this principle, it is required to prove that the criminal offense for which he is accused is a consequence of his actions or omissions committed intentionally or carelessly.

But this cannot be said in relation to legal entities that the act committed was intended by the legal entity, since the latter is a fiction. This means that the legal person cannot be held criminally responsible and cannot be punished further in the framework of the application of the theory of the subjective concept, i.e. as a psychological connection between his actions or omissions and the resulting consequence, but according to a system well-defined provided by the special legal norm, according to which the guilt of the legal entity should be understood as a punishment for disobeying the rules. The prosecution must consider such a fact in its analysis when claiming the guilt of a legal entity, which are the legal or statutory rules that the bank as a legal entity violated in the occurrence of the alleged illegal consequence.

At this point of view, we think that it is the obligation of the court to analyse, in accordance with Article 30 of the Constitution<sup>2</sup>, regarding the guilty or not of the legal entity. This is because it is not possible to bind the criminal responsibility of legal entity only as a responsibility that derives objectively from the criminal responsibility of each natural person who is its employee. We emphasize that the court should not overlook the analysis of the subjective responsibility of the legal entity, responsibility that is expressed through the bodies that represent it and that are correctly defined not only in Article 4 of the law, but also emerge from the two specific laws, namely the one that regulates the organization and the operation of second tier level banks as well as the Commercial Law.

Within the theory of proving the criminal responsibility of the legal entity, the prosecution body must have the obligation to prove whether the model of control and supervision measures exists and whether it has been implemented by the legal entity.

### **Analysis of the Organization of Banks**

Based on the above, it is necessary to determine that the activity of second level banks in the Republic of Albania is regulated on the basis of a special law, specifically on the

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<sup>1</sup> Criminal Code of Republic of Albania Law no. 7895/1995 <https://qbz.gov.al/preview/a2b117e6-69b2-4355-aa49-78967c31bf4d> accessed May 2024.

<sup>2</sup> Omari, L., Anastasi A., Constitutional Law, published by ABC, Tirana 2008, pg 55.

basis of law<sup>1</sup> no. 9662, dated 18.12.2006 "On Banks in the Republic of Albania"  
Amended.

Article 3 thereof determines that the banking system in the Republic of Albania consists of the Bank of Albania, whose status is determined by the law<sup>2</sup> "On the Bank of Albania", as well as by banks and branches of foreign banks, whose status is determined through this law. Article 4, item 19 defines who will be considered Bank Administrator "Administrator of a bank or branch of a foreign bank" is an individual who is: a) a member of the management council or the control committee of the bank; or b) executive director; or c) head of the control unit. "

The Bank's Internal Control System must be established in accordance with Article 45 of the Law on Banks in the Republic of Albania, which clearly defines the organization, operation and election of the members of the Control Committee and the Internal Control Unit, which indicates that the supervision of the Bank's own activity consists of a very structured and well-organized control system, and not of a structure or individual, specifically:

1. The bank or branch of the foreign bank organizes the internal control system, with the aim of monitoring the implementation of internal policies and procedures, evaluating the effectiveness of banking activity and monitoring compliance with legal and by-laws.
2. The purpose of internal control is to identify the exposure of the bank or foreign bank branch to the types of risks, measurement, administration and monitoring of their level.
3. The internal control system of the bank or branch of the foreign bank consists of a set of procedures, rules and structures that exist within it.

As above, we presented a description of the nature of the organization and the functioning of the banking system in the Republic of Albania, and more specifically of a second tier level bank, according to the special purpose to show that the Prosecution must search and bring to the trial evidences to show whether it lacked any organizational or control structure according to this law, and that the legal entity had failed to take the organizational and control measures required by this law, the orders and instructions of the Bank of Albania. In addition, the prosecution must bring evidence or indication that Bank of Albania has supervised during its activity in the Albanian jurisdiction and whether it found any organizational and structural

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<sup>1</sup> Law no. 9662 dated 18.12.2006 "On Banks of the Republic of Albania" amended, published on Official Journal [https://www.bankofalbania.org/Rreth\\_Bankes/Legislativni/Ligi\\_9662\\_2006\\_Per\\_bankat\\_ne\\_Republiken\\_e\\_Shqiperise\\_version\\_i\\_integruar.html](https://www.bankofalbania.org/Rreth_Bankes/Legislativni/Ligi_9662_2006_Per_bankat_ne_Republiken_e_Shqiperise_version_i_integruar.html) (accessed May 2024)

<sup>2</sup> Law no. 8269 dated 23.12.1997 "On the Bank of Albania" amended, published at Official Journal [https://www.bankofalbania.org/Rreth\\_Bankes/Legislativni/Ligjet/Ligi\\_Per\\_Banken\\_e\\_Shqiperise\\_i\\_ndryshuar.htm](https://www.bankofalbania.org/Rreth_Bankes/Legislativni/Ligjet/Ligi_Per_Banken_e_Shqiperise_i_ndryshuar.htm) (accessed May 2024)

deficiencies, which might lead to business risks and damages to its customers, in order to determine the criminal responsibility of the legal entity.

### **Jurisprudence of the Criminal College of the Supreme Court**

Based in Decision no. 17, dated 04. 02. 2015<sup>1</sup>, the Criminal College of the Supreme Court, states that ".... The Criminal College of the Supreme Court finds the conclusion of the appeal court wrong that the legal entity "Nika" shpk should also be held responsible, for the actions carried out by the defendant Zef Nika; who turns out to be a person simply employed by this entity, and did not have any management function.... The legal entity "Nika" shpk cannot be held responsible for the criminal offense of using forged documents, provided for by Article 186 /1 of the Criminal Code, if he was not aware, and cannot answer for the charge against him, since the crime of using subjectively falsified documents is committed only with direct intent ..... Taking into consideration Article 3 of the law "On the criminal responsibility of legal entities", which provides that: "The legal entity is responsible for criminal offenses committed: a. In his name or for his benefit, by his bodies and representatives; b. In its name or for its benefit, by a person who is under the authority of the person who represents, directs and administers the legal entity; c. In its name or for its benefit, due to the lack of control or supervision by the person who directs, represents and administers the legal entity", it results that in the analysis of this provision, in order to be before the criminal offense committed by the legal entity, two conditions must be fulfilled at the same time: i) The criminal offense was committed by the circle of persons which include the category of employees with representative, administration or management functions and persons who are under the authority of the person who represents, directs and administers the legal entity, i.e. the employees of the executive level and ii) The criminal offense was committed "in the name" or "for the benefit" of the legal entity....

Based in Decision no. 181, dated 28. 10. 2015 of the Criminal College<sup>2</sup> of the Supreme Court, reasons that ".....Regarding the claim of the prosecution body on the criminal responsibility of the legal entity, the company "Komunitete" sh.p.k., this College notes that this claim does not stand, since, as both courts have rightly reasoned, the criminal case against him, for both charges, should not have started and therefore should be dismissed. Thus, the company "Komunitete" sh.p.k. is accused of having committed the criminal offense of "Fraud" more than once and with serious consequences, these charges are criminally responsible for the judge M. Ç., who is also the sole administrator, i.e. the legal representative of the company and in the case when the illegal actions are carried out by the administrator also on behalf of the company, he

<sup>1</sup> Criminal College of the Supreme Court Decision no.17 dates 04.02.2015. <https://app.gjykataelarte.gov.al/vendime-kolegji-penal-seance-Gjyqesore> (accessed May 2024).

<sup>2</sup> Criminal College of the Supreme Court Decision no. 181, dated 28. 10. 2015.

<https://app.gjykataelarte.gov.al/vendime-kolegji-penal-seance-Gjyqesore> (accessed May 2024).

is the one who must bear criminal responsibility. If a justification was made "a contrario", that is, if the guilt of the legal entity defendant was accepted, we would be faced with a situation where this defendant had to answer for the commission of the criminal offense in collaboration with the defendant M. C. However, cooperation means an agreement to commit one or several criminal offenses and the agreement itself is between two or more persons. If this reasoning were to be accepted in the case under trial, it would result that the agreement was concluded by the defendant M. C. with the administrator of the defendant "Community" sh.p.k., again M. C....".

### **Criminal Liability in International Law**

The significance of criminal liability for legal entities (e.g., international corporations) in international law is relevant in today's globalized world. With the increasing influence of multinational corporations on the global economy, ensuring that these entities are held accountable for criminal actions is crucial for maintaining international legal order and protecting human rights.

Nowadays, there are existing international legal frameworks and treaties that address or relate to the criminal liability of legal entities such as: Rome Statute of the International Criminal Court (ICC): While the ICC currently only prosecutes natural persons, there have been discussions about extending jurisdiction to legal entities. United Nations Convention against Corruption (UNCAC): This convention includes provisions that encourage states to hold legal entities accountable for corrupt practices. OECD Anti-Bribery Convention: It mandates member countries to establish the liability of legal persons for bribery of foreign public officials.

We have to mention that our analyse will go further on how different jurisdictions handle the criminal liability of legal entities. There are differences and similarities between national laws and their implementation. United States: The U.S. has a well-developed system for corporate criminal liability, primarily under the Foreign Corrupt Practices Act (FCPA) and other federal statutes. European Union: Various EU directives, such as the Directive on combating the sexual abuse and exploitation of children and child pornography, require member states to establish corporate liability. France: France's Sapin II law focuses on anti-corruption measures and includes provisions for corporate criminal liability.

We would like to Identify and discuss the challenges and criticisms associated with holding legal entities criminally liable on an international level. We can emphasize that one of the most challenging is the Jurisdictional Issues: Difficulty in determining which country has jurisdiction over a multinational corporation. Another challenge is Corporate Structure: Complex corporate structures can obscure accountability. As well as the enforcement is another specific challenge: Ensuring international cooperation and effective enforcement mechanisms.

Furthermore, we must mention that there is lack of effectiveness on imposing fines or penalties on corporations. Shall it deter criminal behaviour. We are very concerned

regarding justice, fairness, particularly when corporate penalties impact innocent employees and stakeholders.

We would like to illustrate how legal principles are applied in practice and to highlight the successes and shortcomings of current frameworks. Examples: Enron Scandal: Demonstrates the impact of corporate fraud and the importance of stringent regulatory oversight. Volkswagen Emissions Scandal: Highlights issues related to corporate deception and environmental harm. BP Oil Spill: Examines corporate accountability for environmental disasters and the role of international law in addressing such incidents.

## **Conclusions**

Based on the interpretation of Articles 3 and 4 of the Law on Criminal Responsibility of Legal Entities, it must be crucial to the prosecution and even the court to analyse whether specific actions are authorised to be performed by its legal representatives of the legal entity, in order to determine the criminal responsibility of the legal entity.

Furthermore, the authorised actions must be performed on behalf of the legal entity. So the legal entity must be beneficial owner from the illegal activity. These two criteria of the law must determine the criminal responsibility of the legal entity.

Based on the arguments analysed we would suggest for improving the international legal framework concerning the criminal liability of legal entities. One of proposals that we consider important is the enhancing of international cooperation: Strengthen mechanisms for cross-border cooperation in investigations and enforcement. Extended Jurisdiction of the ICC: Consider expanding the ICC's mandate to include legal entities. Standardized Regulations: Develop international standards and guidelines to ensure consistency in how legal entities are held accountable.

As we explain it is necessary to reinforce the importance of addressing the criminal liability of legal entities in international law. In order to ensure justice and uphold the rule of law in the global arena, it is imperative to address the criminal liability of legal entities. By enhancing international cooperation, extending the jurisdiction of international courts, and standardizing regulations, we can create a more robust and effective framework for corporate accountability.

Considering the above mentioned especially the legal analyses we recommend to the law enforcement agencies to draft guidelines to the prosecution officers and to the judges to facilitate their performance on determining the right and balanced criminal responsibility to the banks in the Republic of Albania.

## **Bibliography**

- [1] Omari, L., Anastasi A., Constitutional Law, published by ABC, Tirana 2008.
- [2] Omari, L., Principles and Institutions of the Public Law, published "Pegi" Tirane, 2005.

- [3] Balla, R., "Combating Money Laundering and Terrorist Financing, Amendments to the Law on Prevention of Money Laundering, published by the European Institute, SEE I EU Cluster of Excellence in European and International Law, Verlag Alma Mater, Saarbrucken, Germany, December 2018
- [4] Balla, R., "Constitutional Reform, Criminal Justice Reform in the Prevention of Organized Crime and Corruption", Proceedings of the International Conference Faculty of Law, 2017.
- [5] Law Drafting Manual - A guide for drafting laws in Albania, published by the European Union, Ministry of Justice and EURALIUS, Tirana 2010.
- [6] Balla, R., "Some recommendations on the drafting of normative acts in order to harmonize and unify legislation", published in the scientific journal "Parliamentary Law and Legal Policies", 2005,
- [7] Damaska, M. (1975). Structures of Authority and Comparative Criminal Procedure. Yale Law Journal, 84.
- [8] Elezi I., Kaçupi S., Haxhia M., "Commentary on the Criminal Code of the Republic of Albania" Tirana, University Book Publishing House, 1999.
- [9] Islami H., Hoxha A., Panda I., "Commentary on the Criminal Proceeding Code", Tirane, 2010.
- [10] Elezi, I., and Hysi, V., "Criminal Policy", PEGI, Tiranë, 2006,

### **Legal Acts**

- [1] Constitution of Republic of Albania, published on Official Journal 1998.
- [2] Rome Statute of the International Criminal Court (ICC).
- [3] United Nations Convention against Corruption (UNCAC).
- [4] OECD Anti-Bribery Convention.
- [5] Law on Criminal Liability of Legal Entities.
- [6] Decision of the Supervisory Council of the Bank of Albania no. 48 dated 1.7.2015 On the approval of the regulation "On Consumer Credit and Mortgage Credit".
- [7] Law no. 8269 dated 23.12.1997 "On the Bank of Albania" amended, published at Official Journal
- [8] Law no. 9662 dated 18.12.2006 "On Banks of the Republic of Albania" amended, published on Official Journal
- [9] Commercial Law in the Republic of Albania.
- [10] Civil Code in the Republic of Albania,

- [11] Criminal Code in the Republic of Albania,
- [12] Criminal Proceeding Code in the Republic of Albania.
- [13] Foreign Corrupt Practices Act

## The Challenge of (Un) Just Compensation in the Expropriation Procedures in Albania

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### Abstract

During the last decade, the dynamics of economic development and the situation of natural disasters in Albania have imposed the need to implement a series of development projects in the country's infrastructure. As a result, a large number of expropriation procedures have been carried out by the competent authorities, which have deprived a significant number of private subjects of their ownership rights. These administrative actions in most of the expropriation procedures have been accompanied by serious conflicts between the affected subjects and the competent authorities, because of the inappropriate assessment of the expropriated property. This opposing approach of the affected persons has also been followed by the criminal prosecution processes. One of the main goals of law in a democratic society is to guarantee and establish a reasonable economic and social balance of the rights that are required to be realized with the interests that are affected. This matter takes on a special importance when it comes to interference with fundamental rights, the impact of which on the economic and social life of the subjects is very large. Based on the effects that expropriation has on the economic and social aspects for the affected persons, international and constitutional law have given special importance to the standards of the expropriation regime, legitimizing the deprivation of the subject from the property right only in the conditions of existence of a public interest and only by giving a just compensation. The purpose of this paper is to make a legal analysis of the Albanian legal system applied in the context of expropriations, as an administrative procedure considering the standards of fair compensation. The paper supports the hypothesis that the Albanian legal system applied in the framework of the expropriation does not guarantee the constitutional standards of just compensation, infringing the economic and social interests of the affected persons. This has increased social and institutional conflict and delays in expropriation procedures, and this problem has always been addressed as a conflict for solution within the court jurisdiction. Relying on the standings of several constitutional institutions, such as the People's Advocate, State Supreme Audit, and court decisions, the

paper recommends the necessity of changing the Albanian legal system that regulates the evaluation of expropriated property. The standard of just compensation should be achieved above all as administrative justice, in the framework of administrative action. Such a measure serves as a standard for the protection of property rights, increases citizens' trust in state institutions, acceleration expropriation procedures, as well as reduces the time and financial costs for the parties involved.

**Keywords:** Albania, expropriation, property rights, fair compensation, conflict, legal analysis

## Introduction

Over the past ten years, Albania's economic growth and natural disasters have necessitated numerous infrastructure projects. This has led to frequent use of eminent domain by authorities, dispossessing many private landowners. Inappropriate property valuations during these expropriations have sparked widespread conflict between citizens and the government. In response, some aggrieved individuals have even resorted to criminal lawsuits.

One of the main goals of law in a democratic society is to guarantee and establish a reasonable economic and social balance between the rights required to be respected and the interests of the affected people. This matter takes on special importance when it comes to the interference with fundamental rights, the impact of which is very large on the economic and social life of the subjects. Based on the impact that expropriation has on the economic and social aspects of the affected persons, international and constitutional law have given special importance to the standards of the expropriation regime, legitimizing the deprivation of the subject from the property right only under the conditions of the existence of a public interest and only after a just compensation has been given.

The purpose is to make a legal analysis of the Albanian legal system applied in the context of expropriations, as an administrative procedure considering the standards of fair compensation. The paper supports the hypothesis that the Albanian legal system applied in the framework of the expropriation law does not guarantee the constitutional standards of just compensation, thereby infringing the economic and social interests of the affected persons. This has caused additional social and institutional conflict and delays in the expropriation procedures, and this problem has always been addressed as a conflict whose solution has to be sought only within the court's jurisdiction. Relying on the standings of several constitutional institutions, such as the People's Advocate, State Supreme Audit, and court decisions, the paper recommends the need to change the Albanian legal system that regulates the evaluation of expropriated property. The standard of just compensation should be achieved above all as an administrative justice, in the framework of administrative

actions. Such a measure serves as a standard for the protection of property rights, increases citizens' trust in state institutions, accelerates expropriation procedures, is time-efficient, and reduces financial costs for the involved parties.

## **Methodology**

In the framework of this Scientific Conference, the paper makes a qualitative analysis of the just compensation, as one of the much-debated discourses about the interference with the right to the peaceful enjoyment of "possessions". Using the traditional legal methods of interpretation and qualitative document analysis, this paper aims to analyze the compliance of the Albanian Legal system regarding adequate compensation for the deprivation of property in the framework of the current expropriations in Albania with the standards of ECHR and the constitutional ones. The analysis was conducted through the interpretation of valuable legal sources like ECtHR jurisprudence and the Albanian Constitutional Court decisions which provide thorough guidance in achieving the criteria of just compensation through the administrative expropriation procedures. The paper is based on empirical studies by different authors and the reports of constitutional institutions, such as the Supreme State Control, the People's Advocate, or other organizations in the field of human rights, such as the Albanian Committee of Helsinki, regarding the challenge of (un) just compensation as a concern that affects human rights and the rule-of-law in Albania. Thus, this study makes use of the methods of deduction, analysis, and synthesis, as well as specific scientific methods like comparative, legal, and formal ones.

### *Hypothesis and Results of the Study*

The paper supports the hypothesis that the legal mechanism that Albania has built about adequate compensation based on administrative expropriation procedures, does not guarantee the standard of fair compensation, disproportionately infringing the property rights of private persons, as well as causing uncertainty, delays in court proceedings, and increased financial costs for the entities affected and the state. Even though the Constitution guarantees subjects in these cases an effective legal tool, such as pursuing the judicial system, the standard of fair compensation must be achieved first and necessarily as a matter of administrative justice, thus through administrative action. The paper emphasizes the necessity of changing the compensation mechanism in expropriation procedures as a requirement of democratic societies that stems from respect for human rights, as well as from the principle of the rule of law, which emphasizes the strengthening of citizens' trust in institutions and the legal system and avoids arbitrariness.

## The property deprivation according to the ECHR and the Constitution of Albania.

In a democratic state, property lay in the foundation of the individual's interests. It gives meaning to individual freedom and represents a powerful impetus for well-being. Freedom and justice in democratic societies cannot acquire value and meaning without the genuine protection of property rights. Property also has a distinct social character because its use must serve the public welfare. As such, it constitutes one of the key concepts of the legal system. Violation of this right leads to great social injustices. The main function of the law is to guarantee effective protection of this right, as well as to balance the public interest that justifies the intervention for the deprivation of this right with the interests of private entities affected by such action.

A series of international law documents have laid the foundations and serve as a guide for specific jurisdictions to guarantee an effective protection of fundamental human rights. International law has built effective jurisdictional protection mechanisms for these rights, in this way serving as a reviewing jurisdiction for private subjects after the exhaustion of domestic legal systems. The Universal Declaration of Human Rights constitutes the fundamental international document that proclaims the basic rights enjoyed by every human being in society and that sets the standards for the respect of these rights by every individual or social organization. An important place in this statement is the affirmation and protection guaranteed to the right to property. According to Article 17 of this Declaration: "Everyone has the right to own property alone or in association with others. No one shall be arbitrarily deprived of his property" (UN, UDHR, 1948). The European Convention for the Protection of Human Rights constitutes the other important document on a regional level. According to this Convention: "Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his/her property possessions except in the public interest and subject to the conditions provided for by law and by general principles of international law" (ECHR, 1951, Article 1 of Protocol 1). The jurisprudence of the European Court of Human Rights constitutes the most important source because it gives the true meaning to the protection of fundamental rights guaranteed by the Convention. This Court has reiterated on several occasions, that "an interference with the right to the peaceful enjoyment of "possessions", apart from being prescribed by law and in the public interest, must strike a "fair balance" between the demands of the general interest of the community and the requirements of the protection of the individual's fundamental rights. One of the main elements of fair balance expressed repeatedly in the jurisprudence of the ECtHR is the granting of fair compensation in cases of deprivation or limitation of the property right. The standard that the Court applies, and that is sanctioned in the constitutional documents of the special jurisdictions, is intended to offer public authorities a wide discretion to approach in different ways compensation issues in circumstances or for different reasons that may justify interfering with the deprivation or the restriction

of the property right, which in the specific context can be qualified as just compensation.

Property is also protected under domestic law. The Constitution of the Republic of Albania guarantees the right to private property. The Constitution of Albania, by the norms of international law, sanctions the regime that the property right is not absolute, and as such it can be subject to restrictions if 4 (four) cumulative conditions are respected. According to the constitutional provisions, a private subject may be deprived of the property right if: a) the deprivation or limitation is legal, b) in the function of the public good, c) carried out against a fair compensation, and d) according to the general principles of international law (Constitution of the Republic of Albania, Art 17). The Constitution sanctions that the limitations of the property right take two forms: a) expropriation, as deprivation of the right to property of a private entity, and b) restrictions on the exercise of the right to property. The Constitution has delegated to the Assembly the right to limit or deprive private entities of their property rights. According to the Constitution, the Assembly has the attributes of exercising a discretionary power, through the law, to determine the causes that justify the public interest to undertake the expropriation, the procedures, and deadlines for the expropriation, and to elaborate the standard of just compensation as a measure that aims to establish a fair balance between the state's interest in acquiring property and the interest of the subjects affected by such a situation. The Constitution has posed the limitation that the causes of expropriation that justify the public interest in following the expropriation procedure cannot be contested, either administratively or through the court. According to the Constitution, only the amount of compensation received by the entities affected by the expropriation can be appealed through the judicial system. In this context, the fair compensation that the subjects should receive for the expropriation of property represents a constitutional standard of protection of private property, by Article 41 of the constitution.

The main purpose of this paper is to analyze the principle of fair compensation, as one of the standards that must be guaranteed in expropriation procedures. As a constitutional standard, it represents an undefined and "non-exhaustive constitutional" notion. The Constitutional Court of Albania has declared that "Article 41 of the Constitution requires a "fair compensation", in cases of expropriation of private owners, but this article does not refer to criteria that can be applied, to concrete indicators to assess the damage caused, or to any mechanism applicable in this case." (Constitutional Court of Albania no.35, 2007, p.9). However, the phrase "fair compensation" cannot be considered an empty formulation, because the Constitution entrusted the legislator with the parameters in question (Constitutional Court of Portugal, 1995, cited in Constitutional Court of Albania no.35, 2007, p.9). Constitutional norms cannot always be exhaustive. Often, the Constitution deliberately leaves room for regulation by the ordinary legislator, so as not to hinder

the progress of political, economic, social and cultural initiatives taken up by political parties or the government." (*Ibid*).

In the rule-of-law state, the constitutional standard of fair compensation must be guaranteed, first and foremost, through the regulatory acts of the state, be they laws, by-laws, or other acts. Secondly, expropriation, as a deprivation of the right to property by the state, is carried out as an administrative activity, which consists of the proper implementation in practice of legal provisions through the administrative action of public authorities that carry out such procedures. Therefore, the obligation of these authorities is, above all, to ensure due process, as well as property rights, by guaranteeing fair compensation for the expropriated property.

### **ECtHR standard of fair compensation in the context of distinct expropriation.**

Fair compensation represents an important standard in the context of interference with property rights. As such, it has become the object of ECHR jurisprudence. This Court has repeatedly emphasized that even though it has jurisdiction to rule on individual or state applications alleging violations of fundamental rights set out in the European Convention on Human Rights "the domestic courts are normally in a better position to determine the existence and quantum of pecuniary damage." (Grgić, et al., 2007, p.12, *Scordino v Italy*, ph.78.). As stated above, the Court has accepted that the deprivation or limitation of peaceful enjoyment of property, to fulfill the legitimate state objectives in various economic, political, or social development circumstances of the country may impose the need to apply different forms or approaches (to the amount) of compensation, which in that specific context might be qualified as just. In the jurisprudence of ECHR, the notion of "just compensation" is evaluated as a) full compensation according to the market value of the property, b) higher compensation (Allen, 2007, p.33, *Lallement v. France*, Appl. No. 46044/99, 2002), or c) compensation lower than the market value. (*James and others v UK*, 1986, ph. 36; *Lithgow and others v. UK*, 1986, ph. 51). The Court has declared that the specific circumstances of the interference with the property right may force the public authorities to approach with a certain form of compensation, which might not be full compensation but is considered fair compensation for the relevant context. The court has assessed case-by-case compliance with the standard of fair compensation in the context of property deprivation, in terms of the amount of compensation or the method of its evaluation or calculation based on the principle of proportionality. The Court has to ascertain whether as the reason of the State's failure to pay adequate compensation the person concerned had to bear a disproportionate and excessive burden. The Court must argue that uncertainty, in cases of inadequate compensation might be legislative, administrative, or arising from practices applied by the authorities (*Broniowski v. Poland*, 2004, ph. 151). In its decisions, this court has argued whether a certain measure of compensation in the context of property deprivation was appropriate and sufficient within the meaning of Article 1 of Protocol

No. 1 to the Convention (Scordino v. Italy, 2006, ph.203, Osmani v Albania, 2023, ph.24).

In its jurisprudence, ensuring that “compensation meets market value” appears to be (the most) accepted norm (Shields, 2022, p.51). The Court has argued that the “legitimate objectives of public interest, such as those pursued by measures of economic reform or measures designed to achieve greater social justice, may call for less than reimbursement of the full market value” (Scordino v. Italy, ph.256). The Court has made it clear permanently that the reform of the compensation of the expropriated properties during the communist regime falls in this category. In the framework of this reform the amount of compensation according may not necessarily be the market value of the property. In Beshiri at others v. Albania, the Court has declared that “Even though the new compensation formula leads to much lower levels of compensation than under previous legislation, the burden imposed upon former owners is neither disproportionate nor excessive, provided that the aggregate amount of compensation is equal to at least 10% of the current market value of the expropriated property (Borgna, 2020) However, even for compensation with a value lower than that of the market, “it falls to the state to justify a departure from the market standard” (Ibid). But, might such compensation be considered “just” or “adequate” in the circumstances of a distinct expropriation?

This paper aims to focus only on one of the most classic and current forms of property deprivation, distinct expropriation and examines the standard set by the Court. One of the most important decisions of the Strasbourg court relevant to this paper is Scordino v. Italy. In this case, the court declared that: “Compensation terms under the relevant legislation are material to the assessment of whether the contested measure respects the requisite fair balance and, notably, whether it does not impose a disproportionate burden on the applicants. In the same line the Court has already found that the taking of property without payment of an amount reasonably related to its value will normally constitute a disproportionate interference ... under Article 1 of Protocol No. 1 only in exceptional circumstances.” (Ibid, ph.9). The Court has argued that: *“in cases that concern a distinct expropriation, which is neither carried out as part of economic, social or political reform processes nor linked to any other specific circumstances, it does not discern any legitimate objective “in the public interest” capable of justifying reimbursement of less than the market value.”* (Ibid ph.102). According to the Court, “in cases of lawful expropriation, such as the distinct expropriation of land, to build a road or for other purposes “of public interest”, only full compensation can be regarded as reasonably related to the value of the property” (Ibid, ph.96, see also ph.256).

The Court has argued that in cases of distinct expropriation “the adequate compensation should have corresponded to the market value of the property”, and thus it has accepted the request to award compensation corresponding to the difference between the value of the land and the compensation obtained by the

applicants at the national level" (*Ibid*, ph.257). Remunerating well below the market value of the land in cases of distinct expropriations does not represent a proportional interference to property rights and therefore entails a violation of this right. In the Case *Vistins and Perepjolkins v Latvia*, the Court, although "the current market value of the land could not be determined objectively ... calculated on a methodological basis the amount of compensation according to the value of the land at the time the applicants lost their ownership (ph.38). The court has made it clear that "where an individual's property has been expropriated, there should be a procedure ensuring an overall assessment of the consequences of the expropriation, including the award of an amount of compensation maintaining the reasonable relation between this amount and the value of the expropriated property. Such a procedure should also include the determination of the holders of the right to compensation and any other issue relating to the expropriation, as well as the costs of the proceedings." (*Palka and Others v Czech Republic*, ph.50).

