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**FACULTY OF SOCIAL SCIENCES**  
**POLITICAL SCIENCES SPECIALIZATION**

**Revista de Științe Politice.**  
**Revue des Sciences Politiques**  
**No. 80 • 2023**





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University of Craiova, 13<sup>th</sup> A. I. Cuza Street, Craiova, 200585, Dolj, Romania. Phone /Fax: +40351.403.149,

Email: cejos2023@gmail.com and cejos2013@gmail.com.

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## ORIGINAL PAPER

# Mastering Speaking Skills for Technical Students

Irina Janina Boncea<sup>1)</sup>

### Abstract:

In the globalised world of the present, proficient communication skills are mandatory for technical students and professionals in order to succeed. As they grow from students into professionals, they soon realize that knowledge of a foreign language needs to be corroborated with increased accuracy and grasp of communicative conventions, organisational culture and business etiquette. The current paper seeks to investigate which aspects of business conventions might be useful for technical students to master so as to increase speaking power and improve communicative achievement in their future interaction with clients, peers and management structures as part of a technical organisation conducting business worldwide. Additionally, the paper will provide some practical techniques by means of which students can be helped to overcome their fear of speaking in public in English on a variety of technical topics pertaining to their job.

**Keywords:** *English for Specific Purposes, Post-Communist language trends, technical English, transactional Speaking skills.*

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<sup>1)</sup> Lecturer, PhD, University of Craiova, Faculty of Letters, Department of Applied Foreign Languages, specialisation: English for Specific Purposes, Romania, Phone 0040724083333, Email: irina.boncea@edu.ucv.ro. ORCID ID 0000-0002-9277-0234.



## Introduction

Globalisation following the post-communist period has brought about unprecedented access to the international world of business, thus creating a wide range of jobs in the technical field. Be it in production or in computer technology, students can gain easy access into a profession provided they master English to pair up with their respective professional skills. Technical English may seem daunting and job interviews carried out in English are often dreaded as they stir up all the linguistic competence into spoken production and students often fear their English may not be up to the challenge. Additionally, the challenge to impress an employer enough to select one from a large pool of equally competent peers depends on how well one transacts during the spoken interaction with the employer. In the academic world and beyond it, speaking in English plays a pivotal role in receiving and disseminating a wide range of knowledge from academic sessions such as seminars and conferences with international participation (Bahar, A. K., & Latif, I. 2019), in obtaining information from technical documents written in English and using it to solve discuss technical issues, in making formal or informal presentations and technology reviews, to offer or receive clarification from the academic community and professional peers, to generate personal interpretations of the data and corroborate it with additional data etc.

## The Development of Speaking Skills

Speaking skills are regarded as some the hardest skills to be taught among EFL learners due to the complexity of the micro skills they entail such as pronunciation, vocabulary, grammar, coherence and fluency (Bahar, A. K. 2013, Zareie, 2014). Technical English increases the challenge with the need to explain, refine and clarify hyper-specialised concepts with the above mentioned micro skills. The development of speaking will rely heavily on establishing the nature of speaking in a formal or semiformal discussion with peers or superiors as well as on the complexity of independent verbal communication during job interviews, meetings, presentations etc. Therefore, transactional speaking skills are often part and parcel with what needs to be taught to academic students as it offers measurable and manageable results and it is this skill set that will help students in general and technical students in particular to cope with difficulties regarding group discussions and interviews in their future jobs after graduating from the university.

Speaking as a transaction relates to a situation where the focus is on what is being said or done (Richards, 2015) as opposed to interactional speaking aimed at creating and maintaining relationships. Transactional language presents the advantage that it involves shorter turns, simpler and more predictable or manageable language, and can have a more manageable as well as measurable result. According to Bahar (2014), there are at least two types of transactional speaking skills, namely **discussion** and **interview**, which we will be enlarging upon later on with examples of how they can be used to enhance technical English speaking skills. The aim of developing transactional speaking skills during technical classes is that of mastering:

- casual as well as professional conversations,
- transactional functions in formal and occupational talk such as asking about and rendering job descriptions,
- creating and receiving messages through direct interaction,
- describing how technologies work,

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- expressing ideas about technical concepts and needs,
- giving instructions and action on them,
- asking for and offering opinions,
- making recommendations
- reacting with approval or disagreement on technical issues.

Additionally, the applicative aims of teaching transactional speaking skill are to render the students able to compare and contrast concepts and technologies, to find and describe technical solutions, to negotiate during disagreements and to disseminate or to retrieve data related to professional circumstances. When teachers embark on a mission to teach so as to develop **speaking**, defined as „*the productive oral skill that consists of producing systematic verbal utterance to convey meaning*” (Nunan, 2003:48), what they will be trying to achieve is to get students to:

- Produce the English speech sounds and sound patterns;
- Use word and sentence stress, intonation patterns and the rhythm of the target language;
- Select appropriate words and sentences to match the current setting, audience, situation and subject matter;
- Organize their thoughts in a meaningful and logical sequence;
- Use language as a means of expressing values and judgments;
- Use the language quickly and confidently with few unnatural pauses, which are referred to as fluency. (Nunan, 2003:49)

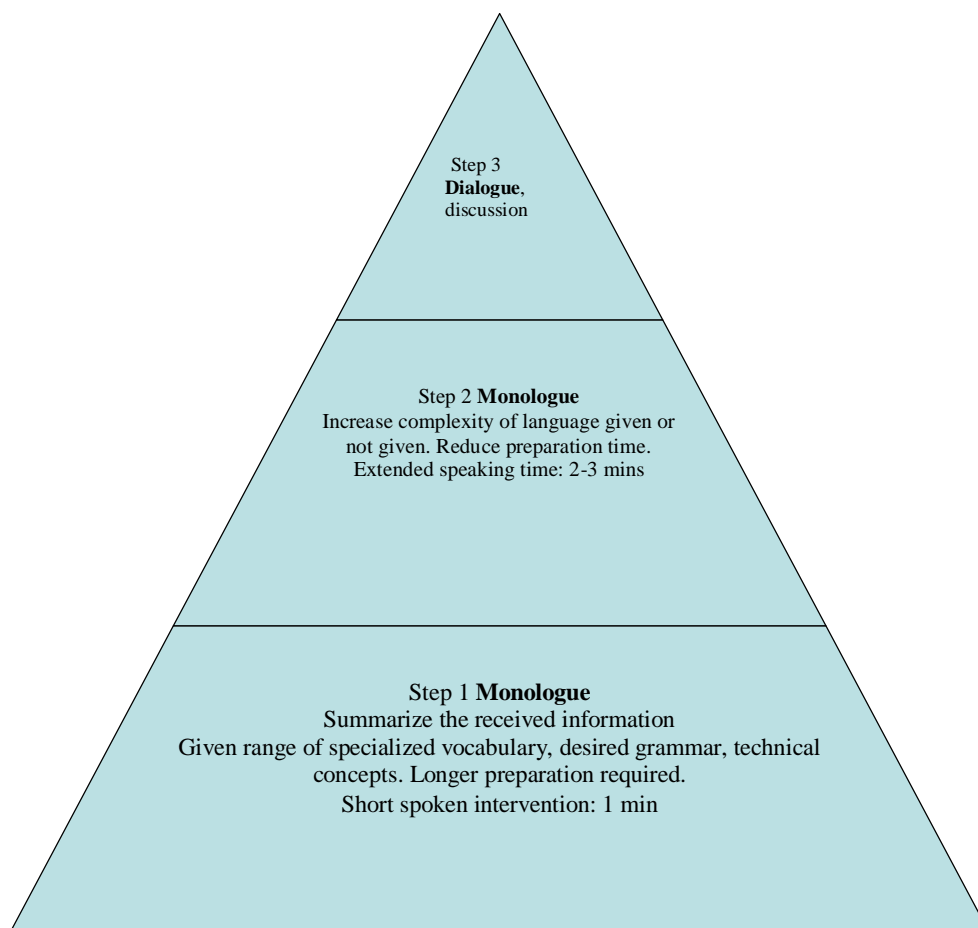
During technical English classes, all the afore-mentioned outcomes are to be developed within discussion lines that are prevalent in the students’ area of specialisation. Apart from what general English classes will focus on for the improvement of speaking skills, what can help to ensure the optimal development of technical speaking skills are the following:

- **Setting up the environment** for speaking with proper language input (vocabulary, concepts, grammar etc.)
- Teaching students **to prepare for the speaking activities** so as to harness what they have learnt and put it to good use while adapting the speaking output to their own level of competence,
- **Overcoming nervousness** and stage fright through exposure to controllable interactions through speaking gradually expanding into uncontrollable speaking situations.

According to Rivers (1968:160) students in a foreign language class, be it general or for specific purposes, are not likely to learn to speak fluently merely by hearing speech, although this is vital in getting them acquainted to the desired forms and complexity of the code. Listening, as a passive skill, provides much desired exposure to knowledge that can soon be internalised by students. Nonetheless, nothing activates speaking skills more than speaking practice. Thus, teachers will need to provide the students with multiple opportunities to practice their speaking skills actively and make sure they feel prepared for it. Hence the importance of gradual and controlled exposure to speaking activities which will provide the much needed time and learning strategy that will enable students to become independent speakers. Students feel prepared for the speaking task when they gain confidence in their ability to speak. This type of confidence is not merely encouragement through pep talk as this is prone to failure in cases of extremely emotional students. Confidence to speak can, though, be built through **preparation** and **gradual exposure** to an increasingly difficult level of

complexity. A practical way by means of which can help to develop competence as well as confidence in students is described in the following strategy. After students are exposed to written or listening input on a particular technical content, with selected vocabulary and given grammar sequences, the student is asked to summarize the received information so as to make use of the provided vocabulary and grammar in a short spoken intervention. The following stages will expand the complexity of the given items and harness them into more spoken interventions without a speaking partner (monologue), with the subsequent included in the next stage for developing extended peer interaction (dialogue, discussion, interview).

**Figure 1. Step by step strategy to increase speech complexity**



Moreover, teachers will rely heavily on imagination in devising teaching activities which provoke the student to use the learnt language in a personal interpretation, to use specialised vocabulary creatively to explain a technical concept, to

## Mastering Speaking Skills for Technical Students

adapt the level of complexity of their L1 thinking to their level of English competence, i.e. teach students to simplify their production output to manageable L2 sequences. As Brown (2000:7) correctly points out, *teaching means guiding and facilitating learning, enabling the learner to learn, setting the conditions for learning*. In other words, proficient teaching can render learning easy and autonomous through its function as facilitator rather than governor of leaning. This endeavour represents a complex web of teaching style adaptation, strategy, approach, methods and classroom technique which can make the learning process effortless and fun, gradually independent and effective.

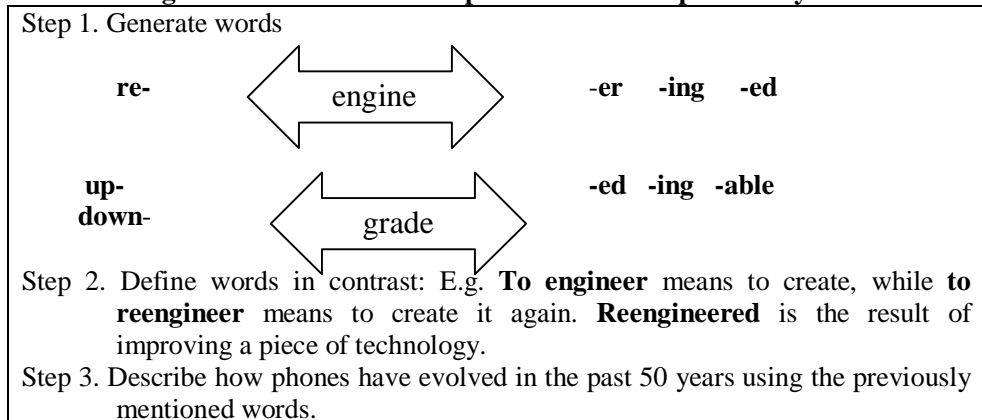
### Application of Principles of Teaching Speaking to Technical English Classes

Brown (1994b:268-270) mentioned seven principles for teaching speaking upon which we shall try to enlarge in their adaptation to technical English teaching:

#### 1. Focus on both fluency and accuracy.

Most of the times, during technical speaking, students will focus on rendering scientific content with a range of specialised vocabulary and with an eye on conceptual validity. Students start speaking and get carried away in the attempt to explain, clarify or refine a technical concept to the detriment of grammatical accuracy. How does the teacher intervene to get them back on track? Well, they don't. At least not during the actual speaking. They can devise pre-speaking activities in which to include the syntactic and lexical structures that are desirable and they can offer feedback in the post-speaking discussion. Intervention during speaking hinders confidence and creates confusion in the speaker's mind as they lose track of what they wanted to say. However, with carefully planned lessons paired with teaching intuition of what may go wrong in terms of accuracy and carefully devised pre-speaking strategies, students should develop a learning style that will render their speaking production both fluent as well as accurate. Additionally, teachers should accustom students to making good use of every teaching opportunities and incorporate them in short speaking tasks. For example, let us imagine a vocabulary lesson on prefix and suffix derivation during which students learn to obtain derived words (nouns, adjectives, verbs), followed by a short brainstorming speaking activity in which the teacher writes a root and some suffixes on the blackboard and students generate word families together with their contrasted definitions. Derivation patterns soon become replication templates that enable students to generate derived words with increased accuracy.

Figure 2: Use of derivation patterns to develop accuracy



After generating and defining the obtained words, students are asked to make a 1 minute speech about the concept in which to include all the words they previously generated. Thus, teacher may check for problems in assigning words in the lexical category they belong (such as using adjectives in noun positions etc.) and may address the problems in the feedback section.

2. **Provide intrinsically motivating techniques.**

Technical students are aware they will need English in their future professions but the acknowledgement of need is not necessarily motivating when they feel progress is slow and study routines need readjustment. Extrinsic motivation needs to be paired with language courses that cater to their level of competence in order for students to feel they can take the course and be successful at learning. As Ryan and Deci (2000:55) point out, *“the most basic distinction is between intrinsic motivation, which refers to doing something because it is inherently interesting or enjoyable, and extrinsic motivation, which refers to doing something because it leads to a separable outcome.”*

The challenge for teachers is to adapt technical English courses to satisfy the needs and capabilities of a heterogeneous group of students. This can be achieved (though with great difficulty and a lot of preparation) if tasks display an increasing level of difficulty as the lesson unfolds. Additionally, a fair and objective evaluation of students' levels of competence is needed. Ideally, students' levels should not differ more than one level on the CEFR scale (E.g. A1 and A2, A2 and B1 etc). What teachers can do to boost confidence and make learning fun and motivating is to create differentiated tasks for students of varying levels. For instance, after watching a technical video/tutorial/experiment, students of lower levels may be asked to provide answers to a list of questions handed out beforehand or create their own list of questions to ask the scientists in the video, while more advanced students may be asked to make inferences, state what they would do next, how they might apply that specific scientific knowledge depicted in the video etc. Thus all students feel they are making a contribution and that they have a voice that matters, they feel validated and valued for the products of their mind and this builds intrinsic motivation.

3. **Encourage the use of authentic language.**

The Internet provides unlimited resources of videos, audio, text and visuals that teachers may use to input authentic production examples that students will later build their speech on. Working in a globalised labour market will entail understanding a variety of accents and replying accordingly, carrying out transactions and negotiations on technical subjects in manners similar to what they have been exposed to while learning. Therefore, authentic language input is essential to the development of speaking styles that abide by the desired conventions of the technical field they are preparing for. For instance, technical professionals are often faced with challenges such as navigating through unclear instructions for which they will either need to ask further of questions, roughly approximate the missing information, or rephrase it for clarification and ask for confirmation. As these challenges are part and parcel of the technical field, students need to learn to cope with these imperfections and do what they can with what they have. Hence the need for authentic language input that will empower them with the right skillset they will use as future technical professionals.

4. **Provide appropriate feedback and correction.**

As discussed above, teachers should (by means of observation) anticipate areas that are prone to mistakes or conceptual errors and prevent their occurrence by including structured activities prior to speaking, and offer feedback and correction post-speaking.



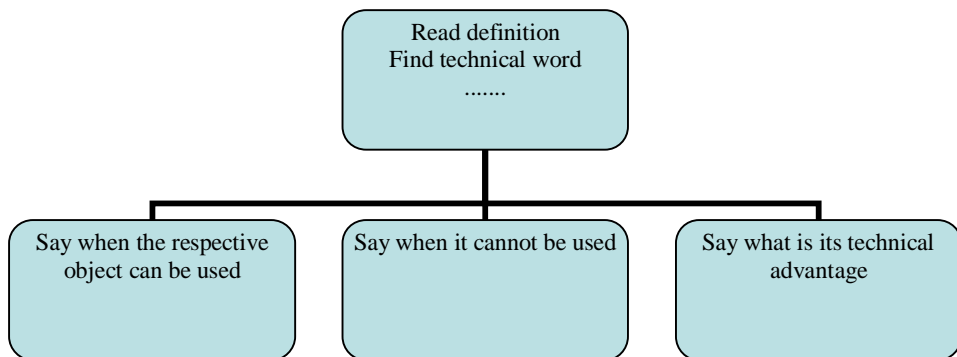
## Mastering Speaking Skills for Technical Students

### 5. Capitalize on the natural relationship between speaking and listening.

This principle can be easily put into practice by the use of audio or videos on a variety of interesting technical topics, offering precious language input and debate issues that can be the starting point for the development of the speaking activities. On the basis of the listening input (corroborated with visual input in videos) the speaking tasks may target technical vocabulary, derivation, compounds and conversion, language sequences, complex syntactic structures, verbal tenses and reported speech, as well as a number of business strategies such as negotiating etc. that students are prompted to use in their own speech after being exposed to similar templates during the listening activities.

In Brown's view (1994:179) there are numerous activities in teaching speaking that can ensure success: the use of games, role-plays and simulations, situational drama, individual and team projects, interviews, brainstorming activities, filling in information gaps, crossword puzzles, problem-solving exercises and decision-making scenarios, opinions exchange. Though some may seem arid in generating speech, they can be used creatively by the teacher to create an opportunity for oral interaction. For instance a crossword puzzle exercise can be extended after completion into speaking by a request that the student use the word that they have just discovered into a sequence of short oral statements, as can be seen in the diagram below:

**Figure 3: Using crossword puzzle results to elicit speaking**



### 6. Give students opportunities to initiate oral communication.

Verbal interaction in the classroom is generally limited to what the teacher will allow. In other words, students speak when invited and refrain from uncalled for interventions. Teachers should encourage speaking opportunities through collaborative work, by reducing teacher speaking time and increasing student speaking time, by asking eliciting questions that invite students to provide more information, by using visuals that prompt students to speak.

### 7. Encourage the development of speaking strategies.

Students often complain of their lack of speaking practice and often voice out the need to speak more. Teachers can encourage students to develop individual speaking strategies outside the classroom by providing lists of technical topics for monologues that students can do on a daily basis at home. These may include:

- role plays on technical profession cues (*Imagine you are working as a.....*);
- descriptions of technical experiments or projects they have witnessed at school;

- choosing an object in their room and describe functioning principle, materials, usefulness, size etc.;
- comparing and contrasting objects in the room with a view on function, material, technology etc.;
- descriptions of safety procedures in a given scenario;
- making oral presentations on a given structure about basic technical issues;
- verbal diaries that should include language items that students need to practise etc.

Additionally, students should be encouraged to record their speeches, play them, think about what they might say differently and repeat the process. The end result should demonstrate a definite improvement in accuracy and fluency. Also, students need to research the desired pronunciation of challenging technical words, create word maps that they can use in their speech, start individual speech with simple statements, then repeat with gradually increasing complexity and continue until the result is satisfactory.

#### **Further Speaking Boosting Approaches**

As Richard (2001:67) points out, teaching strategies should derive from an examination of learners' language protocols, a close observation of the learners' introspections and manifestations, case studies and diary studies, classroom observations, and experimental studies. In ESP terms, these teaching strategies can incorporate a number of the examples suggested below, conceived to enhance observation while activating technical speaking skills:

a) **Experiments.** Though not typically used during English classes, Technical English classes can make good use of them. Some experiments can be introduced through watching YouTube videos of an experiment (passive- Listening for gist), followed by a subsequent active listening task: solving a language task (technical vocabulary matching with definitions, grammar-giving instructions with the Imperative-Beginner level-or using the present subjunctive after impersonal directive constructions-advanced). After the preparatory listening tasks, students are moved into a second stage of guided speaking- the teacher provided a set of language sequences to be used in a short spoken summary of the video. The third stage, independent speaking, may consist of the task in which students describe an experiment adapted to their technical interests. During the spoken description, they should refer to materials needed, techniques and work procedures, input data and expected results, optimization strategies for experiment success, expected challenges etc.

b) **Case studies.** Input can be provided in the form of a reading or listening activity (as described above) that describes a case study relevant to the students' technical interests. The summary of the case study can be in the form of a diagram provided by the teacher on the basis of which students are asked to speak for a certain number of minutes (depending on their proficiency and case complexity). The diagram should contain the bare minimum of information and students should be asked that during the speaking activity they include the missing information and/or any relevant details that have intentionally been left out. Teachers can thus observe their students' *modus operandi*, the inner workings of their competence and offer post-speaking feedback to incorporate these observations.

c) **Technical Diaries.** Technical students are often involved in a number of technical projects for various academic subjects (technical drawing, Computer aided design, programming, mechanics etc. English teachers should encourage them to harness these opportunities by writing a diary page describing how they carried out the

## Mastering Speaking Skills for Technical Students

respective project. For their speaking assignment, students are encouraged to create a presentation based on that diary (including pictures, prompts etc.), in which they disseminate to the class what they did exactly, how they completed the project, what were the challenges and how they overcame them etc. Alternatively, students may be asked to create a diagram based on which they can freely describe how they carried out the respective project. Thus the teacher can observe any conceptual or language competence shortcomings which they can later harness in their teaching.

Nonetheless, as pointed out by Bălănescu (2022:37) in discussing teaching as a form of development of intercultural skills, “*it is virtually impossible for teachers to predict the knowledge that learners will need in their interaction with other people (...) Learners need to prepare themselves for the unexpected and be ready to deal with uncertainty and even ambiguity. As a result, teachers should seek to develop learners’ skills of observation and discovery*”. As necessary as observations skills are for teachers, students should also be encouraged to deepen their observation capacity and listen genuinely before they verbally react to a situation, interlocutor’s cue etc.

Sweetland (2008) analyses **Inquiry-based teaching** as a pedagogical approach that encourages students to deepen their understanding of academic content by investigating, asking and answering questions. Arousing curiosity and harnessing it is a valuable component in developing students’ independence and self-accountability during the learning process. Also referred to as **problem-based teaching**, this approach places students’ inquisitiveness at the center of the syllabus, and encourages research capabilities alongside the acquisition of knowledge and understanding of content. It will definitely enhance linguistic creativity through the engagement of the student in their own learning as they pursue their natural curiosity and discover a number of related concepts as they investigate and inquire about a specific one. And, as any intelligent person enjoys a challenging investigation, students perceive problem-based teaching as entertaining and confidence boosting. How can this approach be harnessed to encourage speaking, particularly of a technical nature? Here are some ways:

- a) Teacher provides the problem, students ask the questions, research the solutions, analyse them thoroughly and make decisions based on what has been negotiated, explored and
- b) Teacher provides the conceptual questions, stirs up opinions, controversy, debate, argumented views.

Example: teacher asks/prompts these questions onto a wall to initiate a lesson about **Materials Technology**-from finished product to molecular level:

What is the role of man in the Universe?

How do we relate to our planet? Are we making a difference to it?

Are we using Earths resources wisely?

How wasteful are you personally? Are you using your resources wisely?

### Conclusion

There are a multitude of opportunities for teachers to re-centre the focus of Technical English classes so as to enhance their students’ ability to verbally interact during ESP classes and make use these skills in their professional lives. As demonstrated above, the same principles of teaching speaking that teachers use in a general English class, can be adapted to transition into technical English classes. A student-focused approach relying on close observation and creativity will provide teachers with the much needed tools to plan and deliver useful and entertaining classes that genuinely get students talking.

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## ORIGINAL PAPER

# Risks and Poses of Contemporary Censorship. The Case of Social Networks

Victor Stoica<sup>1)</sup>

### Abstract:

Throughout history censorship has taken many forms and has been used with similar intent, all the while depending on the technological, material and political resources of the respective times.

In the information age, where digitization is extremely important, censorship can take another form, an unforeseen, even unexpected one, different from the classic models used in other historical periods.

If in real life, an individual was constrained by social norms, by accepted behavioral conduct but also by a chiseled language, on the Internet these constraints did not have much value in the past. We can talk about an environment where one could be whoever wanted to be and say whatever they wanted, and in the worst-case scenario they were laughed at. However, things are no longer like that at the moment.

We can say that censorship starts from two directions. The first, from the abuse of the algorithm that can wrongly identify users' posts and then correct them, and the second from the abuse of other users, who if they do not agree with the information posted by others, they can send a complaint to the social networks to have them deleted and the user corrected and/or punished, in many cases unfairly. Next, we can also talk about a certain intensity of censorship, the greater the intensity, the more it restricts individual freedoms. So, we can say that the objective of this paper is to identify different types of censorship and expose how they impact certain freedoms.

In this direction, the biggest risk would be the fact that one, if not the most important right that man has, that of free expression, is endangered by these modern poses of censorship.

**Keywords:** *Censorship, social networks, fake-news, risks and poses of censorship, society, freedom of speech.*

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<sup>1)</sup> Associate Professor, PhD Student, “Alexandru Ioan Cuza” University of Iasi, Faculty of Philosophy and Socio-Political Sciences, Romania, Phone: +40749050301, Email: victorstoica06@gmail.com.

## **Risks and Poses of Contemporary Censorship. The Case of Social Networks**

The topic of censorship is not an easily approachable one, and studies in this direction are limited by the taboo elements that revolve around the topic, which is why I believe that any study in this direction would be beneficial to the scientific community as well as society.

Another, more personal motivation is the fact that I strongly support the principle and right of freedom of expression, having personally experienced situations in which I was unjustly censured, but I also know many close people who have had similar experiences, and the remarks and complaints against the digital authorities have never been successful.

According to the Oxford Dictionary (2023), the term censorship is used to describe “any regime or context in which the content of what is publicly expressed, exhibited, published, broadcast, or otherwise distributed is regulated or in which the circulation of information is controlled”. We can develop this definition by stating that censorship is the suppression of speech, public communication or other information on the basis that such material is considered subjective, harmful, sensitive, inconvenient or offensive. Censorship can be carried out by governments, public and private institutions and corporations.

Censorship is generally applied in a variety of different media, including speech, books, music, films and other arts, the press, radio, television, and the Internet for various reasons, including national security, to control obscenity, child pornography, hate-speech, to protect children or other vulnerable groups, to promote or restrict political or religious views and to prevent defamation. Direct censorship may or may not be legal depending on the type, location and content. Many countries provide strong safeguards against censorship by law, but none of these protections are absolute, and it is often difficult to balance conflicting rights to determine what can and cannot be censored. In the case of online social networks, the most popular justifications are preventing hate speech, spread of fake-news, discrimination of any kind and some forms of terrorism.

We can say that censorship has followed the free expression of people like a shadow throughout history. Although we can easily say that this procedure of limiting and controlling information has existed and been used since the beginning of history and humanity, the information about its use does not exist in particularly large quantities because it has been used extensively in the last centuries, much more much compared to previous periods.

Although government-instituted censorship had apparently been abandoned by most Western countries during the 19th century and most of the 20th century, public concern about offensive literature did not abate. Public libraries were supposed to act as benevolent guardians of literature, especially books for young readers. Consequently, this gave teachers and librarians license to censor a wide range of books in libraries under the guise of protecting readers from morally destructive and possibly offensive literature.

Surprisingly, in liberal-minded countries like Sweden and Norway, which boast the oldest press freedom laws, oversight of public and school libraries remained a concern for authors and publishers even into the latter part of the century. No less surprising is the tradition of book surveillance in schools and libraries in the United States (Black, 2001: 63-80).

Throughout its 400-year history, the media has been the first casualty in times of war, whether in external or internal conflicts. As a rule, the press faced a choice

between strangulation and closure. Many respectable newspapers were simply taken over by a country's new rulers or were subjected to becoming the voice of new governments.

Censorship has been criticized throughout history for being unfair and hindering progress. In a 1997 essay on Internet censorship, social commentator Michael Landier argues that censorship is counterproductive because it prevents discussion of the subject being censored. Landier extends his argument by arguing that those who impose censorship must believe what they censor to be true, since self-righteous individuals would welcome the opportunity to reject those with contrary views (Landier, 1997).

#### **Types and levels of censorship**

Proponents of censorship have sought to justify it using different rationales for different types of censored information:

- **Moral censorship** is the removal of material that is obscene or otherwise considered morally questionable. Pornography, for example, is often censored under this argument, especially child pornography, which is illegal and censored in most jurisdictions around the world.

- **Military censorship** is the process of keeping military information and tactics confidential from the enemy. This is used to counter espionage.

- **Political censorship** occurs when governments block information from reaching their citizens. This is often done to exercise control over the population and prevent free speech that might fuel rebellion.

- **Religious censorship** is the means by which any material deemed unacceptable by a particular religion is removed. This often involves a dominant religion forcing the limitation of the less widespread. Alternatively, one religion may shun the works of another when they feel the content is not appropriate for their religion.

- **Corporate censorship** is the process by which corporate media publishers intervene to disrupt the publication of information that presents their business partners or their own business in a negative light, or to prevent alternative offerings from reaching public exposure (Jay, 2000: 208-209).

In the **information age**, a very important role in the transmission of information is played by social networks. Considering the very large amount of information that circulates on these platforms, we can take into account the fact that they are susceptible to some forms of censorship.

In this modern age of information, we can observe a relatively new form of censorship, namely, **reverse censorship**, which is achieved by flooding the public, often via online social networks, with false or misleading information. American legal scholar Tim Wu explained that this type of information control, sometimes carried out by state actors, can "distort or stifle disaffected discourse by creating and disseminating fake news, paying fake commentators and deploying propaganda bots " (Wu, 2017: 573).

**Fake news** is false or misleading information presented as news. They are often intended to damage the reputation of a person or entity or to make money through advertising revenue. However, the term has no fixed definition and has been applied more broadly to include any type of false information, including unintentional and unconscious mechanisms, and also by high-profile individuals to alter any news unfavorable to their personal views (Higdon, 2020).

Once commonplace in print, the prevalence of fake news has increased with the rise of social media, particularly the Facebook news feed (Himma-Kadakas, 2017: 25-41). Political polarization, post-truth politics, confirmation bias, and social media

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algorithms have been implicated in the spread of fake news. It is sometimes generated and propagated by hostile foreign actors, especially during elections. The use of anonymously hosted fake news websites has made it difficult to prosecute fake news sources for libel. In some definitions, fake news includes satirical articles misconstrued as genuine and articles that use sensational headlines or clickbait that are not supported in the text. Here is where the algorithms that try to constrain the spread of fake-news can fail and censor legitimate opinionated people (Tsang, 2020).

Other terms that are tangential, complementary, or may even represent certain forms of censorship are **political correctness** and **shadow-banning**.

Political correctness is a term used to describe language, policies or measures that are intended to avoid offending or disadvantage members of certain groups in society. In public discourse and the media, the term is generally used pejoratively with the implication that these policies are excessive or unjustified. Since the late 1980s, the term has been used to describe a preference for inclusive language and the avoidance of language or behavior that can be seen as excluding, marginalizing or insulting disadvantaged or discriminated against groups of people, especially groups defined by ethnicity, sex, gender or sexual orientation (Kohl, 1992: 1-16).

Considering the modification of the language or the intentional avoidance, sometimes even for good reasons, of certain expressions, we can say that political correctness imposes a certain form of censorship.

The term shadow-ban or "ghost-ban" is the practice of blocking or partially blocking a user or their content from an online community so that it is not easily noticed by the user. For example, prohibited "shadow" comments posted on a blog or media site will not be visible to other people accessing that site from their computers (Clive, 2009).

By partially hiding or making a user's contributions invisible or less visible to other members of the social network, the hope may be that, in the absence of reactions to their comments, the problematic or unfavorable user will become bored or frustrated and leave the platform, and that spammers and trolls they will not create new accounts (Walsh, 2006: 183).

Although the intentions of this concept can be justified and even effective to favor a civilized dialogue between users of an online platform, we cannot but include it in the category of censorship, this represents a very clear form of censorship, the only difference is that the user does not necessarily know that it is censored and the censor knows for sure, be it an administrator or a software. We can say that a possible advantage of this type of censorship is that the censored user, not being sure whether or not he was the target of such censorship, does not have enough reasons to react impulsively or violently.

Another element related to censorship, in addition to the algorithms of social networks, is the algorithms of search engines. Although we cannot say that they actually censor information, they provide the most "relevant" results usually on the first search page. If we want to look for the same information on different search engines, we will be able to see an obvious bias in the displayed results. Most of the time the differences are related to controversial topics or recent public scandals or influential people. Also, search completion suggestions differ on different search engines (Goldman, 2006).

Since the advent of the Internet, people have started using it more and more. There was no institution or body to control and manipulate the way information flows on the Internet, let alone censor it. From the beginning, the Internet meant the free and efficient flow of information, the place where people from different parts of the world

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could "meet", chat, create relationships, do business and gather information without having to go to a library or meet face to face. If in real life, an individual was constrained by social norms, by accepted behavioral conduct but also by a chiseled language, on the Internet these constraints did not have much value. We can talk about an environment where you could be whoever you wanted and say whatever you wanted, however you wanted, and in the worst-case scenario you were laughed at.

I must emphasize that the types of censorship presented below represent more of a personal approach to the severity of the limitation of freedom of expression.

**Level 1 censorship.** A common place where people "meet" on the Internet were, and still are, discussion forums and chat rooms. These "places" allowed almost instantaneous communication but were controlled by a small authority who was the administrator, that individual who took care that there were no discussions on his forum that would lead to illegal gestures or that were not related to the domain of the forum or a section of it. Here we can speak of a minimalist form of censorship, one that aimed more at ensuring the legality of discussions. Another form of weak censorship could be blocking inappropriate content for children up to a certain age.