In the case of *Sharxhi and others against Albania*, the Court reconfirmed that the compensation terms under the relevant legislation are material to the assessment of whether the contested measure respects the requisite fair balance and, notably, whether it imposes a disproportionate burden on the individuals. According to the Court, "in cases of lawful expropriation, only full compensation can be regarded as reasonably related to the value of the property, according to Art. 1, of Prot. 1." (ph.167) In the *Osmani v. Albania* decision, the Court found not only a violation of the right to due process, Article 6 of the Convention but also a violation of Article 1 of the Additional Protocol regarding the amount of compensation for the complainants. The court while analyzing the claim of the appellants for inadequate compensation for the property expropriated for the construction of a public road emphasized that "it was not unreasonable for the applicant to have expected full compensation for the resulting damage" (ph.26). In this case, the court found that the Court of First Instance and the Court of Appeal did not engage properly, as they were unable to give a specific and explicit answer to the applicant's main request regarding the appropriate amount of compensation for the expropriated property. Even the Supreme Court and the Constitutional Court dismissed the applicants' appeals, without addressing the claims regarding the calculation of the compensation amount (*Ibid*, ph.27).

In principle, the ECtHR has not considered as disturbing the legal model followed by the internal legislation regarding property evaluation in cases of expropriation, stating that "it cannot be said that a system of compensation using tables and rates issued by the administration is so problematic under Article 1 of Protocol No. 1 to the Convention" (*Palka and Others v Czech Republic*, ph.62). On the other hand, the Court argued that: "the pricing regulations, in force at the relevant time of expropriation should provide for a procedure ensuring an overall assessment of the consequences of the expropriation" (*Ibid*). Evaluating the amount of expropriation compensation on behalf of the domestic courts through the same methodology as that used by public

authorities, avoiding the claims and evidence of the affected persons, was found unacceptable by ECHR and in violation of Article 1 of Protocol 1 of the Convention. The court found unacceptable the fact that "the domestic courts ruled that only the prices fixed in regulations were to be applied and, on that basis, they thus refused to examine any other evidence concerning the expropriated property." (Ibid, ph.62)

Even the US Supreme Court interpreting the Fifth Amendment's concept of Just Compensation argued that "this clause requires the government to pay just compensation, interpreted as market value, to the owner of the property, valued at the time of the takings (Wyman, 2007, p.253). According to it, the state should not lower the compensation below what a willing buyer would pay a willing seller at the time of the expropriation (United States of America v. 564.54 Acre Land, 1979). US Supreme Court emphasized that: "The guiding principle of just compensation, however, is that the owner of the expropriated property "must be made whole...." (Olson v. United States, ph. 255). Therefore, in all cases of actual expropriation, the standard of fair compensation can be achieved if the expropriated property is compensated with its market value, guaranteeing the affected entities the same economic position they had before the expropriation.

### **Fair compensation in the context of distinct expropriation in domestic law**

In private law, the general rule is that the dispossession of property must above all be an expression of the free will of the subject. International and constitutional law, embodying the doctrine of the welfare state, sanctions that the deprivation of property in the framework of expropriation represents an exception from the general rule. A non-exhaustive list of causes expressly defined by law may impose and justify the need to fulfill the public interest by interfering with the property rights of private persons. International and constitutional law standards require that expropriation, apart from the need to realize a public interest justified by law, can only be carried out against fair compensation.

Expropriation as a form of dispossession of property also represents a form of property acquisition by the state and as such is subject to civil law. Albania Civil Code, in Article 153, sanctions that: "Nobody can be deprived of his property in whole or in part, except when public interests require it and always against a fair compensation.". In addition to the provisions of the Civil Code, the expropriation procedure is governed by a framework law, which regulates in more detail the non-exhaustive list of reasons that justify the public interest to carry out expropriation, the procedures to follow, as well as the way of determining the just compensation (Scordino v. Italy, ph. 203, Osmani v. Albania, ph.24). In the Albanian legal corpus, we also find other laws that sanction the deprivation of the property right for private persons. Laws that embody important economic and social reforms in the Albanian transition, such as property restitution and compensation, in which just compensation may not mean awarding an amount of compensation according to the current market value for the

expropriated properties during the communist regime. Whereas, another reform that interferes with the property rights of private owners by depriving them of property rights is that of legalization. This reform sanctioning a lawful expropriation determines that the amount of the compensation for affected properties is determined by the property value map. In the law on the legalization of informal buildings, it is expressly sanctioned that: " "The amount of compensation is calculated based on the price determined on the property value map." (Law no.9482, 2006, see also Law no.20/2020, Art.24). This means evaluating the amount of compensation according to its market value.

The expropriation procedure has an administrative character as it is carried out by the public authorities, which must justify the public interest of the expropriation based on the relevant legal causes, offer the affected persons fair compensation, as well as carry out a due legal process. Based on the increased intensity of expropriation procedures, the Albanian state in 2020 has decided to create a public mechanism to handle requests for expropriation and has given to this mechanism several important powers, among others, discretion on the calculation of the amount of compensation for properties affected by these procedures (Law no.11/2020, Art.11). The creation of a unique mechanism that deals with the follow-up of expropriation procedures undoubtedly serves to better respect in practice the rights of the affected persons.

The determination of just compensation is one of the principal rules for the expropriation procedures. The framework law enshrines the principle that the expropriation of private property is exercised in any case against fair compensation, which is calculated in the same amount as its full value (Law no.8561, 1999, Art 19). No matter the fact that there are no strict rules, full compensation implies that the owner has to be able to purchase a similar property for the same price. Thus, to arrive at the full value the law establishes the main criteria that must be considered in the evaluation of the property subject to expropriation, such as their initial value, depreciation, destination, location of the object, indices of change of market prices, and currency (*Ibid*, Art 17). The law authorizes the Council of Ministers to determine other technical criteria for the assessment and calculation of the amount of compensation for expropriated private property assets, depreciated assets, and other rights of third parties (*Ibid*, Art 17, para.3).

The legal regime that governs the amount of compensation in expropriation procedures in Albania is composed of two sub-legal acts. The first act has a normative character and defines the valuation method. Initially, the evaluation of expropriated property was governed by DCM no. 138/2000, applied until 2012, with the entry into force of DCM no. 658/2012. The latter sanctions that: "Land evaluation methodology is the only official source for calculating the value... and ... the land value for each district in Albania will be determined by decision of the Council of Ministers." (Points 2 and 3). According to this act, the notion of land value means the calculation of the value based on civil circulation according to market prices, the type of land, and the

purpose of its use (*Ibid*, annex 1, Art 3). The methodology determines that the calculation of the value is done according to the international real estate valuation standards given in annex 1/1, where the property value is equal to the price of the sales contract, while the latter means the market price according to the type of the property and the purpose of its use (*Ibid*). The methodology emphasizes that it relies on sales contracts registered in the Cadastral Agency, implying that they reflect the property market value (*Ibid*, Art 3).

This methodological act also sanctions the procedures that must be followed by competent public authorities to determine a land value map in the Republic of Albania (*Ibid*, Art 5). According to the methodology, the Cadastre Agency is responsible for determining the market value of the property based on the official data contained in the sales contracts registered during a calendar year (*Ibid*). During the last quarter of each calendar year, it groups and processes data by type of land by each cadastral zone and district and by the end of December submits the assessments to the Minister of Justice, who then seeks the final approval of the Council of Ministers. The data is processed as follows: a) extracting the minimum and maximum prices of sales contracts for each type of land and cadastral area; b) calculation of the average price of sales contracts for each type of land and cadastral area; c) removal of lower and higher values (starting from a difference of 5%) of sales contracts; d) calculation of widely marketable value (moda) – that value which is most often referred to in sales contracts – for each type of land and cadastral area derived from the total number of sales contracts; e) calculation of the average price derived from the total number of sales contracts. The minimum number of sales contracts for a cadastral area is three. In such a case, the value of the land will be the average price which is the result of three contracts. In case there are no transactions for a certain type of land in a cadastral area, an indirect calculation method will be applied, grouping the sales contracts registered for that type of land at the nearest administrative level in this order from the lowest to highest: municipality and district.

The second legal act that regulates the process of expropriation has an executive character, and determines the value of land in the Republic of Albania, according to the type of cadastral items. DCM in force for the value map is DCM no. 89, dated 03.02.2016 "On the approval of the land value map in the Republic of Albania". This act determines the prices for all types of land and serves as the only official source that is also used in the expropriation procedures implemented by the Expropriation Agency. These two acts are the official sources of real estate valuation in Albania (DCM no. 89, 2016, Point 4). The above legal acts have a fundamental importance in materializing the standards of fair compensation according to the market value of the property. Therefore, the question that naturally arises is whether or not these acts guarantee fair compensation according to the market value of the property being expropriated.

## **Discussions: The challenge of (un) fair compensation in expropriation procedures in Albania**

The principle of the rule of law requires that the entire legal system be in harmony to achieve constitutional standards. This issue is of major importance when talking about constitutional standards especially when they are related to guaranteeing basic rights and freedoms of the subjects. The state must carry it out through legal, and sub-legal acts and concrete administrative action. If these acts or actions do not achieve such a goal, they undoubtedly represent disproportionate interference in the rights of the affected persons, causing a deterioration of their economic and social position.

As stated above, the sub-legal act with a methodological character that regulates land valuation in the Republic of Albania imposes evaluation by deriving an average land value on one cadastral zone (DCM no. 89, 2016). Without wanting to analyze the methodological criteria it is evident that the determination of a unique value in a cadastral area does not correspond to the market land value, thereby violating the principle of fair compensation. Likewise, border properties, even though they may be located in two different cadastral areas, for example in Tirana or other cities, cannot have large differences in value. The value cannot be unique over a cadastral area. This is reflected in the sub-legal act of an executive nature, which assigns concrete land values many times lower than their market value, thereby reflecting large differences in land values in different cadastral areas, even in border areas. This act, approved in 2016, has not been updated annually to reflect the market value of the properties. Beyond the concern with the methodological aspect of property valuation in DCM no. 658/2012, non-fulfillment of the legal obligation to have an annual land value map in Albania for about 8 years leads to the conclusion that the current prices according to DCM no. 89/2016 do not match the dynamics of the land market. This view is supported by Lezhja, who emphasizes the necessity for changes in the evaluation methodology because they do not reflect the market land value and therefore do not reach the standard of fair compensation (Lezhja, 2021). Researcher and former judge of the High Court Qirjako, states that in the cases addressed in courts "the expropriation land values ... are found to be much lower than the ones the owners are actually and legally entitled to receive. In most cases, the courts have recognized to the owners the right to an appropriate amount of compensation for the property ..." (Qirjako, 2016, p.73). Thus, courts have consistently considered the amount of compensation in expropriation procedures as a disproportionate interference with property rights, and have recognized to the applicants the right to receive adequate compensation.

The Albanian Helsinki Committee, an organization operating in the field of human rights, while analyzing the concerns of residents affected by the expropriation on the Thuman-Kashar road axis, highlights the inadequacy of agricultural land valuation

according to land value map compared to market value, considering it a disproportionate interference with property rights (Albanian Helsinki Committee, 2023, p.11). Similarly, People's Advocate has established that in the village of Bërinxulle, the expropriation of the "agricultural lands", has been done by compensating the owners for 448 leks per m<sup>2</sup>. On the other hand, the owners have executed sales contracts over the years in this area, confirming that the real value of these lands turns out to be worth almost 20 times higher. In addition, the State Supreme Audit of Albania has identified the above-mentioned problem and recommended to the line Ministry undertaking legal changes (KLSH, 2022, p.3)

Failure to meet fair compensation standards is a result of the by-laws that determine the methodology of land evaluation, mainly of DCM which assigns the value of land for each district. For both acts, constitutional review has been requested in 2020 with the argument that DCM no. 658/2012 also violates the international valuation standards, as it adheres to the sales comparison method, while international standards are based on property valuation procedures using market values as a reference. (Constitutional Court of Albania, Decision no.4, 2021, points 11.14 and 11.15). In addition, a constitutional review was also requested for DCM no. 89/2016 with the argument that this act "questions the sufficiency and appropriateness of the amount of the compensation" (Ibid, point 11.13). The Constitutional Court dismissed the request for the review of DCM no. 658/2012 with the argument that the petitioner's request could not be handled *ratione temporis*, due to the passing of the 2-year legal term after the entry into force of the normative act, while DCM no. 89/2016 being of a legal and non-constitutional nature, could not become part of the constitutional judgment.

The value of expropriated land is the main cause that continuously leads to several social, and institutional conflicts and even protests by the people affected by these procedures. The rights to receive adequate compensation according to the market value are achieved only through the courts, after several years of delays in court proceedings. In the rule-of-law state, justice must be administrative foremost. It is the primary duty of the legislator to intervene to turn into efficiency a legal system that violates the constitutional rights of private subjects. Therefore, the standard of fair compensation must be achieved first and necessarily as a matter of administrative justice, through administrative activity.

## **Conclusions**

Determining fair compensation in expropriation procedures represents a concern for property rights in Albania. Subjects affected by expropriation feel insecure in guaranteeing property rights. In recent years, this problem has not only taken on a wide dimension but has led to social and institutional conflicts, with legal and criminal consequences. Methodological aspects used to determine land prices and delays in

updating prices in the land map are the major sources of concern in expropriation procedures. A land value map that is not updated with the dynamics of market land price cannot be a suitable one. Even, the determination of land value according to cadastral areas has created such "paradoxes" that adjacent lands belonging to different cadastral areas have large fluctuations in price.

This method applied by the legislation does not guarantee the property rights of affected persons. This mechanism does not guarantee fair compensation through administrative action. However, the Constitution has not left the subjects affected by the expropriation procedures without an effective legal remedy, such as the right to pursue the judicial path in seeking just compensation. In the rule-of-law state, justice must be administrative foremost. The standard of fair compensation must be achieved as a matter of administrative justice, through administrative activity, without causing uncertainty and delays in court proceedings, without increased financial costs for subjects and the state.

Achieving the standard of fair compensation is essential in respecting the rule of law and property rights as it increases citizens' trust in the legal system. There is a need to update the property value map on a periodic, annual basis, and revise the zonal division, to create sub-zones that properly reflect land market value. In calculating the amount of compensation in an expropriation procedure the land value map mustn't have direct executive effects. To be as close as possible to the market value, the land value map must be taken as a reference by the Expropriation Agency along with the data of the Cadastral Agency regarding the dynamics of property value changes. The Council of Ministers should intervene to revise the above-mentioned acts.

The paper recommends the need to change the legal or sub-legal framework, recognizing the Expropriation Agency's discretion to determine and calculate the value of the property to be expropriated based, not only on the property value map but also on the Cadastral Agency information of the eventual changes in land value during the respective period and other reliable sources of information. The property value and the amount of compensation calculated by the Expropriation Agency must be notified to the affected entities to present their opposing arguments. An evaluation commission at the Expropriations Agency has to decide on the amount of compensation thereby guaranteeing fair compensation as an essential element of property protection within the framework of administrative procedures and restoring citizens' trust in the legal system.

## Bibliography

- [1] Allen, T., 2007, Compensation for Property under the European Convention on Human Rights, Michigan Journal of International Law, Volume 28, Issue 2, <https://repository.law.umich.edu/cgi/viewcontent.cgi?article=1176&context=mjil>, accessed 18 March 2024.

- [2] Albanian Helsinki Committee, 2023, Monitoring Report, "Monitoring of the property rights of the residents of Bërxull Administrative Unit affected by the Thuman-Kashar Highway" [https://ahc.org.al/wp-content/uploads/2023/03/Raport\\_Monitorimi-i-te-drejtave-pronesore-te-banoreve-te-Njesise-Administrative-Berxull-qe-preken-nga-autostrada-Thumane-Kashar-1.pdf](https://ahc.org.al/wp-content/uploads/2023/03/Raport_Monitorimi-i-te-drejtave-pronesore-te-banoreve-te-Njesise-Administrative-Berxull-qe-preken-nga-autostrada-Thumane-Kashar-1.pdf), accessed 17 Mars 2024.
- [3] Borgna, G., 2020, Beshiri et al. v. Albania: A Nail in the Coffin for Compensation Claims for Properties Nationalized during the Communist Regime in Albania? <https://www.printfriendly.com/p/g/RfkLRc>, 16 March 2024.
- [4] European Convention of Human Rights, Article 1 of Protocol 1, [https://www.echr.coe.int/documents/d/echr/convention\\_ENG](https://www.echr.coe.int/documents/d/echr/convention_ENG), accessed 10 March 2024.
- [5] European Court of Human Rights, Case of Scordino v. Italy (no. 1), Application no. 36813/97, [https://hudoc.echr.coe.int/eng#%22itemid%22:\[%22001-72925%22\]}](https://hudoc.echr.coe.int/eng#%22itemid%22:[%22001-72925%22]}), accessed 11 March 2024.
- [6] European Court of Human Rights, Case of Osmani v Albania, Application no.8706/18, [https://hudoc.echr.coe.int/eng#%22itemid%22:\[%22001-229319%22\]}](https://hudoc.echr.coe.int/eng#%22itemid%22:[%22001-229319%22]}), accessed 12 March 2024.
- [7] European Court of Human Rights, Case of Beyeler v. Italy, Application no.33202/96, [https://hudoc.echr.coe.int/eng#%22itemid%22:\[%22001-60485;%22\]}](https://hudoc.echr.coe.int/eng#%22itemid%22:[%22001-60485;%22]}), accessed 15 March 2024.
- [8] European Court of Human Rights, Case of Beshiri and Others v. Albania, Application no. 29026/06, [https://hudoc.echr.coe.int/fre#%22itemid%22:\[%22001-202475%22\]}](https://hudoc.echr.coe.int/fre#%22itemid%22:[%22001-202475%22]}), accessed 15 March 2024.
- [9] European Court of Human Rights, Case of Ališić and Others v. Bosnia and Herzegovina, Croatia, Serbia, Slovenia and the Former Yugoslav Republic of Macedonia, Application no. 60642/08 [https://hudoc.echr.coe.int/eng#%22itemid%22:\[%22001-114243%22\]}](https://hudoc.echr.coe.int/eng#%22itemid%22:[%22001-114243%22]}), accessed 15 March 2024.
- [10] European Court of Human Rights, Case of Vistins and Perepjolkins v. Latvia, Application no. 71243/01, [https://hudoc.echr.coe.int/fre#%22itemid%22:\[%22001-114277%22\]}](https://hudoc.echr.coe.int/fre#%22itemid%22:[%22001-114277%22]}), accessed 17 March 2024.
- [11] European Court of Human Rights, Case of Broniowski v. Poland, Application no. 31443/96, [https://hudoc.echr.coe.int/fre#%22itemid%22:\[%22001-61828%22\]}](https://hudoc.echr.coe.int/fre#%22itemid%22:[%22001-61828%22]}), accessed 17 March 2024.
- [12] European Court of Human Rights, Case of Lallement v. France, Application no. 46044/99, [https://hudoc.echr.coe.int/eng#%22itemid%22:\[%22001-64984%22\]}](https://hudoc.echr.coe.int/eng#%22itemid%22:[%22001-64984%22]}), accessed 17 March 2024.

- [13] European Court of Human Rights, Case of James and others v. United Kingdom, Application no. 8793/79,  
[https://hudoc.echr.coe.int/eng#%22itemid%22:\[%22001-57507%22\]}](https://hudoc.echr.coe.int/eng#%22itemid%22:[%22001-57507%22]}), accessed 11 March 2024.
- [14] European Court of Human Rights, Case of Palka and others v. Czech Republic, Application no. 30262/13  
[https://hudoc.echr.coe.int/eng#%22itemid%22:\[%22001-216358%22\]}](https://hudoc.echr.coe.int/eng#%22itemid%22:[%22001-216358%22]}), accessed 16 March 2024
- [15] European Court of Human Rights, Case of Lithgow and others v. United Kingdom, Applications no. 9006/80; 9262/81; 9263/81; 9265/81; 9266/81; 9313/81; 9405/81,  
[https://hudoc.echr.coe.int/fre#%22itemid%22:\[%22001-57526%22\]}](https://hudoc.echr.coe.int/fre#%22itemid%22:[%22001-57526%22]})accessed 11 March 2024.
- [16] Grgić, A., et al., 2007, The right to property under the European Convention on Human Rights: A guide to the implementation of the European Convention on Human Rights and its protocols, <https://rm.coe.int/168007ff55>, accessed 10 March 2024.
- [17] Lezhja, A., 2021, Expropriation, fair compensation, and market value: Analysis by Eng. Anton Lezhja, MRICS, ASA, CF, <https://amcham.com.al/expropriation-just-compensation-and-market-value/>, accessed 28 March 2024.
- [18] Law no.8417, dated 21.10.1998 "Constitution of the Republic of Albania",  
<https://qbz.gov.al/preview/635d44bd-96ee-4bc5-8d93-d928cf6f2abd>, accessed 10 March 2024.
- [19] Law no.7850, date 27.09.1994 "For the Civil Code of the Republic of Albania",  
<https://qbz.gov.al/eli/ligj/1994/07/29/7850/76a74311-d60e-4dfd-8212-59c0d53c30f7;q=7850>, accessed 10 March 2024.
- [20] Law no.8561, date d22.12.1999 "For the expropriation and temporary use of the private property for public interest",  
<https://qbz.gov.al/eli/ligj/1999/12/22/8561/e5d09ea9-b8ff-4be4-bcb8-a95b16c04d16;q=ligj%20nr.8561>, accessed 10 March 2024.
- [21] Law no.9482, dated 03.04.2006 "For the legalization, urbanization, and integration of informal buildings",  
<https://qbz.gov.al/eli/ligj/2006/04/03/9482/a20ccff2-4529-4ef5-9ba0-5fef082afe3f;q=9482>, accessed 12 March 2024.
- [22] Law no.*11/2020*, dated *12.02.2020*, "For some additions and changes in the law no. 8561, dated 22.12.1999 "On the expropriation and temporary use of the private property for public interest", as amended",  
<https://qbz.gov.al/eli/ligj/2020/02/12/11/ae90a62e-3fac-47e4-912b-a8d35e5b90e1;q=Ligji%20nr.11%2F2020>, accessed 10 March 2024.

- [23] Law no.20/2020, dated 05.03.2020 "On the Completion of Transitional Ownership Processes in the Republic of Albania",  
<https://qbz.gov.al/eli/ligj/2020/03/20/3f807e17-b5c9-4316-8e51-0b156847d15d;q=20%2F2020>, accessed 12 March 2024.
- [24] Qirjako, E., 2016, "Kuptimi, rëndësia dhe kushtet e vlefshmërisë së veprimit juridik në rastin e kalimit të pasurisë së paluajtshme. Rëndësia, natyra dhe efekti që ka regjistrimi i titullit të pronësisë rë regjistrat publikë të pasurive të paluajtshme", <https://unitir.edu.al/kuptimi-rendesia-dhe-kushtet-e-vlefshmerise-se-veprimit-juridik-ne-rastin-e-kalimit-te-pasurise-se-paluajtshme-rendesia-natyra-dhe-efekti-qe-ka-regjistrimi-i-titullit-te-pronesise-ne-regjistrat-pub/>, accessed 10 March 2024.
- [25] Stake, J., Alexeev, M., Perceptions of Just Compensation, Evolution and Human Behaviour Volume 44, Issue 3, May 2023, p.229-241,  
<https://doi.org/10.1016/j.evolhumbehav.2023.01.006>, accessed 12 March 2024.
- [26] Shields, K., 2022, Land Acquisition Powers and Land Ownership Restrictions in European Countries: Evidence Review,  
<https://www.gov.scot/publications/review-evidence-land-acquisition-powers-land-ownership-restrictions-european-countries/documents/>, accessed 20 March 2024.
- [27] State Supreme Audit of Albania, Final audit report "Financial and compliance audit on the activity of the Ministry of Infrastructure and Energy", September 2022, <https://panel.klsh.org.al/storage/phpxBopfH.pdf>, accessed 29 March 2024.
- [28] United States Constitution, Amendment V, 1791,  
[https://www.senate.gov/about/origins-foundations/senate-and-constitution/constitution.htm#amdt\\_5\\_1791](https://www.senate.gov/about/origins-foundations/senate-and-constitution/constitution.htm#amdt_5_1791), acc. 15 March 2024.
- [29] Universal Declaration of Human Rights, 1948, <https://www.un.org/en/about-us/universal-declaration-of-human-rights>, accessed 12 March 2024.
- [30] United States Supreme Court, United States v. 564.54 Acres of Land, 441 U.S. 506 (1979), <https://supreme.justia.com/cases/federal/us/441/506/>, accessed 15 March 2024
- [31] United States Supreme Court, Olson v. United States, 292 U.S. 246 (1934),  
<https://supreme.justia.com/cases/federal/us/292/246/#:~:text=The%20sum%20required%20to%20be,292%20U.%20S.%20255>, accessed 15 March 2024.
- [32] Decision of the Constitutional Court of Portugal, date 12.04.1995, cit in Decision of the Constitutional Court of Albania no. 35, dated 10.10.2007,  
[https://www.gjk.gov.al/web/Vendime\\_perfundimtare\\_100\\_1.php](https://www.gjk.gov.al/web/Vendime_perfundimtare_100_1.php), accessed 11 March 2024.

- [33] Decision of the Constitutional Court of Albania no. 35, dated 10.10.20077,  
[https://www.gjk.gov.al/web/Vendime\\_perfundimtare\\_100\\_1.php](https://www.gjk.gov.al/web/Vendime_perfundimtare_100_1.php), access. 11 March 2024.
- [34] Decision of the Constitutional Court of Albania no 30, dated 2005,  
[https://www.gjk.gov.al/web/Vendime\\_perfundimtare\\_100\\_1.php](https://www.gjk.gov.al/web/Vendime_perfundimtare_100_1.php), access. 10 March 2024.
- [35] Decision of the Constitutional Court of Albania no 4, dated 2021,  
[https://www.gjk.gov.al/web/Vendime\\_perfundimtare\\_100\\_1.php](https://www.gjk.gov.al/web/Vendime_perfundimtare_100_1.php), access. 12 March 2024.
- [36] DCM no. 658, dated 26.09.2012 "On the approval of the methodology for the evaluation of immovable properties in the Republic of Albania",  
<https://qbz.gov.al/eli/vendim/2012/09/26/658/3b3f7051-92b1-4d44-a4ad-e6af065896dc;q=harta%20e%20vleres>, accessed 16 March 2024.
- [37] DCM no. 89, dated 02.03.2016 "On the approval of the land value map in the Republic of Albania",  
<https://qbz.gov.al/eli/vendim/2016/02/03/89/5b865fb2-c5bc-4993-b69d-2b98dd6c3257>, accessed 16 March 2024.
- [38] DCM no. 138, dated 23.03.2000 "On the technical criteria of evaluation and calculation of the amount of compensation of private property assets that are expropriated, of assets that are depreciated and of the rights of third parties, for public interest",  
<https://qbz.gov.al/eli/vendim/2000/03/23/138/348675bf-a598-4b79-bfe8-15ff1367f947>, accessed 11 March 2024.
- [39] Wyman, K., 2007, The Measure of Just Compensation, UC Davis Law Review, Vol. 41, No. 1,  
[https://lawreview.law.ucdavis.edu/sites/g/files/dgvnsk15026/files/media/documents/DavisVol41No1\\_Wyman.pdf](https://lawreview.law.ucdavis.edu/sites/g/files/dgvnsk15026/files/media/documents/DavisVol41No1_Wyman.pdf), accessed 13 March 2024.

## CAD Geometric Modelling Software, Useful Tools for Hull Development and Naval Architecture Calculations of Albanian Marine Vehicles

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### Abstract

Ships are complex structures that are designed of various shapes and sizes. The development of an accurate model of the hull form of the ship is crucial for the development process of the ship product. The hull form has a significant impact on project evaluations, performance analyses, and ship building process. Traditionally, naval architects use the so-called lines plan to represent the hull form of a ship. Different manual techniques and methodologies can be used to develop this plan. Based on the developed hull form, naval architects perform necessary calculations and verifications, such as hydrostatic, stability, and hydrodynamic calculations. However, traditional manual methods are tedious, time-consuming, and prone to errors. Nowadays, geometric modelling and CAD software are modern tools that can help to perform accurate calculations by minimizing the time needed for calculations. These tools are also useful in exploring different design alternatives and choosing the best option. Combining geometric modelling with CAD software plays a significant role in optimizing ship hull performances. Albania is a small country, with a modest development of the maritime Industry, where design and construction of ships rely mainly on traditional methods and practical experiences. This paper aims to demonstrate that these tools can help assess the navigational performance of the hull of ships quickly and accurately, and in overall can help Albanian engineers or companies to improve the quality of the ship design product. The methodology of using these tools is illustrated through a case study of evaluating hydrostatic parameters and resistance of a small Albanian maritime vessel by using the well-known Maxsurf computer packages.

**Keywords:** Hull, CAD, Geometric Modelling, Resistance, Power, Regression models.

### Introduction

A ship is a complex engineering structure that navigates to fulfill precisely defined purposes [1, 2]. Considering the needs of maritime transport, whether for people,

goods, or even special services, there arises a need to build and design these vehicles with high accuracy and as quickly as possible.

The design of ship is a challenging and complicated process that, starting from the required operational specifications of the shipowner, manages to determine all the necessary data and reports of calculation, based on which the shipyard can start planning and control the shipbuilding process until its completion [1, 2, 3]. The main aspects that are taken into consideration during ship design process refer to hull form design, stability and safety considerations, propulsion systems, structural analysis, as well as interior layout.

The design of the form of the hull of the ship is one of the key elements of the entire ship design process. The process of designing the form of the hull of the ship should aim to create a hull form that, on one hand, satisfies the requirements of the ship owner, and on the other hand, ensures good navigational qualities for the ship, such as resistance and propulsion, stability, seakeeping, maneuverability, etc.

Traditionally, the form of the hull of the ship hull is presented through the so-called lines plan, which is the graphic representation of the form of the hull of the ship. This drawing is a key element for the continuation of several subsequent steps in the design process, such as hydrostatic and stability calculations, the building of scaled models for experiments in towing tank, development of plans that depend on the geometry of the hull, such as capacity plans, general arrangement plans, etc [2]. Additionally, the lines plan also serves as a basis for the shipbuilding process.

Traditional manual techniques and methodologies used to develop the hull form, and to perform calculations based on it are tedious, time-consuming, and prone to errors. Nowadays modelling techniques and CAD applications have contributed a lot to the quality and efficiency of ship hull developments and calculations. Nowacki, (2010) [3], has highlighted the following motivations that have conditioned the use of CAD application in ship design and construction [3]:

- the need for digital information for automatization of manufacturing process.
- the desire for digital representation of the geometry of the ship, in order to replace the traditional ship lines definition.
- the need for application of computers for time-consuming tasks of ship design calculations, such as ship stability, hydrodynamic, and structural analysis.

Currently, CAD applications are successfully used in engineering practice for assessing the stability and hydrodynamics of ships. These modern computational and modelling tools has affected the process of ship hull design and the procedures of naval architecture calculations. Several studies that use CAD tools for hull development and performance evaluations are presented in the literature. Pérez

(2023) [4] highlighted that the use of CAD tools in the ship design process is a key element to obtain efficient design solutions and reduce the overall time of the design process. Samson et al. (2021) [5] has used CAD application to analyse damage stability behaviours of a cruise lines. Samson et al (2023) [6], has used Maxsurf software to evaluate hydrostatics and floodable length of a container vessel. Lutfi et al (2024) [7] has used Maxsurf software to analyse resistance, stability and seakeeping of a leisure boat during concept design study. Tarafder et al. (2023) [8] has used Maxsurf software for hull generation and stability verifications of a passenger vessels. Amir et al. (2023) [9] has used Maxsurf software to reconstruct the hull and evaluate hydrostatics and stability characteristics of traditional vessels. Soares et al. (2023) [10] has used Maxsurf software to study the waves generated by a ship. Another interesting study presented by Priyono et al. (2022) [11] has shown that by using the Maxsurf software a better design of hull form of an unmanned surface vessel was obtained.

Albania is a small country, with a modest development of the maritime Industry. The design and construction of ships in Albania are mainly based on traditional methods and practical experiences [12]. In addition, the country lacks the necessary human and technical professional capability to respond to the actual challenges that face the shipbuilding and boatbuilding industry, which is characterized by a high level of competitiveness and internationalization. The country also lacks the necessary tools, to perform experimental tests relating to the definition of resistance and propulsion test. The use of computer software packages CAD/CAM/CAE can help overcome some of the challenges faced by the shipbuilding and boatbuilding industry in Albania. For example, the use of geometric modelling CAD software can aid in the rapid and accurate design of the development of the hull of the ship, as well as in generating a digital model of the shape of the hull of the ship that can be further utilized for either design analysis or production purposes. Regarding design analysis, the digital model of the hull of the ship hull can be used for assessing both hydrostatic and stability characteristics, as well as for hydrodynamic evaluations based on computational fluid dynamics (CFD) software programs. Moreover, the calculation of parameters of hydrostatic characteristics can be used for the approximate calculation of hull resistance characteristics using computational software based on well-known regression models for predicting ship resistance and power. Previous studies conducted by the author [13] have shown that in some conventional hull forms of Albanian ships, predictions of resistance and power using computational software based on well-known regression models for predicting resistance and power have shown a good level of accuracy compared to experimental results with models in towing tanks.

The paper aims to present through a concrete case study that using geometric modelling and CAD application can help for faster development of ship hulls and performing of naval architecture in naval shipbuilding and boatbuilding in Albania.

This paper aims to demonstrate how these tools can help assess the navigational performance of the hull of ships quickly and accurately. Due to the broad field of application of these computer tools, in this paper, the methodology of using these tools is limited solely to illustrating through a specific case study the assessment of hydrostatic parameters and predictions of resistance based on well-known regression models for a small Albanian maritime vessel. Results of the study have demonstrated that by using this methodology the hydrostatic and resistance characteristics were performed in a significantly shorter time compared to traditional manual methods.

## **Material and Methods**

As highlighted in the introduction section of the paper, one of the most important aspects of ship design is the development of the shape of the hull. It is essential not only for the continuation of the ship design process but also for the subsequent production phase. Specific literature on the maritime field [2] outlines the following traditional methods for developing the lines plan of the hull of the ship:

1. Designing the lines plan of the hull based on primary hull form parameters.
2. Transforming an existing hull lines plan.
3. Using data from a systematic series of hulls.

Geometric modelling techniques can be applied to all three methods of ship line plan development. Geometric modelling is a term that came into use around 1970 to embrace a set of activities applying geometry to design and manufacturing, especially with computer assistance [14].

When it comes to geometric modelling of curves and surfaces and consequently generating the shape of the hull it is necessary to consider and answer several questions. What are the initial data available? Which CAD modeller will be used for hull modelling? What mathematical functions will the CAD modeller use to describe the geometric shape of the hull to be modelled? What is the generation process that needs to be applied to obtain the shape of the hull to be modelled?

Initial data can include information relating to design specifications, constraints, and performance requirements, as well as any existing hull design that can serve as a reference point for developing the new hull. The choice of CAD software for the modelling process depends on several factors, such as the software available to the user, their familiarity and experience with the software, as well as the ability of the CAD modeller to exchange information with other computer software to perform design analyses (hydrostatic calculations, stability, resistance and propulsion of ships). The predominant mathematical functions used by CAD modellers in hull form definition include curves and surfaces such as B-Spline, Bezier, and NURBS (Non-Uniform Rational B-Splines) [3]. The generation process involves creating a basic flowchart for modelling the hull in the selected CAD software.

The selection of MAXSURF Modeller software for modelling purposes was based on the previous experience of the author, as presented in Xhaferaj (2022) [13]. This software is widely used by naval architects all over the world and has the capability to exchange information with other CAE software within the MAXSURF packages, such as Maxsurf Stability and Maxsurf Resistance. Furthermore, the software can also exchange information with other software, like CFD or CAM software, and has a user-friendly GUI (Graphical User Interface). The software has the capability to generate B-Spline, NURBS, Conic and developable surfaces.

The mathematical formulation of the NURBS curve can be expressed by the following Equations [15]:

$$C(u) = \frac{\sum_{i=0}^n w_i P_i N_{i,p}(u)}{\sum_{i=0}^n w_i N_{i,p}(u)} = \sum_{i=0}^n P_i R_{i,p}(u) \quad (1)$$

$$R_{i,p}(u) = \frac{N_{i,p}(u)w_i}{\sum_{j=0}^n N_{j,p}(u)w_j} \quad (2)$$

where:

- $P_i$  represents the control points that forms the so called the polygon of control points
- $w_i$  represents the weight factors corresponding to each control points  $P_i$
- $R_{i,p}(u)$  represents the rational basis function defined in the interval  $u \in [a, b]$ ;
- $N_{i,p}(u)$  represents the  $p$ -th degree B-spline basis function defined by the non-uniform and aperiodic knot vector  $U$ .

The basis B-spline can be defined using the following Equations [15]:

$$\begin{cases} N_{i,0}(u) = \begin{cases} 1, & \text{if } u_i \leq u \leq u_{i+1} \\ 0, & \text{else} \end{cases} \\ N_{i,p} = \frac{u-u_i}{u_{i+p}-u_i} N_{i,p-1} + \frac{u_{i+p+1}-u}{u_{i+p+1}-u_{i+1}} N_{i+1,p-1} \end{cases} \quad (3)$$

$$U = \underbrace{\{a, \dots, a\}}_{p+1}, u_{p+1}, \dots, u_{m-p-1}, \underbrace{\{b, \dots, b\}}_{p+1} \quad (4)$$

Figure 1 presents the process of generating the hull and performing some important calculations based on CAD/CAE software. The flow chart highlights some main steps, such as the development of main curves that serve as boundaries for the development of the hull. These curves include the development of the longitudinal profile line, deck and keel line as well as the development of the midship-section and other sections of the hull. The surface can be initially generated by the software in order to fit these main curves. It is a NURBS surface that must fit the boundary curves. This preliminary surface can be further improved by fairing it and checking it against initial conditions and constraints. After reaching the desired level of accuracy for the development of the hull its geometry can be exported to other packages of MAXSURF software, such as Maxsurf Stability and Maxsurf Resistance to perform the necessary hydrostatic and resistance calculations.

Hydrostatic characteristics of the hull can be calculated automatically by the Maxsurf Stability software, based on the developed 3D model of NURBS surface of the hull. Resistance characteristics can be calculated by the Maxsurf Resistance software, which is part of the Maxsurf packages. The software can perform resistance characteristics for a wide range of hull typology, such as cargo ships, fishing vessels, planning and fast displacement hulls, etc. The software uses several well-known regression models to perform the necessary resistance calculations. The accuracy of resistance predictions of the regression model is related to the typology of the hull. Since in Albania there is an interest in producing fishing vessels boats and also small high speed displacement hulls with transom sterns the Holtrop and Fung regression model has been chosen for the case study analysis.

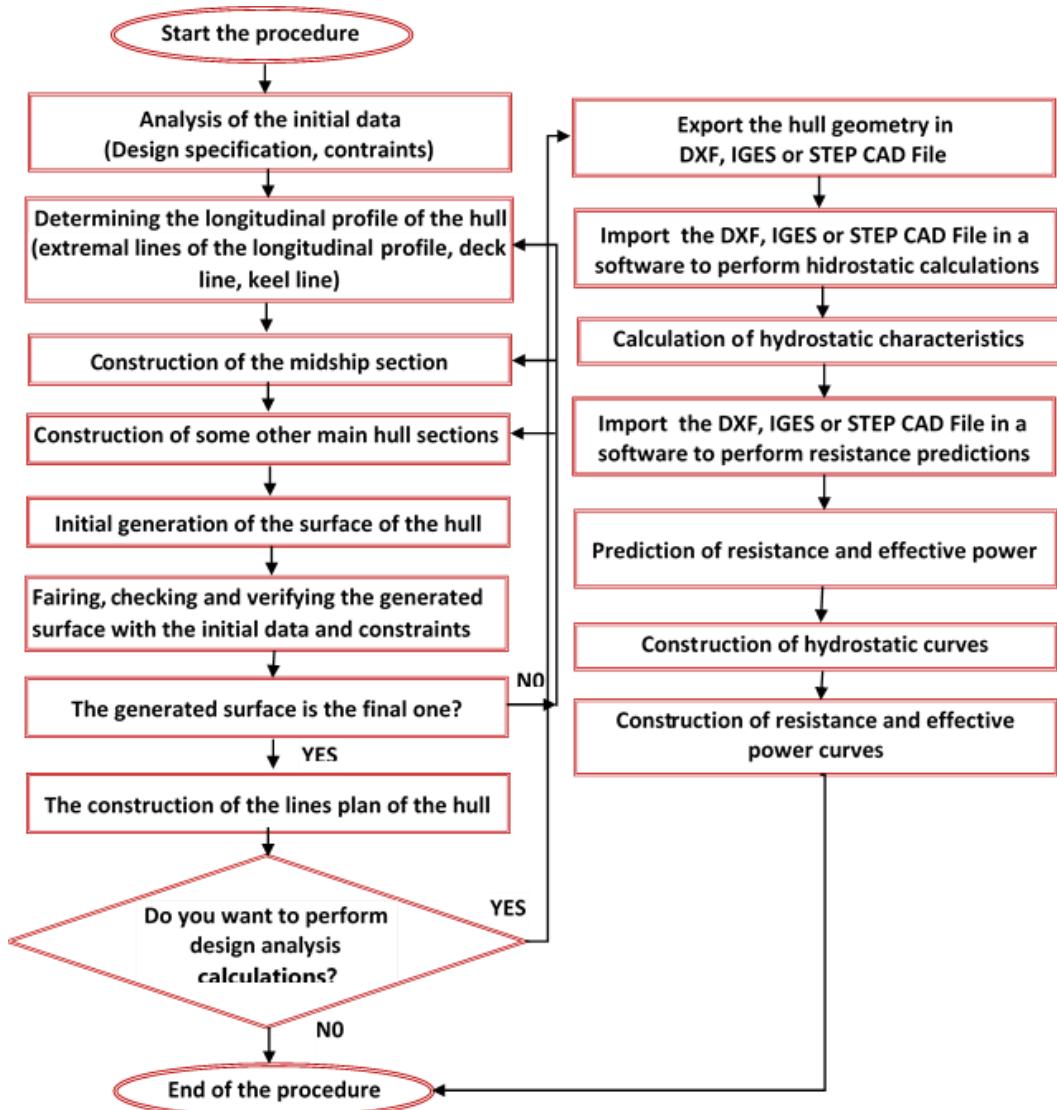
The Holtrop model of regression calculate the resistance based on the following equation [16,17, 19]:

$$R_T = R_F(1 + k_1) + R_W + R_B + R_{TR} + R_{APP} + R_A + R_{AIR} \quad (5)$$

The Fung model of regression calculate the resistance based on the following equation [18,19]:

$$R_T = R_F + R_R + R_{APP} + R_A + R_{AIR} \quad (6)$$

Were terms  $R_T$ ,  $R_R$ ,  $R_W$ ,  $R_{APP}$ ,  $R_A$ ,  $R_{Air}$ ,  $R_B$ ,  $R_T$ ,  $(1+k_1)$  are used to represent total resistance, residual resistance, wave resistance, appendage resistance, correlation allowance resistance, air resistance, bulbous bow resistance, transom resistance, form factor.

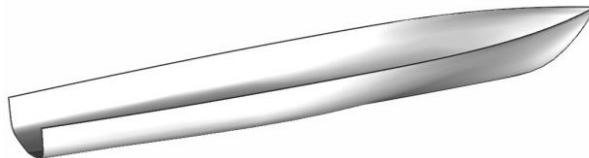


**Figure 1. The general flow-chart for development of the hull and performing hydrostatic and resistance calculations using CAD/CAE platforms.**

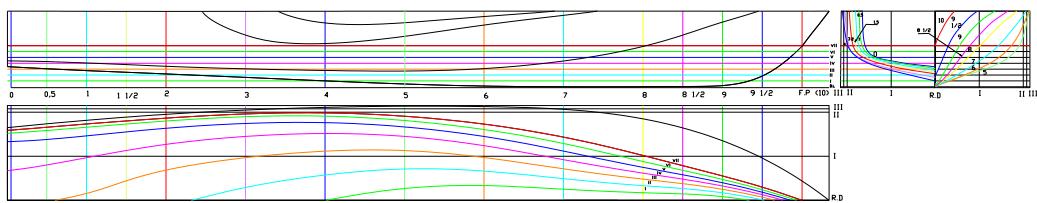
## Results and Discussions

The flow chart presented in figure 1 was used to generate the hull surface of a small marine vehicle with overall length  $L_{MAX} = 8.125$  m, beam  $B_{MAX} = 1.78$  m,  $T = 0.42$  m. The objective was to develop a hull with an overall similarity with the NPL systematic series of hulls, having a block coefficient  $C_B = 0.42$ .

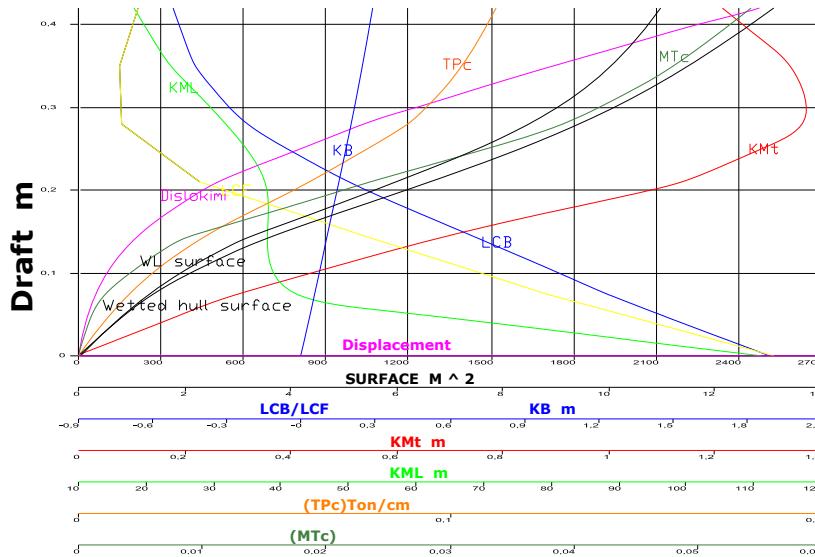
Figures 2 and 3 represent the rendered hull form and the line plans of the boat as generated by the Maxsurf Software. The hull is converted in IGES file and was further processed in Maxsurf Stability, and Maxsurf Resistance in order to obtain the hydrostatic and resistance characteristics of the boat. Hydrostatic curves and the diagram of Bonjean are presented in Figures 4, and 5, based on calculations of Maxsurf Stability. While in figure 6 are presented the curves of stability of forms based on calculations of Maxsurf Stability.



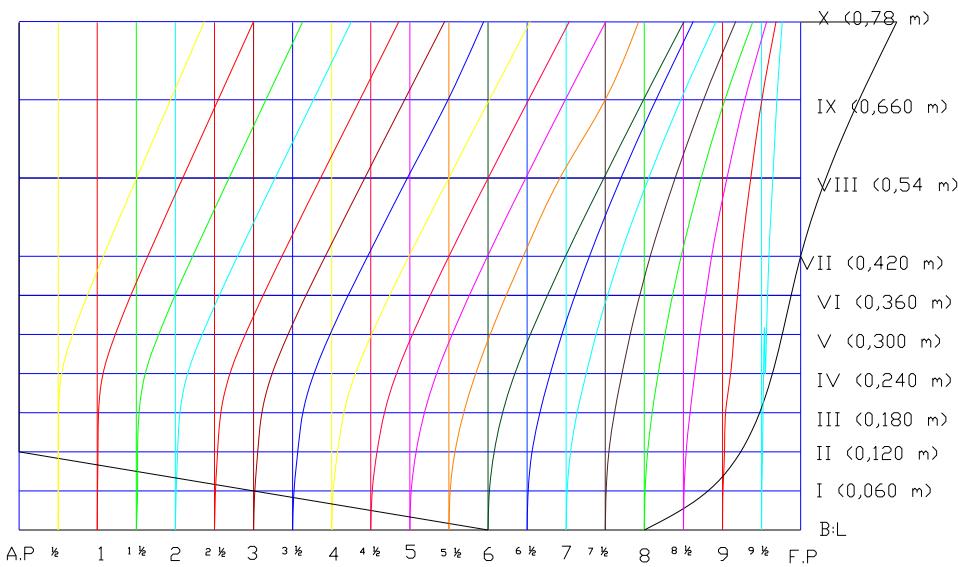
**Figure 2. The rendered version of the hull as generated by the Maxsurf Software.**



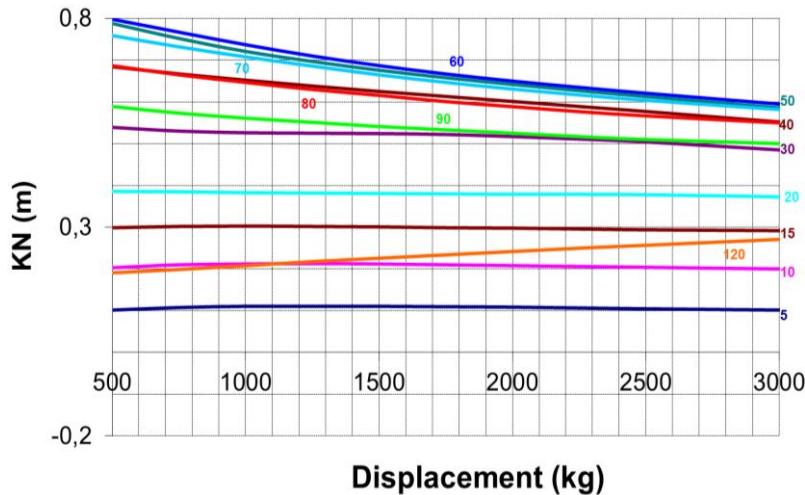
**Figure 3. The Lines plan of the hull generated using the Maxsurf Software.**



**Figure 4. Hydrostatic curves of the generated hull as calculated by Maxsurf Stability software.**



**Figure 5. Bonjean Diagram constructed based on calculations of the Maxsurf Stability software.**

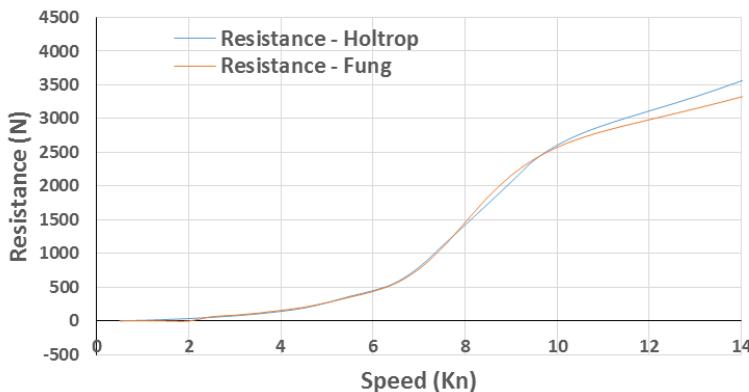


**Figure 6. Curve of stability of form constructed based on Maxsurf Stability software.**

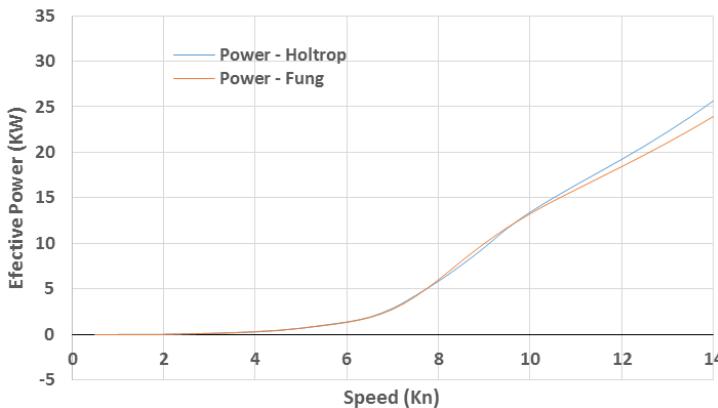
The generated hull was also processed in Maxsurf Resistance to obtain resistance and power predictions. The geometric hull information from the IGE file generated from the Maxsurf Modeller was used as input in the Maxsurf Resistance. The software has several regression models to predict bare hull resistance. Based on the geometric characteristics of the boat, such as length beam (L/B), beam draft (B/T), ratio,

prismatic coefficient  $C_p$ , Froude Number Fn the Fung and Holtrop [16,17, 18] models of regression were considered to perform the calculations. Results of calculations were obtained for speeds from 1 to 14 knots, corresponding to Froude numbers 0.14 up to 0.8. Graphical representations of resistance and power are presented in Figures 7 and 8.

Both hydrostatic and resistance calculations, in Maxsurf Stability and Maxsurf Resistance, are performed in a very short time, typically of the order of minutes. Compared to traditional manual methods of hydrostatic calculations based on approximate quadrature methods such as Simpson and trapezoidal, the reduction in calculation time is significant. During the modelling process in Maxsurf, care should be taken to obtain a fair surface and to respect the initial data, such as dimensions, displacement, and coefficients of forms. In addition, applying the resistance calculation based on regressive models leads to a reduction in calculation time and an improvement in accuracy due to the complex form of mathematical formulations of these regressive models. The accuracy of resistance calculations depends on the overall precision of the regression model and the extent to which geometric characteristics deviate from the eligibility range for applying the regression model. Maxsurf Resistance offers a wide range of regression models. These regression models can be used for a variety of hull forms, such as fishing vessels, container vessels, bulk carriers, tugs, sailing boats, planing hulls, etc. The accuracy of resistance predictions using the regression model is related to the typology and main characteristics of the hull. Choosing the right regression model for the calculations of resistance and power is a challenging task when using Maxsurf Resistance methods. Type of hull, range of Froude numbers, as well as dimensions and coefficients of form, are parameters to consider when selecting the calculation method and power in Maxsurf Resistance.



**Figure 7. Graph of Resistance versus speed constructed based on Maxsurf Resistance software.**



**Figure 8. Graph of Effective Power versus speed constructed based on Maxsurf Resistance software.**

## Conclusions

In this paper a methodology of applying CAD-CAE application for the development of hull and performing the hydrostatic and resistance characteristics of Albanian marine vessels. By applying these tools the navigational performance of the hull of ships can be evaluated quickly and accurately. These tools can be very useful in country such as Albania that lacks the human and technical experimental capability to respond to the actual challenges that face the shipbuilding and boatbuilding industry, which is characterized by a high level of competitiveness and internationalization. In this study, the calculation of resistance and power were obtained based on regression models. In conventional hull forms and for geometrical characteristics of the hull within the limits of applications of the regression models, the obtained results of calculations can be reasonably accurate. CFD tools can also be used for a better accuracy of prediction of resistance. The methodology can be used to other Albanian ships that lack the information about hydrostatic and resistance characteristics.

## Future Works

Investigation about the level of accuracy of regression models of the Maxsurf Resistance software against the experimental data in some main forms of hull used in Albanian marine vehicles are needed.

## References

- [1] Molland, A. F., (2011). The maritime engineering reference book: a guide to ship design, construction and operation. Elsevier 2011.
- [2] Papanikolaou, A., (2014). Ship design: methodologies of preliminary design. Springer, 2014.

- [3] Nowacki, H., (2010). Five Decades of Computer Aided Ship Design. *Computer-Aided Design*, 42(11), 956-969.
- [4] Pérez-Arribas, F. (2023). Parametric Generation of Small Ship Hulls with CAD Software. *Journal of Marine Science and Engineering*, 11(5), 976.
- [5] Samson, N., Feniobu, F. C., & Whizfreeman, O. C. (2021). Damage Stability Behavior Analysis of a Cruise Liner Using Computer-Aided Design (CAD). *International Journal of Marine Engineering Innovation and Research*, 6(4).
- [6] Nitonye, S., Feniobu, C., & Eragbai, B. O. (2023). Floodable length analysis of a container vessel using computer aided design. *Global Journal of Engineering and Technology Advances*, 14(03), 084-098.
- [7] Lutfi, M. A., Prabowo, A. R., Muslimy, E. M., Muttaqie, T., Muhayat, N., Diatmaja, H., & Bahatmaka, A. (2024). Leisure Boat Concept Design: Study on the Influence of Hull Form and Dimension to Increase Hydrodynamic Performance. *International Journal of Mechanical Engineering and Robotics Research*, 13(1).
- [8] Tarafder, M. S., Siddiquee, M. A., & Ahona, H. F. (2023). Probabilistic damage stability verification of a passenger vessel. *Proceedings of MARTEC 2022 The International Conference on Marine Technology 21-22 December 2022, BUET, Dhaka, Bangladesh*. Available at SSRN 4440135.
- [9] Amir, M. A., Mohtar, W., Jamil, R. A., Ghani, M. N., Razali, M. N., Naeim, M. A., & Azhari, C. (2023)- The stability of the reconstructed pinis design (rpd) based on the terengganu traditional vessel. *Journal of Engineering Science and Technology - Special Issue*, Vol. 18, No. 3 (2023) 47 – 61
- [10] Nascimento Soares, N. L., Fontes, J. V. H., del Campo, E. R. B., Santander, E. J. O., Hernández, I. D., & Sanches, R. A. (2023). Estudo das ondas geradas por uma embarcação regional do tipo expresso utilizando o software maxsurf resistance. *Revista foco*, 16(12), e3861-e3861.
- [11] Priyono, H., Aritong, S., & Akbar, M. (2022). Redesign of Unmanned Surface Vessel (USV) Hull to Increase the Performance and to Support Naval Operations. *Journal Research of Social Science, Economics, and Management*, 1(7), 774-784.
- [12] Dragu, F., (2008).Aktivitet dhe problematikat e punës ne Kantierin Detar. Simposium Proceedings: "Evidentimi dhe investigimi i materialeve qe perdoren ne mjetet e transportit Detar" (pp 65-67), 2008.
- [13] Xhaferaj, B., (2022).Investigation on some conventional hulls forms of the predictive accuracy of a parametric software for preliminary predictions of

resistance and power. Brodogradnja: Teorija i praksa brodogradnje i pomorske tehnike, 73(1), 1-22.