**Level 2 censorship.** After the emergence of social networks, such as Facebook, Twitter, Instagram, even YouTube (more of a content creation network), the interactions between people increased significantly, but also their interests began to diversify. Rules of conduct or clear community guidelines began to appear for each site, social norms began to "infiltrate" this environment that at one time resembled the Wild West, where everyone did almost what they wanted and could find immense opportunities, but also dangers. We can say that these established norms are a reasonable form of censorship or "common sense", just as it is reasonable for a man to use civilized language in an institution or in a normal social environment.

**Level 3 censorship.** Although the previously mentioned forms are acceptable and often even desirable, in recent years, censorship in the online environment has started to be much more obvious. Under the pretext of respecting the established norms or the community guide, we can even talk about an abuse on the part of the companies or corporations that own the social networks, in the direction in which many users are unfairly affected in the conditions where they have not directly violated the mentioned provisions. For example, Facebook's community standards state that language that promotes violence, racism, homophobia, xenophobia, misogyny, etc. is prohibited and often the algorithm works effectively and deletes the comments and posts that are in question and prohibits that user from posting on a length of time, usually from 3 days to several months (Facebook/Meta, 2023).

We can say that censorship starts from two directions. The first from the abuse of the algorithm that wrongly identifies the posts of users and corrects them, or from the abuse of other users, who, if they do not agree with the information posted by others, can send a complaint to Facebook so that it deletes the post and corrects that user. If multiple people file a complaint against a user, even if that user has not violated any standards, the algorithm will delete their post, possibly the account just because multiple people have filed a complaint, without checking whether the complaints are valid or not.

On the YouTube platform, many videos are deleted and accounts blocked for similar reasons, such as violating the standards, although often it is just that several individuals, or as they are called on the Internet, trolls, intentionally file complaints on reasons of bad faith, precisely to harm that user.



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On the social media platform Twitter, the case was, before it became Platform X, if someone posts, say, a joke, and someone finds that joke offensive and files a complaint, the user who posted it risks having their account permanently closed.

**Level 4 censorship.** We can say that a combination of the ideological tendencies of the owners of the social networks, of the users as well as the precarious emotional state of those active on the Internet, leads to a much harsher form of censorship than the first mentioned, a form that is felt in a completely unpleasant way and which endangers the right to free expression. For this type of censorship, it is necessary that the ideologies and opinions of the owners of social networks, or the way in which they have been transposed in the algorithms of the platforms, coincide with only a part of its users. In this situation, for example, dissenters will be easily censored if the software detects a complaint that coincides with its programming, and if the situation were reversed, it would not react or it will send a message stating that everything is fine.

**Level 5 censorship.** Although there are not many examples of such censorship on the Internet, throughout history we can observe some examples of such censorship, usually found in totalitarian regimes, where any mention of a subject considered taboo by the state was severely punished, sometimes even with capital punishment. The mention or study of certain subjects would have been totally forbidden, as would the possession of documents or books containing ideas undesirable to the state, or in this case, whoever has control over a specific social media platform, may it be the will of the people (the users in this case) or the will and interests of the owner.

### **Who is affected by censorship?**

In the age of information and the Internet, many people gain notoriety, through followers on various social networks, gain income from donations or sponsorships, some working almost a full-time job on these platforms to ensure their livelihood. This livelihood is put in jeopardy by the aforementioned mode of censorship, as they are the most affected of the users. Although even if your account is closed, you can make another one, re-signing sponsorship contracts and regaining a high number of followers, speaking of hundreds of thousands or even millions, is hard work for several years at least.

The second category of people that is affected by this censorship are simple users, who are not looking for followers or funds but who care a lot about freedom of expression and because of other users who find their simple posts or comments offensive, instead of explaining this problem they resort directly to filing a complaint.

One can see a clear, almost ideological tendency to censor certain views, whether extreme or not, and not to censor other views, whether extreme or not. The tendency is rather one of the lefts, or as the political left is commonly perceived, and to censor anything that appears to be right-wing. For example, a post praising communism is lightly accepted by the algorithm, but a post praising fascism is heavily censored. A YouTube video showing the many wrongs caused by refugees or immigrants is mostly deleted, but a video showing the same wrongs caused by European citizens is welcome on the platform. The argument is often simple but devoid of substance, any approach that does not put those mentioned in a good light is xenophobic, racist, even fascist in nature, absolute tolerance not being a characteristic of how the right is perceived.

It is noticeable that the most vocal people active on the Internet are generally strongly ideologically anchored or emotionally unable to deal with different opinions, they use the power of the group to file complaints towards the censure of any individuals

who do not seem to hold the same values or political opinions. To top it off, those who claim to be tolerant of the opinions of others are actually the most intolerant of opinions that oppose their own. If they are different and that's it, it is acceptable, but if they are opposite, then a problem arises for them.

As ordinary individuals increasingly use online forums, blogs, and their own social media pages, a new kind of censorship has emerged, one in which people selectively and willfully remove opposing political viewpoints from online contexts. In three studies of behavior in online forums, supporters of a political cause (eg, abortion or the rights to bear arms) preferentially censored comments that opposed their cause. The tendency to selectively censor information that represents an incongruent cause was amplified among people whose cause-related beliefs were deeply rooted or “fused” with their “identities. Moreover, six additional measures related to identity also amplified the effect of selective censoring. Finally, selective censorship occurred even when opposing comments were harmless and polite. We can say that because online censorship adopted by moderators can distort online content consumed by millions of users, it can systematically disrupt democratic dialogue and threaten social harmony (Ashokkumar, Talaifar, Fraser, Landaburb, Buhrmester, Gomez, Paredes and Swann, 2020).

Censorship is more extreme than biased information seeking because, in addition to biasing one's own online environment, censorship limits the online content that other people are exposed to. Also, by silencing dissenters, censorship prevents them from expressing their views, and although the psychological processes underlying censorship may overlap with some of the defensive motivations that produce selective information seeking, excessive censorship may cause a hostile motivation to eliminate the opponents of the cause (Hart, Albarracin, Eagly, Lindberg and Merrill, 2009: 555).

### **Conclusions**

I believe that the main reasons why censorship has started to be felt more and more often in the online environment are of an ideological, political and economic nature. Given that views that appear to be politically more right-wing than left-wing, or that may give the impression that they are, are more often censored, the growing presence of views on the left side of the political axis is not surprising, nor is the tendency of the companies that own the social networks to support the larger part of their users. An important factor that supports this argument is the emotional precarious condition of social media users, most of whom are young, civilized discussion and the virtue of listening and debating arguments is lacking, the solution being a clear one, the censorship of those who do not want to share the same values and ideas. After talking with several people who are active on social networks, I found that the ideological element seems to be the most important, most of the time, with people who do not have political opinions online being much less exposed to the phenomenon of censorship.

The political cause arises because many politicians have begun to realize how important online presence, campaigning and propaganda is in the case of a political campaign or maintaining or increasing notoriety, which is why the rigor with which they also treat opposing views that it could negatively affect their online image, so they resort to censorship through the means mentioned, that of complaint, but also through comments or deleted posts.

The last cause, the economic one, is supported both by politicians, who have to pay for the advertisement that for example, Facebook, makes for them, so that they are seen by more people, especially by companies, who also pay to display its ads in the

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virtual space, as well as by naive users who click on those ads. We can say that a political environment considered by many, one that is more "diplomatic", or more modern and politically correct, would not allow statements that incite violence, racism, homophobia, etc. so that any comment or post that seems to have the slightest connection with those mentioned can be easily censored. The same situation applies to companies that invest money in Facebook and advertising, we cannot say that a beneficial environment for doing business and getting customers is one in which even a small part of potential customers feel insulted. The better the potential client feels, the less offended by everything, then the chances of him becoming a client increase, even if in order not to be offended or disturbed, the average user ends up being deliberately misinformed by the investment agents on the social networks.

Given the contradiction between the representative values, human rights and different freedoms that democracy should provide and what censorship stands for, we can rightly consider that they are fundamentally incompatible and thus should not be related to each other. Moreover, a democratic regime should in principle not accept and support any form of censorship, and in the most extreme case tolerate its weak forms in order to maintain social order and to avoid disinformation.

Interestingly, although there is a minimal form of censorship applied by various democratic governments of the world, they tolerate and sometimes support more serious forms of censorship by outsourcing them sometimes willingly, sometimes involuntarily to various private companies and corporations, especially those representing social networks.

A lot more empirical research is needed in order to analyze how much censorship is actually spread on the social media platforms and how acceptable this phenomenon is for the different type of users.

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## ORIGINAL PAPER

# Divorce's consequences on children's academic achievements. Results of a sociological survey on teachers

Gabriela Motoi<sup>1)</sup>, Alexandrina-Mihaela Popescu<sup>2)</sup>

### Abstract:

This study aims to address divorce, a phenomenon that represents a reality of modern life and which with an exacerbated rapidity has gained momentum in today society, a society in a continuous change, its consequences looming dangerously over its victims, the children, but also on the whole society, jeopardizing a normal development of events of social life. Also, the theme has an importance from a social point of view, psychologically, pedagogically, and it is also closely related to the constraints that society produces on both the two members of the couple, as well as the children. Children of single-parent families are classified as high-risk groups not only in terms of the risk of educational failure, but also in terms of the possibility of social progress and the acquisition of emotional well-being and mental resilience, i.e. psychosocial adaptation. The current communication presents the results of a research on the effects of divorce on the school results of students both quantitatively (from the teachers and school counsellors' perspective) and qualitatively (from the perspective of the parents remaining in the family).

**Keywords:** *divorce, vulnerable groups, behaviour, academic achievement, resilience*

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<sup>1)</sup> Associate Professor, Ph.D., Faculty of Social Sciences, University of Craiova, Romania, Email: gabriela.motoi@edu.ucv.ro., ORCID-ID: 0000-0002-5333-6216.

<sup>2)</sup> Associate Professor, PhD Department of Teacher Training, University of Craiova, Romania, Email: alexandrina.popescu@edu.ucv.ro., ORCID-ID: 0000-0003-2276-3941.

### **1. Importance of the topic from a social and educational point of view**

Divorce is a complex and emotionally charged event that can have far-reaching consequences, particularly on the academic achievements of children. From both social and educational perspectives, understanding these impacts is crucial for addressing the well-being of children and fostering a supportive educational environment.

From a social standpoint, divorce can disrupt the stability and security of a child's life. Children often experience emotional distress, feelings of abandonment, and increased stress during divorce proceedings (Anderson, 2014: 379; Amato and Sobolewski, 2001: 910-913). These emotional challenges can directly affect their ability to focus on academics. Furthermore, the changes in family dynamics and living arrangements can result in reduced parental involvement, which is known to be “a critical factor in a child's academic success” (Jeynes, 1998). This lack of parental support and guidance can hinder a child's motivation, study habits, and overall academic performance.

Educationally, the consequences of divorce on children's academic achievements are evident in various ways. Research consistently shows that children of divorced parents are more likely to have lower grades, higher absenteeism, and a greater risk of dropping out of school (Brand, 2019; Matthijs, 2023; Wadsby and Svedin, 1996: 325-326). The increased stress and emotional turmoil can lead to concentration difficulties, disrupted sleep patterns, and a decreased capacity to engage in learning activities. These effects can extend beyond elementary and secondary education, “impacting a child's long-term educational and career prospects” (Guetto, Bernardi and Zanasi, 2022: 68).

Moreover, the financial strain that often accompanies divorce can limit access to educational resources, extracurricular activities, and tutoring, further exacerbating the educational disparities faced by children of divorced parents. These disparities can perpetuate cycles of poverty and inequality, with long-lasting consequences for both individuals and society as a whole.

Addressing the consequences of divorce on children's academic achievements requires a multifaceted approach. Schools and educational institutions must recognize the unique challenges these children face and provide support services such as counseling, mentoring, and academic assistance. Additionally, society should promote co-parenting strategies that prioritize the well-being and educational success of children during and after divorce (Sigal et al., 2011). Encouraging open communication between parents, fostering emotional resilience in children, and advocating for policies that reduce the financial strain on divorced families are all essential steps.

### **2. Divorce as a social phenomenon**

Divorce is a social phenomenon that refers to the legal termination of a marriage between two individuals, which has become increasingly common in many countries, with rates varying depending on cultural and societal factors. From a sociological point of view, marriage can be defined as “the socially accepted way in which two or more people establish a family” (Goga and Niță, 2019: 36). One reason for the rise in divorce rates is the changing societal attitudes towards marriage and relationships. Today, many people view marriage as a partnership based on love and mutual respect, rather than a duty or obligation. This shift in attitudes has made it easier for couples to separate when their relationships are no longer fulfilling or sustainable.

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Another factor contributing to the increase in divorce rates is the changing role of women in society. Women are now more likely to have careers and financial independence, which means they are less likely to stay in unhappy marriages for economic reasons (Wagner, 2020). Divorce has a significant impact on individuals, families, and communities. It can be a traumatic experience for all involved, especially children. It can also have financial implications, as it often involves the division of assets and can lead to the need for two households instead of one.

Divorce carries significant consequences for individuals and society. On the personal level, it often leads to emotional distress, especially for children who may experience feelings of abandonment and instability. The division of assets, custody battles, and legal fees can also cause financial strain. Furthermore, the experience of divorce may affect an individual's mental and physical health, leading to higher rates of depression and stress-related illnesses.

Divorce has far-reaching effects on society as well, because it challenges the traditional family structure and contributes to the rise of non-traditional family units, such as single-parent households and blended families. These new family dynamics require adjustments in societal norms and support systems. Additionally, the economic consequences of divorce can strain social welfare programs, as single parents may require more financial assistance (Stack and Meredith, 2018).

### **3. Sociological theories on divorce and its implication on children educational achievement. A brief literature review.**

Studying divorce from a sociological perspective helps us understand the broader social context, inequalities, family dynamics, and policy implications associated with divorce. It provides valuable insights into the impact of divorce on individuals, families, and society, "contributing to a more comprehensive understanding of this complex social phenomenon". (Amato and James, 2010).

a) **Social control theory.** According to social control theory, divorce weakens the social control mechanisms that parents have over their children, such as setting rules and monitoring behaviour. This can lead to a lack of discipline and structure in the child's life, which can have a negative impact on their academic performance (Hirschi, 2015: 289-305).

b) **Family stress theory** suggests that divorce can lead to significant stress and disruption in the child's life, which can have a negative impact on their academic performance. This theory emphasizes the importance of social support and coping mechanisms in helping children to navigate the challenges of divorce (Lareau, 1989: 246-247; Lareau, 2000).

c) **Life course theory.** Life course theory suggests what divorce can have long-term effects on a child's academic performance by disrupting their life trajectory and creating additional challenges and barriers to success. This theory emphasizes the importance of addressing the root causes of divorce and providing long-term support and resources for children who are affected. Glen H. Elder Jr has conducted extensive research on the long-term effects of social and historical changes on individuals and families across the life course. Elder's work has contributed to our understanding of how early life experiences, such as divorce, can have long-lasting effects on educational outcomes and other aspects of life (Crosnoe and Elder Jr, G. H., 2004: 571-602). Another important scholar for this theory is Karl Ulrich Mayer, who has conducted research on a range of topics, including educational attainment, social mobility, and

family dynamics. Mayer's work has emphasized the importance of examining the ways in which individual life trajectories are shaped by social structures and institutions and has highlighted the role of social policies in supporting positive life outcomes for individuals and families (Settersten Jr and Mayer, 1997).

d) **Resilience theory** examines how individuals can adapt and thrive despite adversity (Masten, 1994, Ionescu, 2013: Otovescu C. et al, 2015: 32-33), this concept “demanding a multisystemic response and participation from all areas of the society: community, society, institutions etc” (Olimid, Georgescu and Gherghe, 2022: 38). It suggests that some children may exhibit resilience in the face of their parents' divorce, while others may be more vulnerable to negative consequences. This theory focuses on understanding the protective factors that can help children overcome the challenges associated with divorce (Masten, 2018: 12-14).

Overall, these sociological theories provide different perspectives on the complex relationship between parents' divorce and children's educational outcomes. While each theory emphasizes different factors and mechanisms, they all underscore the importance of providing support and resources to help children navigate the challenges of divorce and succeed academically.

#### **4. Divorce's consequences on children educational achievement. Results of a sociological research**

Divorce can have significant consequences on children's educational achievement. Research has shown that children whose parents divorce are more likely to experience a range of negative outcomes, including lower academic performance, lower graduation rates, and reduced educational attainment. First of all, divorce often brings significant changes in a child's life, such as “moving homes, changing schools, and adjusting to new family dynamics” (Cao, 2022). These disruptions can be challenging for children, making it harder for them to maintain their routines and focus on their studies. Also, it can cause children to experience emotional and psychological stress, such as anxiety, depression, and low self-esteem (Amato, 2000). These negative emotions can affect their academic performance and make it harder for them to concentrate and learn.

Children affected by divorce can be considered a vulnerable group. Vulnerable groups are those who are at a higher risk of facing adverse outcomes due to various factors beyond their control, such as socioeconomic status, family circumstances, or personal characteristics. Children with divorced parents often experience reduced parental involvement in their education. Parents who are no longer living together may have “difficulty coordinating their efforts to support their child's education, and one or both parents may be less available to help with homework, attend parent-teacher conferences, or volunteer at school” (Miller, 2021: 170). Also, we can analyse divorce in terms of financial difficulties. It is a problem that can lead to financial strain, which can limit a child's access to educational resources and opportunities, such as after-school activities and tutoring. Children from divorced families are more likely to live in poverty, which can also affect their academic performance.

From a psychological point of view, one of the most important consequences of divorce is the stress and anxiety (for couple and, of course, for children also). The stress and conflict that often accompany divorce can spill over into the child's life and create a negative learning environment. Children may feel caught “in the middle of their parents' conflicts, which can make it difficult for them to concentrate on their studies and feel



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comfortable at school". (Amato, 1991). Thus, the impact of divorce on children's educational achievement is complex and can vary depending on a range of factors, including the child's age, gender, and temperament, as well as the quality of the parent-child relationship and the level of support available from family and community resources.

### **4.1. Methodological framework**

#### *Purpose of the study*

The purpose of the present research was the comparative research of the behaviour and academic performance of pupils from single-parent families after parental separation/divorce and pupils from nuclear families. Pupils' behaviour was studied in three dimensions: school adjustment, interpersonal and intrapersonal behaviour. The present study is based on the estimations of the pupils' teachers but also on the perception of the school counsellors. Therefore, the present study represents an important approach to the subject from a new perspective, because the school and, consequently, the teachers are considered key factors for the good socialization of the child.

#### *Type of research*

This quantitative research study aimed to provide valuable insights into how teachers and school counsellors perceive the consequences of divorce on students' educational achievement. The findings of our research contributed to a better understanding of the role of teachers and counsellors in supporting students from divorced families and inform interventions aimed at improving academic outcomes in this context.

Thus, our study employed a quantitative research design to investigate the perceptions and experiences of teachers and school counsellors regarding the impact of divorce on the educational achievement of students. A cross-sectional survey approach was utilized to collect data, providing a snapshot of respondents' perspectives at a single point in time.

#### *Sample*

The study targeted a diverse sample of teachers and school counsellors from various educational institutions across Dolj County (rural and urban areas). Participants were selected through stratified random sampling, ensuring representation from different types of schools (e.g., public, private) and grade levels (e.g. secondary, high-school). The target sample size was estimated at 90 participants (80 teachers and 10 counsellors).

#### *Data collection and data analysis procedure*

A structured questionnaire was developed based on a comprehensive review of relevant literature and prior research in the field. The questionnaire consists of closed-ended questions, open questions, and demographic questions. We have used 3 types of variables: **Independent Variables** (Divorce and its associated factors - e.g., family structure); **Dependent Variables**: Educational achievement, as perceived by teachers and school counsellors; **Control Variables**: Demographic characteristics (e.g., age, years of experience).

Quantitative data were analyzed using appropriate statistical techniques, namely SPSS Data Editor software. Descriptive statistics will be used to summarize demographic characteristics and the responses to each question. Inferential statistics, such as Pearson correlation, t-tests and regression analysis, were used to examine relationships between divorce-related factors and perceived educational achievement.

*Research hypothesis*

- H1: There are statistically significant differences in the behaviour of pupils with divorced parents compared to those from nuclear families.
- H2: The type of single-parent family statistically significantly influences the pupil's behaviour in the school environment.
- H3: The type of single-parent family has a statistically significant influence on the school performance of pupils.

**4.2. Results. Statistical analysis related to the research hypothesis.**

This section unveils the empirical findings regarding the multifaceted impact of divorce on the educational outcomes of children. In the preceding sections, we delved into the theoretical underpinnings and methodological framework that guided our investigation into this critical sociological issue. Now, we present a comprehensive analysis of the data collected.

We explored whether there are statistically significant differences in the behaviour of pupils from divorced families compared to those from nuclear families, as hypothesized in H1. This section provides a detailed examination of behavioural patterns within these groups. Hypothesis H2 posited that the type of single-parent family significantly influences a pupil's behaviour in the school environment. The results shed light on the associations between specific types of single-parent families and varying behavioural profiles among pupils. Lastly, we examined the impact of family structure, particularly the type of single-parent family, on the school performance of pupils, as hypothesized in H3. This section presents a comprehensive analysis of academic outcomes among different family structures.

**Figure 1. Differences in the behaviour of pupils from divorced families compared to those from nuclear families (statistical analysis)**

	Types of family				<i>p</i> Mann-Whitney
	Nuclear family		Monoparental family		
	Mean ±SD	Median (Interq. Range)	Mean ±SD	Median (Interq. Range)	
This student has difficulty participating in the lesson	2.3 ± 1.26	2 (1-3)	2.76 ± 1.14	3 (2-4)	0.001
This student does not like school and shows no interest in lessons	1.78± 1.09	1 (1-2)	2.3 ± 1.03	2 (1-3)	<0.001
This student has learning difficulties	2.12± 1.26	2 (1-3)	2.43 ± 1.1	2 (2-3)	0.005

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The average participation level for students from nuclear families is 2.3, with a standard deviation of 1.26. This indicates that, on average, students from nuclear families have a participation level of 2.3 in lessons. The median participation level is 2, and the interquartile range (IQR) is 1-3. The IQR shows that the middle 50% of students from nuclear families have participation levels ranging from 1 to 3.

The average participation level for students from single-parent families is 2.76, with a standard deviation of 1.14. This indicates that, on average, students from single-parent families have a slightly higher participation level of 2.76 in lessons compared to nuclear families. The median participation level is 3, and the interquartile range (IQR) is 2-4. The IQR shows that the middle 50% of students from single-parent families have participation levels ranging from 2 to 4.

A p-value of 0.001 is typically considered very low, indicating strong evidence against the null hypothesis. In other words, the data suggests that there is a significant difference in participation levels between these two groups, and this difference is unlikely to have occurred by chance. In summary, the statistical results suggest that there is a significant difference in participation levels between students from nuclear families and those from single-parent families. Specifically, students from single-parent families, on average, have a slightly higher participation level in lessons compared to students from nuclear families, and this difference is statistically significant with a very low p-value of 0.001.

**Figure 2: School adjustment, interpersonal behaviour, and intrapersonal behaviour in the two types of families (nuclear and monoparental) – statistical analysis**

	Types of family		p Student's t-test	Cohen d*
	Nuclear family	Monoparental family		
	Mean ± SD			
School adaptation	15,44 ± 4,22	13,7 ± 3,6	<0,001	0,43
Interpersonal behaviour	16,35 ± 3,82	14,88 ± 3,72	0,001	0,39
Intrapersonal behaviour	12,85 ± 2,52	11,1 ± 2,41	<0,001	0,71

Factor scores for school adjustment, interpersonal behaviour, and intrapersonal behaviour are noted to differ significantly between groups ( $p < 0.001$ ) with students from a single-parent family exhibiting more behaviour problems. Family type, according to effect sizes (Cohen's effect size=ES) had a greater effect on intrapersonal behaviour (ES=0.71), less on school adjustment (ES=0.43), and even less on interpersonal behaviour (ES=0.39).

*Intrapersonal Behaviour* (ES=0.71): The relatively large effect size here implies that family structure strongly influences a child's inner emotional and psychological world. Single-parent families may lack the resources or support systems necessary to address children's emotional needs adequately.

*School Adjustment* (ES=0.43): While family structure still has a significant effect on school adjustment, it's somewhat less pronounced than intrapersonal behaviour. This may indicate that schools can provide some level of support and stability for children, mitigating the impact of family structure to some extent.

*Interpersonal Behaviour* (ES=0.39): The smallest effect size for interpersonal behaviour suggests that family type has a lesser direct impact on how children interact with others. It's possible that factors outside the family, such as peer relationships and community influences, play a more substantial role in shaping interpersonal behavior.

These findings underscore the sociological importance of considering family structure when examining child behaviour and development. They suggest that single-parent families may face unique challenges that can affect different aspects of a child's behaviour, with intrapersonal difficulties being the most pronounced. Understanding these dynamics is vital for developing targeted interventions and support systems to promote the well-being of children from diverse family backgrounds.

### **Conclusions**

Children of divorced parents often face a range of challenges in their educational pursuits, including lower academic performance, decreased graduation rates, and a higher likelihood of behavioral and emotional difficulties in school. These consequences are not uniform and can vary depending on a multitude of factors, including the child's age, gender, socioeconomic status, and the post-divorce family environment. Moreover, it is evident that the negative effects of divorce on educational achievement are not solely confined to the immediate aftermath of the separation. The long-term repercussions can extend well into adulthood, affecting an individual's educational attainment, career prospects, and overall life outcomes.

As we conclude this study, it is imperative to recognize the need for a holistic approach to support children experiencing the challenges of divorce. Parents, educators, and policymakers must collaborate to implement strategies that mitigate the negative impact on educational achievement. Encouraging open communication between parents, ensuring stable living arrangements, and providing access to counseling and support services are just a few of the potential interventions.

In conclusion, divorce exerts a profound influence on children's educational outcomes, with a multitude of short- and long-term consequences. As researchers and practitioners, it is our responsibility to continue studying this complex phenomenon and developing strategies that empower children to overcome the challenges posed by divorce. By doing so, we can contribute to the creation of a more equitable educational landscape, where all children have the opportunity to thrive, regardless of their family circumstances.

### **Authors' Contributions:**

The authors contributed equally to this work.

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## ORIGINAL PAPER

# The Cost of Collection Taxes: Evidence from Romania

Narcis Eduard Mitu<sup>1)</sup>, George Teodor Mitu<sup>2)</sup>

### Abstract:

The achievement of high performance levels in fiscal administration is a key goal for governments aiming to ensure the welfare of their citizens. To assess the efficiency and effectiveness of tax administration, relevant indicators are used, as proposed by the European Organisation of Supreme Audit Institutions (EUROSAI), which categorizes them into three main groups: quality and service, compliance, and cost.

Quality and service indicators focus on aspects like waiting times for taxpayers or their satisfaction with service quality. Compliance indicators gauge how well taxpayers fulfil their fiscal obligations. Cost indicators account for administrative expenses related to tax collection.

Administrative costs play a crucial role in tax collection. Efforts to reduce these costs, without compromising revenue collection, are pivotal. However, international comparisons of the "cost of collection" ratio can be challenging due to factors such as varying tax structures, administrative differences, and changes in tax policy, which are beyond operational efficiency and effectiveness.

In the case of Romania, administrative costs were determined as a proxy for tax collection costs. The "cost of collection" ratio in Romania for 2022 was calculated to be 1.76, indicating relatively high administrative costs.

Although the "cost of collection" ratio is a valuable measure for evaluating tax administration performance over time, its applicability to international comparisons is limited due to the complex factors that influence this ratio. Consequently, additional considerations, such as disparities in tax structures, differences in revenue administration, and varying administrative functions, are essential for understanding the full context of tax collection efficiency and effectiveness.

**Keywords:** tax cost, public cost, tax performance, compliance, cost of collection ratio.

**JEL Classifications:** D61, H21, H27, K34

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<sup>1)</sup> Associate Professor, PhD, University of Craiova, Faculty of Economics and Business Administration, Public Finances specialization, Romania, Phone: 0040251411317, Email: narcis.mitu@edu.ucv.ro, ORCID ID: <https://orcid.org/0000-0003-0265-7658>.

<sup>2)</sup> Student, University of Craiova, Faculty of Economics and Business Administration, Romania, Email: mitu.george.h8y@student.ucv.ro, ORCID ID: <https://orcid.org/0000-0003-0551-2497>.

## Introduction

Reaching the highest level of performance for fiscal entities represents a goal pursued by any government aiming to enhance the welfare of the governed populace. Hence, it is of paramount importance to identify pertinent indicators that allow for a precise and objective assessment of how public resources are managed (Olimid, 2014; Mitu & Stanciu, 2023).

According to EUROSAI (European Organisation of Supreme Audit Institutions, 2008), the relevant performance indicators employed by fiscal administrations can be categorized into three primary domains: quality and service, compliance and cost.

*Quality and Service:* Indicators such as measuring the number of minutes a taxpayer waits on the phone to obtain information or gauging a taxpayer's satisfaction with the manner in which their inquiry was handled are frequently utilized to assess the overall quality of fiscal administrations and the quality of services provided to taxpayers.

*Compliance:* Tax compliance or tax non-compliance is a concept pertaining to the manner in which a taxpayer fulfils their fiscal obligations. According to the OECD (2004), indicators in this category encompass aspects related to: registration in the system; timely filing or lodgement of requisite taxation information; reporting of complete and accurate information (incorporating good record keeping); and payment of taxation obligations on time.

*Cost:* This category encompasses the administrative burden or the fiscal administration's cost. As early as 1776, in "*The Wealth of Nations*," Adam Smith noted that the activities related to tax collection and management entail several costs, namely *administrative and enforcement costs, evasion costs, and compliance costs*. Today, despite the extensive theoretical literature on this subject, few governments genuinely track and determine these costs.

Balancing cost efficiency, mitigating compliance risks, and maintaining quality services is a challenging endeavour. The efforts made by certain government fiscal administrations in this regard clearly highlight the significance of fiscal costs for the efficient functioning of the entire tax system (Klun, 2003; Matei et al., 2007; OECD, 2013; Díaz de Sarralde Míguez, 2018).

Every imposed tax involves an expense for both the state that collects it and the taxpayer who pays it. Collecting taxes, fees, and contributions is a fundamental means for governments to generate public revenue, enabling the financing of investments in human capital, infrastructure, and the provision of services for citizens and businesses. Jrbashyan and Harutyunyan (2006) emphasize that the interdependent relationship between the state and taxpayers incurs several costs, which can be categorized into administrative costs and compliance costs. Administrative costs are those generated during the tax collection process by the government, while compliance costs pertain to the expenses incurred by taxpayers to fulfil their tax obligations. In the same vein, in their study, D'Andria and Heinemann (2023) underline the need for a relevant distinction between public and private costs.

This paper will focus on public (administrative) costs.

## Public Costs (Administrative)

The efficiency of the tax system depends not only on a well-defined and prudent fiscal policy but also on the efficiency of the fiscal administration itself.

The complexity of the tax system, the numerous reporting obligations that taxpayers must fulfil, the need to inform taxpayers, the necessity of managing legislative



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changes and potential subsequent disputes, and more, all require a proper public infrastructure and a competent workforce to efficiently handle various aspects of tax laws and procedures.

The Theoretical (Potential) Tax Revenue (TTR) is determined by multiplying the Effective Average Rate (or the Actual Tax Rate, which is the tax rate obtained starting from the legal tax rate and considering all existing tax deductions) – EAR – by the Taxable Base (TB). To obtain the Total Net Revenue (TNR) remaining at the disposal of the state, the total Public Costs (Administrative) (PC) are subtracted from TTR.

$$\text{TNR} = (\text{TB} \times \text{EAR}) - \text{PC} \quad (1)$$

This means that a portion of tax revenues must finance tax authorities, their infrastructure, personnel, legal expenses for managing disputes, collection costs, and other related expenses. As can be observed from the mathematical relationship above, in order to maximize the portion of revenue available to the government, the primary focus should be on reducing PC (public costs) without, however, affecting the overall size of the revenue remaining at the state's disposal (TNR).

In principle, a simple tax system where most or all reporting obligations are managed electronically would likely result in minimal expenses for the public budget. Simplicity in tax rules would make it easier to identify and rectify errors and anomalies, reducing the number and average duration of disputes and collection efforts. Unfortunately, at least in Romania, nothing is simple. Romania's tax environment is highly volatile, and the use of IT elements is still in its early stages. Biriş et al. (2023) note that the current Tax Code retains less than half of its initial provisions as published in 2016. It has been amended by 107 primary legislative acts, resulting in 554 modifications (an average of 74 changes per year), not including changes to local taxes. The changes have often been chaotic and have failed to overall improve the budgetary situation, even resulting in a decline in revenue as a percentage of GDP, despite years of economic growth. The outcome of this instability and lack of computerization was ultimately a decrease in budget revenues by 0.53% of GDP in 2022 compared to 2016.

Administrative costs are those incurred by governments to collect tax revenues (taxes, fees, and contributions) and to enforce tax regulations. These costs encompass the collection, administration, and management of the tax collection system (Vaillancourt, 1989).

According to Araki and Claus (2014), the relevant indicators to determine efficiency and effectiveness that are often calculated by tax administration bodies are the *administrative expenditure (cost) as a percent of GDP* or *cost of collection ratio*.

There are few available estimates of public (administrative) costs. For instance, Vaillancourt and Clemens (2008) estimate the costs of public fiscal administration to range between 0.2% and 0.5% of GDP. Similar findings from prior literature at the international level are reported by Evans (2003). In the case of Romania, Lazăr (2017) estimates these costs to be in the range of 0.91% to 1.88% of GDP.

*The cost of collection ratio* is a standard measure of efficiency often adopted by tax administration bodies, comparing the annual costs of administration with the total revenue collected over the fiscal year. The ratio is computed and published by many tax administration globally. Asian Development Bank - ADB (2022) methodology calculates this indicator by comparing the annual expenditure of a tax administration, with the net revenue collected over the course of a fiscal year. It is generally expressed as the cost to collect 100 units of tax revenue. A downward trend of the ratio can

constitute, all the other things being equal, evidence of a reduction in relative costs (improved efficiency) or improved tax compliance (improve defectiveness) (OECD, 2013).

Considering the multiple similarities in the methods of tax collection administered by various national fiscal administrations, there is a natural tendency to make comparisons of cost of collection ratio between jurisdictions (as in the case of the European Union). However, such a comparison must be approached with a high degree of caution. The reasons for caution stem from a multitude of factors that can influence the ratio and are not linked to changes in the efficiency and/or effectiveness of a tax administration, rendering this kind of comparison highly uncertain on an international scale (OECD, 2023). Among these factors, some prominent ones include (ADB, 2022; OECD, 2023):

- *Changes in tax policy*: In theory, a policy decision to increase the overall tax burden should, all other things being equal, improve the cost/revenue relationship by a corresponding amount, but this has nothing to do with improved operational efficiency or effectiveness;
- *Macroeconomic shifts*: Substantial changes over time in economic growth rates and inflation etc. or economic downturns, as widely seen with the pandemic in 2020 (Georgescu & Georgescu, 2023), are likely to have a different impact, from one jurisdiction to another, on the overall revenue collected by the tax administration and the cost-revenue relationship;
- *Atypical spending by the tax administration*: From time to time, the tax administration may find it necessary to make unusually high investments, such as the construction of a new information technology infrastructure, the acquisition of more costly facilities or a significant expansion of the workforce. These investments are likely to raise the overall operational expenses in the medium term, and unless offset by efficiencies that may take some time to materialize, they will affect the cost-to-revenue relationship;
- *Competence changes in the scope of revenue collection*: Occasionally, governments opt to transfer the responsibility for collecting specific revenues from one agency to another, and this can have an influence on the cost-revenue dynamic etc.

However, when viewed domestically, by implementing corresponding adaptations, monitoring the *cost of collection ratio* can be a useful metric for assessing the administration's long-term revenue collection performance trends. Determining the *cost of collection ratio* by tax type, it may also help inform policy choices around how particular taxes may be administered and collected.

### **Cost of collection ratio in Romania**

In order to assess the cost of tax collection related to the central administration, we gathered data on how much the Romania's Regional General Directorates of Public Finance spent every year. Basically, based on the assumption that their main mission is to collect taxes to the central budget, I used the annual spending of the Regional General Directorates of Public Finance, General Directorate for the Administration of Large Taxpayers and National Agency for Fiscal Administration as a proxy for the tax collection costs. Starting from the premise that the main duties of these fiscal Directions are budget execution (which includes tax collection) and public treasury. We consider that the other remaining tasks (auditing, taxpayers' advice, etc.) are only marginal and

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also connected to tax collection and thus, do not affect significantly the proxy, neither in terms of the magnitude of the costs, neither in terms of its economic meaning. Moreover, disentangling the annual spending between tax collection activities and the other remaining activities is practically impossible given the available data. It should also be noted that although the Ministry of Finance often refers to the principle of transparency, unfortunately data is not always available on the budgetary execution of the budgets of the Regional Directorates. Therefore, where it was not possible, we used the forecasted amounts and not the actually spent ones. Calculations were made for the year 2022. The data is presented in table 1.

Cost of collection ratio is determined as follows (Jrbashyan and Harutyunyan, 2006):

$$\text{Cost of collection ratio (\%)} = \frac{\text{Administrative cost}}{\text{Tax revenues}} \times 100 \quad (2)$$

**Table 1**

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No. crt.	Tax administration name	Forecasted costs (budgeted amounts)	Actual costs (budget execution)	Data considered
1.	Regional General Directorate of Public Finance Braşov	340.814	317.130	317.130
2.	Regional General Directorate of Public Finance Bucharest	315.247*	ND	315.247
3.	Regional General Directorate of Public Finance Cluj	325.482	324.143	324.143
4.	Regional General Directorate of Public Finance Craiova	286.471	264.747	264.747
5.	Regional General Directorate of Public Finance Galaţi	374.366	315.634	315.634
6.	Regional General Directorate of Public Finance Iaşi	317.624**	ND	317.624
7.	Regional General Directorate of Public Finance Ploieşti	384.941***	ND	384.941
8.	Regional General Directorate of Public Finance Timişoara	231.772	231.604	231.604
9.	General Directorate for the Administration of Large Taxpayers (DGAMC - GDALT)	65.211	ND	65.211
10.	National Agency for Fiscal Administration (ANAF – NAFA)	357.969	ND	357.969
<b>Administrative cost (Total annual costs of tax administration) – 2022<sup>1</sup></b>				<b>2.894.250</b>
<b>Tax revenues (total tax revenues - total tax revenues related to local budgets) - 2022<sup>2</sup></b>				<b>164.351.500</b>

Abbreviations: ND = No data; MF = Ministry of Finance; NAFA = National Agency for Fiscal Administration; GDALT = General Directorate for the Administration of Large Taxpayers

\*2021 available date (no data has been identified for the year 2022)

\*\* 2019 available date (no data has been identified for the year 2022)

\*\*\* 2023 available date (no data has been identified for the year 2022)

Source: <sup>1</sup>Authors' compilation based on data provided by NAFA - <https://www.anaf.ro>

<sup>2</sup> Authors' compilation based on data provided by MF - <https://mfinante.gov.ro>

In the case of Romania, for the year 2022, applying the data from table 1 in calculation formula 2, the cost of collection ratio is 1.76. Asian Development Bank - ADB (2022) shows that, for many national revenue bodies, the value of the ratio typically falls within the range 0.50 to 1.0 and fluctuates over time owing to the sorts of factors mentioned above. These results indicate relative high cost of collection ratio computed for Romania. However, as already pointed out, this kind of comparison can be extremely unreliable in an international context.

### Conclusions

For the correct management of financial resources, any government should minimise the costs of managing and maintaining the tax system (administrative costs) that's why the determination of efficiency and effectiveness indicators is always an essential step.

Tracking the *cost of collection ratio* a helpful measure to see the trend over time of the administration's work to collect revenue, and if it was calculated gathered by tax type, it may also help inform fiscal decision-makers around how particular taxes may be administered and collected.

Nevertheless, when considering its applicability for international comparisons, it becomes apparent that the *cost of collection ratio* has severe limitations. While domestic administrations can potentially account for the factors mentioned above, extending this analysis to the international level presents significant challenges. International comparisons entail the need to address the following complexities:

- *Disparities in tax rates and structures:* Tax rates and the composition of tax structures substantially influence aggregate revenue and, to a lesser degree, cost considerations. For instance, comparing the cost-to-revenue ratio between high-tax and low-tax jurisdictions is unrealistic due to their widely varying tax burdens;
- *Variations in the scope and nature of administered revenues:* Differences can arise in the types of revenues administered. Some jurisdictions have multiple major tax authorities operating at the national level, or they may have a prevalence of direct taxes at the federal level, while indirect taxes are primarily administered by separate regional or state authorities. In contrast, certain jurisdictions have a single national authority responsible for collecting taxes for all levels of government, encompassing federal, regional, and local levels. Similar complexities arise in the collection of social insurance contributions;
- *Differences in administrative functions:* Tax administrations can have diverse scopes of responsibilities across jurisdictions. For example, in some cases, tax administrations manage activities unrelated to tax collection, such as the administration of specific welfare benefits or national population registries. Conversely, in other cases, certain tax-related functions are outsourced to other entities, like debt collection enforcement. Furthermore, societal perspectives can influence the range of services provided and the way an administration operates, significantly impacting the cost-revenue relationship.

Lastly, it's essential to note that the *cost of collection ratio* disregards the revenue potential of a tax system, for example, the difference between the amount of tax actually collected and the maximum potential revenue. This aspect gains particular significance in international comparisons because administrations with similar cost-to-

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revenue ratios can still differ significantly in terms of their overall efficiency and effectiveness.

### Authors' Contributions:

The authors contributed equally to this work.

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## ORIGINAL PAPER

# The impact of COVID-19 pandemic on stock markets from CEE countries

Cristian Valeriu Stanciu<sup>1)</sup>, Andrei Cristian Spulbăr<sup>2)</sup>

### Abstract:

This paper explores the impact of the COVID-19 pandemic on the stock markets of Central and Eastern European countries, including Romania, Hungary, the Czech Republic, and Poland. Adopting a longitudinal approach, we analyze data spanning from 2019 to 2022, covering the pre-pandemic, pandemic, and post-pandemic periods. The study focuses on assessing changes in market capitalization, trading behaviors, and exchange-specific responses within these markets. The analysis utilizes various financial indicators that reflect the level of development of a stock market (size, liquidity and profitability ratios) to understand the pandemic's influence. This research aims to provide insights into the complexities of market dynamics under the stress of a global health crisis and subsequent geopolitical events. It also seeks to contribute to the broader understanding of how such unprecedented events shape financial markets, offering implications for investors, policymakers, and academics in the field of financial studies.

**Keywords:** *COVID-19 Pandemic, Central and Eastern European Stock Markets, Market Dynamics, Investment Behavior, Geopolitical Tensions.*

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<sup>1)</sup> Associate Professor, PhD, University of Craiova, Faculty of Economics and Business Administration, Finance, Banking and Economic Analysis specialization, Romania, Phone: 0040744622061, Email: valeriu.stanciu@gmail.com.

<sup>2)</sup> PhD Student, University of Craiova, Doctoral School of Economic Sciences "Eugeniu Carada", Finance specialization, Romania, Phone: 0040750479472, Email: spulbar.andrei.g7w@student.ucv.ro

## **Introduction**

The onset of the COVID-19 pandemic has undeniably ushered in a period of unprecedented economic upheaval, with profound effects on global stock markets. Central and Eastern European (CEE) countries have not been immune to these impacts. This article aims to synthesize various scholarly perspectives on the subject, focusing particularly on the stock markets of Romania, Hungary, the Czech Republic, and Poland, to provide a comprehensive understanding of the pandemic's multifaceted impact on these economies.

Hatmanu & Cautisanu (2021) provide a foundational analysis by examining the Romanian stock market, particularly the Bucharest Exchange Trading (BET) index. Their research indicates a significant long-term negative impact of the pandemic, marked by volatility and reduced abnormal returns, despite some positive influences from the broader European economic climate. This study underscores the complexity of regional and global economic interplays during such crises.

Fang et al. (2021) extend this analysis by exploring the phenomenon of herding behavior in Eastern European stock markets, including Hungary. Their study, covering a decade-long period, reveals a substantial increase in herding behavior post-pandemic onset, influenced by global market returns and regional return dispersion. This finding highlights the importance of monitoring behavioral shifts in stock markets during global crises.

Turning to the Czech market, Altouma (2022) employs the Autoregressive-Distributed Lag (ARDL) Bounds Test to dissect the pandemic's impact on stock prices. Their granular analysis of daily closing prices offers insights into the immediate and lasting effects of the pandemic on country-specific financial systems.

In Poland, Buszko et al. (2021) adopt a sectoral approach to assess market stability during the pandemic. Their advanced clustering methods reveal distinct sectoral responses, highlighting the varied resilience and vulnerabilities across industries. This sector-specific perspective is further elaborated by Oleksiuk & Łochowski (2022), who identify differential impacts across various sectors of the Polish enterprise sector, using the Warsaw Stock Exchange WIG 20 Index.

On a broader scale, Zaremba et al. (2021) and Jabeen et al. (2022) examine the global implications of the pandemic. Zaremba et al. focus on the effects of government policy responses on stock market liquidity, noting significant variability among different economies. Jabeen et al. discuss the extensive global financial disruptions, emphasizing both the challenges and the potential for recovery in global stock markets, including those in CEE countries.

Latif et al. (2021) delve into the relationship between the pandemic and market volatility, finding a significant correlation between COVID-19 case increases and declines in stock returns and GDP growth. This research underscores the pandemic's role in amplifying market volatility and shifting investor behavior towards safer investments.

Finally, Bieszk-Stolorz & Markowicz (2022) provide a sector-specific analysis of the Warsaw Stock Exchange, using advanced survival analysis methods. They uncover disparities in how different sectors reacted to the crisis, particularly highlighting the distinct responses of the Finance sector compared to Industry and Services sectors.

Our research, which uses data spanning from 2019 to 2022, covering the pre-pandemic, pandemic, and post-pandemic periods, aims to provide insights into the complexities of market dynamics under the stress of a global health crisis and



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subsequent geopolitical events. The analysis utilizes various financial indicators that reflect the level of development of a stock market (size, liquidity and profitability ratios) to understand the pandemic's influence.

The remainder of this paper is organized as follows. Section 2 explains the methodological approach and the data used, and Section 3 discusses the results. Finally, Section 4 concludes the paper.

### **Research methodology and data collection**

In order to comprehensively assess the impact of the COVID-19 pandemic on the stock markets of Central and Eastern European countries, including Romania, Hungary, the Czech Republic, and Poland, we adopted a longitudinal approach in our data collection strategy. Recognizing the necessity of capturing both the pre-pandemic economic conditions and the subsequent changes during the pandemic, we decided to gather annual data spanning from 2019 through the end of 2022.

This time frame was specifically chosen to provide a robust dataset that encompasses:

- **The Pre-Pandemic Period (2019):** This serves as a baseline, offering insights into the normal functioning of the stock markets before the onset of the pandemic. By comparing pre-pandemic data with subsequent years, we can isolate the effects attributable to the pandemic.
- **The Pandemic Period (2020-2021):** This period includes the initial outbreak of COVID-19 and its ongoing effects over the subsequent years. Analysing data from these years allows us to track the evolution of the pandemic's impact over time.
- **The Post-Pandemic Period (2022):** The year 2022 stands out in our analysis as a period marked by both the lingering effects of the COVID-19 pandemic and the onset of the Ukraine war. This dual impact is expected to have had a profound influence on the stock markets of Romania, Hungary, the Czech Republic, and Poland. While some of the initial shock of the pandemic might have subsided by 2022, its economic repercussions likely continued to influence market dynamics. This period may reflect a transitional phase in market recovery or further instability induced by pandemic-related factors. The start of the Ukraine war introduced a new set of challenges and uncertainties. As a significant geopolitical event in the region, it likely had direct and indirect effects on market sentiments, investor confidence, and economic stability in the CEE countries. The proximity of these countries to the conflict zone might have amplified these impacts.

Excepting GDP, exchange rate and stock market indices, we sourced our data from the World Federation of Exchanges, a comprehensive and reliable platform that provides standardized annual statistics for financial markets globally. This platform was instrumental in obtaining consistent and comparable data across the selected indicators for each of the four countries in our study.

GDP data for the countries in our study was sourced from Eurostat, the statistical office of the European Union, renowned for its comprehensive and up-to-date economic data. To convert financial values from USD to EUR, we used annual exchange rate data from the European Central Bank (ECB) Data Portal, known for its accuracy and reliability. For assessing the performance of Eastern European stock market indexes we collected data directly from the official websites of the selected stock exchanges.

In our analysis of the impact of the COVID-19 pandemic on Central and Eastern European (CEE) stock markets, we employed seven key financial indicators,

categorized into indicators of size, liquidity, and profitability. This selection was carefully made to ensure a thorough understanding of the market dynamics and economic effects of the pandemic in these regions. These indicators were chosen for their effectiveness in offering a detailed perspective on the market conditions during this period.

*Market capitalization*, a key metric in our study, represents the total market value of a company's outstanding shares, computed by multiplying the number of all issued shares, including various classes, by their current market prices. It specifically accounts for the shares of domestic companies listed on the stock exchange, encompassing common, preferred, and non-voting shares, but excludes financial instruments like ETFs, rights, warrants, and shares of foreign or unlisted companies.

Alongside, we calculated the *Market Capitalization to GDP ratio*, for each country. This ratio, obtained by dividing the total stock market capitalization by the Gross Domestic Product (GDP), provides a measure of the stock market's size in relation to the national economy. It is especially useful in evaluating the impact of the COVID-19 pandemic on the stock markets of Central and Eastern European countries, revealing the interplay between market valuation and economic health during this challenging period.

*Aggregated Value Traded* encapsulates the total value of all shares traded over a given period, summing totals from Electronic Order Book (EOB), Reported Trades, and Negotiated Deals. This comprehensive metric is essential for gauging overall market activity and trends, with high aggregated values signaling an active market.

*Aggregated Value Traded to GDP ratio* is another crucial metric, linking the total value of shares traded in the stock market to a country's Gross Domestic Product (GDP). By dividing the Aggregated Value Traded by the GDP, this ratio offers a comparative scale to assess stock market activity against the economic output of a country.

*Share Turnover Velocity*, which measures trading activity relative to market size for domestic companies, is determined by comparing EOB trade values to total market capitalization. This ratio is annualized to provide a yearly perspective on how frequently stocks are traded, offering insights into market liquidity and investor behavior. These indicators collectively provide a nuanced view of market dynamics, particularly useful for understanding the impact of significant events such as the COVID-19 pandemic on trading activities and market trends.

*Average Daily Turnover* emerged as a pivotal metric in our comprehensive analysis of stock market activity. This indicator is derived by dividing the Aggregated Value Traded by the number of active trading days. This measure is particularly valuable in understanding the typical level of trading activity on an average day, providing insights into the market's liquidity and investor behavior.

*Stock Index Return* is an essential financial indicator for evaluating the yearly performance of various stock market indices, such as PX (Prague Stock Exchange), BUX (Budapest Stock Exchange), WIG (Warsaw Stock Exchange), and BET (Bucharest Stock Exchange). Calculated as a percentage, it measures the annual rate of return for these indices over the specified period, focusing on the fluctuations in their index prices. This metric is instrumental in shedding light on the state and trends within the Prague, Budapest, Warsaw, and Bucharest stock markets, providing a reflection of the wider economic and financial landscape in these areas.

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### Results and discussions

In this section, we present the findings of our analysis, exploring the intricate dynamics of stock market performance in Central and Eastern Europe during a period marked by significant global and regional upheavals. Our results stem from a detailed examination of market capitalization, stock index returns, and other key financial indicators. These findings not only reflect the impact of events such as the COVID-19 pandemic and geopolitical tensions but also delve into the nuanced interplay of economic policies, sectoral shifts, and investor behavior. The data, carefully analyzed, offers valuable insights into the resilience and adaptability of these markets in the face of unprecedented challenges. This section aims to provide a comprehensive overview of these complex market trends and their implications for the regional economic landscape.

Table 1. Market Capitalization

<b>Market Capitalisation (bln. Eur.)</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
<b>Bucharest Stock Exchange</b>	29.23	29.14	38.19	30.52
<b>Budapest Stock Exchange</b>	36.82	31.95	37.34	25.13
<b>Prague Stock Exchange</b>	29.46	30.40	44.31	30.34
<b>Warsaw Stock Exchange</b>	169.74	202.75	233.45	155.48

Source: Authors' own calculations.

The table shows market capitalization in billions of Euros for four major Central and Eastern European stock exchanges from 2019 to 2022, covering the pre-pandemic period, the COVID-19 pandemic, and the aftermath, including the onset of the Ukraine war.

Our analysis is presented below:

- Bucharest Stock Exchange: Stable market capitalization from 2019 to 2020, showing resilience during the pandemic onset, followed by a significant increase in 2021 (suggesting recovery and increased investor confidence or market expansion) and a dip in 2022 due to post-pandemic correction or effects of the Ukraine war.
- Budapest Stock Exchange: Decreased market capitalization from 2019 to 2020, indicating the pandemic's impact, with a recovery in 2021 and a notable decrease in 2022, suggesting market contraction possibly aggravated by pandemic aftershocks and geopolitical risks.
- Prague Stock Exchange: Upward market capitalization trend through 2021, possibly reflecting delayed but strong response to pandemic stimuli, with a significant reduction in 2022, returning near pre-pandemic levels, due to pandemic persistence and geopolitical instability.
- Warsaw Stock Exchange: Substantial growth during 2020 and 2021, showing resilience and opportunity capitalization during the pandemic, but a sharp decline in 2022, the most significant among the exchanges, likely due to market correction or impacts of the geopolitical conflict.

Market capitalization fluctuations reveal diverse aspects such as shifts in risk perception, institutional actions, global capital movements, sectoral effects, and the balance between domestic and international economic elements. These variations underscore the unique response of each market to universal shocks, reflecting their individual roles in the regional economy. Beyond 2021, divergent trends necessitate a focus on country-specific factors impacting market capitalization, like fiscal strategies,

health outcomes, industry trends, and external influences, including the Ukraine conflict. Analyzing 2022 data requires a comprehensive understanding of potential economic slowdowns and a reevaluation of growth, taking into account the persistent effects of the pandemic and new challenges emerging from regional disputes.

Table 2. Market Capitalisation / GDP Ratio

<b>Market Capitalisation/GDP</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
<b>Bucharest Stock Exchange</b>	13.04%	13.22%	15.81%	10.68%
<b>Budapest Stock Exchange</b>	25.12%	23.17%	24.25%	14.88%
<b>Prague Stock Exchange</b>	13.06%	14.09%	18.60%	10.98%
<b>Warsaw Stock Exchange</b>	31.88%	38.53%	40.50%	23.75%

Source: Authors' own calculations.

Our findings are discussed bellow:

- Bucharest Stock Exchange: The ratio rose from 13.04% in 2019 to 15.81% in 2021, showing market expansion relative to GDP, then fell to 10.68% in 2022, indicating a significant contraction.
- Budapest Stock Exchange: Starting at 25.12% in 2019, the ratio declined in 2020, rebounded slightly in 2021, and fell sharply to 14.88% in 2022, suggesting market capitalization growth lagged behind GDP growth, especially in the latter year.
- Prague Stock Exchange: The ratio increased steadily from 13.06% in 2019 to 18.60% in 2021, then dropped to 10.98% in 2022, indicating initial market growth surpassing economic growth, followed by a sharp reversal, possibly due to external shocks or downturns.
- Warsaw Stock Exchange: The ratio showed significant growth from 31.88% in 2019 to 40.50% in 2021, then dropped to 23.75% in 2022, indicating a realignment of market capitalization with the national economy.

These patterns reveal varying market elasticity, investor sentiment, and national economic agility in response to global challenges. The 2021 peak across exchanges may indicate transient overvaluation or rapid pandemic-era response, while the 2022 downturn could reflect a market recalibration amid geopolitical tensions and economic challenges. The ratios show stock market scaling relative to economic size, highlighting economic resilience or fragility, investor behavior, and policy intervention efficacy during turbulent periods.

Table 3. Aggregated Value Traded

<b>Aggregated Value traded (bln. Eur.)</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
<b>Bucharest Stock Exchange</b>	3.39	4.23	3.32	3.51
<b>Budapest Stock Exchange</b>	11.54	15.15	14.60	10.82
<b>Prague Stock Exchange</b>	5.37	6.67	7.57	7.76
<b>Warsaw Stock Exchange</b>	58.98	104.76	99.41	71.19

Source: Authors' own calculations.

Our results are commented bellow:

- Bucharest Stock Exchange: Saw peak trading in 2020, likely due to COVID-19 volatility, followed by a decrease in aggregated value traded, indicating normalization or potential stagnation in market activity.

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- Budapest Stock Exchange: Experienced a significant rise in trading in 2020, peaking at 15.15 billion Euros, likely a reaction to pandemic uncertainties. The decline in 2022 may reflect reduced liquidity or investor caution amid economic challenges.
- Prague Stock Exchange: Showed a steady increase in trading from 2019 to 2021, suggesting growing market participation during the pandemic, with a slight rise in 2022 indicating resilience or sustained investor interest.
- Warsaw Stock Exchange: Had the highest initial value in 2019 and saw a dramatic increase in 2020, likely due to its larger market and reactive investors to pandemic shocks. The decrease through 2022 suggests cooling off from high trading levels or broader market corrections.

The data demonstrates varied pandemic responses across markets. The 2020 increases in all exchanges likely result from pandemic-related volatility boosting trading volumes. Variances in subsequent years may be due to factors like policy effectiveness, economic recovery pace, Ukraine conflict impact, and investor sentiment. The 2022 figures show a decline from pandemic peaks but not a uniform return to pre-pandemic levels, suggesting lasting pandemic impacts on trading behaviors and market structures.

Table 4. Aggregated Value Traded/GPD Ratio

Aggregated Value traded/GDP	2019	2020	2021	2022
Bucharest Stock Exchange	1.51%	1.92%	1.37%	1.23%
Budapest Stock Exchange	7.87%	10.99%	9.48%	6.41%
Prague Stock Exchange	2.38%	3.09%	3.18%	2.81%
Warsaw Stock Exchange	11.08%	19.91%	17.25%	10.88%

Source: Authors' own calculations.

Our analysis is discussed below:

- Bucharest Stock Exchange: The ratio increased from 2019 to 2020, indicating growth in trading relative to GDP, likely a response to the pandemic. It declined in 2021 and further in 2022, suggesting reduced trading volumes relative to economic output, possibly due to market stabilization or post-pandemic investment shifts.
- Budapest Stock Exchange: Peaked in 2020, reflecting increased trading during early pandemic volatility. The subsequent decline through 2022 may indicate normalized trading volumes or a relative decrease in market activity against the overall economy, influenced by economic policies or investor sentiment.
- Prague Stock Exchange: Demonstrated steady ratio growth until 2021, suggesting resilient trading activity growth. A slight decrease in 2022 could reflect market corrections or economic factors reducing trading relative to GDP.
- Warsaw Stock Exchange: Showed a significant spike in 2020, likely due to a strong market response to the pandemic. While elevated in 2021, the ratio dropped in 2022 but remained above 2019 levels, indicating a reduction in trading activity relative to GDP, yet more active than pre-pandemic.

The Aggregated Value Traded to GDP ratios illustrate stock market activity relative to each country's economic size. Variations may result from factors like market liquidity, investor behavior, economic growth, and impacts of global events like the pandemic and geopolitical tensions. The 2022 decline across exchanges suggests a stabilization phase or recalibration of market activities as pandemic effects wane and new economic realities emerge.

Table 5. Share turnover velocity

<b>Share turnover velocity</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
<b>Bucharest Stock Exchange</b>	7.83%	11.50%	6.72%	8.40%
<b>Budapest Stock Exchange</b>	26.36%	40.41%	27.40%	39.43%
<b>Prague Stock Exchange</b>	14.56%	15.89%	13.38%	19.63%
<b>Warsaw Stock Exchange</b>	33.24%	47.01%	39.76%	44.44%

Source: Authors' own calculations.

Our findings are commented bellow:

- Bucharest Stock Exchange: Increased share turnover velocity in 2020 indicates heightened trading activity due to the initial COVID-19 impact, followed by a drop in 2021, suggesting reduced trading or increased market capitalization. A slight uptick in 2022 may signify a moderate resurgence in market activity.
- Budapest Stock Exchange: A significant jump in 2020 could reflect increased liquidity or trading volumes during the pandemic. Despite a retraction in 2021, turnover velocity remained higher than in 2019, with a rise in 2022 suggesting a return to the higher trading levels of 2020, indicating continued market dynamism or volatility.
- Prague Stock Exchange: Showed a moderate increase in turnover velocity in 2020, a slight decrease in 2021, potentially indicating trading stabilization, and an increase in 2022, suggesting renewed acceleration in trading due to market growth or investor engagement.
- Warsaw Stock Exchange: Experienced a pronounced increase in turnover velocity in 2020, indicative of a substantial rise in trading volumes during the pandemic. Despite a decrease in 2021, turnover velocity was still significantly higher than in 2019, with 2022 figures suggesting ongoing market reactivity and investor interest.

These trends indicate that 2020 saw increased trading activity across all exchanges, likely driven by pandemic-related volatility and uncertainty. The years 2021 and 2022 displayed varying levels of continued high turnover velocity or retraction, reflecting each market's unique response to evolving economic conditions, investor sentiment, and regional factors like the ongoing pandemic and geopolitical tensions in Europe.

Table 6. Average daily turnover

<b>Average daily turnover (mln. Eur.)</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
<b>Bucharest Stock Exchange</b>	13.47	16.72	13.16	13.94
<b>Budapest Stock Exchange</b>	45.79	59.87	57.95	42.94
<b>Prague Stock Exchange</b>	21.32	26.35	30.02	30.79
<b>Warsaw Stock Exchange</b>	234.06	414.07	394.49	282.51

Source: Authors' own calculations.

Our results are presented bellow:

- Bucharest Stock Exchange: Saw a surge in average daily turnover in 2020 to €16.72 million from €13.47 million in 2019, likely due to COVID-19 volatility. It dropped to €13.16 million in 2021, suggesting normalization, and slightly increased to €13.94 million in 2022, indicating possible recovery or stabilization.

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- Budapest Stock Exchange: Exhibited a significant turnover increase from €45.79 million in 2019 to €59.87 million in 2020, likely due to pandemic-related trading. The turnover stayed high in 2021 before declining to €42.94 million in 2022, possibly reflecting a cooldown in market activity post-pandemic or broader economic challenges.
- Prague Stock Exchange: Showed consistent growth, peaking at €30.79 million in 2022 from €21.32 million in 2019, potentially due to a growing market or increased investor participation.
- Warsaw Stock Exchange: Had a substantial increase in turnover from €34.06 million in 2019 to €14.07 million in 2020, likely reflecting its large market size and response to the pandemic. Despite a decrease to €82.51 million in 2022, turnover remained above pre-pandemic levels.

The data indicates varied market reactions to the pandemic and macroeconomic factors, with an initial increase in trading activity during the pandemic's peak, likely driven by volatility and opportunistic trading. Subsequent years show a rebalancing, with some markets nearing pre-pandemic activity levels and others maintaining higher turnover, possibly due to structural changes or continued investor engagement.

Table 7. Exchange Indexes Return

Index return	2019	2020	2021	2022
<b>BET</b>	29.32%	5.38%	20.73%	-15.79%
<b>BUX</b>	17.74%	-8.76%	20.63%	-13.66%
<b>PX</b>	13.08%	-7.93%	38.84%	-15.73%
<b>WIG</b>	0.25%	-1.40%	21.52%	-17.08%

Source: Authors' own calculations.

Our analysis is commented below:

- **BET**: Started strong with a 29.32% return in 2019, but faced a significant decline in 2020 due to the initial COVID-19 shock. It rebounded to 20.73% in 2021, showing Romanian market resilience or recovery, but dropped to -15.79% in 2022, likely affected by pandemic aftershocks, rising inflation, or geopolitical tensions.
- **BUX**: Mirrored BET's pattern with a strong 2019, downturn in 2020, and a notable recovery in 2021, indicating market bounce-back or effective economic measures. However, it experienced a negative return in 2022, possibly due to market corrections or the Ukraine conflict's impact.
- **PX**: Increased in 2019, dropped in 2020, and surged to the highest 2021 return among these indices at 38.84%, suggesting strong Czech market fundamentals or sector growth. The 2022 decline aligns with regional trends, likely reflecting normalization or broader challenges.
- **WIG**: Showed a stable return in 2019, a slight decline in 2020, and a robust positive return in 2021. However, it fell significantly in 2022, potentially due to the Ukraine war's impact on Poland.

The trends indicate that 2020 and 2022 were challenging for these markets, affected by the pandemic's onset and geopolitical tensions, respectively. 2021 was a strong recovery year, possibly driven by stimulus measures and market adaptations. The 2022 declines across indices suggest a recalibration of market expectations amid ongoing challenges like supply chain disruptions, inflation, and geopolitical instability.

### **Conclusions**

Our comprehensive examination of the impact of the COVID-19 pandemic on the stock markets of Central and Eastern European countries, including Romania, Hungary, the Czech Republic, and Poland, has revealed several critical insights. The study found that market capitalizations across these countries experienced varied fluctuations. Initially, there was a trend of stability or growth, which was then followed by a decline in 2022. This pattern likely reflects the dual impact of the pandemic and the geopolitical tensions brought about by the Ukraine war.

In terms of the Market Capitalization/GDP Ratio, a peak was observed in 2021 across multiple exchanges. This suggests a transient overvaluation or a rapid response to the stimuli introduced during the pandemic. However, the downturn in 2022 signals a recalibration of market expectations amidst the ongoing geopolitical tensions and economic challenges. This shift underscores the complex relationship between stock market valuations and the broader economic environment during such tumultuous periods.

The study also noted significant changes in trading behaviors. The initial increase in trading volumes across all exchanges in 2020 was likely due to the market volatility induced by the pandemic. However, a general decline in 2022 suggests a possible stabilization phase or a recalibration of market activities as the immediate impacts of the pandemic diminish. This trend was further reflected in the Share Turnover Velocity and Average Daily Turnover, where increased trading activity was observed in 2020, indicative of heightened market volatility and uncertainty. The subsequent years showed varying degrees of retraction or continuation of this high turnover velocity, reflecting each market's unique response to evolving economic conditions.

The analysis of exchange indices illustrated that the years 2020 and 2022 were particularly challenging for these markets, likely due to the initial shock of the pandemic and subsequent geopolitical tensions. Conversely, the year 2021 emerged as a period of strong recovery, possibly buoyed by effective stimulus measures and adaptive market strategies.

From a policy perspective, our study underscores the importance for financial authorities to closely monitor these markets for ongoing changes, especially in response to global crises and geopolitical events. Understanding the behavioral and structural shifts in these markets is crucial for formulating effective fiscal and monetary policies. For investors, the heightened volatility and sector-specific risks highlighted by our findings suggest the need for careful diversification and a keen eye on geopolitical developments.

In conclusion, the COVID-19 pandemic has profoundly impacted the stock markets of Central and Eastern European countries, revealing both their resilience and vulnerabilities. The interplay of regional and global economic dynamics during this period has been complex and instructive. As the world continues to navigate the post-pandemic landscape, the insights gleaned from this tumultuous period will be invaluable for future economic strategies and market analyses. Further research is necessary to explore the long-term impacts of the pandemic and geopolitical tensions on these markets, especially as the global economic landscape continues to evolve.



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### Authors' Contributions:

The authors contributed equally to this work.

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## ORIGINAL PAPER

# The impact of Law no. 265/2022 regarding the trade register on the legal regime of the emblem

Lavinia Elena Stuparu<sup>1)</sup>

### Abstract:

The entry into force of Law no. 265/2022 represents for the Romanian legal system not only a new normative framework in the matter of the trade register, but also the materialization of some changes of vision of the national legislator. A surprising approach concerns the emblem, an element traditionally established as one of the identifying attributes of legal subjects that are registered in the trade register. Contradictorily, the current framework law of the trade register, although it expressly maintains the emblem as a component of the goodwill, renounces the consecration of its legal regime. This new legislative reality generates challenges that oscillate between identifying the maintenance of a relevance of the emblem and shaping its current legal regime.

**Keywords:** *emblem, goodwill, Law no. 265/2022, professional, trademark, drawing.*

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<sup>1)</sup> Associate professor, PhD, University of Craiova, Faculty of Law, Law Specialization, Centre for Private Law Studies and Research, Romania, Phone: 040351177100, Email: laviniasmarandache@yahoo.com, ORCID ID: 0000-0002-0918-4470.