- [14] John, S., Letcher, J. (2010). The Geometry of Ships. SNAME, 2010.
- [15] Zhu, K., Shi, G., Liu, J., & Shi, J. (2023). Fast Reconstruction Model of the Ship Hull NURBS Surface with Uniform Continuity for Calculating the Hydrostatic Elements. Journal of Marine Science and Engineering. 11(9), 1816., 2023.
- [16] Holtrop, J., 1984. A statistical re-analysis of resistance and propulsion data. International Shipbuilding Progress, 1984(31), 272–276.
- [17] Holtrop, J., & Mennen, G. G. J. (1982). An approximate power prediction method. International shipbuilding progress, 29(335), 166-170.
- [18] Fung, S.C. and Leibman, L., (1995). Revised Speed-Dependent Powering Predictions for High-Speed Transom Stern Hull Forms. FAST '95: Third International Conference on Fast Sea Transportation, Lubeck-Travemunde, September 1995.
- [19] Bentley Systems (2017) - Maxsurf User Manual – Maxsurf Resistance

## Civil Society Organizations Role in the EU Integration: A Survey

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### Abstract

As part of this study, an anonymous survey was conducted among 26 local and national non-profit organizations operating in Tirana, Albania and other municipalities. The prepared questionnaire held particular importance in the context of this master's thesis for several key reasons. Firstly, its aim was to identify and analyse the role and impact of civil society organizations in Albania's European integration process. The questionnaire was designed to provide a comprehensive and detailed insight into the contribution of these organizations in advocating for reforms, engaging citizens, and addressing global challenges, including climate change, migration, and cybersecurity. Secondly, this study provided an in-depth analysis of the perceived successes and challenges that civil society organizations face during their engagement in the European integration process. Qualitative questions were designed to reveal the complex dynamics of CSO participation, while quantitative questions provided an objective assessment of their effectiveness. Thirdly, the experiences and knowledge gathered will contribute to developing a strong and sustainable argument on how civil society organizations can play a positive role in improving the European integration process in Albania. Twenty-six Civil Society Organizations responded to this anonymous online survey. These CSOs represent both large and small municipalities across North, Middle and South Albania, mainly in Tirana, Elbasan, Durres, Korça, and Kukës.

**Keywords:** EU Integration, Civil Society Organizations, policy makers.

### Introduction

Albania is a country in Southeast Europe that emerged from decades of communist isolation in the early 1990s. Since that time, the country has embarked on a transformative journey toward democracy and economic development. The aspiration for EU membership has been a central driver of Albania's political, social, and economic reforms. The European integration process offers numerous benefits, including enhanced trade opportunities, foreign investment, and access to EU funding and development programs. As Albania aligns its policies, legislation, and institutions

with EU standards, the involvement of non-state actors has been crucial in supporting these efforts and ensuring a more inclusive and participatory approach to integration.

Nonetheless, the journey to EU accession has been fraught with obstacles. Albania has faced scrutiny over issues such as corruption, judicial reform, and political polarization. These challenges underscore the significance of non-state actors' involvement in supporting the country's reform agenda and assisting its integration with the EU. In this regard, non-state actors bring unique perspectives, valuable expertise, and strong advocacy skills to complement government efforts and to drive positive change.

Through a thorough review of the literature this article, identifies the significant role of non-state actors in the European integration process, focusing specifically on the case of Albania as a candidate country for the European Union. The paper's purpose is to analyze how various non-state actors in Albania, such as civil society organizations, think tanks, businesses, and grassroots movements, have contributed and are prepared to contribute to the country's journey towards European Union integration. There are a lot of opportunities and challenges that these actors bring and their involvement can shape Albania's path towards EU accession.

## Literature Review

### Short overview of Albania's European Integration Journey

The aspiration to become a full-fledged member of the European Union has been marked by its long-standing. The process began with the country's application for EU candidate status in 2009, followed by the launch of the Stabilization and Association Agreement (SAA) negotiations. The SAA aimed to promote political, economic, and institutional reforms in Albania, fostering its alignment with EU standards and regulations.

Across time, a spectrum of non-state actors has been involved in the EU integration process, including civil society organizations, businesses, think tanks, academic institutions, and grassroots movements. These actors have actively participated in the European integration process by advocating for greater cooperation and communication, influencing policy decisions, and promoting transnational dialogue. As the EU evolves, the role of these non-state actors will undoubtedly become more pronounced (Berisha & Kelmendi, 2021).

The opportunities for non-state actors in European integration are manifold:

**Enhancing Democracy and Citizen Participation:** Non-state actors serve as intermediaries between citizens and institutions. They foster citizen engagement by providing platforms for dialogue, encouraging public debate, and channelling citizens' concerns to policymakers. In the future, using technological advancements, these actors will play an increasingly crucial role in shaping a more participatory and inclusive European democracy.

In Albania, non-state actors have shown remarkable proficiency in enhancing democracy and citizen participation at the local level. Civil society organizations, community groups, and grassroots movements have played a significant role throughout Albania in promoting civic engagement and empowering citizens to actively participate in the decision-making processes. These local and regional groups have regularly provided platforms for open dialogue within their communities, both by organizing public debates and by advocating for the inclusion of citizens' concerns in policymaking. It is worth noting that 70% of the EU legislation for Albania's accession must be implemented at the local level in Albania. Therefore, this type of local and regional civic engagement may prove instrumental for Albania's successful EU accession (European Movement in Albania, 2020).

Another author considers social movement activity in Albania seen into a decline or change in the years following the authoritarian period, with an emphasis on negotiation rather than mobilization, and increased interaction and involvement with state agencies. The involvement of the grassroots organizations and civil society as a whole in the accession period should be considered combined with the role that marginalized groups and minorities play in the negotiation aspect. (Kasmi, 2022)

Beyond enhancing citizen participation, non-state actors may also act as citizen watchdogs, by monitoring government actions and holding officials accountable and transparent for decisions. By scrutinizing government policies and advocating for transparency, these actors contribute to a more accountable and responsive governance system in Albania. In the future, non-state actors in Albania will play an even more crucial role in shaping the democratic landscape. As digital technologies advance, non-state actors may harness the power of data analytics and online mobilization to reach wider audiences and engage citizens from all corners of the country. This will not only strengthen democratic participation but also ensure that the voices of marginalized and underrepresented groups are heard and considered in the decision-making process.

Technology will continuously enhance the non-state actor role. With the advancement of technology and increased internet penetration in Albania, non-state actors will be able to use digital platforms to expand their abilities to foster a more participatory and inclusive democracy. Platforms such as online discussion forums, social media, and virtual town hall meetings will allow Albanian citizens to stay informed, participate in discussions, voice their opinions, and express their concerns to policymakers in a more accessible and convenient manner.

Looking outward for lessons learned, non-state actors in Albania may find it useful to collaborate with their European counterparts, through best practice sharing and knowledge transfer about practices that promote citizen participation and good governance. By learning from the experiences in other EU member states, Albanian

non-state actors can further enhance their proficiency and contribute to a stronger European democratic framework.

Specifically looking at recent EU members, non-state actors may gain insight on how to positively support Albania's EU accession by lessons learned from the EU accessions of the EU-member states Bulgaria and Romania. Although Bulgaria and Romania joined the EU in 2007, these countries remain under monitoring by the European Commission for progress on country reforms of democracy and corruption. Consequently, neither country has joined the Schengen Zone (European Movement in Albania, 2020). Recent changes in the EU accession process stipulate that Albania must achieve these corruption and democracy reforms prior to its EU accession. Because non-state actors act at the local and regional level, non-state actors may be uniquely positioned in Albania to engage and inform citizens at a local level to promote and encourage the achievement of the required EU reforms. This may require looking for specific opportunities to assist and support the Albanian government's EU accession efforts or even by identifying gaps or blind spots on EU accession and determining how best to address those gaps or overcome those blind spots.

**Contributing Expertise and Innovation:** Non-state actors often possess specialized knowledge and expertise that can complement the work of EU institutions. Think tanks, research centres, and academia can contribute valuable insights on complex policy issues to facilitate evidence-based decision-making.

In the context of Albania, non-state actors have shown remarkable proficiency in contributing expertise and relevant knowledge to public policies. Think tanks, research centres, and universities have played a significant role in providing specialized knowledge on political and socio-economic issues in the country. Further, think tanks and research centres regularly conduct in-depth analyses and independent studies on challenges and opportunities in Albania. Through this research, they can help to identify emerging issues and propose potential causes and solutions. Their valuable contributions are supported by substantial data that aids policymakers and stakeholders in making informed and well-grounded decisions.

Specifically in the process of European integration, Albanian think tanks and research institutions offer their expertise across the spectrum of policies and reforms required by the EU. For example, they may analyse priorities and challenges of judicial reform, identify needed improvements to the healthcare system, investigate implementation of European environmental protection standards, as well as other crucial matters for Albania's European integration (European Commission (2021).

In the future, with advancements in technology and closer collaboration between Albanian research institutions and their European counterparts, the contribution of non-state actors in the field of expertise and innovation will further increase. Through cooperation with EU think tanks and research centres, Albanian non-state actors will

be able to learn from the experiences and practices of other EU member states and then develop innovative solutions for Albania's challenges.

When it comes to the level of preparation indicators show that civil society and local government are still at lower levels, although in the case of civil society, Albania appears a little more prepared than the other two countries of the region, Serbia and Montenegro. As far as local government is concerned, Albania appears a little weaker up mentioned countries. (Elezi, 2022).

## **Addressing Global Challenges**

The EU faces numerous global challenges, including climate change, migration, and cybersecurity. Non-state actors are well-positioned to engage in cross-border cooperation and collective action to tackle these issues effectively (International Organization for Migration, 2022).

The European Union (EU) is confronted with a myriad of global challenges that require collective action and cooperation among its member states. As Albania progresses on its journey towards EU accession, it too faces these pressing issues that demand proactive engagement and alignment with EU policies and regulations. Non-state actors in Albania are uniquely positioned to play a crucial role in addressing these global challenges and contributing to the country's integration into the EU.

Climate change poses a significant threat to both the EU and Albania. Rising temperatures, extreme weather events, and environmental degradation have far-reaching implications for ecosystems, economies, and livelihoods. Non-state actors in Albania have been at the forefront of raising awareness about climate change and advocating for sustainable practices (Shtjefni & Mema, 2019).

Civil society organizations have initiated environmental campaigns to promote eco-friendly behaviours and sustainable development. They have organized public demonstrations, workshops, and educational programs to mobilize citizens and policymakers alike. Additionally, grassroots movements have actively engaged in reforestation projects and environmental clean-up initiatives, promoting community-driven efforts to combat climate change at the local level.

Moreover, think tanks and academic institutions have conducted research on the impact of climate change on Albania's environment and economy. Their evidence-based policy recommendations have influenced government strategies to mitigate climate risks and align with the EU's climate goals (Nako, 2021).

## **Methodology**

This research paper adopted a comprehensive mixed-methods approach to investigate the important role of non-state actors in Albania's European integration. The study began with the literature review, systematically analyzing academic articles, reports, and relevant publications to establish a theoretical foundation. This

theoretical framework informed the research questions and set the stage for subsequent empirical investigations. The strategy of inquiry encompassed both qualitative and quantitative methods, incorporating case studies to provide real-world examples and a survey to gather broader insights. The literature review critically examined existing research, theories, and key concepts related to non-state actors' involvement in European integration, contributing to the theoretical framework that guided the study. Illustrations were selected based on field of operation diversity, and significance to indicate the impact of non-state actors in various sectors, such as civil society organizations, think tanks, businesses, and public campaigns. These cases offered concrete examples of how civil society actors influence policy decisions and contribute to Albania's alignment with EU standards.

In parallel, a survey was conducted among 26 local and national non-profit organizations operating in Tirana and other municipalities (North, middle and South of Albania). The structured questionnaire covered aspects such as the nature of CSO involvement, their confrontation to opportunities and challenges, and an overall impact assessment. This survey provided quantitative data to complement the qualitative insights gained from the literature review and case studies.

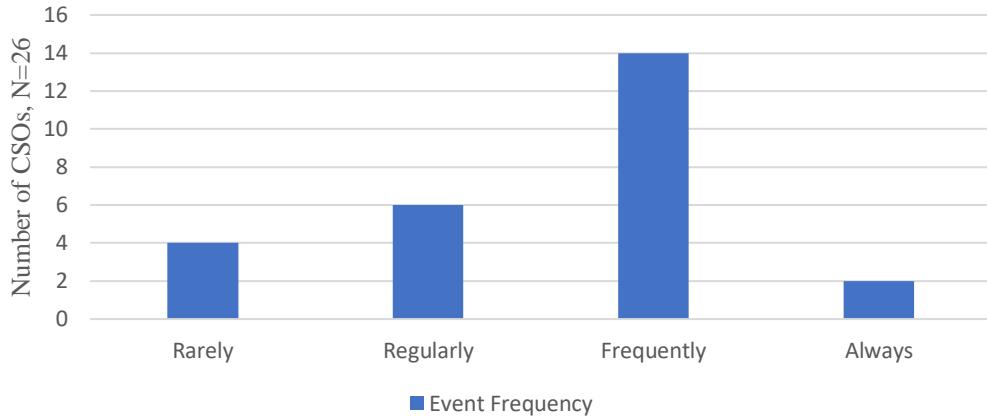
It is important to acknowledge certain limitations in the research. The sampling technique for the survey employed purposive sampling, potentially introducing biases in the representation of non-state actors. The qualitative data, particularly in the case studies, may be subject to interpretation bias, although efforts are made to mitigate this through triangulation and reflexivity. Additionally, the dynamic nature of the European integration process and the limited timeframe for the research may impact the depth of insights gathered. Despite these limitations, the mixed-methods approach ensures a comprehensive understanding of the multifaceted contributions and challenges faced by non-state actors in Albania's journey towards European integration.

## **Findings and discussions**

The survey results found that the twenty-six participating Civil Society Organizations (CSOs) have a diverse focus across several key areas that reflect a commitment to improving social conditions and human rights along the spectrum of need. For instance, showing a strong emphasis on human rights, 76.9% of CSO responses indicate that they conduct activities and projects aiming to protect and represent these rights. Social justice is another crucial aspect of CSO work, extending their efforts to address social challenges and improve community conditions, with a concentration of 46.2%. Additionally, CSOs have a significant focus on health, as 30.8% of responses revealed the promotion of overall well-being and health in their communities. Civic engagement is another top priority for CSOs, with 30.8% of responses indicating their efforts to involve citizens in decision-making processes and contribute to the development of a participatory civil society. These areas reflect

CSOs ongoing responsible commitment and endeavours to address the diversity of community needs and challenges.

Figure 1: Frequency of public events held by CSOs

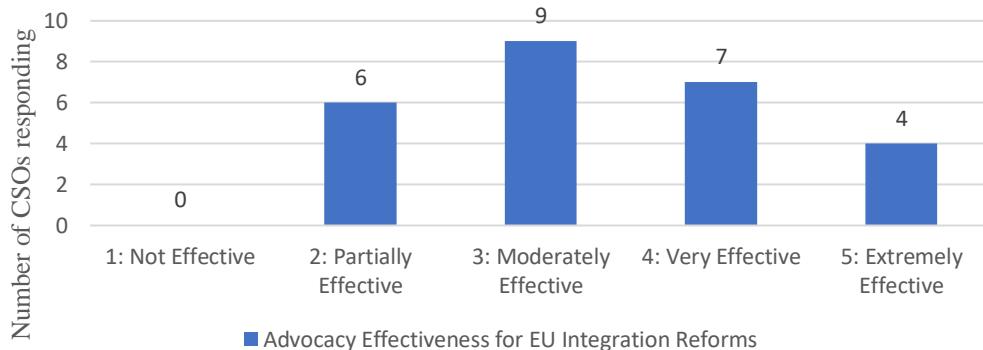


When it comes to the frequency of organizing public events or other initiatives to encourage citizen participation, the survey responses highlighted a proactive approach by Civil Society Organizations. Figure 1 shows these results of this question about event frequency: A majority, 53.8% of CSO respondents, indicated that such engagement events are frequently organized, reflecting a continuous effort to involve the community. Moreover, 23.1% mentioned that these activities are scheduled regularly, suggesting consistent initiatives to promote civic involvement. Only 15.4% of CSOs reported that they rarely organized events for civic participation. This result underscored CSOs' commitment to fostering an active and participatory community by organizing events that encourage citizens to be involved in various aspects of societal development.

Next, as shown in Figure 2, each CSOs' self-reported advocacy effectiveness for reforms related to European integration revealed diverse opinions among respondents. More than one-third of the survey respondents, 34.6%, indicated a moderate satisfaction level, giving themselves a rating of 3 for advocacy effectiveness. Another quarter, 26.9% of respondents, expressed a high level of satisfaction with their effectiveness, assigning themselves a rating of 4. A smaller percentage of respondents, only 15.4%, gave the highest rating of 5 for advocacy effectiveness. Overall, these responses highlight varied degrees of confidence in the effectiveness of CSO organization's advocacy efforts. This result suggests areas that may benefit from further study. Additional research is needed to identify the cause(s) of variations in CSO perceived effectiveness. For example, is there a connection between a CSO's self-reported advocacy effectiveness on a topic and its frequency of public events. This

question was beyond the scope of this paper's research. Further studies could foster improved CSO advocacy effectiveness.

Figure 2: Perceived effectiveness of CSO advocacy for reforms related to European integration

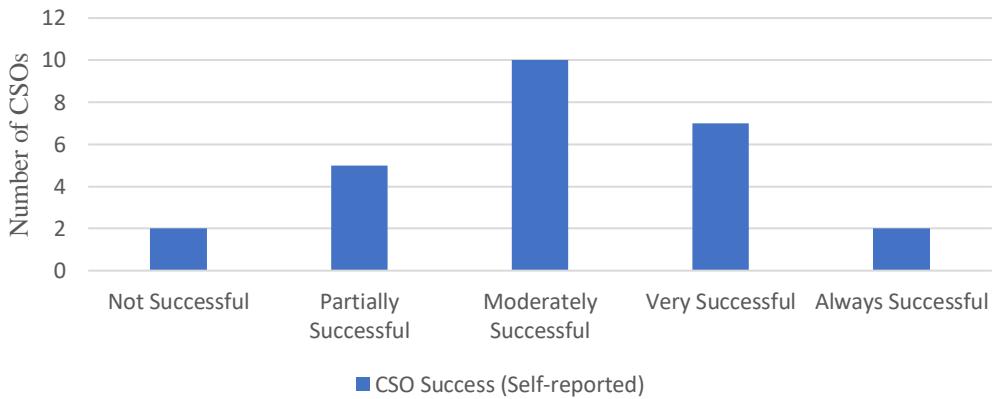


Next, the survey looked at a CSO's satisfaction level with its advocacy impact on political decision-making, measured on a scale from 1 to 5. Responses again reflected diverse perspectives among respondents. A notable 42.3% expressed a moderate level of satisfaction, assigning a rating of 3. Additionally, 23.1% indicated a high level of satisfaction, providing a rating of 4. Only two organizations, or 7.7%, selected the highest score of 5 for this category. On the other hand, 19.2% of CSOs were somewhat satisfied, assigning a rating of 2. These responses highlight varying degrees of contentment with the influence of CSO advocacy on political decision-making processes, showcasing both strengths and areas that may benefit from further improvement. The specific causation behind these self-reported advocacy results is, as above, beyond the scope of this thesis. But additional research into how CSOs measure impact on political decision-making and what factors influence high versus low scores on perceived impact. External benchmarks might also be useful here, to assess perceived CSO impact on political decision making with an objective measure of advocacy impact on decision making, such as new local regulations or improved social services.

The evaluation of CSO organization's success in promoting citizen involvement in the European integration process, measured on a scale from 1 to 5, also indicated varying perceptions among CSO respondents. Figure 3 shows the distribution of these results. Specifically, a notable 38.5% expressed a moderate level of success, assigning a rating of 3. About one quarter of respondents, 26.9%, indicated a moderate level of success, providing a rating of 3. On the other hand, 19.2% reported they were only somewhat satisfied, assigning a rating of 2. These responses underscore the diverse perspectives on the extent of success in encouraging citizen participation in the European integration process, suggesting both positive achievements and areas for

potential enhancement. Importantly, since the majority of responding CSOs report moderate success or higher, this suggests that the majority of CSOs are successfully engaging local constituents on relevant issues regarding European integration.

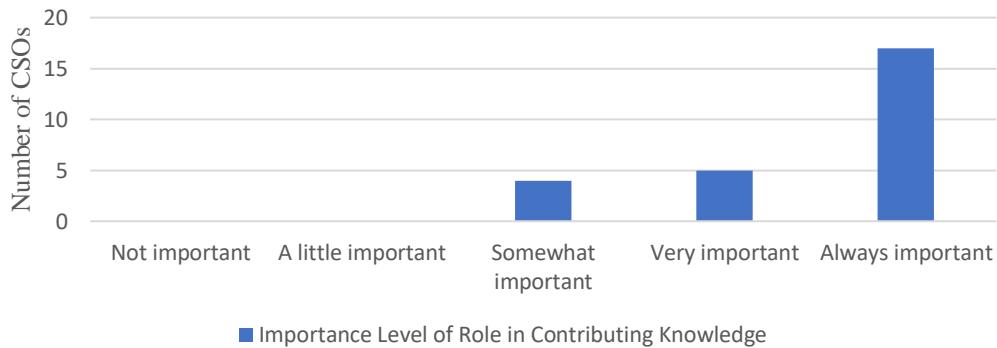
Figure 3: CSO success in promoting citizen involvement in the European integration process



Looking across these survey questions above, the results show that a majority of survey respondents view themselves as having a moderate or higher degree of success in their activities. This result indicates a positive and measured outlook on CSOs current and future role in Albania as it continues its accession journey toward EU membership. The qualitative responses aligned with this view: CSOs are having success, even in the face of significant political and financial constraints. In both the quantitative and qualitative responses, there is an optimism about the initiatives underway.

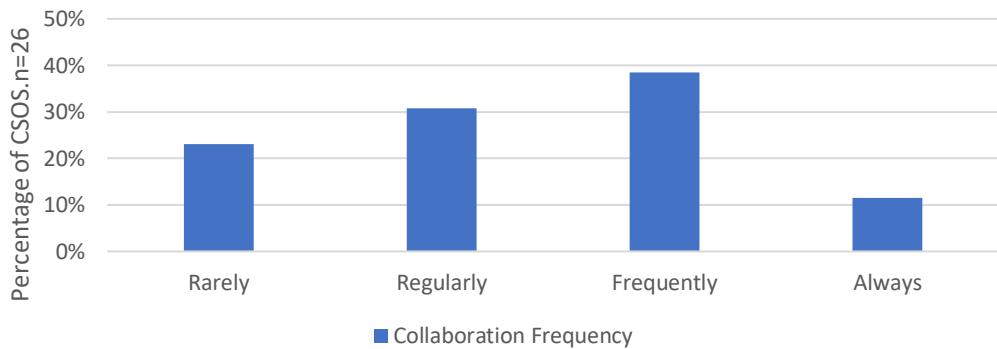
Next, the survey gauged CSOs' views on knowledge and expertise. The first question on knowledge was about the importance of the role of researchers, academic institutions, and businesses in their contribution of evidence-based policy knowledge needed for EU membership. Figure 4 depicts these results. A majority of survey respondents, 65.4% of participants, rated this role with the highest importance, emphasizing the crucial contribution of these entities. Additionally, 19.2% of CSOs assigned an importance rating of 4 to this role, indicating a widespread acknowledgment of the valuable role played by researchers, academic institutions, and businesses in shaping policies based on substantial evidence. The collective opinion shows CSO recognition of these stakeholders as vital contributors to the development and implementation of informed policies relevant to the EU accession process.

Figure 4: Importance of role of researchers, academic institutions, and businesses to contribute evidence-based policy knowledge necessary for Albania's EU membership



The follow-on survey question "Do you often collaborate with researchers or academic institutions to gain better knowledge?" had a broader distribution, indicating a learning opportunity for many CSOs to collaborate with researchers and academic institutions on experiential knowledge relevant for Albania's EU accession. These results are depicted in Figure 5 below: 38.5% of CSO participants stated that such collaboration occurs consistently and another 11.5% stated collaboration occurs "always", indicating an ongoing engagement with academic and research partners. Next, 30.8% of CSOs marked "often" for the frequency of collaboration. This highlights an opportunity for more active and frequent cooperation with researchers and academic institutions among some CSOs to enhance knowledge. Another 23.1% of CSO respondents acknowledged that they rarely collaborated with researchers or academics, indicating a need for continuous improvement and enrichment of insights within CSOs. Overall, the collective feedback indicates that CSOs recognize the importance of researchers and academics and have a commitment to fostering strong ties with this community, with some room for improved engagement and learning. This survey did not delve into why some CSOs have broader involvement with academia. That question could yield interesting results that might inform future relationship-development efforts. Another area of additional investigation could be a study of perceived CSO levels of success/effectiveness mapped against the level of engagement with academia, researchers, and business entities. A future question is: Does a causal connection exist between the frequency of engagement with these entities and a CSO's perceived and/or actual success? Certainly, each entity possesses unique insights that could inform CSO efforts.

Figure 5: Frequency of CSO collaboration with researchers or academic institutions to gain knowledge



On global challenges, many CSOs are actively engaged in addressing the topics of climate change, migration, and cyber security, within the context of European integration. The survey responses reflect a balanced involvement on these issues, with 30.8% giving a rating of 3, or moderate engagement, and an additional 30.8% selecting higher levels of engagement, with 15.4% each selecting either a 4 or a 5 on the scale. This result signifies a substantial level of CSO dedication toward tackling issues of global significance. These organizations' proactive and comprehensive stance on global challenges underscores CSOs' contributions to broader global goals within the framework of European integration. However, there is room for improvement among some CSOs, as more than a third of CSO respondents indicated low or no involvement in these issues. Because this survey was anonymous, this question was not mapped to a CSO's primary mission. A CSOs lack of involvement in these issues might simply indicate a more granular focus on immediate local needs. The responses to this question may evolve as Albania gets closer to EU accession.

CSO perceived effectiveness against these global issues is broad. Of CSOs involved in these global issues, a significant majority, 61.5%, rated their activities at a 3 or above in terms of effectiveness: Specifically, 30.8%, rated their efforts as 3 on the scale, 19.2% gave a rating of 4, and 11.5% gave a rating of 5, indicating significant overall effectiveness of the initiatives. The required iterative nature of all CSO activities can be seen in the 23% of CSO organizations rating their activities on climate change, migration, and cyber security with a "low" effectiveness score. These are massive and evolving challenges with complex dynamics. Continuous learning and adjusting is required to enhance and refine CSOs' strategies and tactics to address these major global challenges in the context of European integration.

CSOs have actively engaged in advocating for legal reforms, aligning local legislation with European standards, and contributing to public service quality, gender-based violence prevention, and environmental protection. These efforts are ongoing.

Specific CSO initiatives on Albania's EU integration have been particularly effective in promoting citizen involvement in the European integration process, with efforts concentrated on consultation, initiatives, and programs that facilitate integration conditions and align with European practices and legislation. The collaboration with researchers and academic institutions has been acknowledged as contributing to better knowledge.

CSOs have actively provided knowledge to support policies related to EU membership through various activities. These include training sessions, workshops, and academies aimed at enhancing the capacities of local governance units and relevant stakeholders. CSOs have played a crucial role in raising awareness and promoting active participation in reforms, particularly in areas such as education, global challenges like climate change, cyber security, and sustainable development. Efforts have been made to inform citizens about the integration process, benefits, and challenges, with a focus on youth involvement. CSOs have engaged in consultations, workshops, and training sessions with local civil society organizations, the media, and local authorities. Their activities have contributed to strengthening local institutions, improving waste management, and aligning local legislation with European standards.

CSO training initiatives have empowered citizens with legal knowledge and various aspects of democracy, fostering active participation and informed decision-making. The organizations have actively collaborated with institutions, contributing to policy development and public awareness through forums, conferences, and sensitization campaigns. CSOs have provided knowledge and expertise to support policies related to EU membership by creating continuous reports and analyses, organizing public forums for open discussions, and collaborating with institutions to contribute to policy development. Their activities have focused on raising awareness, understanding, and citizen engagement concerning EU membership and related issues.

In summary, CSOs have played a multifaceted role in advocating for reforms in the European integration process, ensuring that citizens' voices are heard, and influencing positive changes in legislation and public policies. The variety of roles, from advocacy to education and coordination, underscores the comprehensive impact of civil society organizations on shaping a transparent and democratic society in Albania.

Next, a question about the challenges faced by CSOs in their efforts revealed that CSOs involved in the European integration process have encountered myriad challenges that have impacted their active participation and effectiveness. One recurring issue highlighted by a majority of respondents is the "Lack of Information and Promotion." Many organizations face difficulties in accessing timely and relevant information about Albania's EU accession process. The common understanding is that the desired

data exists but that it is not being shared with CSOs in a timely and comprehensive manner. This lack of access to key information can cripple an organization's effectiveness. Not surprisingly, lack of access to key information could therefore distract any CSO initiative designed to engage, inform, educate and empower Albanian citizens about issues on Albania's EU accession. This wide-spread lack of EU-accession information among Albania's CSOs indicates an urgent need for improved data transparency from those who possess the relevant EU accession information. Of note, a question for future study is whether CSOs' lack of access to information negatively impacts the effectiveness of CSO initiatives. It would be a subject for further study if there are examples of any CSOs that were able to identify proxy data to bolster their European integration initiatives, despite the lack of access to governmental data. Such proxies might be developed by accessing best practices from other EU member states, from academics or relevant business partners.

Adding to this information-access challenge, another significant challenge is the "Lack of Interest and Non-Inclusion of Institutions." This limited attention from state actors contributes to the overall challenge of fostering awareness and engagement among the public. Some CSOs find it challenging to generate interest in European integration topics, and the non-participation of institutional actors further complicates the collaborative nature required for successful integration efforts.

Not surprisingly, a third major challenge faced by CSOs is financial constraints. Financial constraints pose a substantial obstacle for Albanian CSOs and several respondents mentioned the difficulty in securing funds for their initiatives. The "Financial Constraints" challenge underscores the need for sustainable funding mechanisms to support civil society projects related to European integration.