## **The impact of Law no. 265/2022 regarding the trade register on the legal regime of the emblem**

### **The legal regime of the emblem before the application of Law no. 265/2022.**

Over time, in the Romanian legal system, the emblem was approached by the legislator in a disparate and uneven manner. Moreover, this treatment was consistent with the very legal regulation of the goodwill (Popa, 2017: 203-204; Belu-Magdo, 2023: 8-10) in whose composition the emblem was inserted by all existing legal definitions in the matter .

In the sense above, we recall the definition dedicated to goodwill, initially by Law no. 11/1991 on combating unfair competition (article 11 letter c was in force until its elimination by G.E.O. no. 12/2014) and later by Law no. 85/2014 on insolvency prevention and insolvency procedures (article 5 paragraph 1 point 73). The temporary elimination of the legal definition of goodwill did not lead to its disappearance as a legal institution, its regulation continuing to be ensured, in various forms, by other normative acts (Stuparu, 2020: 107).

In the sense of both normative texts named above, the goodwill means "the whole of movable and immovable, tangible and intangible assets - trademarks, firms, emblems, invention patents, commercial ford" used for carrying out the activity of its user. The difference between the two legal definitions concerned exclusively the title of the user (both in terms of terminology and legal meaning), initially called "merchant" and later "economic operator". The introduction into private law of the legal institution of "professional" (see for characteristics Piperea, 2012: 33), with the entry into force of the current Romanian Civil Code, justified the replacement of the term "merchant" with that of "economic operator" (Stuparu, 2020: 74-88). Summing up, the emblem has permanently held the status of a possible component element of the goodwill, determining the identity between the owner of the goodwill and the owner of the emblem as an element of the goodwill, independent of the appellation consecrated by the legislator to the user of the goodwill.

If Law no. 11/1991 and Law no. 85/2014 were limited to define legally the goodwill, Law no. 26/1990 on trade register constituted the main normative act that most consistently outlined the legal regime of the goodwill, both as a unitary whole and of the elements in its structure (including for the emblem). Currently, both Law no. 26/1990 and other complementary normative acts or issued on the basis and/or in application of its provisions (also applicable to the emblem) were repealed by the provisions of article 140 of Law no. 265/2022 on the trade register and for the modification and completion of other normative acts affecting registration in the trade register. Despite these normative changes, the legal regime of the emblem outlined by the abrogated texts has not completely lost its relevance, as we will argue during this scientific approach, claiming a succinct presentation.

According to the provisions of article 30 paragraph 2 from Law no. 26/1990, the emblem was defined as "the sign or name that distinguishes a trader registered in the trade register from another of the same kind". Regarding the term "merchant", used by the legislator to designate the owner of an emblem registered in the trade register, we mention the fact that it was included in the terminological changes brought by Law no. 71/2011 for the implementation of the Civil Code (article 6 paragraph 1 and article 11) and, consequently, with the application of the Civil Code, it targeted "the natural persons and the legal persons subject to registration in the trade register according to the provisions of article 1 of Law no. 26/1990 on the trade register". The category of holders of the professional obligation (for the details of this type of obligation, see Corsiuc,

2009: 23 -38) to request registration in the trade register, before starting the economic activity, included natural persons and legal persons that were established in the nominated legal forms by Law no. 26/1990 (natural persons authorized as authorized natural persons, individual partnerships and family partnerships, companies regulated by Law no. 31/1990, national societies and national companies, autonomus companies, economic interest groups, cooperative companies, cooperative organizations, European companies, European cooperative companies and European economic interest groups with their main headquarters in Romania), as well as other natural persons or legal entities for which special laws expressly establish this obligation.

Analysis of the provisions of Law no. 26/1990 (Chapter 4) reveals the legal regime of the emblem as an optional element of the goodwill, having the legal nature of an intangible movable asset. Thus, if the owner of a goodwill decided to opt for an emblem, this distinctive sign completes the identification and individualization of the owner registered in the trade register, ensuring his distinction from another such owner who carries out an economic activity of the same kind.

Unlike the legal regime of the firm, with a pronounced restrictive character in all aspects, the legal regime of the emblem highlighted the relaxed optics of the legislator, motivated mainly by its optional nature, its presence in the structure of a goodwill being left exclusively to free choice of the owner. Consequently, from a numerical point of view, the holder of the goodwill could choose to own one or more emblems, and from the point of view of the content of the emblem, the holder had the freedom to opt for a name, a graphic representation or a combination of words and figurative elements. In the doctrine (see Cârpenaru, 2009:100), beyond the legal regime differences established by the legislator, the idea was supported that the emblem must be more suggestive than the firm in order to be able to attract customers.

Under the normative aspect. the legal existence and use of an emblem were conditioned by the completion of the procedural stage of registration in the trade register and the fulfillment of all substantive and formal conditions established by the legislator in the matter. Prior to the registration of an emblem in the trade register, the staff of the legally competent Trade Register office (in addition to the court in whose territorial jurisdiction the owner of the goodwill had its registered headquarter) had the obligation to carry out verification operations if the emblem meets the conditions of legality, availability and distinctiveness, as well as the reservation of that emblem. The proof regarding the check of availability and the reservation of the emblem was valid for a period of 3 months from the date of reservation and could be successively extended, at the request made by the applicant before its expiration.

The condition of form, which had to be respected by an emblem subject to registration in the trade register, was established by the legislator exclusively for emblems that contained a name. The name of such an emblem had to be written with letters at least double the size of the letters with which the firm is written.

The substantive conditions legally imposed on emblems as elements of a goodwill were the following: legality, availability and distinctiveness.

In consideration of Law no. 26/1990 and the legislation that ensured its implementation, the legality of the emblem referred to the fact that it must comply with certain general and special conditions in the matter. The general conditions of legality required the conformity of any emblem with law, public order and morals. In this sense, the legislator ruled that names and figurative representations that include reproductions or imitations of coats of arms, flags, state emblems, official seals, coats of arms or

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similar could not be registered as emblems, without the authorization of the competent bodies (article 62 paragraph 3 of the Annex to Order of the Ministry of Justice No. 2594/C/2008).

The availability of the emblem referred, in the meaning of the law, to the fact that it was capable of being appropriated because it did not belong to another person through a previous registration or reservation in the trade register. Emblems deleted from the trade register were not available for a period of 2 years from the date of deletion. (article 29 paragraph 2 and article 61 paragraph 3 from the Annex to Order of the Ministry of Justice no. 2594/C/2008, article 39 paragraph 9 from Law no. 26/1990)

The distinctiveness of the emblem was revealed by its novelty character. A distinctive emblem had to be different from the emblems registered or reserved for registration in the same trade register, for the same type of trade, as well as from the emblems of other traders on the market where the owner of the emblem operates. When checking the emblem, the local Trade Register Office had to refuse its reservation if, without introducing distinguishing elements, it could cause confusion with other emblems registered or reserved for registration. According to the legislation in force at that time, the following did not constitute elements of distinctiveness: a) the use of different colors, if the graphic elements are identical or similar; b) the use of a border of a different shape than that used by another similar emblem registered in the trade register or reserved for registration; c) the addition or removal of some elements, if they are not likely to lead to the definite differentiation of the emblems subject to comparison; d) the use of abbreviations of the words that make up a registered or reserved emblem, if the graphic component remains unchanged. (see article 61, article 62 and article 65 of the Annex to Order of the Ministry of Justice no. 2594/2008 and article 43 paragraph 1 of Law no. 21/1990)

From the date of registration of the emblem in the trade register, the legislator recognized to the owner a right of exclusive use on the territory of Romania. The emblems could be used on billboards wherever placed, on invoices, letters, order notes, tariffs, prospectuses, posters, publications and in any other way, only if they were visibly accompanied by the merchant's firm.

Exclusivity in use entitles the owner of the emblem to protect it in the event of violations, by exercising the legally permitted actions, such as: unfair competition action and criminal action according to Law no. 11/1991 regarding the fight against unfair competition (article 3, article 5 paragraph 1, article 7), the action for damages according to the Civil Code and Law no. 11/1991 (article 3, article 7), the action to delete harmful records according to Law no. 26/1990 (article 25).

The legislator had implicitly regulated rules regarding the transmission of an emblem (article 60 of the Annex to the Order of the Ministry of Justice no. 2594/C/2008). It could be disposed of by its holder together with the goodwill or separately from it. The transmission of the registered or reserved emblem was allowed between the legal entities participating in the merger or division, without the obligation to verify its availability or reserve it.

Similar to the goodwill of which it was a part, the emblem could be the object not only of the sale (in the version mentioned above), but also of other legal operations such as: lease, donation, real guarantee, usucaption, transmission by way of succession (by will or legal inheritance), the contribution to the establishment of a company regulated by Law no. 31/1990. Such legal acts were governed by the general rules of the Civil Code, taking into account the specifics of the object of the respective legal

operations, and to the extent of the existence of special laws, their provisions were applied with priority.

**The legal regime of the emblem after the entry into force of the Law no. 265/2022.** The questions regarding the current legal regime of the emblem were generated by the entry into force of Law no. 265/2022 regarding trade register and amending and supplementing other legal enactments having impact on registrations with the trade register. This normative act regulates a series of legal institutions and innovative solutions for the Romanian national legal system. Having become the new framework law in the matter of the trade register (by repealing the previous Law no. 26/1990), its text inevitably left a decisive mark in the sphere of the emblem. Paradoxically, the legislator recognizes the existence of the emblem, but omits to outline its legal regime, generating questions regarding the possibility of registration in the trade register (a formality necessary to acquire the right to the emblem), motivated by the absence of explicit normative support in the matter.

Analysis of Law no. 265/2022 reveals only a single mention of the emblem, as a possible component element of the goodwill (preserving the tradition of the previous legal definitions assigned to the goodwill), without, however, establishing an express legal regime for the emblem (as it did in the past Law no. 26/1990). In this sense, the provisions of article 3 paragraph 1 letter r from Law no. 265/2022 consecrates to goodwill the meaning of "the whole of movable and immovable, tangible and intangible assets - trademarks, firms, emblems, invention patents, commercial firm -, used by an economic operator in order to carry out its activity and to attract and maintain clientele".

Regarding the emblem, except for the holder and certain formalities - both deduced from the text of Law no. 265/2022 exclusively by referring to the holder of the goodwill and the legal obligations pertaining to him in terms of goodwill - currently there is no longer a legal definition of the emblem, respectively a consecration of its validity conditions (substantive and form) or other relevant aspects. Thus said, in consideration of Law no. 265/2022, the holders of goodwill, therefore implicitly of distinctive signs such as emblems (when they opt for them), are the professionals, natural persons and legal persons registered in the trade register, and each of them must comply with the registration and advertising formalities imposed in the matter of goodwill and the regime of operations that have it as an object.

Currently, the holders of the legal obligation to register in the trade register are the professionals, in the sense of article 3 of Law no. 287/2009 regarding the Civil Code ("all those who operate an enterprise"), natural or legal persons established in the legal forms nominated by Law no. 265/2022 (authorized natural persons, individual partnerships and family partnerships, companies regulated by Law no. 31/1990, European companies, cooperative societies, European cooperative societies, cooperative credit organizations, economic interest groups and European economic interest groups, with its main headquarters in Romania, national companies, national societies, autonomous companies), as well as other legal entities expressly provided for by law.

Also, the provisions of Law no. 265/2022 (article 103 paragraph 1 letter c) established the obligation to register in the trade register the mentions regarding "donation, sale, lease, movable mortgage on the goodwill, adjudication, enforcement and transfer documents by way of succession, accompanied by the documents provided by law, as well as any other act by which changes are made to the entries in the trade

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register regarding the trade fund". By way of interpretation, if the emblem is a component of the goodwill (probability allowed by the legislator and currently, but not detailed), and the goodwill is the object of any of the previously nominated legal operations, the owner of the emblem must comply with the established advertising rigors strictly normative in consideration of his capacity as a holder of goodwill.

As a result, from a normative point of view, the renunciation of the legislator to explicitly regulate the emblem through the current framework law of the trade register, but not duplicated by the elimination of this distinctive element from the structure of the goodwill, directs the discussion regarding the identification of the legal regime of the emblem towards pre-existing regulations in the matter, but with a secondary role. The statements retain their validity at least until the emergence of legal norms implementing Law no. 265/2022 or other regulations to remedy the controversial situation generated in the matter of the emblem.

Repeal of Law no. 26/1990 led to the disappearance of the only normative definition of the emblem. The definition of the emblem remained the exclusive object of non-normative sources, such as the Explanatory Dictionary of the Romanian Language in the text of which the emblem is an object, an image (accompanied by a motto) that conventionally carries a certain meaning, which symbolizes a certain idea.

In our opinion, the current regulatory framework allows the identification of two possible situations in which the holders of an emblem may find themselves.

For emblems registered in the trade register in the period prior to the application of Law no. 265/2022, remained active due to non-radiation and still used in the activity of the holders, the previous normative framework, as the case may be, abrogated continues to apply (e.g. Law no. 26/1990, normative acts supplementing it or issued on its basis) or still in force (eg Law No. 84/1998 on trademarks and geographical indications and other normative sources applicable to distinctive signs or Law nr. 129/1992 on the protection of designs and models). The explanation derives from the incidence of the civil law principle of applying the law in time, based on and under the conditions of the Civil Code (article 6). In this sense, the legal acts and facts concluded or, as the case may be, committed or produced before the entry into force of the new law cannot generate other legal effects than those provided by the law in force at the date of conclusion or, as the case may be, of the execution or production their. In such cases we can still speak of a right to the emblem of the holder. Consequently, it is still possible to carry out legal acts having as their object such an emblem (registered in the trade register during the period of application of Law no. 26/1990) or a goodwill containing such an emblem, the registration obligation in the trade register being default.

After the entry into force of Law no. 265/2022, individuals and legal entities wishing to identify themselves with an emblem no longer have the option of choosing such a distinctive sign to register in the trade register. Specifically, emblems not covered by the civil law principle of applying the law in time are legally possible only in a mediated version, taking the legal form of a trademarks or a design and implicitly accepting the legal regime of these signs. In terms of regulations, in such a case the provisions from the normative sources in the matter of distinctive signs (including jurisprudential nature, considering their binding legal force) intervene. We believe that the application of pre-existing regulations in the field of trademarks and drawings has increased, such as Law no. 84/1998 on trademarks and geographical indications (correlated, as the case may be, with provisions of Council Regulation No. 207/2009 on

the European Union trademark, the Agreement on Trade-Related Aspects of Intellectual Property Rights TRIPS/1994 or with other such regulations) and Law no. 129/1992 regarding the protection of designs and models (correlated with Locarno Arrangement or other such regulations).

The text of Law no. 84/1998 reveals the fact that the distinctive sign called emblem can be protected not only by the right to the emblem (currently left without a legal basis), but also by the right to the trademark acquired by the same holder. By protecting the trademark, as a distinctive sign, the legislator aims to protect a collective interest, namely to ensure order in relations between competitors and to ensure information and consumer protection (Ghiță, Olteanu, 2022). Law no.84/1998 is the one that, in the context of regulating the grounds for rejecting the registration of a trademark or for declaring a registered trademark invalid, establishes the possibility for trademarks to include, with the authorization of the competent bodies, either reproductions or imitations of emblems/state emblems, belonging to the countries of the Union European and which falls under article 6 ter of the Paris Convention, either reproductions or imitations of other emblems that fall under article 6 ter of the Paris Convention and which belong to international intergovernmental organizations of which one or more countries of the European Union are part, or emblems other than those provided for in article 6 ter of the Paris Convention (article 5 paragraph 1 letters n-p). In support of the idea that an emblem can be used as a trademark for services and products marketed by a legal subject, being perceived as such by consumers, we also recall the jurisprudence of the Court of Justice of the European Union in the cases C-206/01 Arsenal, C-48/05 Adam Opel and C-17/06 Celine.

Despite the current normative shortcomings (already detailed), the emblem and the trademark are not identified, even if the legislator allows the use of the emblem as a trademark. The possible risks of confusion or conflict, although possible in the activity of the owners (see Florea, 2013), are regulated and sanctioned only by referring to the legislation specific to trademarks. The two distinctive signs usable in the economic activity of professionals highlight numerous and consistent differences (for details about the trademark, see Scarlat 2019: 178-182). For example, in the matter of definition, if for the emblem this is currently exclusively doctrinal, being left without normative support, for the trademark the text of Law no. 84/1998 (article 2) enshrines the meaning of "any sign capable of graphic representation, such as: words, including names of persons, drawings, letters, numbers, figurative elements, etc., provided that these signs allow to distinguish the products or services of one enterprise from those of other enterprises" (for developments, see Olteanu, 2007:201-217 ). Regarding the basic normative act that establishes their legal regime, if for the current emblem the framework law of the trade register has been reduced to a role of strict nomination within the goodwill (status identical to that revealed by Law no. 85/2014), for trademark Law no. 84/1998 maintains its position as the framework law in the matter. However, as was noted in the national jurisprudence (Decision of the High Court of Cassation and Justice no. 1070/2010, Civil Section), what matters in the analysis of the risk of confusion are primarily the similarities and not the differences.

In the field of drawing as a distinctive sign, Law no. 129/1992 on the protection of designs and models reveals the possibility that an emblem can be registered as a design. Considering the normative meaning given to the design or model, such a registration is possible only for emblems consisting of a graphic representation, being perceived as an object with a certain external appearance. Thus, in the sense of article 2



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letter d from Law no. 129/1992, drawing or model means "the external appearance of a product or part of it, rendered in two or three dimensions, resulting from the combination of the main characteristics, especially lines, contours, colors, shape, texture and/or materials of the product itself and/or its ornamentation". The request for registration of a design or model will be rejected or the registration in the Register of Designs and Models will be canceled including for the reason of the existence of an improper use of any of the objects mentioned in the list contained in article 6 ter of the Paris Convention for the Protection of Industrial Property, to which Romania acceded by Decree no. 1.177/1968, or an abusive use of emblems and coats of arms, other than those mentioned in article 6 ter of the convention [article 25 letter d].

Among the international regulations (applicable in Romania as well), we mention the Locarno Agreement which, in the International Classification of Industrial Designs, establishes by its provisions in class 11 (reserved for ornamental objects) subclass 05, according to which garlands, emblems, banderoles and decorations for the tree of Christmas can be protected as industrial designs.

Depending on the type of protection he wants for his emblem, its owner can, after the entry into force of Law no. 265/2022, to choose between registering the emblem as a trademark or as a design, with implicit compliance with the legal regime specific to these distinctive signs.

In summary, the Romanian legal system reveals the existence of normative acts in which reference is made to the emblem (distinct or as an element in the structure of a commercial fund), even if the current framework law of the trade register has omitted the essence, respectively the establishment of its legal regime. Also, the quality of the emblem as a distinctive sign (with a certain external aspect), justifies the will of the legislator (prior to the application of Law no. 265/2022) to allow the registration of an emblem as a trademark, respectively as a design, with a different legal regime depending on holder's option.

As a result, an increased and much more difficult role will fall to the courts that will have to assess the various conflicting situations between the emblem and any other distinctive signs, as well as regarding the current legal regime of the emblems still used by professionals in economic activity.

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## ORIGINAL PAPER

# About the jurisdiction and the application field of the *lex pavilionis* in the Romanian legal system

Cristina Stanciu<sup>1)</sup>

### Abstract:

The law of the flag represents the legal link based on registration, between the ship and the territory of a state, respectively the legal system of that state. A ship has only one flag. The competence of the flag law is a very broad one, given the fact that the space of ships is considered an extension of the national territory of the state in which it was registered. This is why flag law governs such a vast category of legal issues relating to ships. Thus, the regime of ships and aircraft, considered as goods, is governed by the *lex pavilionis*. In this sense, the flag law has jurisdiction over: the ways of acquiring real rights over ships, the ways of transferring and extinguishing these rights, the real guarantees established over ships and their legal regime, the claim rights established in connection with ships. At the same time, the law of the flag also governs the regime of goods on board ships and aircraft and which are closely related to their normal operation, the forms of publicity required in most legal systems regarding the rights established on ships. Also, the law of the flag is applied whenever an act is drawn up on board the ship regarding the external form of the act, when the intervention of a public authority is necessary for the validity of that act. The law of the flag governs, as a rule, the regime of legal acts occurring on board ships, but also the delict committed on the high seas. Regarding the law that applies to the facts that occurred on board the ships, if the ships were in internal maritime waters, the applicable law will be distinguished according to whether or not the external environment was affected.

**Keywords:** *the lex pavilionis, ship registration, real rights to ships.*

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<sup>1)</sup> Associate Professor, PhD, University of Craiova, Law Faculty, Department of Private Law, Romania, Phone: 0040744211959, Email: cristina.stanciu1@gmail.com.

**Specific Legislation on Maritime Transport.** The Romanian legislation in the field of transport, domestic legislation, consists of a series of normative acts - laws, ordinances, resolutions, orders, methodological norms - a vast legislation, but which has the drawback of not being synthesized into a single Transport Code, as in the legislation of other states. This situation makes it difficult in judicial practice to quickly obtain information for a specific type of transport, due to inaccessibility to complete and comparative information between transports and poses, on the legislative level, the risk of dual regulation of the same legal issue.

The maritime transport sector is no exception in this regard. Thus, Romania is a signatory to several international conventions in the field of navigation safety, largely adopted under the auspices of the United Nations, the International Maritime Organization, the United Nations Environment Program and is also a signatory to various regional and bilateral conventions related to this domain.

*Domestic regulations.* In Romanian law, navigation activity is regulated by O.G. no. 42/1997 on naval transport. After the entry into force of O.G. no. 42/1997 on civil navigation, an ordinance that replaced regulations from the communist period, legal regulations in the field were supplemented with legal provisions aimed at ensuring optimal conditions for naval transport activities. O.G. no. 42/1997 on naval transport was amended and supplemented by the provisions of O.U.G. no. 74/2006.

These normative acts include, in addition to technical provisions, legal provisions. The aforementioned legal provisions aim to organize a global system of authorization and licensing and to establish facilities to promote international maritime transport (Căpățină, 2000: 7-8). Maritime law is not regulated in the new Civil Code because a Maritime Code was intended to be adopted.

*International regulations.* Given the characteristics of maritime transport, of ships moving on long routes that cross national borders, maritime transport is subject to regulations from international conventions:

- International Convention for the Unification of Certain Rules relating to Maritime Liens and Mortgages, Brussels, 1926;
- International Convention for the Unification of Certain Rules concerning the Arrest of Sea-going Ships, Brussels, 1952;
- London Convention for the Facilitation of International Maritime Traffic, 1965;
- United Nations Convention on Carriage of Goods by Sea - "Hamburg Rules", Hamburg, 1978;
- International Convention on Search and Rescue at Sea, Hamburg, 1979;
- Convention on the Law of the Sea, Montego Bay, 1982;
- International Convention on Salvage, London, 1989.

*European Community acquis in maritime transport.* Romania's accession to the EU has created a particular situation (Caraiani, 2006: 152-155), in that the European Community acquis in the field of maritime transport was adopted by our country as well. Thus, in the field of policies regarding maritime transport, there is a vision similar to that of the EU.

Community maritime transport benefited from specific and detailed regulations, especially in recent years. This is justified by the fact that this sector, along with the agriculture sector, is essential in achieving the basic community objectives.

Community regulations on maritime transport have been adopted since 1977, chronologically, their evolution can be summarized in four important stages,

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materialized in a series of regulations, directives, decisions, recommendations, or resolutions (Manolache, 2003: 524-528).

The first stage can be identified as the one that addressed a series of common problems such as:

- establishing a consultation procedure on relations between member states and third countries on maritime issues and on action on these issues in international organizations (Decision no. 77/587:1977);
- recommending the ratification of international conventions regarding navigation safety (Recommendation no. 78/584: 1978);
- control and reduction of pollution caused by hydrocarbons discharged at sea;
- activities of third countries in the field of maritime cargo transport (Decision no. 78/774: 1978) etc.

The second stage is the one that marks, this time, the drafting of an essential legislative instrument that will later become a benchmark in the community legislative process: Regulation no. 954 of May 15, 1979 regarding the ratification by member states or their accession to the United Nations Convention on a Code of Conduct for Maritime Conferences.

The next stage began in 1986 and materialized in a set of regulations on maritime freight transport:

- Regulation no. 4055/86 for the application of the principle of freedom to provide maritime transport services between member states and between member states and third countries;
- Regulation no. 4056/86 which establishes detailed rules for the application of articles 85[81] and 86[82] of the Treaty to maritime transport;
- Regulation no. 4057/86 on unfair pricing practices in maritime transport;
- Regulation no. 4058/86 on concerted action to protect shippers' free access to maritime transport.

The more recent stage resulted in the adoption of other legal instruments in maritime matters such as:

- encouraging measures that favor the training of highly qualified sailors;
- free movement of services, competition, unfair pricing policies, and free access to sea trade;
- reporting formalities for ships arriving or departing from community ports;
- ship armament conditions;
- organizing the working time of sailors;
- short-distance sea transport, etc.

Regarding the issue of legal standards in maritime transport, there is a problem with the conflict between community law and national law. The conflict between community law and national law is resolved by the provisions of art. 148 para. (2) of the Constitution of Romania: "as a result of accession, the provisions of the constituent treaties of the European Union, as well as other community regulations with mandatory character, take precedence over contrary provisions of internal laws, respecting the provisions of the accession act".

**The legal regime of the ship - the specific means of transport for maritime transport.** According to the current regulations (O.G. no. 42 of 1997: art. 8), the ship is the means of navigation used for carrying out transport activities and other water services.

In other words, the concept of a ship includes maritime, river, and other inland navigation vessels, including small vessels, as well as floating equipment such as dredgers, elevators, floating cranes, and others of the same type, whether they have propulsion or not.

Also, the ship includes installations, machines, and engines that provide propulsion or produce another mechanical action, with the mechanisms and means necessary for transmitting this action, all objects necessary for navigation, various maneuvers, ship safety, human life rescue, pollution prevention, communications, hygiene, and operation according to the ship's purpose, even when they are removed from the ship for a limited time, as well as provisions.

According to O.U.G. no. 74/2006 for amending and supplementing O.G. no. 42/1997 on naval transport, ships are considered:

- maritime and inland navigation vessels of any type, propelled or unpropelled, navigating on the surface or submerged, intended for the transport of goods and/or people, fishing, towing, or pushing;
- floating installations such as dredgers, floating elevators, floating cranes, floating grabs, and the like, with or without propulsion;
- floating constructions that are not normally intended for movement, such as floating docks, floating piers, pontoons, floating hangars for ships, drilling platforms, and the like, floating lighthouses;
- recreational vessels.

The legal regime of means of transport is subject to different laws depending on whether they have a flag or not. Thus:

- a) ships are governed by the flag law they fly – *lex pavilionis*;
- b) for transport means that do not have a flag, the law of the organic status of the transport company to which the respective vehicles belong is applied.

The law of organic status represents the law of its headquarters and has the same role as the flag law in the case of ships and aircraft, that is, the one that gives nationality to the respective means of transport. In the field of private international law, the freedom to choose the conflict rule is not directly consecrated: the organic status of the legal entity will be governed by its national law. However, the will's autonomy transpires in the overall operations of establishing the legal entity, with repercussions in private international law because associates or shareholders have the freedom to decide which state's territory the headquarters will be located. By choosing it, they indirectly designate the law that will apply to the legal person's status because nationality is given by the law of the state on whose territory the headquarters are located. (Jugastru, 2016).

Article 2620 of the Romanian Civil Code provides that the transfer, establishment, and extinction of real rights over a means of transport are subject to the flag law they fly, goods that are permanently on board and technically equip it, and claims for expenses incurred for technical assistance, maintenance, repair, or renovation of the means of transport.

Acts and legal facts related to civil navigation are usually subject to the flag law – *lex pavilionis* (Sitaru, 2001: 484-487).

*Nationality.* According to the legal provisions in the field, the provisions of O.G. no. 42/1997 as amended by OUG no. 74 of 2006, ships have the nationality of the state whose flag they are authorized to wear. In our country, the Government of Romania, through the Ministry of Transport, grants the right to fly the Romanian flag or can order its suspension or withdrawal.

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Ships flying the Romanian flag are of Romanian nationality and cannot sail under another state's flag.

*Identification Elements of a Ship.* The identification elements of a ship are considered to be: its name or registration number, its home port or the ship's location port, the nationality of the ship given by the flag it is entitled to fly, its own tonnage, and its own registry class.

The home port or the location port of the ship is defined as the fixed connection point of the ship, where all the information related to the ship is gathered. As a rule, a commercial ship is listed in the records of a port on the territory of the state whose flag it flies, and as an exception, ships of a country that does not have a coastline can also be registered abroad.

Specialized literature equates the home port to the domicile of a natural person or the headquarters of a legal entity, in the sense that it has the same meanings for the ship as the domicile for the natural person, respectively the headquarters for the legal entity.

The ship has its own nationality expressed through its flag, in the sense that the nationality is given by the country where it was registered.

The ship's tonnage represents an individualizing element of the ship, indicating its dimensions, but especially its transport capacity.

The registry class attests to the quality of the ship; by classifying it, proof of its safety condition is provided.

**About the Competence and Scope of the Flag Law in the Romanian Legal System.** As mentioned before, ships have a nationality expressed through a flag. They take on a specific nationality, which is given by the country where they were registered or enrolled, flying the flag of that country. Therefore, ships are governed by the law of the flag they fly (*lex pavilionis*).

*Flag Law.* The flag law represents the legal connection based on registration, between the ship and the territory of a state, respectively the legal system of that state. A ship has only one flag.

*Competence and scope of the flag law.* The competence of the flag law is very extensive, given the fact that the space of the ships is considered an extension of the national territory of the state in which it was registered. This is why the flag law governs such a vast category of legal issues related to ships.

Thus, the regime of ships and aircraft, viewed as assets, is governed by *lex pavilionis*. In this sense, the flag law has jurisdiction over: the ways of acquiring real rights over ships, the ways of transferring and extinguishing these rights, real guarantees constituted over ships and their legal regime, rights of claim established in connection with ships.

Also, the flag law governs the regime of goods on board ships and aircraft and which are closely related to their normal operation, the forms of advertising requested in most legal systems regarding rights established over ships. The good in the process of being transported is subject to the law of the state from which it was dispatched. The law (Romanian Civil Code: art. 2.618) provides three exceptions to the law of the place of dispatch of the good: when the interested parties have chosen, by their agreement, another law, it thus becomes applicable; if the good is stored in a warehouse or placed under seizure under precautionary measures or as a result of a forced sale, in these cases being applicable, during the deposit or seizure, the law of the place where it was

temporarily relocated; if the good is among the personal ones of a passenger, it is, in this situation, subject to its national law. In our legislation, the precautionary seizure of ships is regulated by art. 960-969 Civil Procedure Code. These provisions also contain rules regarding the seizure of goods on board a ship (Leș, 2021:597-599; Ghiță: 2017: 170).

Also, the flag state law applies whenever an act is drafted on board the ship regarding the external form of the act, when the intervention of a public authority is necessary for the validity of the respective act.

The flag state law generally governs the regime of legal facts occurring on board ships, but also the offense produced in international waters. Referring to the law that applies to facts that occurred on board ships, in cases where these ships were in internal maritime waters, a distinction will be made regarding the applicable law depending on whether the external environment was affected or not. If the external environment was affected, the law of the injured territory will apply as *lex loci delicti commissi*, and if the external environment was not affected, *lex pavilionis* will apply.

According to art. 2621 of the Romanian Civil Code, which establishes the scope of the flag state law (Baiaș, Chelaru, Constantinovici, Macovei, 2012: 2587), “the flag state law or the state of aircraft registration mainly governs:

- a) the powers, competencies, and obligations of the ship's commander;
- b) the employment contract of the crew, if the parties have not chosen another law;
- c) the ship owner's liability for the actions and acts of the commander and crew;
- d) property rights and guarantees on the ship or aircraft, as well as forms of publicity.”

*The legal status of the ship's commander in Romanian legislation* (O.G. no. 42 of 1997, amended by OUG no. 74 of 2006: art. 72-77, 82, 87). The ship's commander exercises command on the ship and for this purpose is invested with authority over all persons on board the ship and fulfills the duties assigned to him according to the provisions of national legislation, instructions of the owner or ship operator, and international agreements and conventions to which Romania is a party. He represents the owner or ship operator in their relations with the authorities.

The spectrum of duties of a ship commander under the Romanian flag includes: the navigability of the ship, maintaining onboard conditions for safe navigation, ensuring environmental protection, ensuring working and living conditions for the ship's crew. Also, in case of danger, the commander must act to save the people on board, protect the ship and cargo, and keep the logbook and other ship documents safe. He has an obligation not to leave the ship except when there is no real chance of saving the ship.

If a ship flying the Romanian flag is arrested, detained, or seized by the authorities of another state, the commander will immediately inform the nearest Romanian diplomatic mission and the Romanian Naval Authority. Similarly, he must act if the arrest, detention, or seizure of the ship he commands has been revoked.

Any ship commander, regardless of the flag, has an obligation when the ship is stationary or sailing in the navigable national waters of Romania, sailing in the navigable internal waters of other states or in international waters and will make a stopover in a Romanian port, is required to write a report about any event on the ship: collision, damage, pollution, fire, drowning, acts of indiscipline or revolt on board, and similar.

In special situations, the ship's commander has the right to impose exceptional measures on board the ship, depending on the severity of the situation: he can isolate any



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person on board if their actions, even if they do not constitute the elements of a crime, endanger the safety of the ship, persons, or things on the ship. He will also have the obligation to conduct the necessary investigations in cases where elements of a crime provided by Romanian legislation are discovered on board, to grant the accused person the right to defense, to protect her and her properties, to detain her in normal living conditions on board and to hand her over to the competent authorities from the first port of call, along with the documents prepared during the investigation.

According to Romanian law, the captain of the ship has other duties, such as recording in the ship's log acts and events of civil status: births, marriages, and deaths that occur on board the ship. Also, he can certify the will of a person on board when the ship is underway. The certification given by the ship's captain has the same legal value as the certification given by a public notary.

The captain of a ship under the Romanian flag is obliged to assist and save a ship in danger, except when the captain of the ship in danger expressly refuses help or when information is received that help is no longer needed.

*Navigational Personnel.* According to private international law, in contractual matters, the law of the contract – *lex contractus* – can be *lex voluntatis*, meaning the law chosen by the parties based on their will. When the parties do not use this possibility, they will use objective criteria, established by law or subjective elements intrinsic to the act concluded by the parties of that convention, to designate the law governing that contract. Thus, the flag state's law, according to Romanian law, will govern the employment contract of the navigational personnel, unless the parties expressed their will, opting for another law to govern their employment contract.

According to Romanian law (O.G. no. 42 of 1997, amended by OUG no. 74 of 2006: art. 52), Romanian navigational personnel are represented by all persons, regardless of citizenship, who have a certificate or a capacity certificate, in accordance with legal provisions and who expressly give them the right to perform functions on board ships.

Usually, the crew consists of navigational personnel and auxiliary personnel, and its composition is established according to the type of ship and its destination.

Therefore, any ship flying the Romanian flag is served by a crew that ensures the ship operates in safe and environmentally friendly conditions and performs specific activities on board.

Employment relationships of crew members of ships flying the Romanian flag with their employers are established based on the provisions of Romanian legislation, agreements, and international conventions to which Romania is a party, taking into account the provisions of collective employment contracts and individual boarding contracts. The individual boarding contract, mentioned in special legal regulations but undefined by these, is considered by doctrine (Piperea, 2013: 150) to be, in fact, an individual employment contract, concluded for a fixed term, between an employer and an employee who is part of the navigational personnel. Also, the rights and working and living conditions that must be ensured on board ships flying the Romanian flag are also established in accordance with labor legislation, agreements, and international conventions to which Romania is a party and the provisions of the collective employment contract (O.G. no. 42 of 1997, amended by OUG no. 74 of 2006: art. 67, art. 70).

*The shipowner's liability for the acts and deeds of the captain and crew in Romanian legislation* (O.G. no. 42 of 1997, amended by OUG no. 74 of 2006: art. 71-

74). Owners of ships flying the Romanian flag are obliged to comply with the provisions of the agreements and international conventions to which Romania is a party, regarding the ship's crews. The ship's captain represents the owner or the ship's operator in relations with the authorities.

Before starting any voyage and during it, the ship's captain must ensure that the ship meets all the conditions for good navigation and, if the ship does not meet these conditions, he must inform the owner or the ship operator, and they are obliged to remedy these irregularities.

*Conveyance and establishment of real rights over ships.* According to O.G. no. 42/1997 regarding maritime transport, ships belonging to Romanian legal or natural persons can be transferred in ownership or use to other Romanian or foreign legal or natural persons, complying with the conditions imposed by law.

Acquiring and conveying property rights over ships, as well as establishing, transferring, or extinguishing other real rights over them, must be transcribed in matriculation registers or records, which will be kept by the port harbor masters and will also be mentioned on the nationality document or in the ship's logbook. Also, the shipbuilding contract will be transcribed in the shipbuilding registers of the harbor master within whose jurisdiction the shipyard is located. At the same time, these registers will also transcribe property transfers, as well as the establishment or extinguishment of real rights over ships, occurring until the nationality documents are obtained.

According to legal regulations (O.G. no. 42 of 1997, amended by OUG no. 74 of 2006: art. 15), newly built ships or those acquired from foreign legal or natural persons can sail under the Romanian flag from the time of their launching or from the effective date of the acquisition document, until the release of the nationality document, after being registered in the centralized evidence register of the Ministry of Transportation, with a temporary permit to fly the Romanian flag issued by the departing port's harbor master – if the ship is in a Romanian port – or by Romania's diplomatic mission – if the ship's departure point is abroad.

However, the launching of newly built ships can only be done with the approval of the harbor master within whose jurisdiction the operation is carried out, and after the builder presents the authorization issued for this purpose by the classification society that supervised the construction.

Newly built ships in Romania, to be registered in another state, can navigate based on registration documents or a temporary flag-flying permit, issued by the competent authorities of that state.

### **Conclusions**

A legal analysis of the competence and scope of the flag law requires an interdisciplinary approach to this concept, on the one hand from the perspective of transport law, and on the other hand from private international law. The overlap of these two branches of law is predominantly observed in conflicts of laws and arises due to the extraterritorial nature of transport activities. The range of overlap between the two branches covers a series of aspects: conflict rules in contractual matters that indirectly create connections with the transport contract, conflict rules regarding goods in transit, conflict rules regarding means of transport, conflict rules concerning civil navigation - maritime, river, and air, acts and legal facts that occur on board ships or aircraft, illegal acts committed by ships or aircraft or on board that cause external damage, collision of ships or aircraft, assistance and rescue of ships, the incidence of immediate application

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rules of Romanian law (Predescu, 2002: 42-47).

The branch of law that indicates the competent law to govern a legal aspect related to a legal issue that has an external element is private international law, and when the flag law is Romanian law and it is indicated as the governing that legal issue, the content of the legal aspects and how they are resolved are most often ensured by legislation in the field of transport law.

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## ORIGINAL PAPER

# Metacognitive strategies and academic success

Daniela Scorțan<sup>1)</sup>

### Abstract:

Metacognition is the representation that the student has of the knowledge that he possesses and of the way in which he can construct and use it. One of the best predictors of academic success is precisely the student's ability to reflect on his knowledge and to understand the reasoning he engages in to use and construct new knowledge. Students must therefore be made aware of the learning strategies they use to learn and understand the world. Metacognition is inseparable from self-knowledge and self-confidence. These are key concepts on which the teacher bases himself to develop the relationship between the student and knowledge. It is through cognitive mediation that the teacher gives the student the means to learn and therefore the keys to his academic success. Metacognitive experiences play a central role in cognitive functioning and self-regulatory abilities. It is by their intermediary that the learner can develop the other two components of metacognition: metacognitive knowledge and metacognitive strategies. However, many students have little opportunity to practice such experiences or, when they have it, psychoaffective aspects inhibit the benefit they could obtain from it (lack of decentration, external causal attribution). The lack of self-confidence generates in the student a feeling of fear of doing things, even if he denies it and takes an attitude of indifference, which mobilizes his mental resources. To be a good student is to learn to be aware of one's own intelligence, in the sense of knowledge, and of the degree to which one's own understanding can then reach.

**Keywords:** *metacognitive, knowledge, academic success, student, strategy.*

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<sup>1)</sup> Lecturer, Ph. D., University of Craiova, Department of Applied Modern Languages, Romania, Phone: 0720.154.311, Email: danielascortan@yahoo.com.

## **Metacognitive strategies and academic success**

### **Introduction**

Before approaching the concept of metacognition, it seems relevant to define succinctly cognition and introspection. Cognition is a set of mental processes that make it possible to process information, with the aim of creating knowledge. In other words, cognition represents the capacities of our brain which allow us to interact with our environment. These abilities allow us to perceive, concentrate, acquire knowledge, to reason or to interact with others. These cognitive functions are essential for students to succeed in their education. Used well, they promote academic success and social and professional integration. Introspection, for its part, represents our ability to access our mental operations, our inner feelings. If we link cognition and introspection, we can then imagine that introspection should allow us to understand our cognitive capacities through a work of personal reflection.

First of all, it seems important to us to define what cognition is. According to Thagard (1996), cognition is a process by which natural (humans, animals) or artificial (computers) systems acquire information about their world, by constructing representations, transform it into knowledge through specific operations, then implement it in activities, behaviors or functioning. We see through this definition a first mental process that each student must be able to master: the transformation of information into knowledge. This is a fundamental process for academic success. The child and then the adult are in possession of tools, instruments, methods which will allow them to learn throughout their lives. These tools are given to the child by the educational institution. All this then leads us to wonder how the student uses these mental tools to know what he knows and thus meet academic expectations.

This reflection directs our research towards a form of self-regulation of cognition, in other words metacognition. Metacognition corresponds to the representations that a individual has of his knowledge, and of the way in which he can construct and use it. We aim to understand how to promote the acquisition and use of knowledge. The quality and speed of learning, factors which will promote academic success, will depend on several criteria: emotions, motivation, attention, feedback information or the consolidation of knowledge.

However, the ability to learn children will also depend on their level to carry out the activity offered to them and thus understand the learning objective. This is in particular what Vygotsky (1978) called the zone of proximal development. The zone of proximal development corresponds to what is possible for a given student to acquire given his previous educational acquisitions. If the capacities as well as the criteria favoring learning are not taken into account from an early childhood education, and if we do not pay attention to the child's learning pace, then there could be dropout school. Hence the importance of supporting the child in this process of cognitive self-regulation in order to be able to offer him activities that will allow him to learn at his own pace. It is in this sense in particular that the educational institution has established the common base of skills, cultures and knowledge. The objective is then to propose learning in cycles to allow students to make up for any delays. The importance of making students understand the learning process has therefore become a priority for the educational institution.

Berger and Karabenick (2016) define what a learning strategy is: the thoughts, behaviors, beliefs or emotions that facilitate the acquisition, understanding or transfer of new skills or knowledge. These authors will also highlight that these learning strategies can be of different types: cognitive, metacognitive or affective. The educational community must therefore ensure that students master the knowledge relating to methods and tools for learning with the aim of promoting academic success of each student. It is necessary to question students' learning strategies to enable them to acquire skills or knowledge.

### **The concept of metacognition**

Flavell (1976) was the first to theorize the concept of metacognition. He was one of the first to emphasize the importance of the concept of metacognition for children's learning. His study revolved around strategies of active research around memorization, a concept that he called metamemory. Research on metacognition is therefore part of the cognitivist paradigm, having as an object the exploration of the complex mechanisms of the brain. In ancient Greek, the prefix meta means „beyond, above”, and as we have already mentioned, cognition is defined by the faculty of knowing. It is the mental act by which we acquire knowledge or process information. We understand then the need for our students to develop their cognitive abilities in order to acquire the skills and knowledge synonymous with academic success.

Starting from the etymology of the word metacognition, we could in fact define the concept as the body of knowledge we possess about our own cognitive processes. We glimpse a concept that goes beyond simple cognition, with metacognition there is an introspective work in order to discover and know oneself better. Metacognitive knowledge could allow students to know which cognitive „tools” mobilize to acquire and use knowledge and skills with the aim of academic success.

Flavell (1976) breaks down the concept of metacognition into 3 distinct dimensions. Metacognition will then be defined by:

a) knowledge relating to people:

1) intra-individual knowledge or knowledge that the subject has of himself as a learner. For a student, this means, for example, knowing the subjects for which he has the most facilities. Or even know how it is easier for him to integrate knowledge or to solve a problem.

2) Inter-individual knowledge: this knowledge concerns other individuals and allow the student to take points of comparison (who is the 1st in the class in Biology for example, or with whom I can cooperate if I need help).

3) Universal metacognitive knowledge: the knowledge that an individual can have about the human way of thinking in general. For example, this involves understanding how memorization works, or what attention is. In the context of a class group for example, this first dimension refers to the knowledge that the student has of his own learning strategies and those of his peers.

b) knowledge relating to the tasks to be carried out: allows us to identify what we know or think we know about the different phases of the learning process or about the way to solve a problem. This knowledge refers to the knowledge that the student possesses (or not) to carry out an activity at school. This is, for example, ensuring that the student masters the path that will lead him to success in an evaluation.

c) knowledge relating to cognitive and metacognitive strategies: cognitive strategies are general knowledge that students can have in order to concretely carry out

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an activity in French, history or mathematics. Metacognitive strategies are then used to manage and evaluate this cognitive activity. They help the student to question his working method and the result obtained in particular.

### Metacognitive strategies

Pereira-Lard and Deane (1997) defined these strategies to develop our knowledge as put in place voluntarily by the learner: these strategies can be implemented consciously or automatically, which leads to a transition from cognitive knowledge to the implementation of metacognitive strategies. We see here appear a strong interrelation between cognition and metacognitive abilities (this interrelation was also highlighted by the Nelson and Narens model in 1990). However, the learner must master these strategies and be aware that these strategies exist and promote his success. We are here at the heart of the missions of the educational community: equipping students with the necessary skills and knowledge to succeed academically. And in particular knowledge which allows us to know how to learn.

Wong and Jones (1982) try to explain the interest of metacognition. In fact, their work has emphasized that the ineffectiveness of the efforts of failing students comes from a metacognitive deficiency. These students have skills and knowledge but are unable to use them in a way that responds to the teacher's instructions. This then relates to the awareness of knowing what we know and what we do not know and which will or will not promote student success.

According to Bărbuceanu (2023: 156): „If a student often shows an insufficiency in memory, along with the patterned behavior, this may possibly indicate even a dissociative mental state, trying to erase traumatic experiences from memory, therefore, the affected person changes in unconsciously attention and cognition.”

Tomlinson (1997) also goes in this direction by explaining that failing students would have difficulty controlling what they do, that they tend to act at random, which compromises their ability to transfer implemented knowledge. Hence the importance of developing metacognitive skills to our students.

The deleterious effect of a lack of self-confidence on a student's academic performance has been proven. Lack of self-confidence generates in the student a feeling of fear of doing things, even if he denies it and adopts an attitude of indifference, which mobilizes his mental resources. He no longer has enough resources to use the memories he has previously constructed, whether it concerns school knowledge strictly speaking or know-how such as knowing how to reason. The situation is then a vicious circle: he does not have confidence in himself, he cannot mobilize his cognitive or metacognitive knowledge; but as he cannot use prior knowledge, he cannot readjust the metacognitive skills necessary to understand and therefore learn. This is the situation of a student with learning difficulties. What is being done within his school situation to enable him to get out of this terrible trap before it is too late for him? How can students develop a positive attitude about themselves?

To promote metacognition and transfer, teachers must control the complexity of the task to be performed, move from decontextualized tasks to contextualized tasks to ensure that they do not overload the student. To do this, the teacher could therefore suggest words, then sentences, paragraphs, texts and finally books, use metaphors (characters or objects) to give meaning to the mental operations to be carried out, model, then support the use of a language of metacognitive skills management. The student who knows how to tell his brain what to do manages it more effectively and gains power.

We believe that tools allowing direct response from learners should be favored, as well as those who engage the person here and now than those which allow distancing over time. Firstly because they give access to what the learner himself considers as being the result of his mental journey, and secondly, because they reduce the risk of somehow imposing metacognitive thinking through researcher where there is none, didactic situations being an amalgam of cognitive, metacognitive and affective processes. This is why the questionnaires, interviews, dialogues and even thinking-aloud protocol are cited here first.

### **Metacognitive skills in reading and writing**

According to Schmitt (2005), metacognition in reading, which she calls metacomprehension, implies that the student is aware of his personal characteristics, the characteristics of the task and the strategies necessary to carry it out. The student must also control the planning, management and review of his strategies.

In reading, metacognitive processes serve to guide comprehension; they enable the reader to adjust to the text and the situation. The reader can thus recognize that he has a loss of understanding and find the strategies to remedy it. Reading implies a double task: the reader must process all the linguistic marks to read the words. At the same time, he must also build and manage his understanding, while mobilizing his previous knowledge. However, the simultaneous conduct of these two cognitive activities is optimal to the extent that the attentional control of each is effective. If one of the two activities is not automated, the reader finds himself overloaded. Metacognitive skills must therefore be mastered and automated by the reader, so that the reading is effective.

According to Chirițescu and Păunescu (2021: 99), regarding special language texts: „they introduce metalinguistic elements such as explanations, definitions, parenthetical material, synonyms, etc. The number of these functional resources used in each text depends on the degree of specialization of the communication, and on the prior knowledge of the readers of the specialized communication. The less expert the reader, the more redundant the text will be and the more metalinguistic elements it will contain.”

In writing, metacognitive skills make it possible to manage the use of cognitive strategies, the learning process and the completion of the task. In writing, students who use metacognitive strategies show more efficiency and autonomy in their learning. At the more specific level of spelling, metacognitive processes are used to reflect on language, while being aware of one's own orthographic knowledge.

In writing, the metagraphic interview advantageously supports the development of metacognition. In this interview the teacher asks the student to comment on certain spellings that he has chosen in the text that he has just written. The student thus has the opportunity to justify his choices and, at the same time, think again about the spelling of the word. The metagraphic interview creates a particularly rich observation context for the teacher. Indeed, he will be able to identify the student's orthographic conceptions: what he knows and what he understands, the strategies used, what is not acquired and also the incorrect conceptions. A student who shares his reasoning out loud to explain his choice of spelling also allows his peers to develop their reflective perspective. It also allows the teacher to know more about the knowledge and know-how that he has transferred.



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According to Lăpădat and Lăpădat (2020: 143): „Language is not just a simple communication tool that consists of the factual transmission of information, but a cultural treasure that encompasses the history and evolution of a people that has been gathered throughout its existence: behaviours, attitudes, values and mentalities, a whole existential philosophy.”

### **Metacognitive interview models**

#### **The interview**

The interview is a large group method where the student is asked open-ended questions, such as: What do you do when you receive a text? What do you do when you don't understand? The advantages of the interview are: it is fast and it gives an overview. The disadvantages of the interview are: it is not very precise, the students are not in context (this can be useful to have them read a text just before), student responses do not reflect necessarily reality.

We must favor the words „how” and „what” during interviews, and avoid the „why” which generates explanations of causality and not of description and action. After having experimented with a few interviews with the student, he will be more successful in naming his strategies and his knowledge, and in explaining how he went about it. He will develop awareness of the approach he adopts. This is a major aspect to consider when aiming to transfer your learning.

The qualities of a good metacognitive interview: it is focused on student responses, it gives the student time to think about the question and its answer, leads the student to clarify or justify his answer, uses open questions more than closed questions (yes-no type), make connections, if possible, with what is done in class (do you remember when your teacher said - or showed you something).

Here are some example questions:

Why did you look at the text here?

Why did you come back here?

What did you say to yourself when you read the note?

Why did you stop here?

Do you always do this when you read a text?

At the end, what did you say to yourself after reading the text?

#### **The questionnaires**

The questionnaires include open-ended questionnaires (students answer in their own words) and multiple choice questions (students select only correct answers from the choices offered as a list). The advantages of the questionnaires are: they are fast and they give an overview. The disadvantages of the questionnaires are: they are not very precise, student responses do not reflect necessarily reality.

#### **Stimulated recall**

Stimulated recall is a method in which the student is asked in the first place to read the text aloud. The student is filmed from an interactive tablet (iPad). The student can choose to reread a series of comprehension questions on the text (still filmed by the tablet). The teacher reviews with the student the tablet registration. At opportune times or at targeted moments, the teacher stops the viewing and questions the student on what he was thinking about. After reading, the teacher watches the video extract with the student, questioning him about his reading: „Why did you do that here? What were you thinking here?” By looking at himself, the student must therefore remember the

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strategies he used while reading. The teacher then has the opportunity to model a strategy that the student should acquire. Stimulated recall limits cognitive overload (since the student is invited to describe how he proceeded afterwards) while preserving the natural reading context.

The advantages of the stimulated recall are: it gives a lot of precise information on the processes of understanding and use of strategies and it doesn't place the student in cognitive overload. The disadvantages of the stimulated recall are: it requires time and must be done face to face and the interview is done later.

### The „think aloud”

The „think aloud” method consists of asking the student to verbalize everything going on in his head while he reads. The student therefore reads aloud and thinks about loudly at the same time. This method takes practice. The advantage of the „think aloud” method is that it gives an accurate portrait of strategies and many information. The disadvantages of „think aloud” method are: students who are too weak can be cognitively overloaded (read aloud and think out loud at the same time), it requires time and must be done face to face.

### Conclusions

Students must learn and use the following metacognitive skills throughout their school career: know how to observe, know how to be attentive, know how to manage their emotions, know how to use their memories, know how to reason, know how to understand and learn.

In our current society, the success of each student has become a necessity, metacognition then represents a means which should make it possible to fight against social inequalities. Every student has within him the potential to succeed. Teachers have a responsibility to promote academic success of each student by putting in place strategies that take into account the diversity of students. Working on the metacognitive field should allow each student to know himself better, to better understand the world which surrounds him.

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## ORIGINAL PAPER

# The Role of Translation in Second Language Acquisition

Eleonora Olivia Bălănescu<sup>1)</sup>

### Abstract:

In the past decades, language teaching methodology has shifted its focus from a linguistic to a communicative approach, thus placing great emphasis on learners' proficiency, that is, their ability to communicate in the target language. As a result, classroom activities involving students' own languages have been discouraged, and translation, as a bilingual activity, has been dismissed on account of its being old-fashioned, academic, artificial, difficult, and largely impractical. However, the role of translation in foreign language acquisition has recently been revised, and a new concept of "communicative" translation has been introduced. Referring to the particular case of Romanian as the mother tongue/L1 and English as the target language/L2, the aim of this paper is to take a diachronic look at the theoretical and political arguments against pedagogical translation, and bring arguments in favour of introducing translation activities in foreign language education. Drawing on the theoretical considerations presented and the author's teaching experience, the main conclusion is that acts of translating can contribute to the development of learners' communicative skills, and the promotion of their linguistic and cultural identities.

**Keywords:** *accuracy, communicative translation, fluency, language learning, language teaching, pedagogical translation.*

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<sup>1)</sup> Associate Professor, PhD, University of Craiova, Faculty of Letters, Department of Applied Modern Languages, Romania, Phone: 0040723506212, Email: olivia.balanescu@gmail.com. ORCID: 0000-0002-8836-1331.

## **The Role of Translation in Second Language Acquisition**

### **Introduction**

The end of the communist era in Romania brought forth numerous changes in virtually all sectors of activity and fields of study. People's need to learn foreign languages, especially English, greatly increased after 1989, the process being closely related to the physical and metaphorical opening of borders. Second language methodology was adapted to the more modern theories and politics of teaching practised in the West, leading to a rapid shift of focus from the Grammar-Translation Method, extensively used before 1989, to a communicative approach in language teaching. Thinking that this approach had become popular around the world in the 1970s, we can infer that Romania was late in adopting this paradigm of developing communicative competence, which encourages the use of L2 in the classroom, and dismisses any attempt to use L1 in the process of teaching and learning. As a result, translation is no longer used as part of classroom activities in Romania, because here, like elsewhere in the world, it is "considered taboo in modern-day language teaching" (Banitz, 2022: 1), "glibly dismissed in the inner-circle academic literature" (Cook, 2007: 397), and even largely forgotten (Weller, 1989: 39).

The Grammar-Translation Method is nevertheless very familiar to many of us; I myself studied English by this paradigm. Apart from it not being "fashionable" anymore, one reason for which the method is fiercely rejected in Romania is its connection with the communist regime and its rigid teaching system. Consequently, the teachers, who once learned the language that they are now teaching by this method, are not supposed to use it in their lessons. The ones who occasionally resort to translation in the classroom, myself included, do it with caution and hesitation out of a feeling of being out of trend.

The aim of this paper is to provide reasons against the largely spread conviction that translation is wrong, that it is an artificial exercise with no connection to real communication. Furthermore, it will bring arguments in favour of using pedagogic translation in the classroom, emphasising the efficiency of translation as a method, as a means of language learning, rather than as a goal in itself, or "the end product" of the teaching/learning process (Machida, 2011: 740). Used judiciously, translations between Romanian and English will contribute to the development of learners' communicative skills.

### **Translation is wrong: theoretical and political arguments against pedagogical translation**

The hostility towards the use of translation in foreign language teaching is explained by Guy Cook in terms of its inevitable connection to "authoritarian teaching, dull lessons, form rather than function, writing rather than speech, accuracy rather than fluency, and laboured rather than automated production" (Cook, 2007: 396-397). In other words, the criticisms arouse as a consequence of a growing dissatisfaction not with translation itself, but with its association with the Grammar-Translation Method, also called the "Classical Method". Discussing this approach, Diane Larsen-Freeman points out that translation was initially used in the teaching of Latin and Greek (the 16<sup>th</sup> century), and the main goals were to enable students to translate one language into another language (Larsen-Freeman, 2008: 15). The method placed emphasis on memorising vocabulary and grammar rules, on developing reading and writing skills, while little attention was paid to speaking, listening, or pronunciation (Brown, 2001: 18-19). Classes were taught in the native language, and students' proficiency was measured

according to their ability to translate texts, especially literary ones, from the target language into their mother tongue. As a result, the courses were much disliked by “thousands of school learners, for whom foreign language learning meant a tedious experience of memorizing endless lists of unusable grammar rules and vocabulary and attempting to produce perfect translations of stilted or literary prose” (Richards & Rodgers, 2001: 6).

The end of the 19<sup>th</sup> century witnessed a growing opposition to the Grammar-Translation Method, which resulted in a “reform movement” that “challenged the value of translation and the efficiency of formal grammar study” (Bowen, Madsen & Hilferty, 1985: 20), and emphasised instead the importance of developing learners’ speaking abilities (Richards & Rodgers, 2001; Howatt & Widdowson, 2004; Cook, 2007). The Direct Method became popular soon, its main goal being to ban translation in the classroom (Larsen-Freeman, 2008: 23). According to this approach, language means primarily speech and lessons should provide learners with the opportunity to use the language in various situations; new items are introduced via demonstrations, rather than translation or explanation; vocabulary is practised by making full sentences with the new words; students are encouraged to think in the target language; the syllabus is designed on topics or situations, not on grammatical structures (Larsen-Freeman, 2008: 26-28).

The Direct Method represented a first step of the move away from the “form” of language and towards the ability to use that form in the real world outside the classroom. In the 1970s, it became clear that, in order to communicate, students needed more than linguistic competence; they needed communicative competence (see Hymes, 1971; Halliday, 1978). Communicative Language Teaching thus emerged and became a very popular approach to language teaching. It mainly stated that learners need to acquire not only grammar knowledge of the target language, but also an understanding of social contexts and norms (see Farrell & Jacobs, 2010; Harmer, 2001), so that communication could be efficient.

The target language is both the object of study and “a vehicle for classroom communication” (Larsen-Freeman, 2008: 125), the use of the mother tongue being discouraged. All the games, role-plays, and other pair or group activities, which are included in language teaching programmes, are designed to involve and motivate students to speak in the second language (Savignon, 1991: 265). The “English-only classroom” has become a target, and the communicative methodology comes with sets of practical advice for teachers, meant to help them prevent and restrict the use of the first language (see Scrivener, 2005: 101-102). Although translation is theoretically considered acceptable if used judiciously “when students need or benefit from it” (Richards & Rodgers, 2001: 156), in practice, it is largely considered unrealistic as a means of instruction, even blamed for “doing more damage than good”, for “holding back learners from taking the leap into expressing themselves freely in the second language” (Carreres, 2006: 1-2).

To sum up the arguments presented above, the Communicative Approach has put forth a series of pedagogical reasons to account for the peripheral role of translation in language learning, mainly stating that the use of the mother tongue is counter-productive. However, there are also political reasons for the scepticism that surrounds the use of translation in the process of language acquisition. Discussing the case of English and the chauvinistic edge of a desired monolingualism, Guy Cook argues that this practice dates back to the 18<sup>th</sup> century when the British tried to impose their language over the Scots Gaelic, believing that “national unity is attained through

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linguistic [...] unity, and that the solution to communication problems between two languages was for one of them simply to be abandoned in favour of the other – making translation superfluous” (Cook, 2007: 398). From this perspective, translation was banned in language teaching by “scholars from two of Europe’s most belligerently nationalist states – England and Germany” (Cook, 2007: 399), and further supported and promoted by young teachers from English-speaking countries who have flooded the world since the 1960s.

After 1990, native-speaker teachers came to Romanian schools and universities and set a standard of monolingual teaching which non-native teachers were supposed to strive to achieve. In this paradigm, only a “weak” teacher would use translation to help his/her students, and hence the pressure on teachers to avoid any resort to Romanian language. More often than not, in Romania teachers speak in English to their students even outside the classroom, stretching therefore the boundaries of monolingual teaching. Such practice comes from a complex of professional/linguistic inferiority, since a native speaker’s English and teaching methods will always be regarded as a model to follow by the non-native teacher. This attitude inevitably reinforces “the authority of the native-speaker teacher, the foreign expert, and the English-language publisher” (Cook, 2007: 399), and at the same time neglects the linguistic identity of the students.

Discussing the implications of such practices of discouraging the mother tongue in foreign language classes, Guy Cook emphasises that: “A person who is banned from the use of their first language is disempowered, infantilised, frustrated, deprived of their identity and knowledge.” (Cook, 2007: 399) This aspect is at odds with the demands of our globalised world which place great emphasis on multiculturalism, on respecting people’s diversity and the languages of all communities.

In the 1990s, the idea that “language doesn’t exist outside a cultural context” (Perkins, 1988: 25) was taken into consideration by researchers in language teaching, who began to focus on the close connection between language and culture. The introduction of the cultural dimension challenged the communicative approach, because the goal of language teaching is no longer the development of students’ skills to interact with speakers of the target language, but the development of intercultural communicative competence which will enable learners to build relationships “with people from another country and culture in a foreign language” (Byram, 1997: 71). The goal of intercultural teaching is “to develop learners as **intercultural speakers** or **mediators** who are able to engage with complexity and multiple identities and to avoid the stereotyping which accompanies perceiving someone through a single identity” (Byram, Gribkova & Starkey, 2002: 9). From this perspective, the age of banning the mother tongue and translation in the classroom is or should be coming to an end, since learners’ first language is part of their cultural and linguistic identity which should be valued and related to in the process of acquiring a second language.

### Translation as a teaching method

For long, teachers have tried to keep first and second languages apart, whereas students have always counted on their connection (Widdowson, 2003: 150). The fall of the “monolingual doctrine” has contributed to “the rise of contemporary bi-/multilingual teaching approaches” (Bazani, 2019 :8) which acknowledge the fact that students acquire a new language by relating it to a familiar one, most probably the mother tongue. As Carreres points out, “translation into L2 can help them [the learners] systematize and rationalise a learning mechanism that is taking place anyway” (Carreres, 2006: 6). Cook

stresses the idea that students seek translations even if these are banned in class; and, indeed, they use bilingual dictionaries or ask friends in order to clarify the meaning of certain words (Cook, 2007: 397). When confronted with texts, learners “will naturally seek to interpret them, and in so doing instinctively, and unavoidably, make reference to their own linguacultural reality” (House, 2018: 153). Introducing translation activities into English classes is not so much a way of making a natural, but “hidden” practice perfectly “legal”, but a wise approach of making use of students’ previous knowledge and linguistic experience built with Romanian/ their first language.

The learning process can benefit extensively from the act of translating because this “requires very careful attention to both form and meaning in the source language in order to ‘transfer’ the meaning into other forms in another language” (Machida, 2011: 742). Thus, when translating from English into Romanian, students need to understand the text very well, to search for the right equivalent of English words in Romanian, and then to check whether the translation conveys the same message as the original text. This process entails practice on word forms, morphology, syntax, style, register, genre, and also calls upon students’ previous knowledge of cultural issues. Therefore, it is clear that “translation can be an aid in teaching English” (Petrocchi, 2014: 95). When done as a pair/group activity, translation also triggers discussions among participants who exchange their knowledge, ideas, perspectives, and try to reach an agreement regarding the final version of their translation, and to assess its quality. From this perspective, the act of translating becomes a communicative activity.

Teachers may design translation activities based on analyses of bilingual texts. Students have the possibility to understand new language items by drawing on “the similarities and differences between the native and foreign language systems as well as conventional uses of these systems in different situations, genres, and text types” (House, 2018: 147). Thus, the contrastive analysis of texts written in English and Romanian helps students’ general understanding of grammar rules, and enhances their awareness of cross-cultural aspects, since texts mirror cultural contexts, ideas, convictions, habits etc. By observing texts and pragmatic equivalents between English and Romanian, learners will also be able to figure out the communicative functions of the language forms they have acquired.

Working on translations in the class does not mean going back to the old practices of the Grammar-Translation Method; instead, it implies using the pragmatic component of translation activities in order to develop students’ communication skills. Juliane House underlines this idea: “If translation is used for establishing pragmatic equivalences by relating linguistic forms to their communicative functions, it may fulfil an important role in making learners communicatively competent.” (House, 2018: 148) As Igor Arranz points out, in the foreign language classroom, translation does not have to be regarded as **an end** in itself, because it risks turning into a boring, tedious activity; alternatively, it should be used as **a means/method** of improving learners’ receptive and productive skills for communicative purposes (Arranz, 2004: 239).

Translation is a skill that is worth developing in class, because it will definitely be useful for the world outside the classroom. As House points out, translation does not belong solely to the field of translators; it is used by everybody when interpreting someone else’s spoken or written discourse (House, 2018: 152). It is used in personal life for immigrant or mixed families; in social circumstances when a person has better knowledge of a foreign language than other people; in professional environments where bilingual employees are highly valued; in political contexts as the base of international



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cooperation (Cook, 2007: 398). All these aspects function as positive motivating factors for learners who know that translation is relevant to their personal and professional life. From this perspective, Guy Cook suggests that translation “should surely be added to the traditional list of four skills: reading, writing, listening, speaking – and translating” (Cook, 2007: 397). All these competences need to be addressed equally in a course design, for “approaching skills in segregation will hinder the outcome of communication in the foreign language” (Boncea, 2022: 186). Moreover, mediating between speakers of different languages raises intercultural awareness, an argument that reinforces the idea that translation is a necessary skill that should be developed in the process of acquiring a foreign language.

An argument against the use of translation in class is that such an activity is dull, hard, time-consuming, in short highly demotivating and useless, since “the student can never attain the level of accuracy or stylistic polish of the version presented to them by the teacher” (Carreres, 2006: 6). Such a drawback can be overcome by introducing translation activities that stimulate learners’ debates. From my experience as a teacher, students indeed consider that translations are difficult, but challenging at the same time, and are therefore happy to deal with them from time to time. I would therefore argue that translation activities should be used judiciously and should not be overused; otherwise, they might become a burden. At the same time, translating from English into Romanian or vice versa can be highly rewarding, as students experience a feeling of great achievement after having done a quality translation. Undoubtedly, this feeling comes to increase their motivation and to build their confidence in translations as being useful for their studies.

Since motivation is key in the process of learning, it is worth stressing the idea that the use of the mother tongue creates a relaxed and positive learning environment, as it reduces the stress and anxieties associated with new, perhaps difficult to understand issues. Since Romanian is not banned in the classroom, students do not have to worry that they will not understand the explanations of new language items in English, or that they will not be able to express themselves appropriately. At the same time, the explicit use of the mother tongue constitutes “a sign of appreciation of learners’ previous knowledge”, ensures “continuity of learners’ linguacultural development” (House, 2018: 147), and expresses a form of respect towards learners’ own linguistic and cultural identity.

Translation can also be valuable as a teaching technique, not only because it comes natural to bilingual teachers (Cook, 2007: 397), but also because it saves time, offers better understanding of tasks, and, most importantly, gives teachers the possibility of explaining language items by referring to students’ prior language knowledge, which constitutes a solid foundation for future learning. Translations provide quick and exact explanations, thus reducing confusion and minimising errors. Translation activities in class have therefore the potential of developing students’ linguistic proficiency.