The EU is supporting the socio-economic development and reforms in the enlargement region, including in Albania, with financial and technical assistance through the Instrument for Pre-accession Assistance (IPA).

For 2021-2023, the IPA III funding for national programmes amounts to close to €250 million for Albania. This includes the dedicated €80 million from the 2023 Energy Support Package immediate measures, 90% of which have already been disbursed to support vulnerable families and SMEs facing the rising energy prices.

The Economic and Investment Plan (EIP) for the Western Balkans aims to mobilise up to €30 billion in cooperation with international financial institutions until 2027.

Under the EIP for Albania, the EU has already mobilised €1.4 billion in investments, out of which €470 million was grants.

Specifically, the Western Balkans Investment Fund, a joint project of the EU, has the following areas of focus: WBIF may support any sector that contributes to the economic, social and environmental development of the Western Balkans in the following intervention areas:

- Sustainable transport
- Clean energy
- Environment & climate
- Digital future
- Competitiveness of the private sector
- Human capital development"

Despite this massive investment in Albania by the EU and its partners, CSOs in Albania remain chronically underfunded, despite CSO initiatives aligned with several key areas of WBIF. Earlier research supported this current finding.

Interestingly, a review of the WeBalkans.eu website indicates there are 31 projects focused on Albania. One of these in 2022 included funds to an NGO in Diber to foster civic engagement. This project was funded by Technical Assistance to Civil Society Organisations (TACSO), an EU-funded project "whose mission is to improve capacity and strengthen the role of civil society organisations in the Western Balkans" (WeBalkans.eu, 2024). TASCO is currently conducting its second survey on CSO progress against the DG goals (Tasco, 2024):

"The Guidelines outline the results towards which EU support to civil society in the enlargement region will aspire in the period 2021 – 2027, focusing on strengthening participatory democracies and EU approximation and integration through a strengthened contribution by civil society."

However, a review of the WeBalkans.eu website on its civil society page reveals that webalkans.eu has zero metrics to measure progress against Civil Society goals. Under a heading "Continued Support" the webalkans.eu text describes goals but offers no specifics on metrics for continued support.

"The EU continues to involve civil society to promote public debate and exchange about the enlargement process. The goal is to enable all citizens to have a voice and a better understanding of the reforms needed for EU membership. Examples of support include:

Building capacity – As democratic watchdogs, CSOs are a key link between citizens and government. They are also key partners in testing innovative ideas and solutions for better societies. Strengthening the sector is crucial to increase its effectiveness.

Inclusion – Minority groups across the region like Roma, LGBTI, or people with disabilities continue to face discrimination and exclusion. Ongoing support will help CSOs stand up for marginalised and minority groups, and make sure their voices are heard.

Civic participation – Civic engagement in decision-making is a defining element of democratic societies. Supporting CSOs to expand and professionalise, will help get more people involved in civic life" (webalkans.eu, 2024)..

The troubling ongoing civil society funding gap in Albania, despite the already enormous funds invested in Albania, indicates an opportunity: Perhaps CSOs might increase their perceived and actual impact and effectiveness by connecting with external funding opportunities. Many CSOs may be unaware of the scope and depth of funding available from non-state actors and other entities outside Albania. At the same time, outdated EC websites and lack of quantitative data on civil society progress indicates a lackadaisical commitment from the EC on civil society progress, especially when compared with infrastructure projects. Worthy to mention that this paper did not inquire of the participating CSOs if any had applied for funds from these EU-related grant-making organizations, such as WeBalkans.eu.

In the realm of education, CSOs shared in the qualitative replies that they face "Challenges in Education Development." This encompasses difficulties in promoting inclusive and quality education that aligns with the standards set by the European Union. The slow progress in educational reforms contributes to the overall complexity of the integration process. Due to limited funding and the limited government support, CSOs struggle to implement education reform that would undoubtably enhance the lives of young Albanians. This education issue, coupled with the specific challenge of youth indifference, reveals a massive civil society gap in Albania: An informed, civic-minded youth are critical for Albania, both for its growth as a country and as a functioning member of the European Union. Engaged youth are this country's leaders of tomorrow. CSOs are positioned to address the "Indifference of Youth" towards EU integration through strategies that increase youth engagement and foster a sense of responsibility and participation in the integration process.

Next, the "Political Interruptions and Stigmatization" challenge reflects how disruptions caused by political administration's negative aspersions cast toward civil society organizations can decrease the effectiveness of CSOs: Coordinated CSO activities face obstacles due to inconsistent political support and potential stigmatization. "Low Public Interest and Indifference of Local Authorities" present additional hurdles for CSOs. The lack of public interest, combined with a perceived lack of importance from local authorities, hampers efforts to engage the broader community in European integration activities. While CSOs contribute to the integration process, "Limited Local-level Activity Development" inhibits their impact. Challenges in developing and sustaining activities at the local level hinder the effectiveness of these organizations in contributing to the broader integration agenda.

Lastly, the "Lack of Continuous Engagement and Support from State Institutions" represents an overarching challenge. Limited support and inconsistent engagement from state institutions hinder the ability of CSOs to operate effectively and contribute meaningfully to the European integration process.

In conclusion, these challenges underscore the multifaceted nature of CSOs' involvement in European integration. Addressing these issues requires collaborative efforts, increased financial support, and a more inclusive and supportive environment for civil society organizations to thrive and contribute positively to the integration process.

Another specific achievement mentioned by a participating CSO is the elevation of gender units and employees in three municipalities in northern Albania (Vau Dejes, Puke, and Tropoje). The establishment of a Mechanism for reporting violence in Puka Municipality is a concrete outcome of the organization's efforts. In the context of the project CIVILISC, an initiative supported by Institute for Democracy and Mediation, the organization successfully implemented a campaign focused on reporting cards. These cards monitored the performance of each municipal councillor in Shijak Municipality, showcasing their activity during council meetings throughout the year. The resulting brochures provided citizens with information about their local councillors and enhanced transparency in local decision-making. Qendra ALTRI, focused on legal issues and justice institutions, played a crucial role in supporting the Justice Reform in Albania. By increasing the capacities of new justice institutions and conducting monitoring processes, the organization successfully advocated for and accomplished improvements in the justice system.

An example of a successful initiative from the southern part of Albania is participation in the Bundestag of Germany by youth from Korca, supported by the organization "Beyond barriers". The Korca youth presented their vision regarding EU integration, particularly addressing migration and refugees, and receiving a ten-minute standing ovation and extensive support from Green Party deputies who spoke for thirty minutes about Albania's potential within the EU. This example might well serve as a blueprint for similar engagement of Albanian youth in EU integration topics by CSOs in other municipalities.

Another success story involved a project on extremism and violence. The initiative which involved teachers and students revealed that many participants lacked accurate information about the phenomenon of extremism and violence. The positive feedback received emphasized the impact of the project in raising awareness and correcting misconceptions.

Overall, these success stories showcase the diverse ways in which civil society organizations are contributing to positive changes, policy development, and increased awareness, both to align with EU standards and foster progress in their respective fields. Among the CSO participants, there is a swelling of optimism from these success stories, even despite some of the challenges mentioned earlier. It may well be a follow-on project to this paper to create a simple CSO roadmap to success, highlighting these success stories and identifying the process steps that enabled success and avoided pitfalls or dead ends.

As mentioned in the literature reviewed section a spectrum of non-state actors has been involved in the EU integration process, including civil society organizations, businesses, think tanks, academic institutions, and grassroots movements. Based on the specific expertise CSOs provide, they have actively provided knowledge to support policies related to EU membership through various activities, including training sessions, workshops, and academies aimed at enhancing the capacities of local governance units and relevant stakeholders. Especially important has been campaigns dealing with public consultations and strategies recommendations for the improvement of economic conditions and social services provided.

As climate changes bring challenges for EU countries, including Albania, activities on climate change, migration, and cyber security has been intensified. Anyway in the survey provided their effectiveness result in a "low" score. Complex dynamics accompany environmental issues globally. Therefore, Albania as a small country, expects to follow world innovations in the field of environmental disaster prevention

Sustainable learning and adaption is required to enhance and refine CSOs' strategies to address these major global challenges in the context of European integration.

### **Conclusions and recommendations**

CSOs in Albania have diverse opportunities to strengthen their role in the European integration process. One key avenue is the improvement of organizational capacities through training and development programs, enabling them to acquire the necessary expertise and enhance overall effectiveness. Both collaboration and coordination among civil society organizations are essential, fostering a collective impact and the sharing of valuable expertise, ultimately amplifying their influence. Active participation in decision-making processes is crucial for CSOs to contribute meaningfully to policy formation. This involves engaging in public consultations, meetings, and debates related to the integration process, ensuring their perspectives are considered. CSOs should keep their advocacy efforts informed and effective by staying abreast of EU standards and providing clear recommendations for legislative improvements.

Inclusion of diverse target groups is paramount to representing a broad range of perspectives and needs within CSO activities. This approach ensures a more comprehensive and inclusive contribution to the integration process. International collaboration is another avenue, allowing CSOs to build partnerships with international organizations and leverage their expertise for a more effective integration process.

Innovation in projects that address specific issues and challenges related to European integration provides an impactful way for CSOs to contribute. Seeking financial support from various donors, both domestic and international, is crucial for the sustainability of CSO projects and initiatives. Active participation in EU structural programs is an additional avenue for CSOs to access funding and support for projects

aligned with the integration process. CSOs can contribute significantly by providing expertise for legislative analysis, formulating clear recommendations for institutional improvements, and advocating for the alignment of national legislation with EU standards.

Networking with thematic organizations and collaborating with groups that share common goals and interests further strengthens the impact of CSOs. Participation in exchanges of experiences with EU-based organizations enhances capacities and facilitates learning from best practices. Collaboration with larger and more experienced organizations, as well as active representation in decision-making processes, can significantly bolster the role of local CSOs in shaping policies related to European integration. Implementation of EU-funded projects within the country, coupled with community engagement, enables CSOs to raise awareness about the benefits and challenges of EU integration. Utilizing opportunities provided by legislation further strengthens the role of civil society in decision-making processes. Finally, improving the public image of CSOs is critical, achieved through the implementation of projects with tangible and concrete results. In conclusion, by capitalizing on these diverse opportunities, civil society organizations in Albania can play a more influential and effective role in the European integration process, contributing to a more informed, inclusive, and transparent decision-making landscape.

To more effectively utilize opportunities and address challenges faced by civil society organizations in the European integration process, they can follow certain steps and concrete strategies. One key step for improvement is the development of capacities through investing in specialized training and courses to help organizations enhance their skills in specific areas. Collaboration and coordination are crucial, and creating networks and collaboration platforms can intensify the exchange of knowledge and coordination of activities. Active participation in decision-making processes is fundamental. Civil society organizations must work towards active participation in decision-making processes, taking part in consultations, meetings, and dialogues with the government and other responsible institutions. Additionally, updated and effective advocacy involves using new tools and media platforms to communicate their messages effectively. Sharing best practices among CSOs should continue on a regular basis in order to enable knowledge transfer and improvement across organizations.

Involving diverse target groups is another essential aspect. Building an all-encompassing environment and supporting the involvement of various groups can accelerate the organizations' goals in combating discrimination and presenting a richer perspective of society. International collaboration and knowledge exchange with other civil society organizations can bring significant benefits. Also, developing and implementing innovative projects tailored to address new challenges can help identify creative solutions for the integration process. The use of information and

communication technology (ICT) is a crucial tool that can bring a noticeable improvement in efficiency and impact. These steps can assist civil society organizations in Albania more effectively exploit opportunities and address challenges on the path to European integration.

To better involve and support civil society organizations in the European integration process, politicians and other parties can take several steps and concrete measures. Firstly, creating an inclusive environment is crucial. Policymakers should ensure the existence of an environment where CSOs can actively participate and have their voices heard. This involves the development of common mechanisms for consultation and dialogue between the government, other institutions, and CSOs. Secondly, regular information sharing, and consultation are essential components. Governments and other institutions should regularly share information and engage in consultations with CSOs regarding developments in the European integration process. This includes organizing regular consultation sessions, providing informative publications, and maintaining open access to data. Sustainable and transparent financing is another critical aspect. Policymakers should ensure the provision of sustainable financial resources for CSOs. Supporting dedicated funds for civil society and ensuring transparency in the funding process are essential steps in fostering a healthy partnership. Capacity development is crucial for the effectiveness of CSOs. Policymakers can support CSOs by enhancing their capacities through training and technical assistance programs. Creating environments and programs that encourage the development of their skills and knowledge can significantly contribute to their effectiveness. Establishing common partnerships and projects is a proactive measure. Policymakers should foster partnerships between the government, the private sector, and CSOs to develop and implement joint projects. Such collaborations can bring significant benefits to all involved parties and contribute to strengthened cooperation. Supporting diversity and representation is a key recommendation. Policymakers should assist in improving the inclusion of diverse groups within CSOs and focus on ensuring equal representation in the consultation and decision-making process. This promotes a more comprehensive and representative approach.

Supporting the independence and freedom of operation of CSOs is paramount. Policymakers and institutions should respect and protect the independence and freedom of operation of CSOs. This includes respecting intellectual property, protecting against political pressures, and ensuring an environment where CSOs can operate without fear. Incorporating the voice of CSO representatives is crucial for success. As key actors and experts in their fields, representatives from CSOs should be included and considered in all significant aspects of reforms towards development and European integration. Their perspectives and recommendations are invaluable.

Monitoring and accountability mechanisms are necessary. Regularly monitoring the activities of CSOs ensures alignment with objectives, and facilitating financial ease while imposing legal responsibilities on the founders of organizations is a prudent

approach. Open spaces and non-partisanship should be promoted. Allowing CSOs to compete on merit without political favouritism, providing open spaces for discussion, and considering CSO proposals carefully in public discussions contribute to a fair and transparent process. Financial support mechanisms should be implemented. Policymakers should intervene to ease and ensure the percentage contribution from organizations to funds related to the EU. The government and municipalities should act to secure this percentage for the benefit of organizations. Openness to collaboration is essential. Politicians and decision-makers should be open to involving civil society in these processes, considering them as partners rather than competitors. Recognizing the strength of civil society in working with citizens and appreciating the mutual benefits of cooperation is essential.

Greater inclusion of interest groups is recommended. Encouraging a greater inclusion of interest groups ensures a more comprehensive and diverse representation in the decision-making process. Openness and communication with CSO actors should be prioritized. Being open and in contact with civil society actors on issues they cover, becoming part of and involving civil society actors without limitations in institutional discussions, strengthens collaboration and inclusivity.

To address and better support civil society organizations in the European integration process, several recommendations for politicians and other parties can be outlined:

**Transparency, Accountability, and Fairness:** Ensuring transparency and accountability is paramount for establishing trust among CSOs, politicians, and other stakeholders. Fair decision-making processes should be a foundational principle to foster collaboration and avoid distrust.

**Enhanced Local and Central Government Collaboration:** Robust collaborations between local and central governments, institutions, and NGOs are essential for streamlining the integration process. Mutual understanding and joint efforts can lead to the formulation and implementation of more effective policies.

**Creating an Inclusive Environment:** Politicians should strive to create an inclusive environment where CSOs feel engaged and heard. This involves the development of mechanisms for joint consultation and dialogue between the government, other institutions, and CSOs, ensuring that diverse voices are considered. Especially youth involved in youth organizations, forums and boards may play an active role in understanding integration processes and informing other spectrums of the public.

**Regular Information Sharing and Consultation:** Governments and other institutions must consistently share information and engage in consultations with CSOs regarding developments in the European integration process. Regular consultation sessions, informative publications, and open access to data can facilitate a more collaborative approach. Specifically, one of the last government decisions was to open EU information unit near 61 municipalities which will help a better absorption of EU issues by the public.

**Sustainable and Transparent Financing:** Ensuring sustainable financial resources for CSOs is critical for their effectiveness. Politicians can contribute by supporting dedicated funds for civil society and ensuring transparency in the funding process. This promotes accountability and fair allocation of resources, preventing undue influence.

**Capacity-Building Support:** Investment in training and specialized courses is crucial to enhancing the capacities of CSOs in specific areas. Politicians can play a significant role in providing opportunities for skill development, thereby contributing to the overall effectiveness of these organizations.

**Advocacy for Updated and Effective Communication:** Improving communication and advocacy involves the effective utilization of new tools and media platforms. Politicians should actively work towards keeping the public well-informed, contributing to a more informed and engaged society. This can include embracing innovative communication methods and adapting to the evolving landscape of media and information dissemination.

## References

- [1] Berisha, L. & Kelmendi, K. (2021). The Role of Civil Society Organizations in Enhancing Democratic Participation in the EU Integration Process: The Case of Albania. European Journal of Social Sciences Education and Research, 8(2), 250-265.
- [2] BiEPAG (2023). Through the Labyrinth of Regional Cooperation: How to Make Sense of Regional Integration in the Western Balkans, 15.
- [3] Elezi, G. (2022). Institutional Coordination and Compliance in the EU accession process of Albania, 199. Tirana: Institute of European Studies.
- [4] European Commission (2021). Albania 2020 Report. Retrieved from [https://ec.europa.eu/neighbourhood-enlargement/sites/default/files/2020-11/albania\\_report.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/default/files/2020-11/albania_report.pdf)
- [5] European Commission (2023). Albania 2023 Report. Retrieved from [https://neighbourhood-enlargement.ec.europa.eu/albania-report-2023\\_en](https://neighbourhood-enlargement.ec.europa.eu/albania-report-2023_en).
- [6] European Commission EU Neighbourhood & Enlargement Facebook Page (2024) <https://www.facebook.com/EUnear>.
- [7] European Movement in Albania (2023). Albania's Scorecard on Progress and Level Of Preparation. Retrieved from <https://em-al.org/en/albanias-scorecard-on-progress-and-level-of-preparation-regarding-eu-accession-november-2023/>
- [8] IOM (International Organization for Migration) (2022). Migration Governance and EU Integration in Albania: Challenges and Opportunities. Retrieved from

[https://albania.iom.int/sites/default/files/publication\\_documents/migration\\_governance\\_and\\_eu\\_integration\\_in\\_albania.pdf](https://albania.iom.int/sites/default/files/publication_documents/migration_governance_and_eu_integration_in_albania.pdf)

- [9] European Movement in Albania (2020). The Involvement of Civil Society in the European Integration Process 2020. National Resource Center for Civil Society in Albania.
- [10] Ministry for Europe and Foreign Affairs of Albania (2022). Albania's EU Integration Journey: Milestones, Challenges, and Perspectives. Retrieved from <https://punetejashtme.gov.al/en/albanias-eu-integration-journey-milestones-challenges-and-perspectives/>
- [11] Nako, A. (2021). Think Tanks and Evidence-Based Policymaking in Albania's EU Accession Process. European Policy Analysis, 8(2), 132-147.
- [12] Shtjefni, E. & Mema, G. (2019). Climate Change and Non-State Actors in Albania: Initiatives, Challenges, and Prospects. Journal of Environmental Policy and Planning, 21(6), 832-848.
- [13] Xhafa, G. & Halimi, A. (2022). Lobbying Regulation in Albania: Strengthening Transparency and Accountability in the EU Integration Process. European Journal of Public Affairs, 26(1), 91-108.
- [14] WeBalkans.eu website, (2024). <https://webalkans.eu/en/stories/promoting-human-rights-in-a-traditional-environment/>
- [15] Technical Assistance to Civil Society Organisations website (TASCO), 2024 at <https://tacso.eu>.

## Alkaline Ionized Water Constitutes a Great Challenge of Cure and Prophylaxis: A Review

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### Abstract

**Aim:** Review of the wonderful benefits of the alkaline ionized water as reported and confirmed in literature. **Background:** Cellular breakdown together with cellular regeneration are two biological processes taking place continuously in the human body; both processes are affected by many factors. Antioxidants or cell protectors are substances that protect the human cells from undue or abnormal breakdown. They are important factors in maintaining the integrity of the cells by supporting the cell wall resistance. Through maintenance of the cellular integrity, antioxidants greatly help to guard against infections and chronic illness. The interest in antioxidants has reached a crazy world's attitude due to their health protective advantage. Fresh juicy fruits, being natural, are valued sources for antioxidants and vitamins, their disadvantage is being acidic. Lowering of the pH of tissues and circulation caused by accumulation of acidic metabolites due improper perfusion of cells and tissues with oxygen is a hidden truth behind cellular breakdown, chronic illness and malignant cellular growth as the human cells need a slightly alkaline atmosphere to maintain its sound integrity. Meanwhile, diseases and cancer cells could not exist among sufficiency of oxygen and an alkaline atmosphere where its growth is held and these abnormal cells get destroyed. Alkaline ionized water includes a highly potent antioxidant activity and as being ionized having small molecular size, it has the ability of great diffusion within cells and tissues so that it could readily buffer any existing pH error in the tissues. Sufficient reports in literature have confirmed the healthy value of antioxidants in control of chronic disease spread and cancer protection. **Conclusion:** Alkaline ionized water constitutes a precious gift of cure and prophylaxis towards chronic illness and cancer.

**Keywords:** alkaline water, antioxidants, cancer, cell protectors, chronic illness.

### Introduction

Cellular breakdown together with cellular regeneration are two biological phenomena taking place continuously in the human body; both processes are of course affected by many factors. Antioxidants or cell protectors are substances that

protect the human cells from undue or abnormal breakdown via supporting the integrity of the cell wall and the integrity of the intercellular substance cementing cells together so that microbes could not penetrate through tissues and invading them (Andreoli, 2001). Through maintaining the integrity of the cell resistance and the integrity of the cement substance, antioxidants greatly help to guard against infections and chronic illness (Morishita, 1972; Cotran et al., 1999; Swas& Pentyala, 2004). The interest in antioxidants and factors that improve cell resistance has reached a crazy world's attitude due to their health protective advantage. Fresh juicy fruits, being natural, are valued foodstuff for their content of vitamins and antioxidants except for the disadvantage of their acidic nature (Sleigh & Timbury, 1998). The human cells do need a slightly alkaline atmosphere to maintain its sound integrity; therefore, lowering of the pH of tissues and circulation that is caused by accumulation of the acidic metabolites due improper perfusion of cells and tissues with oxygen is a hidden truth behind cellular breakdown, chronic illness and cancer. Meanwhile, diseased and cancer cells could not exist among sufficiency of oxygen and an alkaline atmosphere where its growth is stopped and the cells itself disintegrte (Warburg, 1966; Berg et al., 2002; Campbell, 2001). Alkaline ionized water, being ionized, has got small molecular size, hence it has got the ability of great diffusion within cells and tissues; therefore having the talent to buffer any existing pH error in the tissues (Cotran et al., 1999; Sleigh & Timbury, 1998). Adequate studies and different reports have emphasized the healthy value of antioxidants in control of chronic illness spread and protection towards cancer (McPhee et al., 1996; Volk et al., 1996).

## Aim

Review of the world reports concerning the wonderful benefits of the alkaline ionized water and emphasize its healthy effects as reported in literature.

## Review

Various reports in literature refer with great concern to the role played by antioxidants in enhancing cell resistance and individual immunity towatds chronic illness. A study in France carried on a limited group of elderly hospitalized patients (81 patients) for two years has demonstrated that their cellular resistance and immunity towards chronic illness have been greatly enhanced (Baron, 2000). Another study on a similar group of elderly individuals staying in a geriatric care center has achieved a finding that regular intake of an optimal dose of antioxidants caused marked decrease of infectious diseases among those elderly people (McPhee et al., 1996). A further study done over two years including rather a big group of elderly people (725 men& women) has demonstrated that regular intake of fresh fruits and vegetables rich in antioxidants and vitamins resulted in increased immunity towards upper respiratory infections together with enhanced response to flu vaccines with apparent rise of their antibody titre (Volk et al., 1996).

As concerns protection towards cancer, an extensive statistical study done in 1994 that has followed up more than 12500 elderly persons for continuous 8 years has emphasized that regular intake of standard doses of antioxidants as fresh fruits has decreased the incidence of cancer among them (Yudkin, 1986). A further comprehensive study over huge number of males and females (12000-13000) aged between 35-60 years has confirmed the same finding where regular intake of standard doses of antioxidants has markedly reduced the incidence of cancer among those people (Sharon, 1989). Some researchers have referred in their review reports to a detailed study done in 1988 among a big sector of the French society, around 1300 volunteers of both sex, over 8 years concerning the effect of regular intake of antioxidants on general health, immunity towards infections and cancer incidence where the early results after only two years of the study were promising and exciting (Cotran et al., 1999; Sleigh & Timbury, 1998).

As concerns more recent studies demonstrating the healthy effect of alkaline water, a study done in 2022 in order to illustrate the effect of alkaline water on gentamicin-induced toxicity in a rat model via targeting sperm parameters, testicular tissue oxidative insult, inflammation, apoptosis and pituitary-gonadal axis. The study came to the conclusion that alkaline water includes antioxidant, anti-inflammatory and antiapoptotic effects against gentamycin-induced testicular toxicity in rats (Taha et al., 2022). A further study of the antioxidant activity of alkaline water in 2024 has reported that alkaline water mitigates cardiac toxicity risk through modulation of gut microbiota and the renin-angiotensin system (Sheikh et al., 2024). A dental study in 2018 on the effect of probiotic-alkaline mouth wash has also emphasized that the probiotic-zamzam experimental mouth wash was effective in reducing streptococcus mutans and zamzam water could be considered as prebiotic ingredient. Therefore; it was further considered that the probiotic-zamzam mouth wash has got an adequate potential therapeutic value (Elgamily et al., 2018).

The main scientific inconvenience of the scientific efforts in literature is their employment of the animal model or human volunteers and even laboratory procedures for testing antioxidant properties which is against the perfect scientific rules; as demonstration of the antioxidant property of a material should be strictly on metals particularly the iron and namely on the iron rust, hence that was the reason of the limited size of articles in this review.

## **Discussion**

The main reason of most chronic, major illness and cancer is the improper perfusion of cells and tissues with blood and oxygen leading to accumulation of acidic metabolites in tissues and circulation. As the human cells require a slightly alkaline medium to maintain its sound integrity, therefore; the acidic medium could lead to cellular breakdown, loss of cellular nature and function or malignant transformation. Cancer and diseased cells could not survive among an alkaline atmosphere and

sufficiency of oxygen where its growth is ceased and these cells get destroyed (Morishita, 1972; Berg et al., 2002; Campbell, 2001). Modern medicine deals with cancer employing surgery, chemotherapy and radiotherapy without much attention towards its pathologic etiology; hence this could explain the local recurrences of the same cancer lesion in its same place as long as the acidic pathologic error surrounding cells is untouched (Cotran et al., 1999). Ionized water is healthy as it is alkaline and as being ionized it is having low molecular size, hence; it has got the advantage of free diffusion within the cells and tissues with the ability of buffering any existing acidity among the tissues and cells. Accordingly; ionized alkaline water constitutes a gift to the cells via squeezing cancer cells within its alkalinity until destroying them. Therefore; the subject of the alkaline water and cancer is a matter of great interest and lovely conversation (Berg et al., 2002; Campbell, 2001).

Natural sources of water like underground water, wells, springs and waterfalls are usually alkaline as being ionized and its alkalinity depends upon the amount and varieties of minerals it drags during its stream; therefore, its composition is not constant and degree of its alkalinity differs. The alkalinity of water from these natural sources is never stable as it could be lost within few days or rather three days after collection from its source. Anyhow, as being ionized it could be rendered alkaline again by home alkalinizer machines but unfortunately this new manufactured alkalinity could still also vanish within few hours probably three. Ordinary drinking water or tap water is not ionized and could not be rendered alkalinized. (Cotran et al., 1999; Sleigh & Timbury, 1998; Berg et al., 2002).

There is only an amazing one source of water with constant composition and satble alkaline character which had sprung in a Holy city in Saudi Ardia since around 4000years or more. According to a Scientific Research Report of the Saudi Ministry of Agriculture in 1971, this water is still flowing in an endless huge tremedous stream. A lot of amazing criteria are encountered as concerns this alkaline water like its sustained constant composition, unlimited stability of its alkalinity, ad its endless huge flow since thousands of years in a dry valley which lacks natural sources of water that could refill it where underground wells around it dries up while its flow does not end inspite of a huge extensive great consumption. Moreover, surrounding springs could include bacteria and algae while it does not due its constant content of natural florides. Thus it is not surprising to find frequent reputation about its healthy therapeutic effects and dramatic cure stories. The safety and beneficial effects of this alkaline water to human health have been confirmed by a study done by a wide group of investigators in 2020 where they reported that this water is pathogen-free, uricosuric, hypolipidemic and exerts tissue-protective effects (Mahmoud et al., 2020). It has been demonstrated that this water has got a radioprotective effect as the intake of this alkaline water for 10 to 20 days among patients undergoing radiotherapy has shown that this water could reduce clastogenic and cytotoxic sffects of gamma irradiation (Yazdi et al., 2017). A further valuable study has emphasized that this

alkaline water is considered safe upon long-term consumption and it does not include any hepatotoxicity or nephrotoxicity (Al Doghaither et al., 2021). It has been also reported that this alkaline water might have potential therapeutic effect on lung cancer as it could potentiate a cytotoxic and anticancer effect as regards human lung cancer (Omar et al., 2017). Furthermore, it has been illustrated that this water could have anticancer and apoptotic effects on breast cancer cells (Al Zahrani et al., 2019).