To sum up, the pedagogical use of translation in the process of teaching/learning a language comes as an acknowledgement that translation is not wrong; on the contrary, it is a natural activity that can help students and teachers alike.

### **Conclusion**

In the context of our globalised world, translation is regarded more and more as a general activity that helps people make meaning across languages and cultures alike, with the aim of communicating with each other and building human relationships. We

all try to understand and represent new information by relating it to something familiar, that is, to our previous knowledge and system of values. In terms of foreign language education, teachers need to relate new content to what students already know which is rooted in their mother tongue. Therefore, the use of the first language should not be dismissed in the classroom, but exploited as a valuable linguistic resource and integrated into a process of continuous learning.

Translation, regarded for over a century as alien to language communication, needs to be reintegrated into teaching activities not only because it is a natural process that goes on in learners' minds no matter what teachers might say, but also because it provides a great tool for new language and culture comprehension. International communication relies heavily on translation capabilities; therefore, teachers should focus on guiding students to acquire this valuable skill which will help them become true intercultural speakers.

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## ORIGINAL PAPER

# Pronouns in English Language

Andreea Mihaela Stoian<sup>1)</sup>

### Abstract:

The English pronoun, among other characteristics, is the part of speech that replaces the noun. The pronoun helps the speaker or the writer avoid repetition. English pronouns can be seen as connectors in communication. They help people express several things about the same person, thing, activity, etc, without mentioning the name, object or idea over and over again. The pronoun can be used in the same sentence with the noun that it stands for or it can be used to continue the same idea in separate sentences or phrases as in the examples: e.g.: *Mark* goes to work, he arrives there by bus. (In this case the personal pronoun he replaces the proper noun *Mark* within the same sentence). *Whereas: Mark* goes to work every day from Monday to Friday. Although he has two cars and all of them are his, he prefers to go to work by bus. (In this larger context – the personal pronoun he replaces the same proper noun *Mark* and the possessive pronoun his refers also to *Mark*). According to the *Cambridge Dictionary 2023*, in English there are eight types of pronouns: *personal pronouns, possessive pronouns, reflexive pronouns, interrogative pronouns, demonstrative pronouns, indefinite pronouns, reciprocal pronouns and relative pronouns*. For the personal pronouns we have (*I, you, he, she...etc*) , demonstrative pronouns (*this, that, these, those*), interrogative (who, whom, whose, which, what), indefinite (anybody, everyone, someone, anything, somebody, ...etc), possessive (mine, yours, his, hers...etc), relative ( are similar to the interrogative pronouns, the difference is that they can also be used in forming affirmative or negative sentences), reciprocal (one another, each other) and reflexive pronouns (myself, yourself, himself, herself...etc). The 9<sup>th</sup> category of pronouns that is mentioned in other English grammar books is represented by the intensive pronouns. Although this division of English pronouns can vary depending on different grammatical analysis, English pronouns are an important part of speech because they can be found in almost every sentence; to know how and when to use them, helps foreign learners of English establish a good and fluent communication. Therefore, this article focuses on the description of the English pronoun, providing theory as well as examples.

**Keywords:** *English language, pronouns, grammar, theory, examples.*

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<sup>1)</sup> Senior Lecturer PhD, University of Craiova, Department of Applied Modern Languages, Romania, Email: andreea.stoian@edu.ucv.ro.

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### Introduction

Learning a foreign language means to dedicate a certain amount from your personal time in understanding and learning the grammar of that language, practicing your vocabulary and grammar knowledge, developing your skills in using the foreign language in free speech and exercising the foreign language in written texts. When it comes to English, its learners have to be familiarized with the main parts of speech, with English grammar rules and they have to enrich their English vocabulary whenever it is possible. All this knowledge has to be used in written and oral conversations because using a foreign language on a daily basis or at least three or four times a month assures that you will not forget everything you have learnt. To know how to link sentences, how to give them sense without annoying repetition or poor vocabulary represents an important step in becoming a skilful learner and user of English language. Nevertheless, English, as any other language creates a special "...connectivity to its speakers, as the speakers grow and evolve or even possibly devolve, so does the language. Complex and specialized language is the concrete manifestation of a powerful and diverse society. The living, transformational nature of language should be approached systematically based on merging social evolution with geographic and cultural proliferations."(Chirişescu&Păunescu, 2021:93)

Therefore, English language has to be treated as any other language – that means – it has a transformational nature when it comes to its vocabulary and even to its grammar. Furthermore, the ways and methods by which each teacher decides to present his lessons depends on how he sees the students and what he thinks are the most appropriate methods for them to understand and to apply what they receive from their teacher. This means that: “ One cannot deny the variety of learning styles existent in a seminar room, such as visual learners – who can profit mostly from the visual aids, kinaesthetic learners and touch learners – who appreciate working with physical objects, tablets, phones or flashcards.” ( Bărbuceanu, 2020: 39). No matter the method, English grammar represents a key pillar in the process of learning any language and that is why in this article I will refer to a certain part of speech – *the English pronoun*.

Although it is true that in the learning process, intelligence plays a major role, we as teachers should not make differences between students because:”Different from the level of intelligence, which stays the same throughout life, competences based on affective intelligence are erudite skills, in other words, any individual can increase his own degree of emotional intelligence through instruction (...)” (Bărbuceanu, 2022:187). Therefore, education is the best method that offers people the chance to train their intelligence and to develop their social skills including their emotional intelligence. To know how to speak grammatically correct is essential for a good communication. Due to the fact that we live in a global, multicultural society, it is important to find a bridge language that can help us communicate with people of different nationalities. This bridge language can be English and if we want to go further in:”extrapolating the importance of language in the area of social exchanges establishes a clear and undeniable bond between linguistics and the transactional world in which we are willing or unwilling participants (...)” (Lăpădat&Lăpădat, 2021:113) So, linguistics plays a major role in our communication and the grammar of each language should be well taught and learnt.

In nowadays, the teaching process has changed a lot and students often look for alternatives on the internet and in mass-media. If we type *English* or *English lessons* on the internet using search engines, we receive an abundance of information. We can

access online tutorials, articles, opinions, examples, samples of grammar exercises and so on. This means that the internet and mass-media: “often surpasses its condition as a simple courier of information, facilitating a heritage of trust and relevance even between governing structures and citizens,(...)” (Lăpădat, 2022: 10) In some cases, the internet with its abundance of information can be quite a helpful tool in the process of, for example, learning a foreign language. But, in other cases, the information regarding English grammar can be quite confusing and this is why it is somehow mandatory for those who want to learn this language, to attend specialized classes with well-trained English teachers. As I said in a previous published article :”(...) when we refer to English teachers and their classes; communication is essential because it is a direct way to prepare students for the working environment in which they will perform.” (Stoian, 2019)

Going back to the subject of this article, *English pronouns* are an important part of speech. They improve our communication and their usage is highly necessary. Along with English nouns that: “represent the most important grammatical category” (Stoian, 2022:42), *English pronouns* replace nouns in order to avoid repetition and to make our communication in English fluent and comprehensive.

*English pronouns* are parts of speech that serve different purposes in oral and written communication. English pronouns are essential in the process of learning and mastering English. Their main characteristic is the fact that they can and should replace nouns in order to avoid repetition. In fact, this part of speech – the pronoun – is among the first things that an English course (for beginners) teaches. Categorizing English learners depending on their proficiency levels shows that for level A1 – beginner, the English learner has to know to present himself/ herself, to talk in a simple way about his/her family, his/ her city or country; to ask at a basic level for the things he/ she wants in a store or restaurant. This list of simple questions and small, basic descriptions of things can continue, but what I wanted to emphasize is that in all these, the English learner has to use different types of pronouns like: the personal, the interrogative, the possessive pronoun etc. So, the English pronoun is essential even in the most basic and simple conversations in this foreign language.

### *Types of Pronouns*

First of all, it is important to note that English pronouns have gender. For the feminine part we use: *she, her, hers*; for the masculine: *he or his* and for the neuter we can use: *it or its*. When it comes to the plural forms, we no longer have gender delimitation, but we have person delimitation: 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup>.

In English there are 8 types of pronouns: *the personal pronoun, the demonstrative pronoun, the interrogative pronoun, the possessive pronoun, the indefinite pronoun, the relative pronoun, the reflexive pronoun, the reciprocal pronoun*. As I mentioned in the abstract, there is another category of pronouns – *the intensive pronouns*. In some grammar books they are treated separately while in others the characteristics of the intensive pronouns are listed at the reflexive pronouns. The situation is quite tricky because intensive pronouns have the same form as the reflexive ones. The only difference is that they add emphasis to the situation that you describe:

e.g. Mark wanted to see if he could cook so, he bought *himself* a lot of ingredients. (In this situation the emphasis is on Mark and on what he can do for himself. As a pronoun – *himself* is considered *an intensive pronoun* in this situation)

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**1. The English personal pronouns** are probably, the most used ones and the forms are: I, you, he/ she, we, you, they. A clearer classification of English personal pronouns looks like this:

For the 1<sup>st</sup> person: I singular (used as subject), me (used as object). The plural form: we (subject), us (object) and mine or ours for the possessive case.

For the 2<sup>nd</sup> person singular and plural we have the pronoun: you. The possessive case uses yours.

The 3<sup>rd</sup> person may be the most complex one because it has gender. As I mentioned before, for the feminine we have she, for the masculine he and for the neuter it. The plural form is used for every gender: they. We use them for object accusative and theirs for the possessive case.

**2.** Another type of pronoun is the demonstrative pronoun. In English, this pronoun has four forms: this, that (for the singular) and these, those (for the plural). This type of pronoun is used to point out a certain thing or person. We use this for the thing/ the person who is closer to us, in our vicinity (here); while that is used for something or someone who is far, at a bigger distance:

e.g. That boy plays in the park. (In this case the demonstrative pronoun that means the boy is over there, he is not close to us). The same rules apply for the plural forms of the demonstrative pronouns: these and those.

These is used for something that is close to us, while those for something that is far from us:

e.g. This is our new house. Do you like it? / That was their proposal. You either accept it or not. / What are these on the table? / Those pencils are on the last shelf, unfortunately, I can't reach them.

**3. The interrogative pronouns** – are used to ask questions. Pronouns like: who, what, which, whom and whose are interrogative:

e.g.: Who came to see you?

What is the name of that song?

Which is your favourite actor Ben Affleck or Brad Pitt?

To whom did you tell about our plan?

Whose is it? (The answer: This scarf is beautiful)

**4. The possessive pronouns** are used to emphasize one's possession over something or someone. These pronouns indicate ownership and their forms are: **1<sup>st</sup> person**: mine (singular)/ ours (plural), **2<sup>nd</sup> person**: yours (singular)/ yours (plural), **3<sup>rd</sup> person**: his/hers (singular)/ theirs (plural). The possessive pronouns have a unique characteristic: their form is quite similar to the possessive determiners like: my, yours, his/ hers... etc. Unlike possessive pronouns, the possessive determiners appear before a noun and they can't replace it:

e.g.: (Possessive pronoun). That cat is mine. / This house will be ours/ That book is his. / Those shoes were hers.

(Possessive determiners) This is my cat. / This is our house. / That was his wallet.

**5. The relative pronouns** are used when we want to introduce relative clauses. The relative pronouns from English are: who, that, whom, which. Here is how we use English relative pronouns:

e.g. who – These are the men who made that project.

that – She saw the dress that I want to buy.

**whom-** The women (*whom/who*) were present at that show received small gifts from the organizers.

**which** – The movie *which* is so popular among teenagers can't be seen on the Internet.

6. Another type of English pronouns is represented by the ***reflexive pronouns***. In order to form this type of pronoun we need to add the word - ***self*** to the personal pronouns in the singular form:

e.g. ***my – myself***: I see *myself* visiting that city in the next two years.

***you – yourself***: You saw *yourself* in the mirror in that new dress.

***He – himself / she- herself***: He bought *himself* a nice car. / She bought *herself* a dress for the party.

***The reflexive pronoun*** has 3 alternatives for the plural: for the 1<sup>st</sup> person plural – We see ***ourselves*** visiting that city.

2<sup>nd</sup> person: Can you make ***yourselves*** some coffee while I attend this meeting?

3<sup>rd</sup> person: They made ***themselves*** comfortable after I left.

To conclude, ***this type of pronoun- the reflexive one*** – is used to clarify or to emphasis who or what is referred to, who makes the action and it is used in the object position when the object and the subject are the same.

As I mentioned in the abstract of this article, there is no difference *in form* between ***the reflexive and the intensive pronoun***. Because they have identical forms it can be difficult to differentiate between the reflexive pronoun and the intensive one. Nevertheless, we have to keep in mind that intensive pronouns are used only to emphasis something or someone. Moreover, several English grammar books don't even mention this category.

7. As a general rule, we find ***the intensive pronoun*** right after the noun that it determines and as an exception – we can also find the intensive pronoun apart from the noun that it proceeds. The ***major difference between a reflexive and an intensive pronoun*** is that ***the intensive one isn't essential to the sentence's meaning***:

e.g. The teacher ***herself*** highlighted the mistakes from your English test. (Intensive pronoun) – This sentence can keep its exact same meaning even if we erase the pronoun ***herself***: The teacher highlighted the mistakes from your English test.

The same applies for the other examples with intensive pronouns.

The engineer went to check the wires ***himself***. (Intensive pronoun)

I'll finish this article ***myself***. (Intensive pronoun)

We offered to clean the house ***ourselves***. (Intensive pronoun)

A simple way of differentiating between an intensive and a reflexive pronoun is to check if the forms: myself, yourself, himself, herself... etc, can be omitted from the sentence. ***The intensive pronoun*** can be omitted because it is used only for emphasis, therefore it does not affect the meaning of the sentence. ***The reflexive pronoun can't be omitted from the sentence***:

You saw ***yourself*** in the mirror in that new dress. / You saw in the mirror that new dress. (In this case, the omission of the reflexive pronoun changes the meaning of the sentence completely. We, therefore, have two different sentences.)

8. Moving on, another type of pronouns is represented by ***the indefinite*** ones. These pronouns refer to persons or things in a general way. The ***indefinite pronouns*** don't refer to someone in particular:



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e.g. **One** can succeed if the interview is passed. / **Many** of them saw it as an excuse to abandon the project. **Some** are already in the classroom. / **All** paid attention to the speaker.

Other forms of indefinite pronouns can be formed by using **four base words** to which we add: **body, one, thing**.

e.g.: **1. every -**: everybody, everyone, everything.

**2. some -**: somebody, someone, something

**3. Any -**: anybody, anyone, anything.

**4. No -**: nobody, no one, nothing.

Indefinite pronouns that are formed with **every-** can be used for a complete quantity, those indefinite pronouns formed with **some** – can be used to express an indefinite quantity and those that begin with **no-** are used in affirmative sentences that have a negative meaning:

e.g.: Here is **everything** that you need for this salad. (You have all the ingredients.)

I think **somebody** tried to open the door. (You don't know exactly who, or how many)

In that place there is **nothing** to visit. (Even if the sentence is affirmative, it has a negative meaning).

In addition, **whoever, whatever, other, each, few, none, and any**, are also indefinite pronouns.

**9. Reciprocal pronouns** express a mutual relationship or action. *English language has only two reciprocal pronouns: each other and one another:*

e.g: They offered **each other** gifts for their birthdays.

They support **one another** in every situation.

### **Conclusions**

In English, pronouns are an important part of speech. Pronouns can function as nouns, they can replace nouns and they can also be the subject of a sentence. English pronouns are used when we have to avoid repetition, when we want to emphasize something, when we have to introduce relative clauses and when we want to ask something.

As for grammar, English pronouns are similar in functions with nouns. Therefore, it is important for any English learner to be able to identify and to use correctly: the English noun, the English pronoun, the English verb, adverb and so on. Each part of speech helps the user of English to construct his/ her sentences properly. To know grammar, no matter the language, means to be able to speak and to write grammatically correct. This proves that you are an educated person.

To conclude, grammar has the aim: "to turn skilful pupils into skilful users of English grammar. Learning English grammar means to achieve the skill of building personal correct structures in English." (Stoian, 2022:47)

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## ORIGINAL PAPER

# The electronic Bulletin of the trade register in the context of the legal publicity function of the trade register

Lavinia Elena Stuparu<sup>1)</sup>

### Abstract:

Over time, the trade register has been a database that has played an essential role in the legal publicity of some normatively established information. The current legal regime of the trade register, drawn up by the provisions of Law no. 265/2022 regarding trade register and amending and supplementing other legal enactments having impact on registrations with the trade register, highlights the introduction of certain new elements in the matter. Such a status has the electronic Bulletin of the trade register regulated as an legal publicity tool for certain acts registered in the trade register. The regulation of the electronic Bulletin calls for the identification of its role in the increase of the accessibility of any interested person to specific information and services, as well as its relation with the other legal means of publicity preserved by the legislator in the field of documents registered in the trade register.

**Key-words:** *electronic Bulletin of the trade register; trade register; Law no. 265/2022; legal publicity tool; electronic resources of communication.*

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<sup>1)</sup> Associate professor, PhD, University of Craiova, Faculty of Law, Law Specialization, Centre for Private Law Studies and Research, Romania, Phone: 040351177100, Email: laviniasmarandache@yahoo.com, ORCID ID: 0000-0002-0918-4470.

**The role of the trade register in ensuring legal publicity in the period prior to Law no. 265/2022.** In the sphere of commercial law, the trade register had an essential role in ensuring the publicity of the existence and activity of traders, carried out in the cases and under the conditions established by the legislator.

The entry into force of the current Romanian Civil Code brought as a novelty the mention of the trade register in the category of general methods of publicity, establishing the general rules regarding the publicity of legal rights, acts and facts in the sphere of Romanian civil law (Stuparu, 2020: 69-70). In consideration of the text of the Civil Code (article 18), the trade register, together with the land register, the Electronic Archive of Real Estate Guarantees, as well as other forms of publicity established by the legislator, ensure the publicity for the rights, acts and facts regarding the status and capacity of the subject persons registration, the assets belonging to them, as well as any other legal relations subject to publicity in the cases expressly provided by law.

The mentioned normative approach remained at the level of common law, motivated by the fact that there was a special legislation in the matter of the trade register, with a role in drawing up its concrete legal regime. Law no. 26/1990 on the trade register (duplicated over time by other relevant nominative acts such as: Order of the Ministry of Justice no. 2594/C/2008d, Law no. 359/2004, Order of the Ministry of Justice no. 1082/2014, G.E.O. no. 116 /2009), in its capacity as a framework law, outlined for traders the professional obligation of registration and publicizing through the trade register (Cărpenu, 2009: 62).

In summary, the trade register constituted a database, kept in electronic format, at the national level by the National Trade Register Office (NTRO), and at the local level by the local Trade Register offices. The trade register constituted a complex system of record and publicity, as a rule, of traders, natural persons and legal persons, as well as some aspects of their economic activity. The category of merchants targeted by the legislator included the following individuals and legal entities: authorized natural persons, individual partnerships and family partnerships, companies regulated by Law no. 31/1990, national companies and national societies, autonomous companies, economic interest groups, cooperative societies, cooperative organizations, European societies, European cooperative societies and European economic interest groups with their main headquarters in Romania. As an exception, the registration and legal publicity through the trade register had other natural or legal persons as holders only if Law no. 26/1990 (e.g. research and development institutes that carried out economic activities) or a special law explicitly established them. Regarding the main and traditional effect of registration in the trade register, to create a presumption of commerciality for all persons registered in this database, specialized literature supported and argued that, after the entry into force of the Romanian Civil Code (on 01.10.2018), the purpose of the trade register to be oversight of commercial activities and actors was compromised (Gheorghie, 2013: 72).

The registration component had the role of ensuring the record of those registered and of their certain rights, acts or facts, being carried out by performing the operations specific to the registration in the trade register and, as the case may be, other operations prior to and subsequent to this undertaking. In this sense, before the start of the economic activity, the owners subject to the legal obligation to register in the trade register had to apply for registration (if they were legal entities) or matriculation (if they were natural persons) in the trade register, and during the exercise of their activity or

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upon termination to it, they had the obligation to request the entry in the same register of the mentions regarding the acts and facts whose registration was required by law.

The component of legal publicity of persons subject to registration and certain operations of their economic activity was carried out by making entries in the trade register (detailed above), by displaying the documents at the deadlines, in the places and in the ways established by law, as well as by submitting the documents provided by law for publication in the Official Gazette of Romania (Part IV, Part VII) or, as the case may be, on the website/online service portal of the National Trade Register Office or in the Official Journal of the European Union or on the European e-Justice portal, under the law. Practically, depending on the concrete situation, the legal publicity ensured through the trade register could entail one or more forms of publicity, the course of which generates the legal effects established by the legislator. The main legal effect pursued by the regulation of legal publicity outlined by Law no. 26/1990 was to ensure a real protection of third parties who contract with the legal subjects registered in the trade register.

The functions of the trade register (Angheni: 2019: 76; Găină, 2017:106-107), summarized in the two components of the professional obligation to register and legal publicity through the trade register, were consistent with its very public character, expressly established by Law no. 26/1990 (articles 4 - 41). Practically, any interested person could have access to the records operated in the trade register, the request being made on the basis of a request, by correspondence or by electronic means. The trade register office, as the institution holding the database called the trade register, had the obligation to issue, at the applicant's expense, information, register extracts and certificates confirming the data recorded in the trade register, as well as certificates confirming that a certain act or fact is or is not registered, copies and certified copies of the entries made in the register and of the documents presented, for which fees are charged according to the law. Electronic copies of these documents and information could also be made available to the public through the trade register interconnection system.

**The legal publicity function of the trade register outlined by the Law no. 265/2022.** The current framework law in the matter of the trade register is Law no. 265/2022 regarding the trade register and for the modification and completion of other normative acts affecting registration in the trade register. As a whole, this normative act reveals a codification of the provisions relating to registration operations in the trade register and in other registers kept by the National Trade Register Office (NTRO), based on the control of the registrar with the trade register, or, as the case may be, based on the decision of a court. In summary, the legal institutions and regulatory solutions from Law no. 265/2022 (some of which are novel) ensures the simplification and standardization of registration procedures in the trade register, for all categories of professionals, natural and legal persons subject to this obligation, as well as increasing the accessibility of any interested person to the information and services offered by the trade register, including through the use of electronic means of communication and identification (Răducanu, Daskălu, 2021). Related to this new normative framework, the publicity function traditionally recognized by the trade register was not only preserved, but even detailed and amplified.

In Romania, the trade register is kept by the National Trade Register Office (NTRO), respecting the organizational structure established by Law no. 265/2022. This

public institution with legal personality is based in Bucharest and is organized under the Ministry of Justice. At the territorial level, the National Trade Register Office has subordinated, within each county and in the Municipality of Bucharest, local Trade Register offices, structures without legal personality, which operate alongside each court.

The local Trade Register offices make entries in the trade register, in the computer system, based on the conclusions of the registrar with the trade register or the court decisions. We specify the fact that registrar with the trade register is a new legal institution, defined as the specialized person in charge of the prior legality control of the registrations with the trade register, being responsible for analyzing and processing registration requests. The National Trade Register Office keeps the trade register, in the computer system, by centralizing all the entries made by the local Trade Register offices.

The national legislator maintained for the trade register its recognition as a public service of general interest by ensures the registration and legal publicity of the persons, acts, facts and operations established by law, but brought nuances and additions to it in relation to the previous regulation.

The legal subjects of the professional obligation to register in the trade register, before the start of their economic activity, are natural persons and legal persons that were established in the legal forms nominated by Law no. 265/2022, as well as legal entities for which this obligation is imposed by a special law. Currently, the trade register ensures the registration and legal publicity of professionals authorized natural persons, individual partnerships and family partnerships, respectively the registration and publicity of professionals companies, European companies, cooperative societies, European cooperative societies, cooperative credit organizations, economic interest groups and European groups of economic interest, with the main headquarters in Romania, the registration and publicity of their branches, as well as the branches of listed legal entities with the main headquarters abroad.

Although the text of article 4 paragraph 1 of Law no. 265/202 did not include autonomus companies, national companies and national societies in the above list, they remained holders of the professional obligation of registration and publicity through the trade register. The conclusion is drawn from the analysis of various other provisions of the legislation incident to the matter. Law no. 265/2022 is addressed to legal subjects of the type of professional carrying out economic activity. Indeed, the quality of professional can be subjected to analysis in the case of autonomus companies, national companies and national societies if we consider the recent changes brought to their status as public enterprises by Law no. 187/2023, which appeared after the entry into force of the new framework law of the trade register. In its current form, G.E.O. no. 109/2011 on the corporate governance of public enterprises states that the object of activity of such public enterprises consists in the performance of economic activities and/or public service obligations. Consequently, a possible discussion can exclusively concern the professional status of these three types of public enterprises if they limit their activity only to the execution of services of public interest, without performing economic activity. However, even in such a situation, the legal obligation to register in the trade register remains.

Moreover, the trade register is structured according to the following categories of registers: a) a register for the registration of companies, national companies, national societies, autonomus companies, economic interest groups, European companies, European economic interest groups, other expressly provided legal entities by law, with

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the main headquarters in Romania, of their branches and, as the case may be, of the branches of legal entities with the main headcourthes abroad; b) a register for the registration of cooperative societies and European cooperative societies with their main headquarters in Romania, their branches and, as the case may be, branches of cooperative societies or European cooperative societies with their main headquarters abroad; c) a register for the registration of authorized natural persons, individual partnerships and family partnerships, with professional headquarters and, as the case may be, workplaces in Romania.

The common element for all legal subjects that must be registered in the trade register is the status of a professional carrying out an economic activity (for the legal meaning of this wording, see Stuparu, 2020: 39-40). The meaning of the term professional, used abundantly by the trade registry new law, is the one established by the text of article 3 of Law no. 287/2009 on the Civil Code (for developments on terminology, Stuparu, 2020: 48-54, Piperea, 2012: 33, Nicoale, 2015: 545, 547). The mentioned article conditions, expressly and exclusively, the quality of a professional on the exploitation of an enterprise (that is, the systematic exercise, by one or more persons, of an organized activity consisting in the production, administration or disposal of goods or in the provision of services, regardless whether or not it has a profit-making purpose). In the view of the Civil Code, which introduced the professional as a legal institution in the Romanian legal order, establishing its general legal regime, in order to access the quality of professional there is no need for any other requirement (for example the fulfillment of a legal formality such as registration in -a public registry and/or authorization. We appreciate that Law no. 265/2022 creates, from the date of registration in the trade register, a relative presumption of professional quality for all natural and legal persons who register in the trade register, before starting their economic activity. As a result, the legislator's change of vision in the analyzed field becomes evident. For all legal subjects that have the obligation to register in the trade register, the formality of registration in this public register becomes an intrinsic condition of professional status, doubling the pre-existing constitutive obligation consisting in the operation of the enterprise (in the sense of the Civil Code).

The public character of the trade register was preserved, even detailed by the provisions of Law no. 265/2022 (article 11-14, article 27 paragraphs 7-8). Mainly, this public character is closely related to the access of any interested person to the records operated in the trade register, under the conditions and limits established by law.

As a procedure, this kind of request involves an application that is submitted at the counter or it is sent by mail (post or courier services) or by electronic means. Another new element, in addition to the one regarding the possibility of sending an application signed with a qualified electronic signature (the only option that does not require the presentation of a copy of the applicant's identity document), is the transposition into Law no. 265/2022 of making the performance of the legal publicity function conditional on compliance with the legislation on the protection of personal data (on reducing the risk of compromising data, see Zaharia, Axinescu, 2022). Currently, the local Trade Register office can issue, at the expense of the interested person, in Romanian, in compliance with the legislation on the protection of personal data, information and certificates confirming the data registered in the trade register, as well as certificates confirming that a certain act or fact does not is registered, copies and/or certified copies of all registered or presented documents or any part of them, in the form in which they were submitted in support of registration applications.

Symmetrical to the tools for requesting information, the legislator has expanded the means of issuing the requested documents, they can be provided both in the classic version, on paper, at the NTRO headquarters and the local Trade Register offices, respectively by postal or courier services, as well as in a new version, by electronic means, in electronic form, signed with a qualified electronic signature or with a qualified electronic seal .

A valence of the public nature, newly regulated, aims at providing information and releasing documents, free of charge, to persons and entities clearly determined in terms of composition and/or purpose. A first category of beneficiaries established by the legislator includes public authorities and institutions, diplomatic missions accredited in Romania, as well as other legal entities if they are expressly provided for by law. Also, the NTRO and the local Trade Register offices release, free of charge, to journalists and representatives of the mass media specific information registered in the trade register, which can only be used for the purpose of informing public opinion. Also free of charge, the following information on natural and legal persons registered in the trade register is currently available through the trade register interconnection system, on the NTRO website or on its online service portal: a) the company and legal form; b) the registered/professional headquarters and, in the case of branches, the member state in which it is registered; c) order number from the trade register, EUID and unique registration code; d) condition; e) the website, if any; f) the legal representatives of the legal entity and if they are empowered to act together or separately, as well as the representative of the family business; g) branches opened in another member state, including the company, registration number, EUID and the member state in which the branch is registered. Last but not least, NTRO makes available to the public, free of charge, in Romanian and English, on its website or on the online services portal, with access and through the unique digital portal, including information on the legislation that regulates the most important aspects of the operations, data or acts of natural and legal persons subject to registration in the trade register (see article 14 of Law no. 265/2022).

**The role of the electronic Bulletin of the trade register.** The electronic Bulletin of the trade register (Bulletin) was introduced into the national legal system through the provisions of Law no. 265/2022. Being an absolute novelty, its role is one of consolidating the legal publicity function traditionally assigned to the trade register.

In the sense of article 15 of Law no. 265/2022, the electronic Bulletin of the trade register is edited, at the national level, by the National Trade Register Office and is organized as a central electronic platform through the NTRO online service portal. The local Trade Register offices, existing in each county and in the Municipality of Bucharest, are the ones that transmit to the NTRO (through the integrated IT system of the NTRO) the information designated by the legislator to be subject to publication in the Bulletin.

The condition preceding the start of the publicity procedure through the electronic Bulletin is the registration in the trade register of the documents nominated by article 15 paragraph 2 of Law no. 265/2022, respectively: a) the conclusion of the registrar with the trade register or the court decision regarding the registration of a legal entity, the registration of a branch of a legal entity, the registration of an authorized natural persons, individual partnerships and family partnerships; b) conclusion of the registrar with the trade register, in the case of any other entries in the trade register; c) other documents registered in the trade register for which the law provides for



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publication in the Bulletin; d) court decisions according to the law, other than decisions regarding registration/matriculation in the trade register (for professionals and branches) and court decisions for which the courts expressly order publication in the Official Gazette of Romania

The publication is made *ex officio*, within no more than 3 working days from the date of registration in the trade register of the above-mentioned information. The publication in the electronic Bulletin and its consultation is free of charge.

Specifically, Law no. 265/2022 changed and adjusted the tools for ensuring publicity regarding professionals, acts, facts and operations subject to the obligation to be registered in the trade register. We remind you that during the period of application of Law no. 26/1990, the publicity of registrations in the trade register is carried out, at the national level, either only on the basis of a simple registration in the trade register, or by cumulatively fulfilling the registration in the trade register and publication in the Official Gazette of Romania (this last variant representing the rule). At present, the performance of the publicity function is mainly recognized by the electronic Bulletin, but always under the condition of prior registration in the trade register and, in the cases provided for by law, doubled by publicity in the Official Gazette of Romania.

Regarding the role of the Official Gazette of Romania in the publicity of the registrations made in the trade register, we note a quantitative decrease in the new legislative approach. Although such publicity is maintained will mandatory legal procedure, Law no. 265/2022 (article 16) imposes an exclusive for the following documents: a) extract of the registrar's conclusion or of the court decision regarding the registration of a legal person or the registration of a branch of a legal person; at the express request of one of the parties, the court decision can be published in its entirety; b) court decisions for which the courts expressly order publication in the Official Gazette of Romania; c) decisions of the general assembly of associates/shareholders/members, additional documents of legal entities subject to the obligation to register in the trade register, for which the law provides for publication in the Official Gazette of Romania; d) the decisions of the administrative and/or management bodies of legal entities subject to the obligation to register in the trade register, for which the law provides for publication in the Official Gazette of Romania; e) other documents of legal entities, subject to the obligation of registration in the trade register, for which the law provides for publication in the Official Gazette of Romania. The said entries are sent electronically by the trade register office, for publication, to the Official Gazette of Romania, within no more than 3 working days from the date of registration in the trade register.

In summary, the availability to the public of the records made through the NTRO, according to the above delimitations, constitutes one of the roles assigned to the electronic Bulletin by law, highlighting a concrete valorization of the digitization process in the matter.

Then, the main legal effect of the entries made in the trade register and published in the electronic Bulletin and/or in the Official Gazette of Romania is their opposition to third parties. The rule in the matter is clearly established by the legislator. In this sense, the person who has the obligation to request a registration cannot oppose the unregistered acts or facts to third parties, unless he proves that they were known to them. For their part, third parties are always able to invoke the acts or facts regarding which the publicity was not carried out, except in the case where the omission of publicity lacks its effects. This reality implicitly justified the normative solutions that

intervene in the case of notification of inconsistencies. The text of Law no. 265/2022 (article 46) instituted the prevalence of the data registered in the trade register against third parties in case there are inconsistencies between the data recorded in the trade register and those contained in the archived documents in the file of the professional registered in the trade register. In the case of documents and information published in the Bulletin or, as the case may be, in the Official Gazette of Romania, if there is any inconsistency between them and the data and documents registered in the register, the latter prevail over third parties. Moreover, the operations carried out by the natural or legal person before the 16th day from the date of their registration in the trade register are not opposable to third parties who prove that they were unable to learn about them. The vision revealed by Law no. 265/2022 (previously detailed) agrees with the general rules recognized by the Civil Code in the matter of publicity of legal rights, acts and facts (Tuleaşcă, 2018: 100-101).