It surprising that this super power or bionic water is flowing and available between hands since more than 4000 years, its frequent dramatic cure stories are in memory, its healthy alkaline nature is well-known and the scientific close relation between alkalinity of water and antioxidant activity is an established knowledge while in spite of all that over 4000 years it is only during latest two decades appeared some studies as a gush of adequate scientific evidence-based peer-reviewed research reports (Pubmed-indexed) about the antioxidant talents of this wonderful water. Specifically, only few reports appeared after 2006 but adequate articles around 40-45 were mostly published after 2015. The significant antioxidant criteria in an alkaline water are its antioxidant activity, antioxidant capacity and its antioxidant stability. The testing of these criteria in order to be scientifically reliable should be essentially evaluated via its effect on metals namely on the iron and iron rust but not on human volunteers, experimental animals or laboratory testing. An interesting study on evaluation of lipid peroxidation in red blood cells done in 2004 which whas been peer-reviewed in the United States was advised by the reviewers to confirm and include testing of the antioxidant activity on metals before acceptance. It is only at that particular time where the antioxidant effect of this Holy alkaline water has astonishingly and for the first time in 4000 years been demonstrated and confirmed on an old rusty car radiator in a very extremely lucky co-incence, after that scientific researches started its streaming flow that was particularly after 2015 (Swas& Pentyala, 2004).

It is worthy to mention that the subject of alkaline water is not always a serious matter and devoid of any simple delicate conversation. Fruits are acidic and preserved as powder concentrates, hence the reconstitution of fruit concentrates in alkaline water adds the advantage of a nicely palatable taste to the reconstituted juice as the alkalinity of water breaks and moderates the acidity of fruits. Also preparation of tea and coffee with alkaline water gives them a nicely-new sweet taste, while cooking vegetables in alkaline water helps to preserve texture and colors of vegetables. Interestingly, drinking alkaline water gives refreshing satisfaction and satiety due to its ready diffusion and saturation of tissues helping those following diet to reach satiety and easily overcome hunger sensation (McPhee et al., 1996). The fact that the stability of alkaline water is dependent upon its contents of minerals namely calcium and magnesium is true; some investigators have kept few samples of this Holy alkaline water of Saudi Arabia stored for two years and they found that the chemical composition of the water remained constant in all samples which was

correlated responsible to the stable alkalinity of the water. This could encourage for storing alkaline water for drinking in order to benefit its proven healthy effects specially cancer protection. It has been also demonstrated that addition of one drop of this distinguished stable alkaline water to 1000 drops of ordinary water renders all water molecules to reform according to the shape of the alkaline drop. Recently, some biophysical experiments have offered new evidences about existence of a connection between water memory and healing information. An exciting observation via the Nano technology has elicited rhythmic dancing moves of this water crystals in response to music, songs, prayers and Holy verbal words; is it truly blessed water, could it be!! Yes; may be (Khalid et al., 2014).

It is necessary to justify furthermore that the effect of an antioxidant should be tested on iron particularly iron rust as being the only fundamental solid method for testing the antioxidant properties or else other methods are unreliable (Swas& Pentyala, 2004). Hence, the major scientific disadvantage of the scientific efforts in literature is employing the rat model or human beings for testing the antioxidant properties which is definitely and scientifically imperfect.

## **Summary**

In Summary, the study presented review of the world reports regarding the healthy values of different types of alkaline water. The sources of natural alkaline water are wells, springs, water streams down the mountains and waterfalls. It also emphasized that natural alkaline water has got an antioxidant activity owing to its content of mineral elements that it gains during its stream. It has also demonstrated an extremely superior quality of natural alkaline water with super power extra-ordinary antioxidant activity and huge tremendous beyond imagination endless megaflow over 4000 years. This wonderful water is available between hands and its abundant dramatic cure stories are in memories and hearts; in spite of that the scientific evidence-based reports about its antioxidant talents was so late just until less than two decades before, namely in brief after 2006 and adequately after 2015. The study has illustrated that alkaline water is healthy due to its antioxidant activity which should be reliably tested according to its effect on metals and metals rust but not on human volunteers, animals or laboratory tests (Morishita, 1972; Swas& Pentyala, 2004).

## **Acknowledgement**

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## **Conflict of interest**

No conflict of interest is existing.

## Conclusion

Alkaline water owing to its antioxidant activity could constitute a wonderful healthy gift of great cure and prophylaxis towards the human body. As much as a garden could include flowers that differ in color and smell, also the nature offers many natural alkaline waters with different competition in their antioxidant talents.

## References

- [1] Al Doghaither H. A., Al-Sohaibani R. M., & Omar U. M., et al. (2021). Biochemical and histological effects of five weeks ingestion of Zamzam water on liver and kidneys of Wistar rats. *Saudi Pharm J*, 29 (1), 91-95.
- [2] Al Zahrani S.M., Omar U. M., & Rahimulddin S. A., et al. (2019). Antiproliferative and apoptotic effects of natural alkaline water (Zamzam) in breast cancer cell line MCF-7. *J Cancer Res Ther*, 15 (5), 1098-1104.
- [3] Andreoli T. E. (2001). *Cecil Essentials of Medicine*. WB Saunders Company; 5<sup>th</sup> Ed: 334.
- [4] Baron S. (2000). *Baron's Medical Microbiology*. Churchill Livingstone; 4<sup>th</sup> Ed: 346.
- [5] Berg J. M., Tymoczko J. L., & Stryer L. (2002). *Biochemistry*. WH Freeman and Company; 5<sup>th</sup> Ed: 480.
- [6] Campbell A. (2001 Jul). Definition of homeopathy. *Br Homeopath*; 90 (3): 175-6.
- [7] Cotran R. S., Kumar V., & Collins T. (1999). *Robins Pathologic Basis of Disease*. WB Saunders Company; 6<sup>th</sup> Ed: 790.
- [8] Elgamily H., Mosallam O., & El-Sayed H., et al. (2018). Antibacterial effectiveness of probiotic-based experimental mouthwash against cariogenic pathogen: An in vitro study. *Eur J Dent*, 12 (1), 7-14.
- [9] Khalid N., Ahmad A., & Khalid S., et al. (2014). Mineral composition and healthy functionality of Zamzam water: A Review. *Intern J Food Properties*, 17 (3), 661-677.
- [10] Mahmoud H. S., Eltahlawi R. A., & Jan A. A., et al. (2020). Zamzam water is pathogen-free, uricosuric, hypolipidemic and exerts tissue-protective effects: relieving BBC concerns. *Am J Blood Res*, 10 (6), 386-396.
- [11] McPhee S. J., Lingappa V. R., & Ganong W. F. (1996). *Pathophysiology of Disease, An Introduction to Clinical Medicine*. Lange Medical Books/McGraw-Hill; 4<sup>th</sup> Ed: 361.
- [12] Morishita, K. (1972). *The hidden truth behind cancer*. San Francisco, George Oshawa Macrobiotic Foundation.

- [13] Omar U. M., AL Doghaither H. A., & Rahimulddin S. A., et al. (2017). In vitro cytotoxic and anticancer effects of Zamzam water in human lung cancer (A594) cell line. *Malays J Med Sci*, 24 (3), 15-25.
- [14] Sharon M. (1989). Complete Nutrition. Prior; London.
- [15] Sheikh R. A., Nadeem M. S., & Asar T. O., et al. (2024). Zamzam water mitigates cardiac toxicity risk through modulation of gut microbiota and the renin-angiotensin system. *Curr Pharm Des*. Online ahead of print.
- [16] Sleigh J. D., & Timbury M. C. (1998). Notes on Medical Microbiology. Churchill Livingstone; 5<sup>th</sup> Ed: 323.
- [17] Swas A. H., & Pentyala S. N. (2004). Evaluation of lipid peroxidation in red blood cells by monitoring the uptake of sucrose and phenol red. *J App Toxicol*; 24: 000-000.
- [18] Taha M., Elazab S. T., & Saati A. A., et al. (2022). Zamzam water ameliorates gentamycin-induced testicular toxicity in a rat model via targeting sperm parameters, testicular issue oxidative insult, inflammation, apoptosis, and pituitary-gonadal axis. *Toxics*; 11(1), 2.
- [19] Volk W. A., Gebhardt B. M., Hammarskjold M-L., & Kadner R. J. (1996). Essentials of Medical Microbiology. Lippincott-Raven; 5<sup>th</sup> Ed: 377.
- [20] Warburg O. (1966 Jun). The Cause and Prevention of Cancer. Nobel- Laureates
- [21] Yazdi F. K., Monfared A. S., & Tashakkorian H., et al. (2017). Radioprotective effect of Zamzam (alkaline) water: A cytogenetic study. *J Environ Radioact*, 167, 166-69.
- [22] Yudkin B. (1986). The Penguin Encyclopedia of Nutrition. Penguin Books; London.

## **Retrospective Study Based on Records of in-the-Clinic Serological Assay, Risk Factors and Outcome of Leishmaniasis in Client-Owned Dogs of Tirana (2000 – 2010)**

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### **Abstract**

A serologic in-the-clinic assay for detecting leishmania antibodies was carried out in 84 dogs, all presented to the practitioner with clinical suspicion of leishmaniasis. Out of 84 suspected dogs, 45 (53.6%) resulted to be positive for leishmania antibodies. Positive cases were diagnosed year round, from January to December, during the 11 years of the study. Owned dogs appeared to be a permanent, all seasons, source of infestation. Medium and large sized breeds introduced to an outdoor lifestyle, especially hunting dogs like English Setters and Pointers as well as German shepherd dogs, looked to be at a higher risk of exposure to phlebotomes. Small sized breeds like Pekingese and a terrier cross living mainly indoors were probably less exposed and underrepresented in the study. Dog owners were usually willing to accept euthanasia as the first choice for their dogs. The relatively high number of owned dogs found positive for leishmaniasis, although seen in a confined environment of Tirana, indicated that leishmaniasis should be taken seriously into consideration as a disease of zoonotic importance and proper measures should be taken. The deltamethrin-impregnated dog collars called Scalibor® ProtectorBand® or the spot on solution branded Advantix®, should be applied to a majority of owned dogs from April to October in order to reduce the circulation of the parasite by preventing sand flies from biting on dogs, with an efficacy of approximately 95%. The collar and the spot on solution are recently introduced to the Albanian veterinary medicine market.

**Keywords:** Cannine leishmaniasis, in-clinic-rapid tests, diagnosis, leishmaniasis risk factors, pharmacological treatment

## Introduction

Previous to this report, canine leishmaniasis studies in Albania have been mainly carried out in either stray or rural dogs and most recently in owned dogs of Tirana (Shukullari, 2016). Canine leishmaniasis constitutes a constant public health concern all over the country. From 1961-2001, an average of 80 human cases per year have been reported and a retrospective analysis of cases admitted in district and tertiary care hospitals from 1997-2007 revealed a high proportion of cases occurred among pediatric population (Bino, 2010). Albania is actually one of the Balkan countries with the highest leishmaniasis prevalence where dogs appear to be the only confirmed reservoir (Vaselek, 2021a). Considering that small animal medicine is a relatively new experience in Albania, this is to the author's knowledge the first report on canine leishmaniasis situation in owned pet dogs in a daily routine practice in Albania for a period of 11 years. By this retrospective study, the authors would like to draw the attention to the public health authorities that small animal practices, in their role are the first place of the diagnosis and thus a reliable source to investigate for canine leishmaniasis distribution among dog populations and potential public health impact as a result.

Canine leishmaniasis is caused by a flagellated protozoa called *Leishmania infantum*. In the Mediterranean area where Albania is located in, the transmitting vectors are a number of species of sand flies belonging to the genera *Phlebotomus*. The disease, especially in the Mediterranean countries continue to be a matter of public health concern (Murray and Lopez, 1996; Bettini and Gradoni, 1986; Seimenis et al., 2006; Vaselek, 2021b, 2021a). In Albania, canine leishmaniasis was and still it remains prevalent (Adhami and Murati, 1977; Cicko et al., 1999; Lazri et al., 2008, Shukullari, 2016). Clinical symptoms in dogs are very variable making thus necessary a laboratory diagnosis for all suspected cases. The disease in dogs is manifested clinically in three forms: cutaneous, visceral and cutaneo-visceral. Serology is one of most reliable tests after direct observation of the parasite in medullar punctions or parasite isolation and cultivation on special media.

## Material and methods

Serological tests were performed in 84 dogs of different age, sex and breed, suspected of leishmaniasis (cutane and/or visceral manifestations), presented to the practice at random. There was not a special criteria for including dogs in the study, except for a suspect of clinical symptoms of cutaneous or visceral leishmaniosis. The apparently healthy dogs or those diagnosed with other problems rather than symptoms like leishmaniasis, were not considered. The age varied from puppies of 4 months old to 108 months (9 years) old dogs. All dogs belonged to the practice clients. As tests for determination of anti-leishmania antibodies were used 3 individual commercial rapid test kits for use in-the-clinic (**1.** LEISH Speed ®, Bio Veto Test Diagnostic Veterinaire, France, **2.** Fastes ® LEISH, Megacor Diagnostic GmbH, Austria and **3.** CIVTESTTM

*Leishmania canis*-EM, HIPRA Laboratories, SA, Spain). At different times different kits were used. For each unclear test result, a second test was carried out one to three months later to verify the dog's leishmaniasis status.

The data showed here covered a period from January 2000 to December 2010. For details of each case presented here it was used the practice's register of consultation and medications. Diagnostic tests were carried out in the small animal clinics "Ish Blloku" (2000 - 2004) and the "Gjergj Fishta's Boulevard" (2005 - 2010), respectively, both located in Tirana near each other.

For the treatment of positive cases it were used melgumine antimoniate (glucantime), Merial, France, 100 mg / b. w., every day, s/c, for 20-30 days in a row and allopurinol BP (Zyloric, 100 mg tablet, Glaxo SmithKline, UK) 15 -20 mg / kg b.w., per os, twice daily for 30 days, usually combined together (Denerolle and Bourdoiseau, 1999). Milteforan (Miltefosine), Virbac was note performed at the time of the study, as it was not available in our market.

For cases that underwent euthanasia it was used xylazine 2% (Alfasan, Netherlands) 0.15 ml/kg b.w., i/m followed 15 minutes later by ketamine 10% (Alfasan, Netherlands) 0.15 ml/kg b.w., i/m. Once full anesthesia was achived, the animal was inoculated into the cephalic vein at 0.7 ml/kg b.w., of a 20% sodium pentobarbital (Dolethal, Vetoquinol, France).

## Results and discussion

Of 84 dogs tested, 45 (53.6%) resulted positive for leishmaniasis and 39 (46.4%) resulted negative, with a distribution of 3-7 cases per year, with maximum 7 cases in 2007 (Tab. 1 and Tab. 2). It was revealed a year round distribution of positive cases, from January to December, during the 11 years the study continued, with a frequency as in Tab. 2.

The emergence of minimal cases in January (2001), April (2003, 2008) and December (2002, 2007) and maximum in July (3 cases in 2000, 2001, 2005, 2007, 2009) and November (2003, 2006, 5 in 2007), not necessarily was related to the minimum or maximum sand flies activity. In our case it might well had to do with subjective factors such as an owner presented a greater number of dogs living together in July of 2000 and another did so in November 2007 (Tab. 1). However, taking into the consideration the period of the year when phlebotomes are active (May to September/ October), and the latency period of infestation that in the dog is generally from 3-12 months (Fayet, 1999), such a monthly extension of positive cases was expected. This data attracts the attention that dogs are a source of infestation throughout the year despite months the phlebotomes are most active.

**Tab. 1:** Records on positive tested dogs, various risk factors and outcome of the animals

No.	Age (months)	Sex	Breed	Time of testing	Outcome of the animal
1	24	M	Mixed breed	07/2000	Euthanasia
2	24	M	Boxer	07/2000	Euthanasia
3	72	M	Illyrian shepherd	07/2000	Euthanasia
4	48	M	German shepherd	01/2001	Unknown
5	72	F	Greyhound	07/2001	Died few months after diagnosis
6	60	M	Pekingese	10/2001	Unknown
7	72	M	English setter	05/2001	Euthanasia
8	24	M	German Shepherd	06/2002	Unknown
9	36	F	Mixed breed	09/2002	Euthanasia
10	60	M	Pointer	10/2002	Unknown
11	84	M	German shepherd	12/2002	Treated (g+a), died during treatment
12	60	M	Terrier cross	03/2003	Euthanasia
13	48	F	German shepherd	04/2003 S	Treated (g+a), euthanasia 10 months after the treatment
14	24	F	Mixed breed	08/2003	Euthanasia
15	108	F	Pit bull	09/2003	Euthanasia
16	96	M	Mixed breed	11/2003	Euthanasia
17	36	F	German shepherd	06/2004	Unknown
18	48	F	Boxer	08/2004	Treated (g+a), unknown outcome
19	18	M	Mixed breed	09/2004	Euthanasia
20	36	M	Rottweiler	10/2004	Unknown
21	36	M	German shepherd	03/2005	Treated (g+a), unknown outcome
22	12	M	English setter	06/2005	Unknown
23	48	F	English setter	07/2005	Euthanasia

24	72	M	Pointer	02/2006	Unknown
25	18	F	English setter	06/2006	Unknown
26	18	F	Pekingese	11/2006	Unknown
27	36	F	Siberian husky	07/2007	Treated ( <b>g+a</b> ), died on the day 19 <sup>th</sup> of the treatment
28	24	F	English setter	11/2007 S	Unknown
29	42	M	Pointer	11/2007 S	Unknown
30	96	M	Pointer	11/2007 S	Unknown
31	24	F	Pointer	11/2007 S	Unknown
32	48	M	Pointer	11/2007 S	Unknown
33	96	F	German shepherd	12/2007 S	Treated ( <b>g+a</b> ), euthanasia 2 months after the treatment
34	108	F	German shepherd	02/2008 S	Euthanasia
35	108	M	Napolitan hound	02/2008	Euthanasia
36	48	F	Mixed breed	03/2008 S	Euthanasia
37	72	F	German shepherd	04/2008	Unknown
38	60	F	Napolitan hound	05/2009	Unknown
39	18	M	Siberian husky	07/2009	Treated ( <b>g+a</b> ), unknown outcome
40	24	F	German shepherd	08/2009 S	Euthanasia
41	36	M	Rottweiler	08/2009 S	Euthanasia
42	48	M	Mixed breed	03/2010	Euthanasia
43	60	M	English setter	05/2010	Treated ( <b>g+a</b> ), euthanasia 6 months after the treatment
44	24	M	Boxer	05/2010	Euthanasia
45	48	F	Siberian husky	09/2010	Unknown

- (g+a) = glucantime and allopurinol

- S = area of Sauk, Tirana

**Table. 2: Frequency of occurrence and distribution of positive cases per month and per year**

MONTH	Y E A R S										
	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
January		1									
February							1		2		
March				1		1			1		1
April				1					1		
May			1							1	2
June			1		1	1	1				
July	3	1				1		1		1	
August				1	1					2	
September			1	1	1						1
October		1	1		1						
November				1			1	5			
December			1						1		

The age of leishmaniasis positive dogs ranged from ≥12 months (1 year old) to 108 months (9 years old), having no puppies <12 months diagnosed as positive (Tab. 1). In a similar study carried out in 390 leishmaniasis diseased dogs in Barcelona, Spain, age distribution was bimodal with the highest prevalence of disease occurring in the age group of 2-4 years old followed by a second peak after age 7 years or over (Miranda et al., 2008). Although in a more limited number of leishmaniasis diseased dogs with only 45, a similar finding was observed in our study as well. In our study the higher prevalence was seen in the age-group of dogs from 2-4 years with 23 (51.1%) dogs found positive to the total followed by 17 (37.7%) positive dogs belonging to the age-group of 5-9 years old to the total (Tab. 1). The age-group of dogs

$\geq 12 - 18$  months was represented only with 5 (11.1%) positive dogs to the total (Tab. 1).

Of the positive dogs, 25 (55.5%) were male and 20 (44.5%) females (Tab. 1), with the same trend but with less difference between the sexes as compared to the study conducted in Spain (Miranda et al., 2008), where 61% of positive dogs were male and 39% were female.

With regard to the breed of diseased dogs it was seen a predominance of medium and large sized breeds such as Boxer, Illyrian shepherd dog, German shepherd, Greyhound, English setter, Pit bull, Rottweiler, Pointer, Siberian husky, Napolitan hound and mixed breed (Tab. 1 and Tab. 3), who used to have a life style more exposed to the phlebotome bites. This data also goes well along with the results of the Spanish study (Miranda et al, 2008), where positive dogs of large and medium size were over represented versus small sized dogs. First, positive hunting dogs in a number of 12 (26.6%) to the total of positive dogs (English setters n = 6/45, 13.3% and Pointers n = 6/45, 13.3%, Tab. 3), during the hunting season were very exposed to an environment where the phlebotomes live and complete their life-cycle but also the habitats in which those dogs lived off hunting were largely outside, i.e., in the village (eg, Sauk area, Tirana, Tab. 1). In a similar life-style, 10 German shepherd positive dogs (22.2% to the total of positive dogs, Tab. 3) stood out most of the time as guard dogs being also not less exposed to the bites of phlebotomes. Also, in the Spanish study (Miranda et al., 2008), German shepherd dogs represented the breed with the highest number of positive dogs followed by Rottweilers and Boxers. Seven mixed-breed dogs (15.5% to the total of positive dogs, Tab. 3) had lived mainly on the street (stray dogs) being thus extremely exposed to the phlebotomes and from the street they were picked up and adopted by new owners, mainly foreign citizens. These mixed-breed positive dogs were diagnosed during routine examination before joining to a new home or at some time after adoption when showing leishmaniasis suspicious symptoms. The small number of leishmaniasis positive dogs belonging to the small-sized breeds (toys), consisting of only 3, i.e., 6.6% of all positive cases (2 Pekingese and 1 Terrier cross, Tab. 3), is likely due to their indoor lifestyle. They lived mainly within the apartments or houses where the chances of exposure to the phlebotomes were very low in contrast to dogs of large and medium sized breeds that were mainly hunting or guarding in the "yard". Small sized dogs as Yorkshire terrier and Poodle were less represented in the Spanish study as well (Miranda et al., 2008).

**Tab. 3. Representation of breeds**

Breed	No.	%
German shepherd	10	22.2
Mixed breed	7	15.5
English setter	6	13.3

Pointer	6	13.3
Boxer	3	6.6
Siberian husky	3	6.6
Rottweiler	2	4.4
Napolitan hound	2	4.4
Pekingese	2	4.4
Pit bull	1	2.2
Greyhound	1	2.2
Illyrian shepherd	1	2.2
Terrier cross	1	2.2

There were not taken detailed notes on each symptom emerged over 11 years for all positive cases, so we were not able to do a proper statistical classification of frequency of occurrence of symptoms. However, it is worth noting that in most positive cases, according to the most frequent occurrence in the record, dominated as followed: muscular atrophy in facial muscles and the trunk associated with weight loss, dermatitis associated with alopecia, especially on the face, squamous skin and the generalized dandruff, onycogryphosis "Fakir's nails", epistaxis, subcutaneous nodules up to several cm in diameter and splenomegaly.

The outcome of dogs that tested positive is given in Table 1. Eighteen dogs (40%), with the consent of owners were euthanised without attempting any treatment. Eighteen other dogs (40%), had an unknown outcome. Of 8 dogs (17.7%) who were treated with glucantime and allopurinol, 3 of them (6.6%) had an unknown outcome and 5 others (11.1%) either died or an euthanasia was carried out during the course of treatment or until the 10<sup>th</sup> month after the first treatment was performed (Table 1). For cases that a treatment was attempted, except for 3 cases that had an unknown outcome after the first treatment and can not be made any comment, 5 other cases died or suffered relapse during or after first treatment, making treatment in our practice a not practical tool to treat the disease. One dog (2.2%) was reported dead a few months after the test (Tab. 1). Finally, with a few exceptions, the owners of positive cases generally accepted as the first option euthanasia for their dogs. This was maybe because of the cost of treatment and the dubious effect of it, giving the owners an additional reason to decline the treatment's option.

Serological surveys carried out recently in dogs in Albania show a seroprevalence of leishmaniasis of up to 15.8% (Cicko et al., 1999; Cani et al., 2001a; Lazri et al., 2008). Prevalence in this 11-year study ( $P = 45/84, 0.536$  or 53.6%), in contrast to the cited publications, is closely related to the fact that here it were included only owned dogs

presented to the practice with lesions similar to leishmaniasis, what normally increases the probability of finding positive cases. In other words, the probability of an owned dog suspected of leishmaniasis to be tested positive during 11 years was 0.536 or 53.6% with an annual incidence  $I = 0.536/11 = 0.0487$  or 4.87% probability to be tested positive in 1 year. However, although the tests were conducted in a confined area of Tirana and in a relatively small number of owned dogs belonging to both clinics (a part of dog owners were not necessarily residing in areas where clinics exercised the activity), the result of the study indicates a serious, permanent situation of leishmaniasis in populations of owned dogs, at least in those dogs presented in these two clinics. It is worth noting that in the area of Sauk, Tirana, 11 dogs were diagnosed positive for leishmaniasis, that means 24.4% of all positive dogs (Tab. 1), what should attract the attention of dog owners, veterinarians and family physicians who live and work in this area. Not all dog owners that were suggested to test their dogs were willing to do so. Leishmaniasis clinical suspected cases which were not tested or suspected cases, where an euthanasia was performed without being tested for leishmaniasis, were not taken into consideration. Consequently, the number of positive cases could be higher. These data also did not consider the possible confirmed leishmaniasis cases to other veterinary clinics in Tirana, diseased or parasite carriers between owned dogs, who were not subject to any veterinary examination as well as neglected stray dogs.

Leishmaniosis in our country has been constantly present in people, but growing number of cases in hospitals in Tirana shows an aggressive spread in the past two decades with increased risk of infestation (Adhami and Murati, 1977; Cani et al., 2001a; Cani et al., 2001b; Lito et al., 2002; Velo et al., 2006; Lazri et al., 2008).

The data of this study, although limited to two small animal clinics, make us to think seriously about the consequences of possible transmission of the parasite from infested dogs to healthy dogs and people. Small animal practices' data should be taken as a source of first hand in analyzing the incidence and prevalence of canine leishmaniasis all over the country.

## **Recommendations**

Besides sanitary measures to reduce the phlebotome activity from April to October, in our experience, it would be strongly recommend that during life-cycle of the sand fly (April-October) possibly all owned dogs put on Delthametrin-impregnated dog collars called ProtectorBand SCALIBOR ®, as a very practical, able to protect with an efficiency of 95% against sand fly bites, especially in areas with high prevalence of leishmaniasis (KILLICK-KENDRICK, 2001). This dog collar has for several years been introduced into the veterinary pharmaceutical market of our country. Also, in our veterinary pharmaceutical market was recently introduced the Advantix ®, a product in the form of individual pipettes which are applied to the skin, just above the site where the dog shoulders join for small sized breeds and for large and medium sized

breeds from the shoulders along the vertebral column up to the base of the tail on 3 to 4 different points equidistant from each other. From April to September/October, Advantix is applied depending on the animal's body weight, a pipette every 3-4 weeks. This product also protects very well against phlebotome bites.

## References

- [1] Adhami, J., Murati, N. (1977). Leishmanioza e qenit dhe rezervuari i leishmaniozës viscerale në vendin tonë. Buletini i Shkencave Mjekësore 17(4), 69 – 74.
- [2] Bettini, S., Gradoni, L. (1986). Canine leishmaniasis in the Mediterranean area and implications for human leishmaniasis. Insect Science and its Applications 7, 241-245.
- [3] Bino, S. (2010). Leishmaniasis in Albania. International Journal of Infection Diseases. 14, Supplement 1, E167.
- [4] Cani, E., Myrseli, T., Petrela, R., Minarolli, P., Pano, K. (2001a). Leishmanioza viscerale – zoonozë me rrezik potencial të lartë në Shqipëri. Revista Veterinaria 5, 81 – 92.
- [5] Cani, E., Petrela, R., Myrseli, T., Fuga, L., Minarolli, P., Hyskaj, M. (2001b). Identification of two visceral Leishmania strains isolated in Tirana, Albania. Clinical Microbiology Inf 7 (Suppl. 1), 346.
- [6] Cicko, Z., Zanaj, S., Kusi, I., Cani, E. (1999). Kerkime mbi leishmaniozën kanine në Shqipëri. Buletini i Shkencave Bujqësore 3, 109 – 113.
- [7] Denerolle, P., Bourdoiseau, G. (1999). Combination allopurinol and antimony treatment versus antimony alone and allopurinol alone in the treatment of canine leishmaniasis (96 cases). Journal of Veterinary Internal Medicine 5, 413-415.
- [8] Fayet, G. (1999). Canine leishmaniosis in Europe; Part 2: Pathogenesis – Clinical signs – diagnosis, Merial Biological Technical Bulletin.
- [9] Killick-Kendrick, R. (2001). Deltamethrin-impregnated dog collars (Scalibor® ProtectorBand®) protect dogs from sand fly bites. International Canine Leishmaniasis Forum, Crete, Greece, 20-24 May, 24-31.
- [10] Lazri, T., Duscher, G., Edelhofer, R., Bytyci, B., Gjini, P., Joachim, A. (2008). Infektionen mit arthropodenübertragenen Parasiten bei Hunden im Kosovo und in Albanien unter besonderer Berücksichtigung der Leishmanieninfektionen. Wiener Klinsche Wochenschrift 120 (Suppl. 4), 54 – 58.
- [11] Lito, G., Davachi, F., Sulcebe, G., Bregu, H., Basha, M. (2002). Pediatric visceral leishmaniasis in Albania. International Infectious Diseases 6, 66 – 68.

- [12] Miranda, S., Roura, X., Picado, A., Ferrer, L., Ramis, A. (2008). Characterization of sex, age, and breed for a population of canine leishmaniasis diseased dogs. *Research in Veterinary Science* 85, 35-38.
- [13] Murray, C.J.L., Lopez, A.D. (1996). *The global Burden of Disease*. HSPH/WHO/Harvard University Press, Boston, pp. 264, 348.
- [14] Seimenis, A., Morelli, D., Mantovani, A. (2006). Zoonoses in the mediterranean region. *Ann. Inst. Super. Sanitá* 42(4), 437 - 445
- [15] Shukullari, E. (2016). Parasites and Vector-borne Diseases in Client-owned Dogs in Albania. Inaugural-Dissertation zur Erlangung der Doktorwürde der Tierärztlichen Fakultät der Ludwig-Maximilians-Universität München, 117 pages.
- [16] Vaselek, S. (2021a). Canine leishmaniasis in Balkan – A review of occurrence and epidemiology. *Acta Tropica*, 224, 106-110.
- [17] Vaselek, S. (2021b). Systematic Review: Re-emergence of human leishmaniasis in the Balkans. *Tropical Medicine & International Health*, 26(10), 1189-1199.
- [18] Velo, E., Bino, S., Kuli – Lito, G., Pano, K., Gradoni, L., Maroli, M. (2003). Recrudescence of visceral leishmaniasis in Albania: retrospective analysis of cases during 1977 to 2001 and results of an entomological survey carried out during 2001 in some districts. *Trans R Soc Trop Med Hyg* 97, 288 – 290.

## **A Comparative Approach to Artistic Techniques: Frescoes in the Monasteries of St. Mary of Driano, Prophet Elia in Jorgucat, and St. Cyricus and Julitta in Dhuvjan (Dropulli region Albania)**

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### **Abstract**

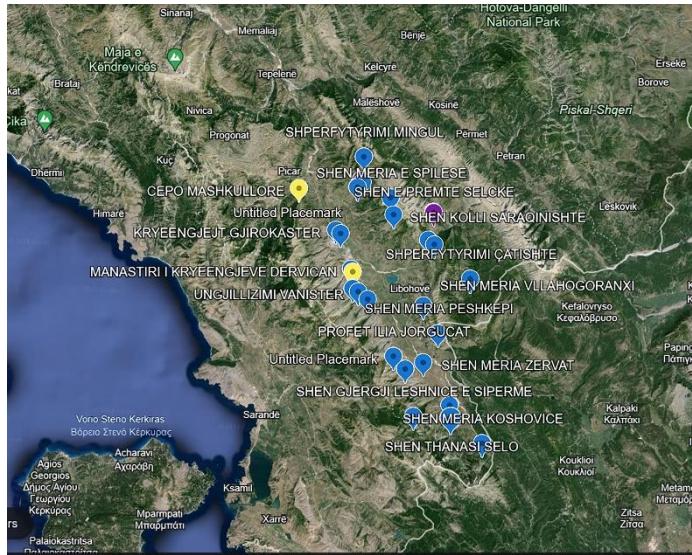
Previous research on the execution techniques of mural paintings, as well as the analysis of materials used, have identified similarities among the workshops and individuals in the churches and monasteries of the Drino Valley. This resemblance is observed among the workshops of Gramoz Mountain, which have been widely active in this area. The same can be said for painters originating from the Ionian Islands, where the techniques not only bear similarities among them but also remain faithful to tradition, even considering precursor painters. There have been very few research studies focused on the artistic techniques employed in the realization of post-Byzantine frescoes in Albania thus far. In this article, we will attempt to analyze the techniques of a painter from the 16<sup>th</sup> century, who was also a monk. Nikephoros is distinguished by several quite different characteristics, not only in style but also in terms of artistic techniques. The internal walls of the naos of the Prophet Elias monastery above the village of Jorgucat are the only works he signed. The features and similarities of the preparatory phases of the frescoes, among the church of Jorgucat and two others—the church of the Dhuvjani monastery and that of Driano—will be the focus of this article. These three monasteries are located in the Dropulli district.

**Keywords:** monasteries, post byzantine churches, techniques of execution, Dino Valley-Albania, frescos.

### **Introduction to the Drino valley monasteries**

The Drino Valley is rightfully considered a “Little Mount Athos” due to the significant activity in the construction of churches and monasteries on both sides during the post-Byzantine period (Schmitt, 2012). Historical information suggests that many of the monasteries from this period were erected in earlier times. However, the preserved constructions belong to later periods due to continuous reconstructions. During the initial period of Ottoman occupation, the monasteries were built above the

villages along communication routes (Thomo, 2015). Situated at dominant points, they were not only protected but also surrounded by picturesque landscapes. A notable feature of the monasteries is their architectural protective character, being surrounded by high walls equipped with turrets, and sometimes defensive towers. During the 16th and 17th centuries, only the Dropulli region witnessed the construction of 11 monasteries, supported by the local communities (Giakoumis, 2002). (fig 1).



**Fig. 1. Location of churches and monasteries in Drino walley**

The buildings of the monastery complex are divided into various sections such as places of worship, including the refectory, rooms for administrative and clergy services, accommodations for the faithful visitors from outside, quarters for the monastery's servants, as well as auxiliary structures like stables, pantries, etc (Thomo, 2015). At the heart of these architectural complexes, the main church or catholicon is typically erected.

The monastery had to provide not only for the sustenance of the monastic population and animals but also for water conservation. Water was typically sourced from wells or cisterns, which collected rainwater via roof gutters. The cisterns were often given special architectural attention. A case in point is the cistern at the Vanishta Monastery, constructed in the form of a lofty tower (Meksi et.al., 2016). This tower remains preserved today, while the other complexes of the monasteries in the Drino Valley are largely damaged, with most of them in a state of ruin.

## Evidence of the construction and interior painting phases



**Fig. 2. Prophet Elijah Monastery**



**Fig. 3. Monk Nikephoros Painting 1588**

The interior walls of the Prophet Elijah church (fig. 2) are adorned with murals in both the naos and the narthex, belonging to different periods. According to the inscription above the entrance, we learn that the naos was painted by the monk Nikephoros (Popa, 1998) in 1588 (fig 3). As for the narthex, referring again to the existing inscription, it bears the hand of Mihail from Linotopi and the year 1617 (Popa, 1998; Τσαμπουρασ 2013), (fig. 4).



**Fig. 4. Second Phase Wall Painting 1617**



**Fig. 5. The Driano Monastery**

While their inscriptions provide crucial information about the wall paintings in Jorgucati, we cannot say the same for the church of Driano (fig. 5).

Also, we have some other data that certainly helps and suggests important facts. The narthex of the could have been built in 1569 by monk Kalist (Popa, 1998), as indicated on one of the columns. Furthermore, on a plaque above the gate of the southern wall of the monastery complex, the date 1838 is marked, referring to the construction of some new buildings. The first date helps us understand that the mural painting was executed after this year, while the second indicates the expansion of the monastery, construction of new buildings, which might also be linked to interventions made in the mural paintings (fig. 6).



**Fig. 6. Intervention On Murals, At Driano Church**

The authorial inscription of the frescoes, typically found on the west wall of the naos in most churches, is missing in this instance. In the catholicon of the monastery of Driano, a surface prepared for such an inscription was identified, but no further action was than taken.

Surrounded by the classic red/bordeaux edging, a section of the wall painting surface at Driano, is left unmarked, devoid of any preparation tentative for any inscription placement. Notably, parts of the naos walls, including the dome surface and four sails, have been repainted at a later phase. Although the exact details of this intervention remain undocumented, it is attributed to the first half of the 19th century, a period likely characterized by other reconstruction works at the monastery. This attribution is supported by a plaque on the southern wall, commemorating the labor carried out by workers from Corfu (Rëmbeci, 2022).



**Fig. 7. Monastery Of St. Cyricus And Julitta**

Proximate to the initial construction of Driano, the church of the monastery of St. Cyricus and Julitta in Dhuvjan was also erected, precisely 5 years later (fig. 7).

An inscription on the architrave of the narthex entrance, dating back to 1588, attests to the construction of the building (Popa, 1998). From another inscription found in the narthex above the entrance connecting it to the naos, we learn that the church was painted for the first time in 1595 (Popa, 1998). This inscription was made in 1873 (Popa, 1998) and corresponds to a restorative intervention of the mural paintings in the lower register. Another phase of overpainting on the murals was the intervention of 1922 (Mamani, 2021) (fig. 8).

The evolution of the church's appearance can be delineated into three phases: the first phase, dating to the late 16th century, the second characterized by rehabilitative interventions in the third quarter of the 19th century, and the final phase, documented by an inscription on the wall, occurring in the first quarter of the 20th century. The latter two phases employed the "a secco" technique and primarily aimed at repairing damage without altering the original iconographic program. These later phases distinctly exhibit a "restorative nature", devoid of any artistic interventions.



**Fig. 8. Interventions On St. Cyricus And Julitta Paintings**

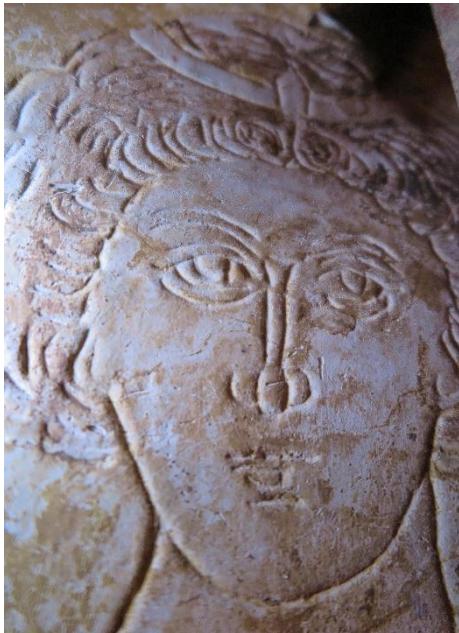
Based on written sources and inscriptions, the three monasteries were constructed between the third and fourth quarters of the 16th century as well as the first phase of the wall paintings. Two of them later underwent repainting interventions, likely aimed at restoring the damaged surfaces. The sole written inscription pertaining to the first phase of their murals is the signature of the monk painter, located above the door of the west wall in Jorgucati church, dating back to 1588 (Popa, 1998; Chouliaras, 2014).

It is intriguing to underscore the significant role of the monks in monastic life even though has not been well documented thus far. Some inscriptions within various churches bear their names and attest to their contributions as painters of frescoes and icons, as well as in construction activities (Giakoumis, 1994; Popa, 1998). Right at this juncture, we'll delve into the unique contribution of yet another monk, who, in this context, happened to be a painter with a style distinct from all his contemporaries in the area. Our analysis will center on his unconventional method of organizing preparatory sketches, observed not only in his signed work but also in two other murals. Due to their technical similarity, we can confirm the attribution of these murals to the monk Nikephoros, one of the last representatives of the Cretan school, and his workshop (Chouliaras, 2014).

### **Execution techniques of preparatory layers**

The purpose of this article is to focus and highlight the preparatory layers, the way of preparation and the similarities between the three murals. It should be noted that the technical manuals in the Mount Athos workshops during the post-Byzantine period, estimate that the fresco is traditionally a pictorial technique which consists in making marks on already prepared supports and still wet plaster with pigments previously dissolved in water. According to the tradition of creating frescoes, the most suitable

moment for achieving quality results is during the initial phase, just as the plaster starts to dry (Dionisio, 1971).



**Fig. 9. Archangel Michael At Jorgucati -Preparatory Scratching**

Even Da Fournas, in the initial preparation of the surface does not mention the preparatory scratching at all, as an alternative to the drawing (Kakavas, 2008).

Characteristic of 16<sup>th</sup> and 17<sup>th</sup> century wall paintings in the Drino Valley is the use of both ochre and red colors (terra rossa) for preparatory drawing (Çaushi, Beqiraj, 2021). Similarly, preparatory incision serves the same purpose. It was applied extensively and relatively liberally to delineate various surfaces intended for painting. Primarily utilized in the depiction of saints' clothing, it serves solely as a guide without any attempt to be meticulous or detailed (Çaushi, 2019).

In contrast to the others, the fresco of Jorgucat, executed by Monk Nikephoros, demonstrates notable distinctions in its treatment of preparatory layers, particularly in the application of scratching over the humid plaster. This unique approach sets it apart from other contemporary and subsequent painters in the region. This distinct and varied technique is readily identifiable in two other wall paintings: the frescoes of Driano and those from the initial phase of Dhuvjani. Comparing these examples allows for a deeper understanding of the methodology and distinctive characteristics of this technique.

On the still damp plaster, the monk Nikephoros "sculpted" the portraits of the saints - referring to those in the lower register of the naos at Jorgucat. He realized them using

sharp tools, which leave their mark on the still damp preparatory layer. These are not the careless scratches that we are accustomed to usually seeing in the frescoes of the Drino Valley, but they are made in depth and with the utmost precision and technical dedication (fig. 9).

The lines are deeply incised, featuring beveled edges, and executed with meticulous care. The artist's attention to detail extends beyond mere external alignment of the head, encompassing intricate rendering of hair, eyebrows, and even the subtle nuances of expressive wrinkles in the portraits. These graceful lines are also applied in depicting the hands, both elements being regarded as paramount in the overall composition of the scene. The absence and, in some cases, deterioration of the painted layer across a significant surface area in Jorgucat vividly expose Nikephoro's technique in preparing the painting surface.



**Fig. 10. Archangel Michael At Driano -Preparatory Scratching**

This technique is also easily traceable in the church of Driano, due to the degradation and loss of the painted layer. It could be noticed easily through grazing light even in the repainted areas, despite the overlaid paint layer (fig. 10).

Here as well, in the portraits located in the lower register of the catholicon, the meticulous preparation of the surface before the application of color is particularly evident. All these elements indicate the stylistic approach and technical proficiency reminiscent of the painter of Jorgucat, also known as the monk Nikephoros. In the mural paintings of Dhuvjan, we note the same phenomenon both in terms of execution technique and the approach of subsequent repair. The lower register has been repainted in a next stage, where two phases have been respectively documented 1873 and 1922. This layer has covered the original painting, but without making thematic changes. Repainted in a secco technique, the figures and portraits of the saints are covered with new colors, probably because of their previous damage. By

investigating through different illumination, we observe direct incisions on the wet plaster in both narthexes of Jorgucat and Driano. All the details mainly related to expressions in portraits, hair undulations, ornamentation, etc., are observed in the figures of Saint Constantine and Saint Helena, Saint Euthymius, Saint Sava the monk, Saint Theodore, Saint Demetrios, Saint Michael, (fig. 11) etj.



**Fig. 11. Archangel Michael at Dhuvjani, the Preparatory Scratching**

The surfaces affected by these interventions also encompass the entire apse, the four sails, the entire drum, and the dome depicting Christ Pantocrator.

#### **Discussions on similarities and decay issues (discussion on decay issues leading to similarities)**

The notable problems of decay, primarily associated with the detachment and loss of the paint layer, are a shared characteristic among the murals in the monasteries of Dhuvjani, Jorgucati, and Drianos. These occurrences suggest that the meticulous and intricate work on the figures, especially the portraits incised into the wet plaster, may have prolonged the preparation time of the plaster itself. This is not conducive to buon fresco technique, thus hindering optimal adhesion between the plaster and the paint layer. This issue is particularly pronounced in certain portraits in Jorgucat, where no traces of color remain.

Another noteworthy similarity among the three frescoes is the utilization of green color, which differs from other frescoes in the region. Undertaking additional chemical analyses would enhance our understanding of these frescoes' compositions and allow for meaningful comparisons with pigments used in other frescoes along the Drino Valley.

The similarities observed in the frescoes of the three churches, originating from the late 16th century, reveal commonalities in execution techniques, particularly in the application of preparatory layers. However, a notable distinction arises in the fresco of Jorgucat, executed by Monk Nikiphoros, which showcases a unique treatment of preparatory layers. Monk Niqifor employed a distinctive approach by sculpting portraits directly into the damp plaster using hard tools. This technique, characterized by deeply incised lines with beveled edges, demonstrates meticulous care and precision in capturing intricate details such as hair, eyebrows, and expressive wrinkles. This distinct technique is discernible, albeit comparably, in the frescoes of Driano and Dhuvjan.

On the other hand, among the three artworks, only the fresco in Jorgucat has not undergone repainting at a later time. The other “restoration” interventions don't propose a new iconographic program, but rather maintain the one underneath. Over time, considering that decay problems were likely to emerge, renovation became necessary, but it was only undertaken in Dhuvjani and Driano. Both feature various inscriptions related to reconstructions, with interventions predominantly dating back to the nineteenth and twenty centuries.

## References

- [1] Aleksandër Meksi & Pirro Thomo. (1976). Arkitektura pasbizantine në Shqipëri. In Monumentet. Tirana.
- [2] Dionisio da Fournas. (1971). Ermenautica della pittura. Fiorentino Editore.
- [3] Çauši, E. (2023). Kisha e Manastirit të Profet Ilias: Disa refleksione mbi autorët, riparimet transformuese dhe si dhe ateljetë shëtitëse. In Studime Albanologjike 1. Universiteti i Tiranës.
- [4] Çauši, E., & Beqiraj, E. (2021). Sustainable revitalization of the historical building through preservation of the authenticity: Case study of the St. Mary church in the Monastery of Spile. In Modernization and globalization: Challenges and opportunities in architecture, urban planning, cultural heritage (Collana FAU). La Scuola di Pitagora editrice.
- [5] Çauši, E. (2019). Onuphrius the Cypriot in the Vllahogoranxha Church: Artistic techniques and materials of the wall paintings. In Модерна Конзервација 7. Belgrade.
- [6] Kakavas, G. (2008). Dionysios of Fournas (c. 1670–1745): Artistic creation and literary description. Alexandros Press.
- [7] Giakoumis, G. (1994). Monuments of Orthodoxy in Albania. Athina.
- [8] Meksi, A., Baçe, A., Karaiskaj, Gj., Riza, E., Thomo, P., (2016). Historia e Arkitekturës në Shqipëri. Kristalina, K-H., Tirana.

- [9] Chouliaras, I. P. (2014). The katholikon of the monastery of Prophet Elijah at Georgoutsates, Dropolis in northern Epirus (1585/6): The wall paintings and the painter Nikephoros, one of the last representatives of the Cretan school. In Deltion of the Christian archaeological society, series 4 volume 35. Athens.
- [10] Giakoumis, K. (2002). The monasteries of Jorgucat and Vanishte in Dropull and of Spelaio in Lunxheri as monuments and institutions during the Ottoman period in Albania (16th–19th centuries) (Unpublished doctoral dissertation). University of Birmingham.
- [11] Schmitt, O. J. (2012). Shqiptarët: Një histori midis Lindjes dhe Perëndimit. K&B.
- [12] Thomo, P. (2015). Manastiret e krahinave të Gjirokastrës. Monumentet, 53. Tiranë.
- [13] Thomo, P. (2016). Arkitektura e kultit të krishterë. In Historia e Arkitekturës në Shqipëri, Kristalina K-H. Tiranë.
- [14] Thomo, P. (1998). Kisha Pasbizantine në Shqipërinë e Jugut. K.O.A.SH. Tiranë.
- [15] Popa, T. (1998). Mbishkrime të kishave në Shqipëri. Akademia e Shkencave të Shqipërisë. Tiranë.
- [16] Τσάμπουρας, Θ. (2013). Τα καλλιτεχνικά εργαστήρια από την περιοχή του Γράμμου κατά το 16ο και 17ο αιώνα, ζωγράφοι από το Λινοτόπι, τη Γράμμοστα, τη Ζέρμα και το Μπουρμπουτσικό. Θεσσαλονίκη.
- [17] Rembeci, A. (personal communication, 23 Mar 2022) provided valuable insights on the transcription of the text plaque.
- [18] Mamani, E. (personal communication, May 2021) contributed to the transcription of the wall inscription.

## **Clinical, gross pathological and microscopic findings of canine parvovirus type 2 in a shelter of strays in Rahovec, Kosovo**

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### **Abstract**

In the frame of a mini-project applying shelter medicine, in a shelter of Rahovec, Kosovo, collecting strays in the communities of Gjakova, Rahovec, Kamenica and Peja, it were studied 44 puppies with clinical diagnosis of parvoviral enteritis. All were tested with immunochromatographic rapid test kits for CPV-2 antigen. Of a total of 44 puppies, one was diagnosed with clostridial enteritis and for another one it was not found the cause of enteritis. Of the total of 42 puppies having parvoviral enteritis, 12 (28.5%) of them died. Out of 36 puppies with confirmed parvoviral enteritis, treated with pharmacological supportive therapy, 11 (30.5%) of them died while 25 (69.4%) survived. Out of the total of 42 puppies with parvoviral enteritis, 6 puppies were treated only with a diet made up of homemade yogurt from cow's milk 50% and water 50%, mixed together. Of this group, that was treated strictly with the diet, only one puppy died. A necropsy was performed in 14 puppies died from hemorrhagic enteritis, suspected of CPV-2. Following the onset of clinical signs of gastroenteritis in the shelter, a rapid test for CPV-2 antigen detection was carried out as a routine. Out of 14 puppies, 12 tested positive for CPV-2, one was identified with clostridial infection and one resulted negative for CPV-2. The most lesion-pronounced organs affected by CPV-2 were the small intestine and duodenum. In most cases, the small intestine was congested containing hemorrhagic liquids. The serosal surface of the small intestine in majority of CPV-2 positive puppies had a granular appearance seen often during acute CPV-2 enteritis and the mucosal surface was congested, hemorrhagic and covered by exudate. At the histopathological examination of intestine sections the most prominent features observed were severe necrosis of epithelial cells, intestinal villi atrophy, dilated capillary vessels and desquamation of the epithelium. Anatomohistopathologic

diagnosis was a tool that complemented and supported best the diagnosis of CPV-2 enteritis.

**Keywords:** Gross pathology, histopathologic examination, CPV-2, dog necropsy, shelter medicine

## Introduction

Shelter medicine is a new concept for Albania and Kosovo as well. In that respect, we took the advantage to practice it in a shelter of strays in Rahovec of Kosovo and try to establish a routine investigation and control of CPV-2 within the shelter. Nearly four decades ago, almost simultaneously worldwide, as the causative of syndromes of an previously unknown disease in dogs, it was isolated canine parvovirus type 2 (CPV-2, canine parvovirus type 2) (Eugster et al., 1978; Appel et al., 1978; Burtonboy et al., 1979; Ganon and Povey, 1979; Johnson and Spradbow, 1979; McCandlish et al., 1979). This virus for many countries of the world and Europe today continues to be one of the most troubling health problems of dogs (McCaw et al., 1998; Pollock and Carmichael, 1990). In the first two years of its appearance, CPV-2 as a new virus spread to every corner of the globe in a panzootic form infecting almost every populations of domestic and wild dogs examined (Parrish, 1990). The disease first appeared with two syndromes; a non suppurative myocarditis associated with heart failure in dogs 4-8 weeks (Jezyk et al., 1979; Hayes et al., 1979; Carpenter et al., 1980) and a severe enteritis accompanied by vomiting, diarrhea and death in puppies and adult dogs (Appel et al., 1978; Appel et al., 1979a; Osterhaus et al., 1980). With the introduction of regular mass vaccination at the beginning with live modified virus or inactivated feline panleukopenia virus (FPV) (Appel et al., 1979b; Gordon and Rogers, 1982) and later with modified live canine parvovirus type 2 produced in cell lines (Carmichael et al., 1981), the situation began to gradually improve. However, thanks to its high contagious properties and sustainability of the virus to environmental factors (Gordon and Angrick, 1986) even today, especially parvoviral enteritis, is a concern of the first hand to the importance of viral diseases in dogs.

To date, in Europe and wider there are identified 3 serotypes of CPV-2 (CPV-2a, 2b and recently the 2c) (Decaro et al, 2007). There are studies carried out in Albania by Cavalli et al., (2014) and Serbia by Milicevic et al., (2023), identifying the presence of CPV- 2 serotypes circulating in respective countries. To the authors' knowledge this is the more detailed study performed in Kosovo regarding CPV-2, although, for a regional epidemiological pattern, in addition to the study, a molecular characterization of Kosovo isolates would be strongly suggested.

## Materials and methods

In the frame of a mini-project applying shelter medicine, in a shelter of Rahovec collecting strays in the communities of Gjakova, Rahovec, Kamenica and Peja, an in-

practice test for CPV-2 was conducted in the stools of 44 unvaccinated puppies belonging to the age-group from 1.5 - 9 months.

For the 44 puppies having diarrheal enteritis which were tested for CPV-2, it was taken note of history, the most prominent clinical signs, treatment and outcome after treatment of animals.

In six puppies diagnosed with CPV-2, there were carried out no supportive treatment but it was introduced a diet with homemade yogurt from cow's milk 50% and water 50%, mixed together and given orally 4-6 times a day. In other remaining puppies with confirmed parvoviral enteritis a standard supportive treatment was applied (Pollock et al., 1993).

A necropsy was performed in 14 puppies died from hemorrhagic enteritis, suspected of CPV-2.

The dogs belonged to the age group 2-6 months, 8 of them were male and 6 female, all mixed breed.

The necropsy was performed by routine techniques, focusing more on the study of the digestive organs.

During the necropsy, intestinal contents and/or feces were tested immediately for CPV-2 antigen and based upon the quick result for CPV-2 antigen, positive intestinal samples (duodenum, ileum, jejunum) were taken and preserved in 10% formalin solution for histopathological studies. Samples for CPV-2 antigen were tested by means of a quick immunocromatographic test, Canine Parvovirus AG test - Quicking Biotech Co., Ltd., China. As a dog resulted negative for CPV-2 antigen and at the same time typical macroscopic signs of CPV-2 lacked, it was tested for the presence of bacterial infection at the Institute for Food Safety and Veterinary, Tirana.

Also, all histological samples were processed at the Institute for Food Safety and Veterinary, Tirana, Albania. Intestinal specimens after being fixed by immersion in formalin 10% were then processed with molten paraffin. Following processing, sections were cut on a microtome at a thickness of 4 µm ensuring that only a single layer of cells made up the section. Sections were then floated out on the surface of warm water in a flotation bath to flatten them and then picked up onto microscope slides. In the end, the specimens were stained with 10% hematoxylin and 0.5% eosin (H&E), covered with a glass coverslip and then examined under a light microscope.

## **Results and Discussion**

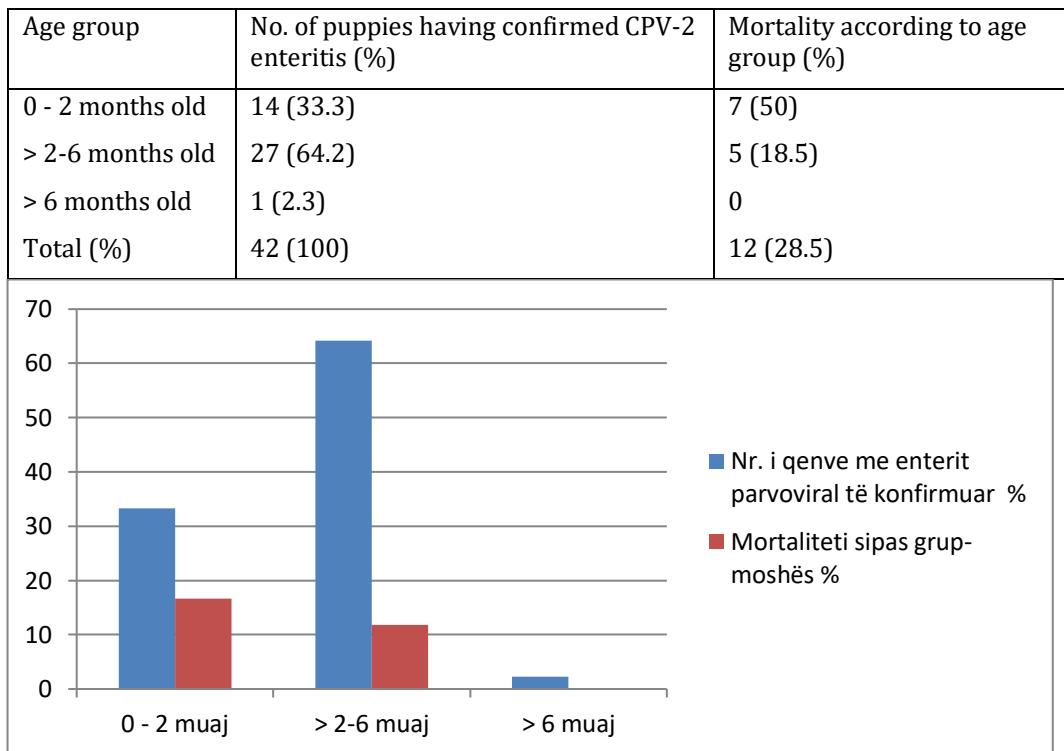
Dogs submitted to this study had all clinical symptoms of diarrhea and/or vomiting lasting longer than 2 days. Depending on the onset of clinical signs, at the beginning, dogs were usually slightly hyperthermic with a rectal temperature varying from 39.3 to 39.9 °C being hypothermic as the symptoms progressed with a rectal temperature varying from 36.6 to 37.4 °C. The more frequent clinical symptoms noticed were

depression, anorexia, watery and/or bloody diarrhea, vomiting, tachycardia and severe dehydration (Fig 1).



**Fig. 1.** A puppy with confirmed parvoviral enteritis on day 4 after the onset of clinical signs. It is obvious the curved back with the stiff abdomen due to pain and dehydration. The puppy had a melancholic appearance, characteristic of CPV-2. He survived.