Last but not least, we retain as a legal effect of the completion of the implicit legal publicity the possibility of exercising appeals against the trade registry registrar's conclusion. According to Law no. 265/2022, against the conclusion of the registrar with the trade register, a complaint may be filed by the applicant of the registration request or by any other interested person, within 10 calendar days. For the applicant, the 10-day period runs either from the date of communication of the conclusion (if communication was requested by mail or by electronic means), or from the date of publication of the conclusion in the electronic Bulletin (if this date is prior to communication), or from the date of collection from the trade register counter, and if it is not picked up from the counter from the date of publication of the conclusion in the electronic Bulletin of the trade register. For other persons interested in contesting the conclusion of the registrar, the 10-day term runs differently and, respectively: from the date of publication of the conclusion in the electronic Bulletin of the trade register or from the date of publication of the documents in the Official Gazette of Romania, where the law provides for this publication.

In conclusion, the implementation of the electronic Bulletin of the trade register contributed to the optimization of the relationship with the persons interested, regardless of the reason and theme, in the information registered in the trade register. Its editing on the own portal of the National Trade Register Office led to the reduction of payments made by applicants for data, information and documents published in the electronic Bulletin as well as a speed of legal publicity compared to that provided in the Official Gazette of Romania, which is much limited under the Law no. 265/2022.

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## ORIGINAL PAPER

# Conceptions of the Realist Current in the Recent International Context. Case Study: The Conflict in Ukraine

Livia Călin<sup>1)</sup>

### Abstract:

The opposition of the two fundamental currents of thought in international relations, i.e. realism and liberalism, finds a fertile ground for unfolding and intense debates in the context of the emergence of the conflict in Ukraine.

States have interests that they constantly pursue, these interests are not compatible, therefore it is logical for each state to have strategies that help them pursue these interests, due to the fact that the growth of one state's power is a threat to the others, and each tries to improve its position on the international stage by maximizing power,

After the collapse of the Soviet Union in 1991, a number of former Soviet republics proclaimed their independence. The Russian Federation, although weakened in the early years, strengthened, seeking to regain its status as a great power by trying to re-include the former Soviet republics in its orbit. However, this tendency of Russia came into opposition with the expansions of NATO and the EU in Eastern Europe. The two organizations have become, under these conditions, a stake for the former Soviet republics. Thus, the conflict in Ukraine, initially started as a confrontation between the Kiev regime and pro-Russian separatist militias, became an indirect confrontation between Russia and the West, in an attempt to restore hegemony in the area and the balance of power.

**Keywords:** *realism, international relations, balance of power, Ukraine, military conflict, hegemony.*

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<sup>1)</sup> Senior Lecturer, PhD, University of Craiova, Faculty of Law, Romania, Email: calinlivia@yahoo.com.

## **Conceptions of the Realist Current in the Recent International Context. Case Study: The Conflict in Ukraine**

The post-war world was bipolar, with two hegemons, the USSR and the USA. The tensions between the two states materialized in a new type of conflict, called the Cold War. After the collapse of the Soviet Union in 1991, a number of former Soviet republics proclaimed their independence and the Russian Federation diminished its power and influence, but it did not really accept the new factual situation. It sought by various means to regain its great power status, including the re-inclusion of former Soviet republics in its orbit (Mankoff, 2009: 242).

In its efforts, however, the Russian Federation faced new challenges that it had not known or anticipated, namely the sustained expansion of NATO and the EU in Eastern Europe. The two organizations have become a stake for the former Soviet republics.

This is the context in which the first crises and tensions appeared in Ukraine, a country in which two tendencies were manifested: that of integration into the EU and that of remaining under the tutelage of Russia. At the same time, the fertile ground for conflicts is given by the tensions between the Kiev regime and pro-Russian separatist militias.

However, we cannot contest the claims of numerous realist authors, analysts of international relations, who believe that, beyond interstate confrontations or the internal tensions of a state, one can find a manifestation and positioning of Russia against the West.

In *The Art of War*, the Chinese thinker Sun Tzu advocates a simple idea regarding the definition of the state, which involves war in its deep structure: "War is a matter of vital importance to the state, a matter of life and death, the way that leads to survival or disappearance" (Tzu, 2020: 19).

We will attempt an analysis of the conflict through the lens of the arguments that offensive realism offers to explain, understand or justify the actions of the main actors involved.

One of the oldest currents of thought in the field of international relations, which still has a great influence today, is realism. Relations between states take place in the absence of a world government. For realists, this means that the international system is anarchic, and international relations can be understood by deciphering how power is distributed among states. But power is hard to measure, its distribution among states changes over time, and there is no consensus among states about how to distribute it (Griffiths, 2003: 17).

The purpose of power is defined as the way in which political sovereignty is expressed in relation to other sovereignties or the degree of freedom that a sovereign actor has in the international system. Hans Morgenthau defined relations between states with "interest defined as power" as the structuring principle (Morgenthau, 2007: 75). On the one hand, the individual state actor is subject to a competition generated by the existence of other actors in the system, on the other hand, its mere presence in the system generates a reaction from the other actors in the system, which makes the reporting of the actor (whoever that might be) become self-centred. The egocentrism (or lack of altruism) of the state, as an actor of the international system, is the result of the system corroborated with the internal pressure generated by the government's need for performance (as a temporary manager of the internal political system), induced by internal politics. In fact, on the level of international politics, the minimum performance required of a state is survival in the system. This does not make the system immediately tend to eliminate weaker actors, nor does it automatically and absolutely determine the

tendency of actors to eliminate other actors, but it also does not give any assurance that no one will ever try to do this. In this context, the only fundamental interest of the individual state actor on the international level is the accumulation of "power" - that is, the only element that can ensure, in an ultima ratio, its survival.

So states need to gain power to survive in a competitive environment. Realist authors who analyze change in international relations focus mainly on changes in the balance of power between states and less on a fundamental change in the dynamics of the system.

Among the branches of the realist current we find Offensive Realism which believes that, in the conditions of a hostile and anarchic international environment, states must maximize their power in order to survive. One of the most important theorists of offensive realism, John Mearsheimer stated the five hypotheses of this type of realism.

In the first hypothesis, Mearsheimer considers that the international system is an anarchic one, but that does not mean that it is a chaotic system, anarchy in international relations must be seen as an element that orders the relations among states. In other words, the world in the realistic perspective is characterized by a race to increase security among states, and by war (Mearsheimer, 2003: 27).

According to the second hypothesis, the states have the necessary military power to be able to attack and possibly destroy each other, so the states are a potential danger to the others and that is why it is necessary for each country to seek the maximization of power precisely in order to protect itself from possible attacks from other countries.

The third hypothesis, which arises naturally from the previous one, is related to the mistrust that states have towards other states, respectively towards their intentions and those of the heads of state and state agents. States can never be sure that another state can use its military capabilities to attack them. The attitudes of state agents can change from time to time, a relationship of friendship between two states can always be changed to one of tension.

The fourth hypothesis highlights the fact that survival is the main objective of the great powers, but also of states in general. They want to maintain their territorial integrity and state sovereignty, resorting to various methods to achieve this objective.

John Mearsheimer's fifth hypothesis is that states are rational agents, aware of the environment, and think strategically in terms of their own survival. They are aware of the fact that a certain behaviour shown by a state can affect their security and that is why they are forced to make prevention plans against a potential attack, these plans are not necessarily defensive, but can also be offensive.

We try to apply these assumptions about the international system to the military conflict in Ukraine, seeking explanations of why great powers compete for power and hegemony, looking for opportunities to maximize their power relative to other states.

Between December 2013 and February 2014, following pro-European demonstrations materialized through street fights and violent protests, a regime change took place in Ukraine, thus Viktor Yanukovych, the pro-Russian leader of Ukraine, was removed from power, being replaced by a government oriented towards the European Union. Basically, Ukraine was divided into two camps. The first wanted Ukraine to be closer to the EU, and, of course, its integration into this organization, and the second was the pro-Russian camp, which campaigned for a closer relationship with Russia. Throughout these events, Russia's reaction to the unrest in Ukraine was hostile.

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The crisis in Ukraine took an unexpected turn following the occupation of the Crimean Peninsula by pro-Russian separatist militias. Things continued with Russia holding a referendum in the area occupied by the separatists, a referendum considered illegitimate by the European Union and NATO member states, after which the majority Russian-speaking population agreed to the annexation of Crimea to Russia. From this moment, Moscow's direct involvement in the Ukraine crisis became obvious. The situation continued with the occupation, by the pro-Russian militias, of government buildings in the Donetsk area. This fact led to the military intervention of Kiev, to avoid a situation similar to that of Crimea, confrontations arose between the separatists and the Ukrainian Army, confrontations that continued despite the fact that a truce was signed in Minsk in 2015.

Therefore, the conflict in Ukraine had, from the very beginning, Ukraine and the pro-Russian militias as direct agents. Ukraine is supported by NATO and the European Union, and Russia is the one that supports the pro-Russian militias. This support offered to the separatists is, in fact, a masked intervention of Russia, which does nothing more than act through these agents. A fact confirmed by Vladimir Putin, who recognizes the presence of the Russian military in the area.

Russia's actions in Ukraine are similar to the previous ones in Georgia and Transnistria. What is important to note in this context is that as Russia's power has grown over the past ten years, Moscow has sought to bring former Soviet republics back into its orbit.

Actors who support Ukraine have direct interests in this area, which has become a buffer. The European Union, after the integration of the former satellites of the USSR, expanded to the East of Europe, as there are discussions, which concern the integration into the EU, with the former Soviet republics. The fact that these republics are still under Russia's sphere of influence strains relations between this power and the European Union. In turn, NATO has expanded into Eastern Europe by placing weapons and troops on its new eastern border, which worries the Russian Federation, whose policy towards NATO expansion is hostile.

The intervention of the Russian Federation in Ukraine introduced doctrinal confusions, derived, in particular, from the predominantly non-conventional nature of the actions. The absence of a declaration of war and the concentration of actions on limited geographical objectives (Crimea and eastern Ukraine) seemed to favour the inclusion of the events in Ukraine in the category of "limited war", in which "the belligerents choose not to fight with their full capacity" (Freedman, 2014-2015). However, the means used and the way the hostilities were carried out, by executing various and simultaneous asymmetric attacks on the military, social, economic and political systems of Ukraine, brought into discussion the concept of "war without limits", different from the "total" one (characteristic of the 20th century) by blurring the military dimension (Metz, 2014).

There is a debate to what extent Russia perceived the Ukrainian political crisis from December 2013 to February 2014 as a threat or an opportunity (even provoked), with arguments for each of the two approaches. Under the mandates of Putin, the Russian state had abandoned democratic-liberal tendencies long before and was going through a process of consolidating an autocratic democracy. Internal stability and revenues obtained from energy exports had created neo-imperial premises, and Moscow had begun the recovery of international prestige by vehemently and constantly

contesting world unipolarity, as well as by political actions and military actions aimed at sabotaging Euro-Atlantic projects to the east.

It was appreciated that a potential materialization of the Eurasian Union would have established Russia's role as a regional hegemon, and Ukraine's membership in this project would have given it consistency and would have limited the expansion of the EU and NATO to the east.

The analyses highlight the fact that Russia is currently incomplete and lacking the geostrategic potential of the Ukrainian territory, given that Ukraine could be included in the Western structures, it could also host a NATO naval base, potential realities that are unacceptable for Russian politics and are perceived as a threat. A political and economic Eurasian community would constitute a means of consolidating regional leadership and the Russian imperial renaissance, true opponents of Western influence, Ukraine's membership in them being essential.

Given Moscow's policy of restoring Great Russia, and the fact that it sees NATO's eastward expansion as a real threat to Russian state security and identity, all states with a common border with Russia that display a pro-Western sensibility are doomed to be reconsidered and become buffer zones for it.

The conflict in Ukraine opened a new page in Russian foreign policy, its international relations and the formation of its security strategy. Russia is trying, by forcing the emergence of separatist regions identical to those in Georgia or the Republic of Moldova, to preserve the Russian cultural identity in the southeast of Ukraine. Ukraine is not only a geopolitical bridge between Europe and Eurasia, but also a strategic border between the EU and Russia.

For the Russian Federation, Ukraine is still an important piece in the geopolitical confrontation with the USA, along with Syria, Iran or Venezuela. The successful Europeanization and prosperity of Ukraine would call into question the effectiveness of anti-democratic regimes, with consequences for the foreign policy of other ex-Soviet states.

Another peculiarity of the conflict in Ukraine is that it can be considered as a true "limited war", a concept that has existed since antiquity but which, nowadays, more precisely after the Second World War and the appearance of nuclear weapons, has caused that limited war to be the most frequent<sup>1</sup>. The concept is based on the consideration that belligerents can choose not to fight at full capacity, so that a conflict neither gains in intensity, nor expands in space and time. It is the situation of the Ukrainian conflict, where the confrontation has turned into a high-stake interstate war, in which one of the belligerents is a major nuclear power and the other belligerent is under the protective, soft-power wing of a military alliance that has an impressive nuclear arsenal. The large armies of the warring parties, taking into account the risk of escalation of the military conflict, did not move against each other, their capacities being kept in reserve, and diplomatic communications being continued throughout the course of the conflict. It is certain that NATO did not want and did not have the necessary leverage to get directly involved in the fighting, but it had to consider whether and how it could get involved by providing assessment, advice, etc. while avoiding a potential conflict that could arise between Russia and a NATO member.

With its own economic resources and maritime access, Russia has been able to sustain tensions and conflicts in Libya and Syria, demonstrating the ability to disrupt Western projects related to stability, energy or economic security. It is obvious that Russia's policy is focused on preserving the sphere of influence and strategic control



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over the decisions and political directions taken by the states separated from the former Soviet bloc, through strategies of economic dependence or through maintaining frozen conflicts based on separatism and enclavation.

The Russian Federation does not seem willing to give up its desire to influence the states within its proximity (Ukraine, Georgia, Moldova, Azerbaijan, etc.) and, as such, it is important to understand the goals and strategies used so that we can anticipate and counteract a possible similar evolution in states with geopolitical risk, such as Moldova, but even in NATO member states.

Returning to the 5 hypotheses listed by John Mearsheimer, the crisis in Ukraine is one of the many crises of the postwar period, which highlight the tensions between Russia and the West and which take place in the context of the anarchy specific to the international system. Thus, Russia, after the fall of the USSR, lost its Great Power status and is currently trying to regain it, by increasing its influence in the area of the former Soviet republics, at the same time contesting the current status-quo, in which the international system is unipolar. It is precisely this state of anarchy that gives the Russian Federation the chance to act, getting involved in such a crisis, in order to maximize its power, thus recovering its status. The only thing that limits this approach of Russia are the economic sanctions imposed by the EU. If, from Russia's perspective, the fact that the international system is anarchic is an advantage, because it can increase its power through actions against a neighbouring state, from Ukraine's perspective, things are the other way around. Ukraine is a state with limited military and economic capabilities compared to Russia, therefore in the event of a direct conflict with it, it is obvious that Ukraine would have to lose, therefore the anarchy in the international system does not help Ukraine in this situation.

According to the second hypothesis of offensive realism, the great powers, and the states in general, have the military power to be able to attack and, possibly, to be able to destroy each other, therefore, concretely applied to this conflict, the tensions between Russia, on the one hand, NATO and the EU on the other, cannot be consumed in a direct confrontation, which, given the military arsenal possessed by each side, would be a disaster. That is why the tensions between the two are manifested in the form of the Ukraine Crisis, through a support of the vulnerable side.

On the other hand, Russia, from the perspective of a revisionist state of the status quo, challenges the supremacy of the USA in the world and the EU on the European continent, not through an open conflict with them, but through an alternative method, represented by the involvement in the Crisis of Ukraine. Involvement that increases its power at the international level because it positions itself as a formidable opponent of a great power. However, Russia uses all available means, be they conventional or non-conventional, military or non-military, to endanger the neighbouring state, Ukraine, in a long-lasting war, thus prolonging the appearance of world "bipolarity".

Mearsheimer's third hypothesis regarding offensive realism describes great powers and states, implicitly, as being in search of opportunities to gain power in relation to their rivals (Mearsheimer, 2003: 27). This idea is valid for revisionist states, such as Russia, which before its involvement in the Ukraine crisis, made the intervention in Georgia an opportunity to increase its power in relation to the West. So, the actions against Ukraine are a new opportunity for Russia to reposition itself in relation to the Western powers and to increase its influence in the former Soviet republics. Unlike Georgia, where an obvious Russian military intervention took place, in Ukraine Russia

takes advantage of the opportunity, created, after all, by itself by supporting the separatist forces, carrying out a masked intervention.

The fourth hypothesis of offensive realism establishes that survival is the main objective of states that want to maintain their territorial integrity, survival being a valid reason. In the case of the crisis in Ukraine, we can speak of two cases of survival. In the first place, that of Russia as a great power, which resorts to actions against the neighbouring state in order to survive at this level. On the other hand, Ukraine must survive to maintain its territorial integrity and sovereignty.

Mearsheimer's last hypothesis establishes that states are rational actors. States are aware of the environment and therefore think strategically. Within the conflict in Ukraine, this can be analyzed from two perspectives. First of all, it is about Russia, which is aware of the increasing influence of the EU and NATO in Eastern Europe and therefore tries to increase its influence in the region, destabilizing Ukraine, which was positioned in the front line of states whose objective is to get closer to the European Union and NATO, and distance from Russia. Russia's objectives prove to be rational and concern the strengthening of its influence in Eastern Europe using the opportunity offered by the crisis in Ukraine. However, Russia's rationality is questioned in the context of the economic sanctions imposed by the EU. These sanctions obviously affect Russia, from an economic point of view, and question the necessity of the actions in Ukraine, given that the economy is suffering, a dilemma that Russian citizens feel most deeply, but without being able to influence any political decision.

The second perspective concerns the rationality of Ukraine's actions, which chose not to cede territories, as happened with Crimea, hence the initial confrontations between the separatists and the Ukrainian forces. From this point of view, Ukraine is a rational actor that does nothing but fight for its territorial integrity. We must admit, however, that the military potential of Ukraine is severely affected by the confrontations with Russia and without foreign aid it would not have been possible to carry out this conflict for a long time.

Analyzing the intentions of the states participating in the conflict, we rely on an opinion found in recent articles on the conflict: "Both Russia and Ukraine aim to change the states' positions in their favor, but also the thinking of the masses and the population. In short, both states are trying to scare, Ukraine to involve the states in the war and Russia to keep them out of the war. Ukraine's propaganda relies heavily on attracting the sympathy of the member states of the European Union and NATO, but also on involving the civilian population in the war, and Russia's more elaborate propaganda tries to erode the population's trust in the authorities, in NATO and the EU, and tries to convince the population that sustaining war is not the business of other nations" (Ilie, Pârvu, Niță, 2022: 215-227).

In general, the current doctrine in the field of international relations has countless definitions and realist views, although one might think that after the Second World War liberalism should have gained much more weight and eliminated realist views from explaining and understanding the evolution of international relations. We make this statement all the more as we relate to the European realities, to the Euro-Atlantic ones and in general to those of the theoreticians who come from these states that can be considered states governed by the rule of law, liberal democracies, and that have fully adhered to the forms of cooperation and organization that have proven effective: the UN, European Union, NATO, etc.

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However, international relations are much more complex, after 1945 the cold war was established and the system became a bipolar one, therefore the theorists, especially the American ones, as well as many leaders, diplomats or advisors of the heads of state of the great powers returned to the realistic principles of international relations finding that they have had much greater applicability in recent years, especially in the last 10 years.

The anarchic world, as realists define it, will always have in certain regions an important actor with large interests, with a desire to dominate, manage and follow rules, but also with sufficient resources to make those rules that it establishes be observed. This behaviour will lead to challenges. A system open to challenge on the part of the rising powers or alliances between different actors can function as long as there is cooperation with other great powers in the system or sufficient capacity to enforce the rules imposed on the system. Great Power Politics translates into an inclination of the Great Powers to recognize each other's status, to respect it and to reach an agreement - Big Bargain - at the expense of the other international actors, instead of fight in a war whenever possible.

The previously mentioned bipolarism assumes that the world is divided into two, both geographically but mainly based on ideological differences and two opposing models, and these faults have created two opposing blocs, which face each other, without directly involving the two Great Powers. Rules and agreements can come from the negotiations of the two main actors, the only superpowers or great powers in the system.

The debates of the UN General Assembly and the rules for voting on non-binding resolutions are a reflection of multilateralism, only that in the last 20 years even the great powers, members of the UN Security Council, have been the ones that had radical and biased positions on global issues in which they were directly or indirectly involved<sup>2</sup>.

Moreover, there are numerous criticisms of the UN Security Council regarding its actions. In many cases, they are suspected of being motivated by individual interests rather than the desire to protect world peace or the well-being of states. For example, the lack of intervention in the Darfur genocide and the long duration of negotiations at the UNSC level are assumed to be due to the economic interests of Russia and China (Russia, for example, was worried that the existence of tougher sanctions on the Sudanese state would make Sudan unable to pay for some Russian military equipment) (Bellamy, 2005). Often, equally serious situations do not receive the same attention from the Security Council, and some decisions are very difficult to make even where there are precedents.

To these controversies, add the lack of geographical representativeness of the permanent members (Africa, South America and Australia do not have representatives), creating an unfavourable framework for making effective and correct decisions. In the absence of clear criteria for intervention, the Council can very easily be suspected of protecting the interests of its members rather than protecting international peace.

Also, the right of veto of any of the permanent members only slows down or even completely blocks the decision-making process within the UN Security Council. During the Cold War and the tension between Russia and the USA, each of the states blocked the access to the UN of smaller states that they considered allies of the other member of the Council. The USA has been constantly and strongly opposed, since 1982, to any resolution critical of Israel - a traditional ally - and the situations in the former

Yugoslavia, which provoked numerous veto votes, this system only prevents the Council from making important, and many times urgent decisions, and endangers not only the stability of the countries in conflict but also the lives of the citizens of those countries.

As for Russia's position regarding the conflict in Ukraine, it is important to note the statement of the President of Russia about the state of the nation in front of the Federal Assembly, a speech that became famous because it refers to the "red lines" that must not be crossed. "As for the red lines, they are obvious. First of all, it is about our national interests, the interests of our external security, the interests of our internal security and not admitting any interference (...) in our elections or in other political processes. It is about the non-acceptance of an offensive discussion with our country, the non-acceptance of damage to the economic interests of our country". He warned the West that it would "regret" any provocation against Russian interests and said Moscow's response would be "swift and tough".

Thus, the red lines invoked are related, in Vladimir Putin's statement, to the burning or blowing up of relations - lack of communication or Russia's isolation in the international arena, challenges that threaten essential security interests for Russia. This approach can easily be presented as a direct threat to use force in international affairs.

We believe that it was not by chance that the Russian president used the term "red lines". The history of the use of this term dates back to the beginning of the last century, and the context in which it appeared should not be neglected and is certainly not accidental. On July 31, 1928, the Red Lines Agreement was signed, following the understanding between the partners of the Iraq Petroleum Company, according to which they should not independently touch their interests in the oil field, respectively the prohibition not to cross a certain line arbitrarily drawn to divide the space (<https://history.state.gov/milestones/1921-1936/red-line>).

In concrete terms, it means establishing conditions that must not be violated, under threat of the use of force and enormous costs if these conditions are violated. In international law, red lines are prohibited per se, because that means imposing unilateral conditions and threatening to use force against an international actor.

President Barack Obama also resorted to this term, in the context of Syria's use of chemical weapons against its own population, in the sense in which respect for international law, established international rules and a country's commitments, the drawing of limits and the establishment of an ultimatum are required, otherwise international liability is entailed.

Although the two interpretations of the term seem different, the term used by the Russian president is not accidental, linking to both similar political aspects and international law, previously encountered in history, as well as economic aspects, the term appearing in a case where it was required to regulate oil exploitation in a certain territory, a problem which also positions the Russian Federation among the relevant states as holders of natural resources, an important status in its assertion as a world power.

It is obvious that by imposing such limits and rules, Russia practically wants to establish a multilateralism, considering that the prospects for sustainable and predictable development of the international community are directly related to the ability to find effective solutions to common problems and to our desire to exercise a collective leadership, so that true multilateralism prevails.

It's just that this multilateralism desired by Russia is the one imposed after 1945, namely the one by which all international rules must be established within the UN, with

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Russia having the right of veto in all matters, including the New World Order. Russia, like most states, is convinced that such a work must be carried out only on the basis of universally recognized rules of international law. The United Nations must serve as the key platform for coordinated efforts: it is the backbone of the modern global order, in which all independent states are represented. Today, its unique legitimacy and unique capabilities are especially needed. The main provisions of international law enshrined in the UN Charter have stood the test of time. Russia calls on all states to unconditionally respect the motivations and principles of the Charter. Russia wants to return to Yalta-style arrangements and Big Bargains to settle the world of tomorrow, recalling Vladimir Putin's proposal for a meeting of the permanent members of the UN Security Council for this bargain, or at least a US–Russia meeting, to settle the rules of the game going forward. What could be more natural than discussing targets for strengthening multilateralism at the UNO? This fact proves the true attitude of the West towards multilateralism and the UN, which they do not see as a universal format for developing solutions acceptable to all" ([https://www.defenseromania.ro/discursul-lui-lavrov-de-la-minsk-un-compendiu-de-ideologie-rusa-de-securitate-actualizata\\_625409.html](https://www.defenseromania.ro/discursul-lui-lavrov-de-la-minsk-un-compendiu-de-ideologie-rusa-de-securitate-actualizata_625409.html)).

It is understandable why Russia prefers to refer to universally agreed rules as those established within the UN Security Council.

The sovereign equality of states - a principle extracted directly from the UN Charter - is de facto rejected when only the Great Powers are qualified to discuss the future of the world, especially when the great powers have the right of veto in this body and the issues subject to debate and vote directly or indirectly.

The demand to place all international institutions, norms and agreements under the UN and under the veto power of the Security Council is an excess of interpretation, a claim that has never been accepted by the international community. The need to revise the UN Charter, as well as the rules of the Security Council, primarily the veto of the permanent members, has been frequently requested in all debates on multilateralism.

This multilateralism involves bringing together and combining the full weight of all democracies to achieve a dominant global majority to shape and propose the rules. The international system, including that established by the United Nations, is based on democracy, human rights and freedoms, and the freedom of countries to associate freely, based on democratic rules, translated at the international level. The supremacy of law, the rule of law, the sovereign equality of states are part of the general *acquis* and any relativization of these rules, any rejection or limitation of the freedoms of states or people constitutes a violation of this common understanding of international law. The fundamental anarchism of the international system also means the freedom of states to associate in the way they consider to be the most appropriate and advantageous for their interests, but also in a sustainable form, respecting the same set of principles and values.

One of the most common assumptions that realists have shared when analyzing power is that to be powerful is to possess the means to dominate in conflict situations. It is assumed that being powerful and having control over the consequences are the same thing: the one who will win in the conflict is the most powerful, or if the one considered powerful does not win, it means that the other side is the powerful, thus validating the theory (Guzzini, 2000: 79-80). It is also the reason why Russia started the conflict, convinced that it has nothing to lose, from the perspective of proving this theory, respectively establishing its status as a great power in this way (winning or minimizing the relevance of the direct and indirect adversary).

In an international field characterized by multiplicity, as defined by Hans Morgenthau, if one actor wants to ensure its security by accumulating power, its approach will increase the feeling of insecurity of another actor, who will respond by accumulating power. "Power competition arises because no one can feel secure in a world of competing elements, security and the accumulation of power being engaged in a vicious circle." (Hertz, 1950)

We began our approach to understanding the conflict in Ukraine with the theories of John Mearsheimer, and it is no coincidence that we return to his views at the end of the article because he is one of the most controversial realist authors today. This is because, in the recent opinions expressed, he even tends to contradict his own theories or to interpret and nuance them in terms that seem to justify the military intervention of the Russian Federation in Ukraine, which is why the theorist has been accused of being a partisan of President Putin.

In 2001, Mearsheimer had a theory regarding the great powers, which want to expand as much as possible, to expand their power, to become the most important state in the international system, to become a hegemon. So, from this perspective, Russia is doing what is typical of it. For realists, all great powers act from this perspective in the same way, regardless of their form of state, of government, democracies or totalitarian systems, what degree of culture and civilization they have, only the distribution of material and military power in the international system is important.

On the other hand, the same realist author Mearsheimer has other arguments to explain the phenomenon of the invasion of Ukraine by Russia. He believes and argues that the West, NATO, is responsible for the aggressive, revisionist, imperialist behaviour of the Russian Federation. NATO expansion by the US is the cause of revisionist behaviour and the causal logic of this argument is as follows: there was an expansion of NATO in 1990-2000 that produced insecurity and fear in Moscow because it produces a shift from a passive policy to a revisionist policy. This theory of Mearsheimer's contradicts the fundamental premise of 2002: if the great powers are expansionist, then NATO expansion should not matter. But in 2015, he changed his view, considering that Russia is expanding only because it feels threatened by the West. Russian revisionism also determines public policies: the West should leave Russia alone, being guilty of expansion.

For many authors, the end of the cold war did not change the reality: big, powerful states continue to dominate, seize power, and small states tolerate this behaviour. When you have a neighbour that is stronger than you, you invest more in defence to balance the danger, you turn to external balancing, alignment with other states, or you resort to what realist theorists call bandwagoning.

The liberal theorists believed that the threat that Putin feels is that, if the Ukrainian model were to succeed - a former Soviet state that becomes a democratic state governed by the rule of law and follows the path of European and Euro-Atlantic integration, this would demonstrate the success of this model and would abolish all Russian conceptions on maintaining an autocracy and economic dependence on the Russian Federation.

Regardless of the end of the military confrontation in Ukraine, which is considered to be long-lasting, the most important consequence, for international relations, will be the reorganization of the international system and the redefinition of the poles of power, respectively the long announced and declared, after 2022, "New world order".

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### Notes:

<sup>1</sup> Since 1945 and the advent of nuclear weapons, limited war has become the normal type of war. After World War II, due to its global position, the United States was involved in a limited number of wars. The Korean, Vietnam, Persian Gulf, and Iraq wars were all examples of limited wars. The goal of at least one of the parties involved in a limited war is to maintain their freedom and preserve themselves. Often the strategy used, especially against a much stronger enemy, is to prolong the fight until the other side tires and finally decides to give up. This worked for George Washington in the American Revolutionary War. Although the British Army was the strongest military in the world at the time, the war dragged on until the British were tired of the war draining their resources. Today, the Taliban and other Islamist groups continue their wars in an attempt to exhaust their enemies in the Western world.

<sup>2</sup> The decisions of the Security Council regarding Iraq were decisively influenced by the position of the US, a permanent member; The UN Security Council refrained from using the words "war", "conflict" or "invasion", in the first communiqué on the war in Ukraine, but communicated "the deep concern regarding the maintenance of the peace and security of Ukraine". With veto power in the Council, Russia has blocked all previous attempts to adopt a declaration on Ukraine.

<sup>3</sup> The book of John Mearsheimer, *Tragedia politicii de forță*, published in Romania by Antet Publishing House in 2003 and previously cited, first came out with the title "The Tragedy of Great Power Politics", in 2001, published by W.W. Norton & Company.

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## ORIGINAL PAPER

# The protection of IDPs under international law

Sarab Thamer Ahmed<sup>1)</sup>

**Abstract:**

The world in recent days is faced with various kinds of situations and conflicts that affect lives of humans as well as their existence and lead to the displacement of people from their homes or their countries. International law (Isokaite, 2016) sets out the rights of every individual and the responsibility of states to ensure the protection of these rights that can be enjoyed by women, girls, men and boys on equal basis without any discrimination and regardless of age, religion, ethnic or racial background during all times including the times of internal displacement (Adeola, 2021a). Current statistics indicate that there are more people displaced within state borders than persons displaced outside states (Adeola 2021b) .

**Keywords:** *IDPs, rights, protection, homeless.*

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<sup>1)</sup> Lecturer Phd, College of law, University of Thi-qar, Iraq, teacher international organizations. Email: sarabthamer@yahoo.com, law1e208@utq.edu.iq

**Objectives:**

This research sheds light on the legal framework concerning the rights and guarantees relevant to the protection of internal displaced persons, and gives guidance how this framework can be organized to strengthen this protection and support it.

**I. The definition of Internal Displaced persons**

Internal displaced persons are " persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid effects of armed conflicts, situations of generalized violence, violations of human rights or natural or human made disasters and who have not crossed an internally recognized state border. The definition of persons displaced within their countries contained in the "Guiding Principles on Internal Displacement" issued by the United Nations in 1998 is the most widely used definition by the international community, and it stipulates that they" Persons or groups of persons who have been forced or compelled to flee or leave their homes or places of habitual residence, in particular as a result of armed conflict, situations of general violence, violations of human rights or natural or man-made disasters, or to avoid the effects of such situations, but who have not crossed The known international borders of the state (UNdoc 1998) .

According to this definition we can understand that the (IDPs) are obliged and forced to depart their homed and places of their habitual residence as a result of different reasons such as armed conflicts, disasters whether human made or natural disasters like the earthquakes and floods. Those people are looking for shelters within their country and without crossing the international frontiers. (Meng, 2001.) . This definition comes close to the content of the 2009 Kampala Convention on Internally Displaced Persons in its first article, which is the first agreement concerned with this subject concluded between the countries of the African Union, which stipulates; "Internally displaced persons' means persons or groups who have been forced to flee or leave their homes or places of habitual residence, in particular as a result of or in order to avoid: the effects of armed conflict, generalized violence, human rights violations and man-made disasters, and who have not crossed borders. "internationally recognized state" (KAMPALA CONVENTION, 2009).

**II. The difference between IDPs and Refugees**

We have a couple different terms when talking about people displaced by the previous mentioned reasons, the refugee and the internally displaced person. The distinction between the two is important. Both of them are part of the civilian population who have fled home to survive. They both have the same needs and fears i.e. they need Oprotection support and assistance due to the violations or disasters, but Refugees have crossed an international border to find safety whereas the IDPs have found safety somewhere within the border of his country.

Refugee, status entitles individuals to certain rights and international protection, while the IDPs are still under jurisdiction of their government which must protect them and give them the same rights as their citizens.

When people do not cross an international border to find safety, may seem like a better situation, because they are able to find a temporary home within the country of origin, but in reality, it's much more difficult situation. A country at war, for example, has extremely limited resources to help the IDPs (John 2002) and those people are not

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protected under the United Nations. In addition, those people may face social and financial difficulties, in adequate food, shelter, or health care facilities, lack of proper security in camps and various kinds of abuses of children and women as they are the overwhelming majority of internally displaced persons (Stephen, 2017).

Unlike those, the refugees, they come under the protection of UNHCR. that means they are able to access founding and resources of the UN.