It were studied 44 puppies with clinical diagnosis of parvoviral enteritis. All were tested with immunochromatographic rapid test kits for CPV-2 antigen. Of a total of 44 puppies, one was diagnosed with clostridial enteritis (Fig. 8) and for another one it was not found the cause of enteritis. Of the total of 42 puppies having confirmed parvoviral enteritis, 12 (28.5%) of them died (Tab. 1 and Fig. 2). Out of 36 puppies with confirmed parvoviral enteritis, treated with pharmacological supportive therapy, 11 (30.5%) of them died while 25 (69.4%) survived. Out of the total of 42 puppies with confirmed parvoviral enteritis, 6 puppies were treated only with a diet consisting of 50% joghurt of homemade cow milk mixed with 50% water, given per os 4-5 times daily. Of 6 puppies that received the joghurt, 5 survived (83.3%) and only one died (16.6%). Right after taking the joghurt the puppies increased the appetite and in 2 to 4 days after the onset of the symptoms the clinical signs almost vanished and the puppies survived. Although the number of puppies receiving the joghurt was a few, making the data at the anecdotal level, in our experience, we could note a surprising rate of survival (83.3%) of puppies having CPV-2 enteritis.

**Tab. 1.** Mortality of puppies having confirmed CPV-2 enteritis related to the age group.**Fig. 2. Relationship between the age group and the mortality rate in CPV-2 confirmed puppies.**

Such a high mortality figure of 28.5% (Tab. 1) it is not surprising finding because Kusi in 2004, in a similar study, found a similar mortality rate in young owned puppies. Such a finding can also be dedicated to the inappropriate conditions of hospitalization in shelter and sometimes because of the untimely starting treatment. All dogs with confirmed parvoviral enteritis belonged to the age from 1.5 to 9 months, i.e., that age group where the mitotic activity of enterocytes is higher (the younger the age, the higher the mitotic activity of enterocytes) and a decline in inherited maternal antibodies and thus making them more susceptible to CPV-2 activity. However, higher mortality was recorded in dogs of the age group from 0-2 months by 50%, despite supportive treatment. Such a finding confirmed the very high susceptibility of this age group being associated with high mortality (Pollock and Carmichael, 1982). Some previous studies also point to the fact that parvoviral enteritis is a disease of young dogs and adult dogs are already immune (Mason et al., 1987; Pollock et al., 1993).

Among 14 dogs having hemorrhagic enteritis suspected of CPV-2, based on a rapid test kit for capturing antigen of CPV-2, 12 tested positive for CPV-2, one was identified with clostridial infection (Fig. 10) and the remaining one resulted CPV-2 negative.

Gross pathologic and microscopic lesions of 12 dogs died from parvoviral enteritis are shown below in a summarized form.

All puppies at necropsy were cachectic and dehydrated. The abdominal organs having more pronounced lesions were small intestine and duodenum. In most cases, the small intestine was congested containing aqueous hemorrhagic contents. In 4 puppies, ascarides in intestines were accompanying enteritis caused by CPV-2 (Fig. 6 and 9).

The serosal surface of the small intestine in 12 positive dogs for CPV-2 had a typical granular appearance (Fig. 3), seen often during acute enteritis due to CPV-2 (Cooper et al., 1979; Meunier et al., 1981) and in one case (Fig. 6), we noted serosal hemorrhages and hyperemic mesenteral vessels. While the intestinal mucosa was congested, haemorrhagic, covered by exudate (Fig. 4, 5 and 6).

At the histopathological examination, in all CPV-2 positive puppies were seen lesions typical for hemorrhagic enteritis (Cooper et al., 1979; Meunier et al., 1981; Mason et al., 1987). Microscopic examination of the ileum (Fig. 11) and jejunum (Fig. 12) showed severe destruction of the villi and mucosal layers including severe necrosis and loss of surface epithelium and also distention of crypts lumen. Shortened and blunting of villi as well as inflammatory and hemorrhagic infiltration into the lamina propria, were seen especially in the jejunum. No such significant microscopic lesions were found in the duodenum (Fig. 13).



**Fig. 3. A puppy confirmed with parvoviral enteritis. The duodenum is dilated and the distal two-thirds of the small intestine show patchy congestion. The serosal surface had a granular appearance often seen at post mortem in acute CPV-2 enteritis.**



**Fig. 4.** Serosal surface of the intestine had a granular appearance and mucosa appeared congested, haemorrhagic, covered by exudate.



**Fig. 5.** Serosal surface of the intestine had a granular appearance and mucosa appeared congested, haemorrhagic, covered by exudate.



**Fig. 6. Serosal surface of the intestine had a granular appearance, petecial hemorrhagic on the mucosa and ascarides in a 8-week old female puppy died of CPV-2.**



**Fig. 7. Content of hemorrhagic secretions in the stomach accompanied by a congested and hemorrhagic mucosa.**

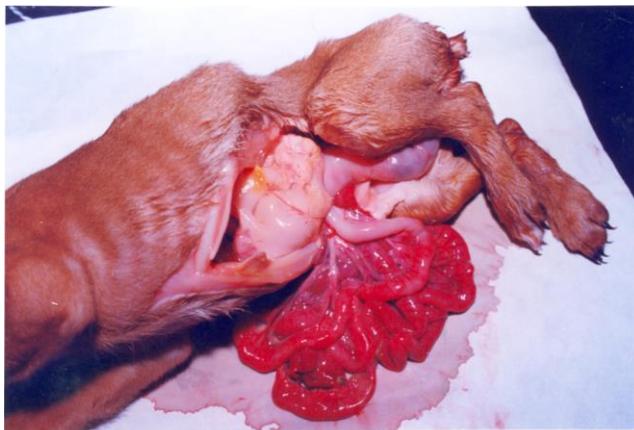


**Fig. 8. Serosal hemorrhages and hyperemic mesenteric vessels in a 11 - week old female, mixed breed puppy died of CPV-2.**

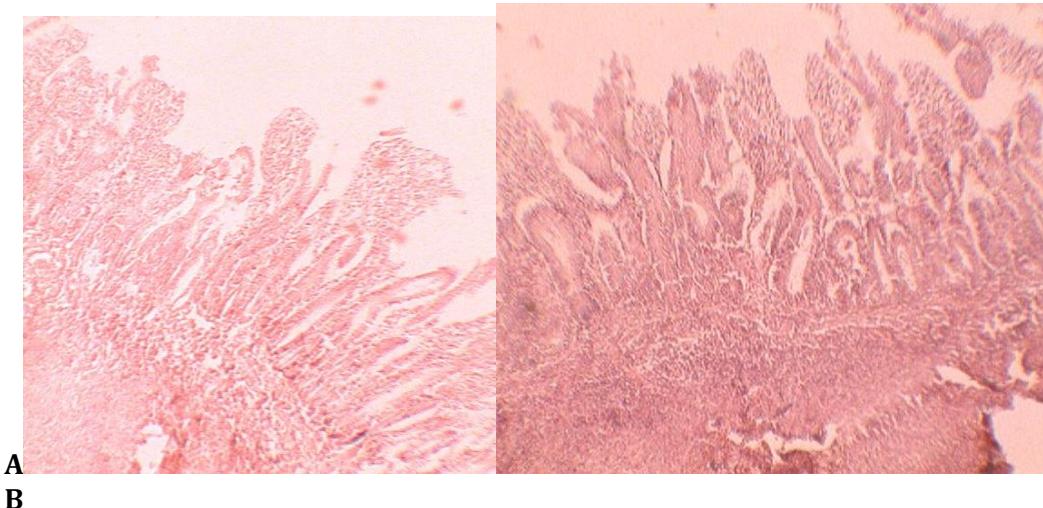


**Fig. 9. Ascarides in the intestines were accompanying enteritis caused by the CPV-2 in this 2-month-old, mixed breed puppy.**

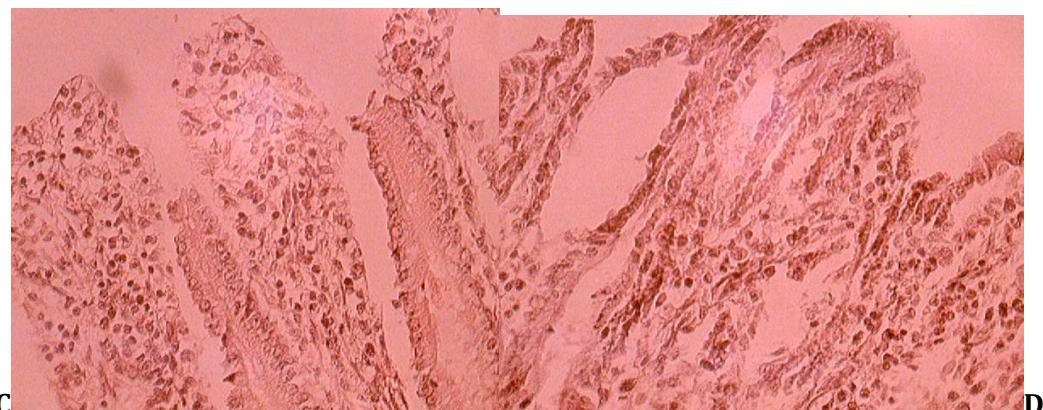
In a case of a puppy aged about 3 months old, which also presented with hemorrhagic enteritis, CPV-2 rapid test proved negative. Also macroscopic appearance of the small intestine had a pronounced hemorrhagic congestion different from that seen during CPV-2 (Fig. 8, below). For that reason, it was taken intestinal content as well as a fecal specimen from colon and was sent in to the Institute for Food Safety and Veterinary, Tirana. From the bacterial culture it was isolated *Clostridium perfringens* type A (Fig. 8). Such cases should be included in the differential diagnosis by being focused not only on the presence of hemorrhagic enteritis as an almost certain sign of CPV-2.



**Fig. 10. Pronounced hemorrhagic congestion of small intestinals due to *Clostridium perfringens* type A.**



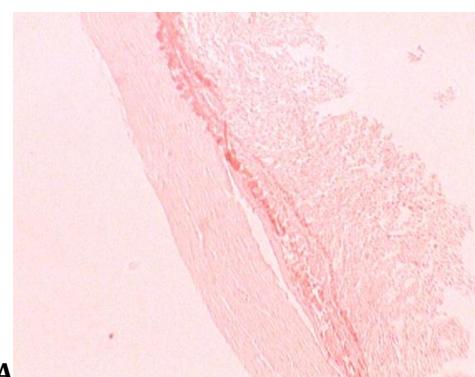
A  
B



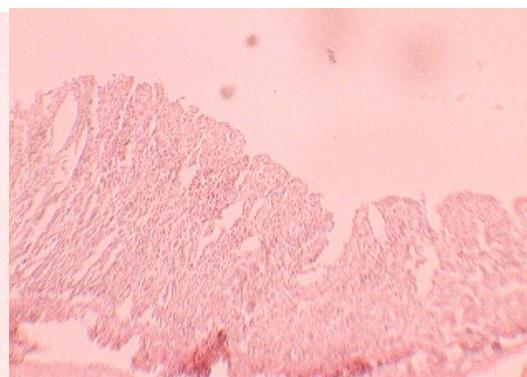
C

D

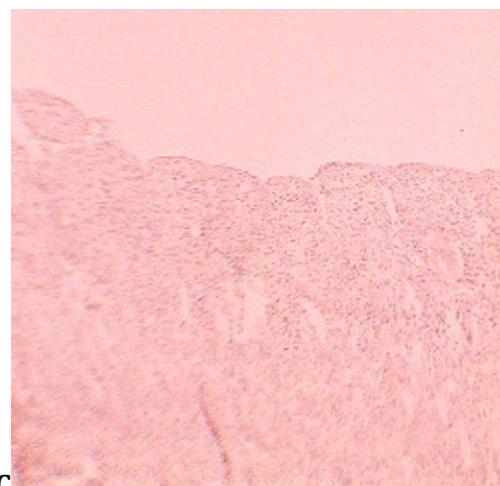
**Fig. 11. Ileum, microphotography. Severe destruction of the villi and mucosal layers, necrosis and loss of surface epithelium, inflammatory cell infiltration into the lamina propria. A, B (X10 H&E), C, D (X40 H&E).**



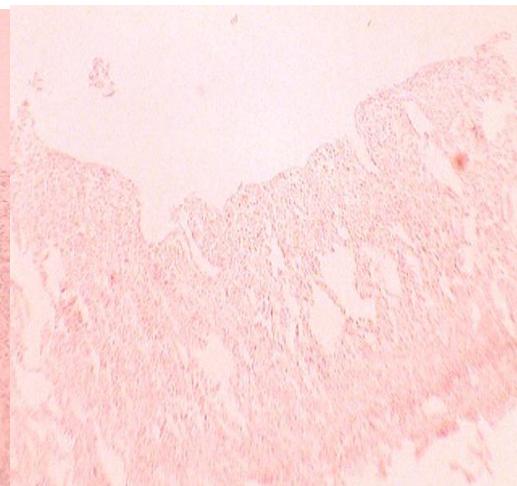
A



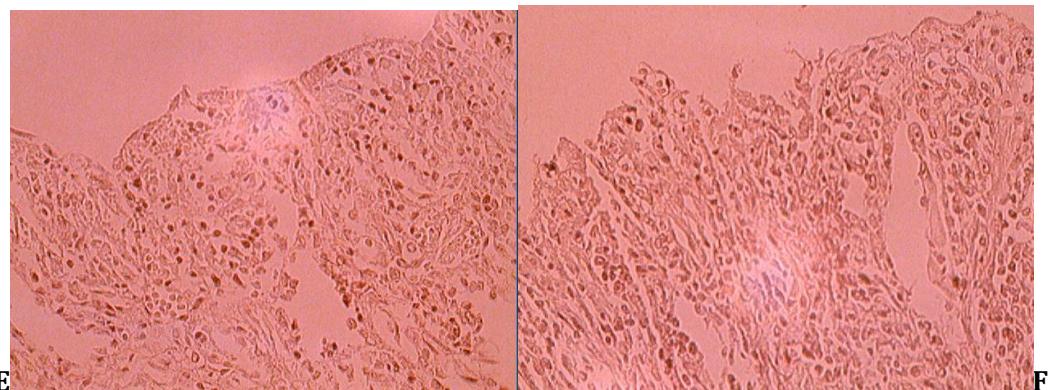
B



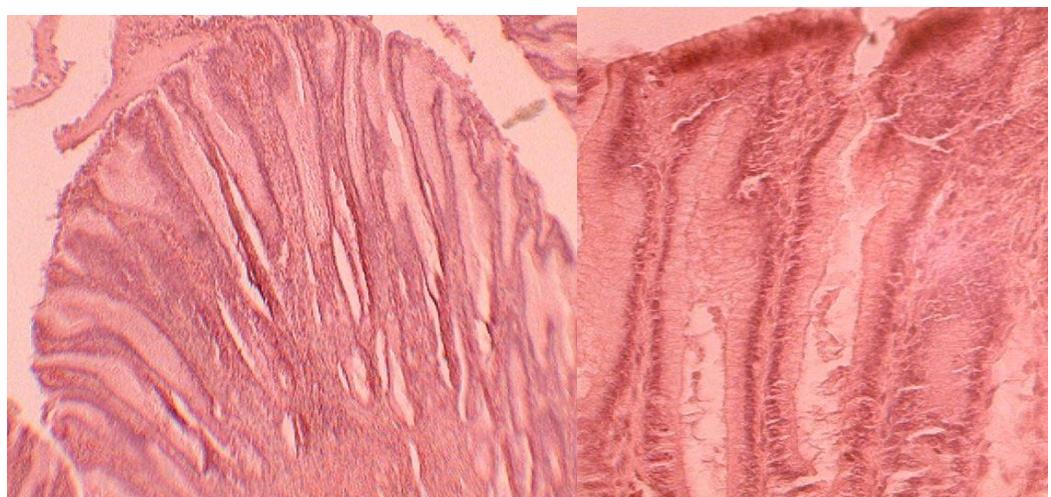
C



D



**Fig. 12. Jejunum, microphotography. Loss of surface epithelium, shortened and blunting of villi, collapsed lamina propria followed by inflammatory and hemorrhagic cell infiltration and regeneration. A, B, C, D (X10 H&E), E, F (X40 H&E).**



**Fig. 13. Duodenum, microphotography. Dilated crypts only. A (X10 H&E), B (X40 H&E).**

### Conclusion

For the first time it was confirmed by laboratory the presence of CPV-2 in Kosovo.

Morbidity and mortality were higher in the age group 0-6 months, as a result of an interaction between high mitotic activity of enterocytes increasing thus the susceptibility to CPV-2 and a decline in maternally derived antibodies that assure passive protection.

The data provided in this study points as a priority issue the regular vaccination against CPV-2 starting at 6-8 weeks of age, when the puppies begin to be emptying from maternally derived antibodies, in order to create a sustainable immunity that usually coincides with the age 12-16 week.

Although controlling CPV-2 with a shelter of strays is a tough challenge, by applying the so called shelter medicine it was established a routine of quick testing and a system of control of the infection by specific and non-specific prophylaxis. In that respect, diagnosis based on gross pathologic and microscopic changes is a tool that complements and supports best the diagnosis of CPV-2. Concerning 14 dogs submitted to necropsy, suspected of CPV-2, besides the macroscopic and microscopic changes, there were feces or intestinal content of those who underwent a laboratory diagnosis and according to the case they either helped to make a diagnosis or ruled out the disease caused by CPV-2.

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### Ethical declaration

All procedures dealing with dogs were performed in accordance with FECAVA ethical standards.

### Literature

- [1] Appel, M.J.G., Cooper, B.J., Greisen, H., Carmichael, L.E. (1978). Status report: Canine viral enteritis. *J. Am. Vet. Med. Assoc* 173, 1516-1518.
- [2] Appel, M.J.G., Cooper, B.J., Greisen, H., Carmichael, L.E. (1979a). Canine viral enteritis I: Status report on corona and parvo-like viral enteritides. *Cornell. Vet* 69, 123-133.
- [3] Appel, M.J.G., Parrish, C.R. (1987). Canine parvovirus type 2. In: Appel, MJG ed: Virus infections of carnivores. Elsevier Science Publishers B. V. Amsterdam, 69-92.
- [4] Appel, M.J.G., Scott, F.W., Carmichael, L.E. (1979b). Isolation and immunization studies of a canine parvo-like virus from dogs with haemorrhagic enteritis. *Vet. Rec* 105, 156-159.
- [5] Burtonboy, G., Coignoul, F., Delferriere, N., Pastoret, P.-P. (1979). Canine hemorrhaic enteritis: Detection of viral particles by electron microscopy. *Arch. Virol* 61, 1-11.
- [6] Carmichael, L.E. (2005). An annotated historical account of canine parvovirus. *J Vet Med B Infectious Diseases and Veterinary Public Health* 52, 303-311.

- [7] Carmichael, L.E., Joubert, J.C., Pollock, R.V.H. (1980). Hemagglutination by canine parvovirus: serologic studies and diagnostic applications. *Am. J. Vet. Res* 41, 784-792.
- [8] Carmichael, L.E., Joubert, J.C., Pollock, R.V.H. (1981). A modified live canine parvovirus strain with novel plaque characteristics. I. Viral attenuation and dog response. *Cornell Vet* 71, 408-427.
- [9] Carpenter, J.L., Roberts, R.M., Harpster, N.K., King, N.W. (1980). Intestinal and cardiopulmonary forms of parvovirus infection in a litter of pups. *J. Am. Vet. Med. Assoc* 176, 1269-1273.
- [10] Cavalli, A., Desario, C., Kusi, I., Mari, V., Lorusso, E., Cirone, F., Kumbe, I., Colaianni, M.L., Buonavoglia, D., Decaro, N. (2014). Detection and genetic characterization of canine parvovirus and canine coronavirus strains circulating in district of Tirana in Albania. *Journal of Veterinary Diagnostic Investigation* 24 (4), 563-566.
- [11] Cooper, B.J., Carmichael, L.E., Appel, M.J.G., Greisen, H. (1979). Canine viral enteritis. II. Morphologic lesions in naturally occurring parvovirus infection. *Cornell Vet* 69 (3), 134 – 144.
- [12] Decaro, N., C. Desario, D.D. Addie, V. Martella, M.J. Vieira, G. Elia, A. Zicola, C. Davis, G. Thompson, E. Thiry, U. Tryen, C. Buonavoglia (2007). Molecular epidemiology of canine parvovirus, Europe. *Emerg. Infect. Dis* 13, 1222 – 1224.
- [13] Eugster, A.K., Bendele, R.A., Jones, L.P. (1978). Parvovirus infection in dogs. *J. Am. Vet. Med. Assoc* 173, 1340-1341.
- [14] Ganon, A.N., Povey, R.C. (1979). A possible parvovirus associated with an epidemic gastroenteritis in Canada. *Vet. Rec* 104, 263-264.
- [15] Gordon, J.C., Angrick, E.J. (1986). Canine parvovirus: environmental effects on infectivity. *Am. J. Vet. Res* 47, 1464-1467.
- [16] Gordon, J.C., Rogers, W.A. (1982). Field evaluation of a canine parvovirus vaccination program using feline modified live virus vaccine. *J. Am. Vet. Med. Assoc* 180, 1429-1431.
- [17] Hayes, M.A., Russell, R.G., Babuik, L.A. (1979). Sudden death in young dogs with myocarditis caused by parvovirus. *J. Am. Vet. Med. Assoc* 174, 1197-1203.
- [18] Jezyk, P.H., Haskins, M.E., Jones, C.L. (1979). Myocarditis of probable viral origin in pups of weaning age. *J. Am. Vet. Med. Assoc* 174, 1204-1207.
- [19] Johnson, R.H., Spradbrow, P.B. (1979). Isolation from dogs with severe enteritis of a parvovirus related to feline panleukopenia virus. *Aust. Vet. J* 55, 151.

- [20] Kusi, I. (2004). Research on canine parvovirus infection in Albania. PhD thesis. Faculty of Veterinary Medicine, Agricultural University of Tirana, 58 pp (in Albanian).
- [21] Mason, M.J., Gillet, N.A., Muggenburg, B.A. (1987). Clinical, pathological and epidemiological aspects of canine parvoviral enteritis in an unvaccinated closed beagle colony: 1978-1985. *J. Am. Anim. Hosp. Assoc* 23, 183-192.
- [22] McCandlish, I.A.P., Thompson, H., Cornwell, H.J.C., Lairdl, H., Wright, N.C. (1979). Isolation of a parvovirus from dogs in Britain. *Vet. Rec* 105, 167-168.
- [23] McCaw, D.L., Thompson, M., Tate, D., Bonderer, A., Chen, Y.J. (1998). Serum distemper virus and parvovirus antibody titers among dogs brought to a veterinary hospital for vaccination. *J. Am. Vet. Med. Assoc* 213. 72-75.
- [24] Meunier, P.C., Glickman, L.T., Appel, M.J.G., Shin, S. (1981). Canine parvovirus in a commercial kennel: Epidemiologic and pathologic findings. *Cornell Vet* 71, 96-110.
- [25] Milicevic, V., Glisic, D., Sapundzic, Z.Z., Ninkovic, M., Milovanovic, B., Veljovic, L., Kurelusic, B. (2023). Molecular Characterization of canine parvovirus type 2 from diarrheic dogs in Serbia from 2008 to 2020. *Veterinary Research Communication* 47, 285-289.
- [26] Osterhaus, A.D.M.E., Van Steenis, G., De Kreek, P. (1980). Isolation of a virus closely related to feline panleukopenia virus from dogs with diarrhea. *Zbl. Vet. Med. B* 27, 11-21.
- [27] Parrish, C.R. (1990). Emergence, natural history, and variation of canine, mink and feline parvoviruses. *Adv. Virus Res* 38, 403-450.
- [28] Parrish, C.R., Aquadro, C.F., Strassheim, M.L., Evermann, J.F., Sgro, J-Y., Mohammed, H.O. (1991). Rapid antigenic-type replacement and DNA sequence evolution of canine parvovirus. *J. Virol* 65, 6544-6552.
- [29] Pollock, R.H.V., Carmichael, L.E. (1982). Maternally derived immunity to canine parvovirus infection: Transfer, decline and interference with vaccination. *J. Am. Vet. Med. Assoc* 180, 37-42.
- [30] Pollock, R.H.V., Carmichael, L.E. (1990). Canine parvoviral enteritis. In: Greene CE (Ed): *Infectious diseases of the dog and cat*. W.B Sounders Co., Philadelphia, 268-279.
- [31] Pollock, R.H.V., Coyne, M.J. (1993). Canine parvovirus. *Vet. Clin. North Am. Small Anim. Pract* 23, 555-568

## AI-Supported Distance Education: Promoting Lifelong Learning

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### Abstract

In today's business world, lifelong learning is increasingly critical. Employers must continually update and enhance their employees' skills to maintain a competitive edge and prepare for the future. AI-supported distance education institutions provide essential tools for reskilling, upskilling, and workforce development. Role of AI-Supported Distance Education Institutions: These institutions bring AI-driven solutions where employers seek innovative methods to improve employee skills. Such technologies not only personalize learning but also ensure it is effective and relevant to current industry demands. Importance of AI-Supported Educational Technologies: Through AI technologies, employers can personalize the educational experiences, effectively improving employee skills for various roles. This integration is essential for comprehensive workforce development. Strategic Approaches for the Future: This analysis examines how employers can merge AI-driven strategies with distance education to future-proof their workforce. Employers must adopt and integrate these strategies to meet the evolving demands of the business world, ensuring they retain a competitive advantage. Ultimately, by leveraging AI in education, employers can foster an environment of continuous learning and improvement, maximizing employee potential and ensuring long-term success.

**Keywords:** Lifelong Learning, AI-Supported Education, Strategic Workforce Planning

## **The Discourse of Reforming the Electoral System in Albania in the Perspective of Democracy According to Robert Dahl Theory**

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### **Abstract**

The political developments of the countries that accede to become part of the EU have been conditioned from time to time by the democratization strategies that connect the standards of the political system with the form of governance in democracy. Part of these standards as prerequisites for the consolidation of democracies, such as the case of democracy in Albania, are the continuous recommendations for reforming the electoral system. For this reason, discussions are raised at the theoretical and practical level on the issue of pluralism and institutional procedures related to the electoral system to ensure representativeness, equality of voting and the exercise of political power. This paper aims; to reflect the ongoing reforms of the electoral system in Albania from a historical-legal point of view; to evidence and argue, through the theory of Robert Dahl, the problems of democracy with reference to the electoral system; to evaluate and argue on the Dahlian thesis of proceduralist liberal democracy, the role of reforming the electoral system in the consolidation of pluralist democracy; to recommend approaches on similar models of electoral systems in EU countries that ensure consolidation of democratic systems in the procedural aspect. In the function of this analysis, a number of primary sources were used, such as historical, theoretical and legal documents, statistical analysis and secondary sources on interpretations and attitudes about this problem by researchers in the field.

**Keywords:** electoral system, Robert Dahl, Albania, procedural representative democracy, pluralist democracy.

## What Satisfies and Dissatisfies Albanian Employees at Work?

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### Abstract

Employee satisfaction is an important factor of motivation at workplace. A happy person has the mindset and state of mind to motivate himself and others to reach the highest level of productivity, while dissatisfaction or boredom are both demobilizing and transmissible, and can affect individual and collective performance. In this study we aimed to investigate the code of happiness of Albanian workers in private companies and public institutions, using a large-scale investigation in national level, during June - July 2023. For this study an online questionnaire with 25 questions was designed and electronically distributed to the employees of 15 companies, middle and large businesses, institutions from educational and bank sector, health system, and public administration. 538 employees have responded by submitting their answers. In the present study, we focused only on two closed-ended questions of the questionnaire about the factors of satisfaction and dissatisfaction at work. Respondents had the opportunity to select one out of 14 indicators. Regarding the factors that provide job satisfaction, the 5 most selected indicators were: The work itself (24.9 %), Professional growth (18.6 %), Work conditions (7.8 %), Relationship with other employees (7.8 %), Achievement (7.6 %). Whereas the 5 indicators that provide the most dissatisfaction among the respondents were: Salary (30.9 %), Something else (24.5%), The work itself (6.3 %), Work conditions (5.8 %), Relationship with other employees (5.4 %). The findings of this study show that for most of the employees work itself and relationship with each other seem to be important motivational factors to a greater satisfaction at the workplace, but the financial reward of their work remains a highly demotivating factor for about half of the respondents, contributing to less devoted and dissatisfied employees.

**Keywords:** employees, job satisfaction, job dissatisfaction

## **Characterization of the characters in the novel "Book of Bitter Reproach" by Ivan Aralica**

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### **Abstract**

The constellation of history and literary fiction in the mind of the recipient is essentially determined by the author's skill in characterizing characters and realizing literary reality. The multiple literary affirmation of the Croatian writer Ivan Aralica, realized through his historical novels, acquires special significance with his novel "The Book of Bitter Reproach", which is the subject of this paper. Through the reflection of his own historical knowledge about the city of Zadar and about one of the most valuable Croatian monuments of the 14th century, the chest of Saint Simon, which Queen Elizabeth commissioned in honor of the local saint and for the purpose of strengthening the alliance between Zadar and the Hungarian crown, Aralica builds the identities of his characters. The destruction of a city and the construction of the historical personality of Queen Elizabeta Kotromanić through the literary character of a young girl essentially reflect Aralica's ability to portray the condition of its heroes and heroines, regardless of which stage of the historical and meaning hierarchy scale they belong to. The interpretation of Aralica's literary process, which is mainly manifested in the ways of characterizing the characters and the depiction of the state of society, verifies Aralica's contemporary, original literary conception.

**Keywords:** characters, novel, Book of Bitter Reproach, Ivan Aralica