In other words, it can be said that both the refugee and the displaced were forced to leave their original residence and their usual place of residence, and that the reasons that forced them to do so are almost the same reasons, which are sometimes related to natural disasters, armed conflicts, economic reasons, and even political conflicts. But on the other hand, the refugee has left the borders of his country of origin for another country, while the displaced person is still within the borders of his country and has not crossed those borders, and this is the dividing line between the displaced person and the refugee.

### **II. The rights of IDPs:**

IDPs are protected by various bodies of law, principles and conventions:

#### **II.I -International human rights law:**

International human rights law is the set of conventional and customary rules that emphasize respect for human rights. It is also a branch of public international law whose rules aim to protect the rights inherent in the nature of individuals, groups, minorities and peoples, without which it is not possible to live as human beings (Ali Sadiq, 1998).

Human rights law are entitles all human beings irrespective of their nationality , colour, sex, race, language, religion or other status ,including on the grounds of being internally displaced such displacement may consist a violation of essential human rights in itself ,and it also violates several other rights which are guaranteed by human rights law, such as the right t life, and the right not to be arbitrarily displaced , not to be subject to inhuman treatment, not to be deprived from education, employment and health care (Stephen 2017.)

The right to be protected against forcible return to a place where their safety would be at risk. Human rights law, obliges the states to respect and fulfill these obligations without discrimination even in times of internally displacement. The role of international human rights law in protecting displaced people is evident through the United Nations Guiding Principles of 1988, which aim to address the specific needs of internally displaced people around the world. They included a set of very important principles that guarantee displaced people, wherever they are, to live in dignity, through the principle of equality. (Principle 1/1) That the displaced person should enjoy the same rights and freedoms as other people within the same country. The principle of non-discrimination (Principle 2) is that there is no discrimination between the displaced in the dealings of the authorities and people with them, which is the principle that was confirmed in detail by Principle 4 that what is meant by non-discrimination for any reason, whether because of race, color, gender, language, religion, belief, political opinion, or legal status. Or social. In addition to the criminal protection provided by these principles, they have provided protection for special categories of displaced persons, the most important of which are children, women, and people with special needs.

## **II.2. The rights under IHL:**

In times of armed conflicts, international humanitarian law comes into effect beside human rights law. When people are in a state involved in an armed conflict, they are protected by the rules of IHL, which aim to limit human suffering and to protect persons who do not or no longer participating in hostilities, and to restrict means and methods of warfare. These rules are applied in all situations of armed conflicts, both international and non-international armed conflicts. International humanitarian law provides fundamental guarantees to internally displaced persons. Therefore, humanitarian work in countries affected by armed conflicts and disasters is necessary to save lives during the crisis by meeting the basic needs of the affected population. Neutral humanitarian organizations such as the International Committee of the Red Cross have the right to provide their services once the concerned parties approve the relief plans. Parties to armed conflict and States must allow and facilitate the rapid and unhindered passage of humanitarian relief, subject to the right of these parties to be monitored.

IHL is important because internal displacement is often occurring in situations of armed conflicts, it establishes minimum standards of humane conduct that must be complied with in any situation of armed conflict. These standards aim to protect civilians, civilian populations and their means of survival.

IHL prohibits direct attacks against civilians, attacks shall be directed only against military objectives. Internally displaced persons are entitled to the same protection under IHL as any other civilians. IHL prohibits any party to a conflict from forcing civilians to leave their homes or places of their habitual residence unless their security or imperative military reasons so demand as a consequence of being displaced ,civilians ,often struggle to meet essential needs, they may face different threats such as settlement in un safe locations, lack of official documents, forced return to unsafe areas. IHL contains important provisions to prevent the displacement of civilians. It aims to ensure that, when displacement does take place, internally displaced persons are protected and provided with assistance at all stages of their displacement, such as satisfactory conditions of shelter, hygiene, health, safety and nutrition and that members of the same family are not separated.

The most important rules for protecting internally displaced persons in international humanitarian law are those mechanisms and guarantees contained in the Geneva Conventions of the year 1949 especially Common Article 3 of them, which relates to conflicts , Despite the ambiguity of Common Article 3, the issue is extremely important for the protection of internally displaced persons because it enshrines customary international rules, which is important because once it becomes a basis for the rule of customary international law, states must, regardless of whether they ratify the agreement or not, and as a result, All states are obligated to respect the basic guarantees contained in Common Article 3 (Kissling, 2006 ) .

Non-international armed conflicts include the minimum rules that parties to a conflict must abide by in the event of the outbreak of internal armed conflicts. They also provide the opportunity for neutral humanitarian organizations such as the International Committee of the Red Cross to intervene and aid those affected by those conflicts.

On the other hand, the first paragraph of Article 49 of the Fourth Geneva Convention, which relates to the protection of civilians in times of war, includes the prohibition of forcing the civilian population to move from their places of residence to remote areas. It prohibits the individual or collective forcible transfer of protected

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persons or their exile from occupied territories to places Others far from their homeland, even if this deportation or displacement took place to another place within the same country.

It should not be neglected to mention here the provisions contained in the First Additional Protocol of 1977, which protects the civilian population from the consequences of hostilities. Article 51 of it included the protection of civilians from the dangers resulting from military operations, starvation of civilians as a method of fighting, or disabling indispensable objects. For the survival of the civilian population, which may force them to move from their places of residence.

It is often the violation of the rules of IHL that cause civilians to flee their homes and become displaced, so all the states, regardless of whether or not they are parties to a conflict, have the duty to prosecute and punish in their own courts those responsible for serious violations of IHL, such as war crimes and or grave breaches of the law regardless of the place of the crime or the nationality of the person.

Without greater respect for IHL and more efforts to protect the civilian population during armed conflicts, global displacement figures will continue to grow.

### **II.3. The rights under the UN Guiding principles on internal displacement:**

The need for international standards for the protection and assistance IDPs became obvious in the 1990, when the number of the forcibly uprooted people within the border of their country as a result of human rights violations, armed conflicts and disasters, began to rise. These (30) principles outline the protection available to IDPs. They bring together the rights of IDPs and the responsibilities of national authorities as well as non-state actors towards them the basis in international law for each principle is summarized in (Walter, 2000).

The guiding principles are the mile stone in the process establishing a legal framework for the protection of IDPs, it has its importance, because it reflects the existing standards of international law.

The UN general Assembly has recognized these principles as an important international framework for IDPs, protection and encouraged all relevant actors to consider them as a guide in situation of internal displacement.

### **II.4 / The content of the Guiding principles:**

The 30 guiding principles are structured around the phases of displacement. these principles provide a definition of an IDPs.

They address protection against displacement protection during displacement, the framework for humanitarian assistance, and protection during return resettlement and re integration. They cover the rights relating to the physical security and integrity, economic, social and cultural protection needs such as the access to education, the basic needs of life like the rights to food, water, health and shelter.

These principles state that (IDPs) are entitled to enjoy rights and freedoms without any discrimination, regardless of their age, sex, religion, racial or social background. These principles fill some important gaps in (IDPs) protection because it prohibits the arbitrary displacement (Adeola, 2016) and reaffirm that national authorities have the primary responsibility to ensure that (IDPs) essential needs are met. These principles emphasis the importance of safe return as well as the need to assist the (IDPs) to recover their property and possessions.

### Conclusion

The idea of protection in international law is a broad idea that does not stop at one group of society. Rather, the goal of protection is to achieve security and safety and preserve the dignity of the individual, whether he is a man or a woman, old or young, and that protection is not limited to times of war between countries, Rather, the United Nations is working to achieve this protection even during periods of internal displacement, regardless of the causes of displacement, whether civil wars, internal strife, or natural disasters. This is the reason behind determining the responsibility of states and governments to ensure that protection by all possible means and means until protection was transformed from an initiative It is a duty upon states. And if it is possible to temporarily suspend human rights during armed conflicts due to the circumstances of war, then international humanitarian law applies in international and non-international armed conflicts, which means that this law can provide the necessary protection for internally displaced persons, It has become clear that the protection of displaced persons in international humanitarian law is a limited protection that can be limited to the sources of international humanitarian law itself, embodied in the four Geneva Conventions of 1949 and the two Additional Protocols of 1977, as this law protects the displaced as civilians when they do not participate in hostilities. and the parties to the conflict must not Attacking civilians who are not combatants and not involved in the fighting, but that international humanitarian law places restrictive conditions on the parties to the conflict to ensure the right of return for those internally displaced to their homes and homes as soon as the reasons for displacement are gone.

Another instrument of protection is the UNs' guiding principles on internal displacement which bring together the rights of IDPs and the responsibilities of national authorities and non – state actors towards them. This instrument can be used by the governments, international agencies, NGOs and IDPs themselves to promote and protect the rights of any internally displaced people. Finding from this research prove that internally displaced persons go through numerous challenges, form shortage of food supply, lack of security, abuses in the camps, poor sanitation and health care, this sever conditions implies that if measure is not taken to address the situation it could lead to serious social and health problems.

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## ORIGINAL PAPER

# Regional Evolution of the ICT Sector in the European Union: Insights and Trends

Eugen Gabor<sup>1)</sup>, Marian Oancea<sup>2)</sup>, Vladimir Pripp<sup>3)</sup>

### Abstract:

The development of the digital sector is seen as essential for the future of the European Union not only by the European authorities but also by non-governmental organizations (NGOs), national political parties, representatives of the business sector, social activists, or regular citizens. This approach is reflected, among others, in several details of the NextGeneration EU recovery instrument meant to create economic and social stability in the member states after the coronavirus pandemic, which represented one of the grimmest phases in the recent history of the continent. The funds directed towards enhancing the process of digitalization should reduce the development gap that exists at a regional level in the EU. But how profound is this gap, and what are the factors that generate and perpetuate it? The present study shapes answers to these questions by focusing on four regions that include all 27 member countries in the EU: Western Europe, Northern Europe, Eastern Europe, and Southern Europe. The analyzed period is mainly 2018-2022, covering the last two years before the COVID-19 outbreak, the pandemic, and its aftermath. We take into account elements like internet accessibility, the share of Information and Communication Technology (ICT) in the Gross Domestic Product (GDP), other economic particularities, the development of e-commerce, or the level of digital literacy. Our conclusions suggest that the importance of historical factors is at times diluted by strategic decisions implemented by governments. The evolution of the ICT sector is seen in numerous countries as a key element in establishing much-needed political, economic, and social resilience.

**Keywords:** *ICT sector, digitalization, economic development, e-government, e-commerce, digital literacy.*

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<sup>1)</sup> „Carol I” Central University Library, Research Assistant, Bucharest, Romania; Email: eugen.gabor24@gmail.com.

<sup>2)</sup> „Carol I” Central University Library, Head of Research. Innovation. Digitalization Department, Bucharest, Romania; Email: marian.oancea@bcub.ro.

<sup>3)</sup> School of Sociology and Social Work, University of Bucharest, PhD Candidate, Bucharest, Romania; Email: vlripp@gmail.com.

## 1. Introduction

The 21st century is labeled as the digital century not only in the mass media or in the formal or informal discussions that take place between ICT specialists but also by organizations that are directly connected to the European Union. For instance, *Friends of Europe*, a think tank co-funded by the EU, is focusing on digital and data governance, elements that are seen as pillars of the sustainable development of the member countries. One of its representatives, David Howell, argues that the EU must be dragged into the digital century through „...the injection of rapidly-accumulating information into every aspect of economic and social life...” (Howell 2015). Moreover, the European Digital SME Alliance, which represents a web of ICT small and medium ventures, describes the digital century as follows: „The future will be dominated by an environment that will be digital in all aspects. Houses, cars, fridges, but also objects of daily use will be equipped with sensors and embed connectivity between themselves, but also interact with human beings. The technical solutions will not be limited to certain areas of the economy but will likely touch all parts of life.” (Linck 2019)

In an environment dominated, rightfully so, by this kind of perspective, it would be expected to have a generalized frenzy in regard to boosting and deepening the digitalization process. However, for some political actors, developing the ICT sector is a main priority, while for others, it is only a secondary issue. Analyzing the European overview, we can notice differences between regions and differences between countries that can be considered parts of the same region. Understanding these contrasts is important because they can weaken the cohesion of the EU, furthering the debates built around the concept of a *multi-speed Europe*. Obviously, proposing a path for reducing the diversity that characterizes the development of the digital sector in EU countries is not possible without identifying the main reasons that enable it.

Before focusing on recognizing the factors that fuel the digital gaps in the EU, we present a brief, but relevant, literature review and also present some key methodological details. The theoretical elements we highlight help us understand the importance of the digital skills and the manner in which acquiring them can transform the functioning of our economies and societies. E-learning, e-government, or e-commerce are terms that define our present and are meant, if humanity will continue its existence, to dominate our future. The methodological section contains not only details regarding our methods and hypotheses but also explanations regarding the division of the 27 EU members into four categories. As we will see below, the geographic element has an undeniable role in shaping our groups, but other aspects must also be taken into consideration. The comparisons made between Western, Northern, Eastern, and Southern Europe are the basis of our conclusions.

The evolution of the digital sector is a challenging topic for an academic article especially because this sector is one of the most dynamic parts of our societies. The brutal experience of the COVID-19 pandemic and the restrictions that were generated by the depth of the sanitary crisis outlined once more the outstanding significance that digitalization has for our age. Nevertheless, just like in many other domains, progress is not irreversible, and the pioneers of today can be the idlers of tomorrow. One of the main pillars of the natural sciences is the idea that adaptability is essential for survival. This idea is a fundamental one for our study as well.

### 2. Literature review

Nowadays the development of digital skills represents a prerequisite for successfully navigating in a society that has become increasingly oriented on E-learning, as well as on ICTs. Therefore, we could say that we live in a digital society, where things are rapidly changing and being able to keep up can be quite challenging, especially for those that do not incorporate technology in their everyday life or they do so to a small extent, such as having basic cable television or a landline.

First and foremost, we should try to delineate E-learning from digital literacy and ICT, although they have a common ground. E-learning is a learning process that occurs in the virtual world, namely online. A more thorough definition is that E-learning encompasses systems that include a web-based learning and an Internet-based training, offering people the possibility to access information at any time and place in order to maximize the learning experience. Therefore, E-learning couldn't be possible without digital literacy skills, which are the basic skills to understand and use information in various formats and from a wide range of sources. Hence we can see a reciprocal relationship between E-learning and digital literacy skills. (Hamutoğlu, Sezen-Gultekin, and Savaşçı 2019)

Digital literacy is described as the ability to access, manage, understand, integrate, communicate, evaluate and create information through the use of digital technologies. Consequently, digital literacy is often described as having specific competences that are related to ICT literacy, computer literacy, information literacy and media literacy. (Law et al. 2018)

Nevertheless, these two concepts are often used interchangeably, because they are both comprised of information, media and computer literacy. ICT literacy, just like digital literacy, refers to the ability to access, manage, integrate, evaluate and create information, as well as the ability to use communication tools, networks and digital technologies. (Ainley, Schulz and Fraillon 2016) Digital competence is described as having basic ICT skills, meaning the ability to use the computer for searching, assessing, creating, saving and exchanging information, as well as developing collaboration networks through the Internet. Therefore, ICT is a technology that applies to any type of device that gathers, stores, processes, retrieves, manipulates, receives or transmits data in a digital form. (Aker 2022)

In today's world lacking ICT skills has a profound impact on individuals' lives, both personally and professionally. Digital literacy has become a life skill, a competence that is indispensable in the workplace, as well as in everyday life, especially after the coronavirus outbreak. Moreover, digital literacy is viewed as being a vital component in the 21st century toolkit for creating more inclusive and secure societies. (Bandura and Leal 2022) However, the knowledge of digital literacy and its impending importance in all sectors of life is not a recent concept, this theory being tackled throughout the years in various works. The educational system has acknowledged ICT's importance over the years, making considerable strides in this direction. Nonetheless, the focus shouldn't be only on students' perception of ICT, but also on teachers' ability to use digital technologies, as well as on schools' access to ICT resources. (Fraillon et al. 2013). ICT has produced a shift in the learning process, due to the fact that students have access to online content and don't rely solely on printed materials. Moreover, the teaching environment has changed into a learner-centred one, where each individual becomes actively involved in the learning process, developing three major traits: autonomy, creativity and capability. (Fu 2013) There have been debates whether ICT skills should

be integrated only in primary and secondary schools (Angeli et al. 2016, Brinda et al. 2014), or should they be taught in kindergarten as well. (Armoni 2012, Drigas and Kokkalia 2014) This is a two-sided viewpoint where the supporting studies argue that children rely on inductive reasoning (Lawson and Fisher 2011), as well as on deductive reasoning from a very early age (Whittaker 2014), therefore it would be to their advantage to learn ICT skills as soon as possible. (Masoumi 2020) On the opposite side of the spectrum, there are concerns regarding the early exposure to technology and how this might affect children's health in different ways – from eye vision deficiency to bad posture, with all the other health problems that these bring about (Woo, White and Lai 2016) – as well as the possibility to develop digital addiction (Ding and Li 2023) Nevertheless, in today's digitized society children are being exposed to technology much more than in previous years, which means that, if the necessary precautions are taken, then the emphasis should be on teaching ICT in schools from an early age, because it develops problem-solving skills, it improves communication and computer-based assessment, therefore it has a major impact on both technological and cognitive abilities. (Weber and Greiff 2023)

It is important to acknowledge that digital transformation didn't have an impact solely on education, it produced fundamental changes in the ethical responsibilities of each individual and in the way social interactions occur at a professional and personal level. This shift determined the emergence of new concepts, such as digital citizenship, e-commerce, digital economy, digital business and digital divide, the latter one having more topicality now than ever before. The focus should be on building critical media literacy skills, which have a positive impact on youth development and civic engagement (Martens and Hobbs 2015, Middaugh, Clark and Ballard 2017), as well as on digital economy, because individuals will be better equipped to understand the challenges and opportunities that arise in the virtual environment. (Lombana-Bermudez et al. 2020) The definition of digital citizenship has evolved throughout the years, as well as its applicability in the formal educational setting around the world. (Kim and Choi 2018, Cortesi et al. 2020) In short, digital citizenship refers to each individual's right to freely express themselves online in a responsible way and the digital citizen is someone who has the ability to use digital tools, as well to impartially evaluate information from various online sources. (Cubukcu and Bazyan 2016)

Digital economy refers to the process of making money online from various businesses that are carried out in the virtual space. E-commerce (or electronic commerce) is the process of selling and buying goods and services via the Internet, therefore it refers to online businesses and the electronic networking strategies they incorporate through social media or other online platforms in order to succeed. Therefore, it has a direct influence on the development of digital economy (Gazieva et al. 2020), which in turn contributes to the expansion of green economy. (Chen 2021)

Overall, studies suggest that learning ICT improves the quality of life and the economic growth of a country. The use of various statistical methods, such as regression estimators, instrumental variables regression and pooled regression show that e-government and telecommunications have a stronger impact on GDP growth and that ICT development will improve the economic growth in the long run. (Akram et al. 2021) The economic growth of a country is measured through GDP (Gross Domestic Product) and one of its key drivers proved to be the ICT investments. (Goodwin 2022) However, the level of ICT development across the world has never been linear and therefore socio-economic and ICT variables derive, which accentuate the digital divide. For a long time

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digital divide has been viewed as a problem that could be solved by simply providing Internet access. The digital divide concept has been debated since the mid-1990s and only in recent years this divide has been regarded as a multidimensional phenomenon that goes beyond the actual access to digital technology. (Mubarak, Suomi and Kantola 2020) This means that the divide is produced because of the way technology is being used for creating or adding economic values and social justice to a society. (Shenglin et al. 2017) Some studies suggest that the digital adoption of a country depends both on “fast moving” policy variables, which include mobile phone ownership, use-cases, coverage and price and “slow moving” policy variables, which include skills, urbanization, labour force participation, inequality and the services` share in the GDP. (Kumar, Amaglobeli and Moszoro 2023)

### 3. Methodology

Categorizing the EU members in order to shape an overview regarding the evolution of the ICT sector is a difficult task. Several factors can be taken into account in this process: geographical position, historical legacy, economic strategy, cultural and linguistic particularities, the date of accession to the EU, etc. If all these elements were given the same level of importance, we would risk over-fragmenting the analyzed landscape, which would complicate the endeavor of drawing relevant conclusions. Indeed, countries that belong to the same region are differentiated by their economic model, and countries that have similarities in their historical evolutions are separated by their cultural background. Making such a mosaic intelligible requires a flexible approach regarding the importance of the above-mentioned factors. Geography is an unavoidable element, but sometimes its relevance can be diluted; therefore, states like Portugal and Croatia or Ireland and Austria can end up in the same categories. Nevertheless, the four groups we established are named according to the cardinal points. Their compenence is as follows: Western Europe – Austria, Belgium, France, Germany, Ireland, Luxembourg, and the Netherlands; Northern Europe – Denmark, Estonia, Finland, Latvia, Lithuania, and Sweden; Eastern Europe: Bulgaria, the Czech Republic, Hungary, Poland, Romania, and Slovakia; Southern Europe: Croatia, Cyprus, Greece, Italy, Malta, Portugal, Slovenia and Spain (Fig. 1).

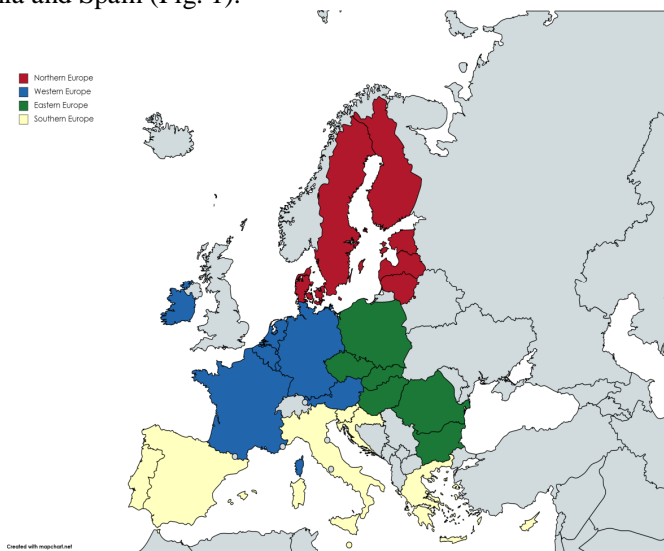


Figure 1 – The four groups delineated by our study. Source: MapChart 2023

The first category is built around five of the six founding members of the European Coal and Steel Community (ECSC), the structure which preceded the creation of the EU. The reasons behind the absence of Italy will be presented below. Germany belongs without any doubt to Western Europe, although some of its eastern regions are still influenced by elements from their Communist past. Ireland and Austria were added to this group because of economic, cultural, and historical reasons. Ireland can be considered a liberal market economy (LMA), while countries like Belgium, the Netherlands, Germany, or Austria are labeled as coordinated market economies (CME) (Hall & Soskice 2001, p. 20). CMEs are also described as the Continental European model (Amable 2003, p. 14). Moreover, an influential study considers Ireland and Austria to be at opposite ends of the economic spectrum, with Ireland having all the characteristics of a LME and Austria having all the characteristics of a CME (Witt & Jackson 2016, p. 793). However, Ireland is closer to the Continental model than to the leftist Scandinavian one or to the more ambiguous system that characterizes some of the Mediterranean countries. In addition, it joined the European Community in 1973, significantly sooner than countries like Greece (1981), Spain (1986), Finland, or Sweden (1995). Therefore, its placement in the Western European group, although debatable, is more appropriate than the alternative options. Regarding Austria, the particularities of its economy and its historical, cultural, and linguistic ties with Germany justify our choice. Although associated with the concept of *Mittleuropa* (Central Europe), just like countries like the Czech Republic, Slovakia, Hungary, or Poland (Ash 1990: 1-2), Austria is differentiated from them not only by economic and linguistic details but also by the fact that after the end of the Second World War it did not become a part of the Communist bloc.

Northern Europe is composed of two groups that apparently have irreducible differences: the Scandinavian and the Baltic states. Economically, the social democratic model, which relies on boosting innovation and productivity while guaranteeing economic predictability and social protection (Amable 2003, p. 15), is contrasting with the neoliberal model of deregulation, which characterizes Estonia, Latvia, and Lithuania (Bohle & Greskovitz 2012: 2–3). Politically, in Denmark, Sweden, and Finland, liberal democracy has solid roots. These countries have been successful over the decades in avoiding the dangers of right- and left-wing authoritarianism. On the other hand, the Baltic region, as part of the Union of Soviet Socialist Republics (USSR), experienced almost half of a century of Communism. Thus, the three countries joined the EU only in 2004, alongside other former Communist states like Poland, the Czech Republic, Slovakia, Hungary, and Slovenia. Therefore, apparently Estonia, Latvia, and Lithuania should belong to the Eastern group. However, we must take into account that, economically, they have peculiar characteristics even for the easterners, and their cultural and linguistic identity differentiates them from the neighboring Slavic people. For instance, Estonians are closer to Finns than to Poles or Czechs. This observation is valid not only linguistically but also geographically: the distance between Tallinn and Helsinki is 88 kilometers, while the distance between Tallinn and Warsaw is almost 1000 kilometers. Moreover, regarding the digitalization of politics and society, Estonia is clearly closer to the Scandinavian group than to the Eastern one. These elements contributed to our decision to create a category that contains exclusively countries from the shore of the Baltic Sea.

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Eastern Europe is homogenous regarding its recent history, all the six countries being former Communist regimes. Economically, the states that created the Visegrád Group (Poland, the Czech Republic, Slovakia, and Hungary) have implemented similar strategies, which can be labeled as *embedded neoliberalism*: deregulating the market is doubled, unlike in the Baltic states, by more or less successful attempts at maintaining social cohesion. On the other hand, Romania and Bulgaria have a more winding path, which leads to a destination that resembles the one reached by Estonia, Latvia, and Lithuania (Bohle & Greskovitz 2012: 2–3). Overall, it is clear that Central and Eastern Europe is not classifiable into one of the categories that exist in the pre-2004 EU (Whitley 1999, p. 209). Culturally and linguistically, the region is also characterized by diversity, with the Slavic identity coexisting with a Latin (Romania) and a Finno-Ugric (Hungary) one. However, all six countries are more or less burdened by a development gap in comparison with the West. Also, they all joined the EU less than 20 years ago (2004: Poland, the Czech Republic, Slovakia, and Hungary; 2007: Romania and Bulgaria). Therefore, especially because over-fragmenting the analyzed domain would be counterproductive for our endeavor, we included them in a single category.

Southern Europe is linked mainly by the Mediterranean Sea. Only Portugal, which is at the northwest of the Gibraltar Strait, does not have direct access to it. Portions of the Mediterranean, like the Alboran Sea (Spain), the Sea of Sicily (Malta), the Levantine Sea (Cyprus), the Ionian Sea (Greece), or the Adriatic Sea (Italy, Croatia, and Slovenia), connect the other countries of the group. Politically, several subgroups can be observed. Portugal, Spain, and Greece experienced right-wing authoritarian regimes during the second half of the 20<sup>th</sup> century. Moreover, they all joined the EU in the same decade (Greece in 1981, Portugal in 1986, and Spain in 1986). Slovenia and Croatia were part of the Communist Yugoslavia; however, it is essential to note that Yugoslavia exited the bloc led by the USSR in the early phase of the Cold War, being a founder of the Non-Aligned Movement. Therefore, the ties with the West were stronger than in the case of states from the Eastern group. Italy, although a founding member of the ECSC, is not only geographically but also historically and economically closer to the Southern group than to the Western one. It is worth mentioning that seven of the eight countries that compose this category have the highest share of tourism and travel in their Gross Domestic Product (GDP) from the EU in 2022: Croatia (25.8%), Greece (18.5%), Portugal (15.8%), Spain (13.6%), Malta (12.6%), Cyprus (12.2%), and Italy (10.2%). The eighth country, Slovenia, is also in the first half of the ranking (9.2% - 11<sup>th</sup> position) (Statista 2023). Moreover, the economic model of this region is distinct from the ones encountered in the rest of the EU. Portugal, Spain, Italy, and Greece, alongside France and Turkey, are considered mixed-market economies (MMEs), having both liberal and coordinated characteristics (Hall & Soskice 2001, p. 21; Witt & Jackson 2016, p. 793). Other authors argue that the Mediterranean model is more than a mere hybrid, combining strong rights for the employees, a weak safety net for those who are not integrated into the labor market, and few opportunities for professional reconversion. The education system lacks dynamism, therefore the wages, productivity, and quality of products are at a low level (Amable 2003: 15-16). Slovenia and Croatia have different economic particularities, being still influenced by their Communist path, but their model is not identical to the ones identified in the Visegrád Group or in the Baltic states (Bohle & Greskovitz 2012: 2–3). Culturally and linguistically, we can also observe several subgroups. Portugal, Spain, and Italy are Latin countries, closer to France or Romania from this point of view than to Greece or Croatia. Malta, although a former British

colony, is culturally close to this subgroup, the Maltese language being a Latinized version of Arabic. Greece and Cyprus have a shared heritage, although the issue of the Turkish-controlled area in the northern part of Cyprus is still unresolved. Finally, Slovenia and Croatia are Slavic countries, but, as mentioned above, the proximity of the Adriatic Sea and Josip Broz Tito's foreign policy are separating them from the Slavs of the Eastern group. Perhaps the least homogenous of the four categories, the Southern one is also united by the fact that the development of the ICT sector is still unsatisfactory.

Overall, the four groups we delineated do not lack inconsistencies but are useful for better understanding the evolution of ICT in the EU. Moreover, by shaping them, we avoided the risk of overfragmentation (Table 1). As we will observe below, there are important variations within some of our categories. Nevertheless, the differences between them help us identify several factors that are boosting or sabotaging the process of digitalization.

<p>The Western Group:</p> <ul style="list-style-type: none"> <li>• Geographic position: Western and Central Europe.</li> <li>• Historical legacy: countries with liberal democratic backgrounds that did not experience left-wing authoritarianism.</li> <li>• Economic model: coordinated market economy (exception: Ireland).</li> <li>• Culture and language: a mix of German, Latin, and Celtic heritage.</li> <li>• Date of accession to the EU or its predecessors: 1952 (France, Belgium, the Netherlands, Luxembourg, Germany), 1973 (Ireland), 1995 (Austria).</li> </ul>	<p>The Northern Group:</p> <ul style="list-style-type: none"> <li>• Geographic position: Northern Europe (countries linked by the Baltic Sea).</li> <li>• Historical legacy: two subgroups with common elements – the Scandinavian and the Baltic states (Finland was, just like the Baltic states, in the influence sphere of the Russians for an important period of time).</li> <li>• Economic model: social-democracy (Scandinavia) and neoliberalism (the Baltic states).</li> <li>• Culture and language: two subgroups with common elements - the Scandinavian and the Baltic states (Finland and Estonia share the Finno-Ugric heritage).</li> <li>• Date of accession to the EU or its predecessors: 1973 (Denmark), 1995 (Sweden and Finland), 2004 (Estonia, Latvia, and Lithuania).</li> </ul>
<p>The Southern Group:</p> <ul style="list-style-type: none"> <li>• Geographic position: Southern Europe (countries linked by the Mediterranean Sea).</li> <li>• Historical legacy: a mix of right-wing authoritarian experiences (Portugal, Spain, Greece, and, earlier, Italy), the Communist heritage of Slovenia and Croatia, and the former status of a British colony shared by Malta and Cyprus.</li> <li>• Economic model: a Mediterranean model that combines coordinated and liberal elements (Portugal, Spain, Italy, Greece), and the post-communist neocorporatism (Slovenia) and embedded neoliberalism (Croatia).</li> </ul>	<p>The Eastern group:</p> <ul style="list-style-type: none"> <li>• Geographic position: Central and Eastern Europe.</li> <li>• Historical legacy: former Communist countries.</li> <li>• Economic model: (embedded) neoliberalism.</li> <li>• Culture and language: a mix of Slavic, Latin, and Finno-Ugric heritage.</li> <li>• Date of accession to the EU: 2004 (Poland, the Czech Republic, Slovakia, and Hungary) and 2007 (Romania and Bulgaria).</li> </ul>



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<ul style="list-style-type: none"><li>• Culture and language: a mix of Latin, Greek, and Slavic heritage.</li><li>• Date of accession to the EU or its predecessors: 1952 (Italy), 1981 (Greece), 1986 (Spain and Portugal), 2004 (Malta and Cyprus).</li></ul>	
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In order to identify the differences between the four groups, we utilize methods such as document and data analysis. We study information presented by the Digital Economy and Society Index (DESI), realized by the European Commission. Moreover, we highlight data from research conducted by Eurostat, the EU's statistical office. The overview is completed with details extracted from studies and reports.

The main goal of the analysis is to establish the validity of three hypotheses. The first hypothesis is as follows: Economic models centered on innovation and productivity have the highest compatibility with the development of the digital sector. The second one states that countries that joined the EU in the last two decades are using digitalization as an instrument to reduce the development gap between them and the core of the organization. Finally, the third one affirms that economies that rely mainly on tourism have the tendency to neglect the digitalization process. As mentioned above, our conclusions are based on the comparisons which arise from verifying the validity of these statements.

### 4. The ICT sector in the four EU regions

The Scandinavian countries are unarguably the most developed EU members in regard to the digitalization of the economy and society (Fig. 2). In the 2022 DESI index, which focuses on four indicators (human capital, connectivity, integration of digital technology, and digital public services), three out of the first four positions are occupied by Finland, Denmark, and Sweden (Digital Economy and Society Index 2022). In Northern Europe, Estonia and Lithuania are also above the EU average. However, the remarkable achievements of Estonia in the domain of e-governance are clouded by issues regarding connectivity and human capital. Moreover, Lithuania and Latvia are contributing to a significant decrease of the group's average score. As mentioned above, the Scandinavian and Baltic countries have different historical paths and different economic models.

In Western Europe, the Netherlands and Ireland are among the most developed countries, occupying the 3<sup>rd</sup> and, respectively, the 5<sup>th</sup> position. Luxembourg, France, Austria, and Germany are also above the EU average. Firstly, this overview underlines that both liberal and coordinated market economies are compatible with high levels of digitalization. Secondly, it suggests that the countries that form the core of the European project are likely to possess competitive advantages in the technological field.

Eastern Europe is clearly underdeveloped, with five of the last six positions in the DESI index being occupied by states from this region (only the Czech Republic is in a slightly better position). Although there are indicators that seem to contradict this conclusion (Romania is close to the EU average regarding connectivity), it is clear that most of the EU members that belonged to the former Communist bloc are yet to catch up with the digital standards of the North and the West.

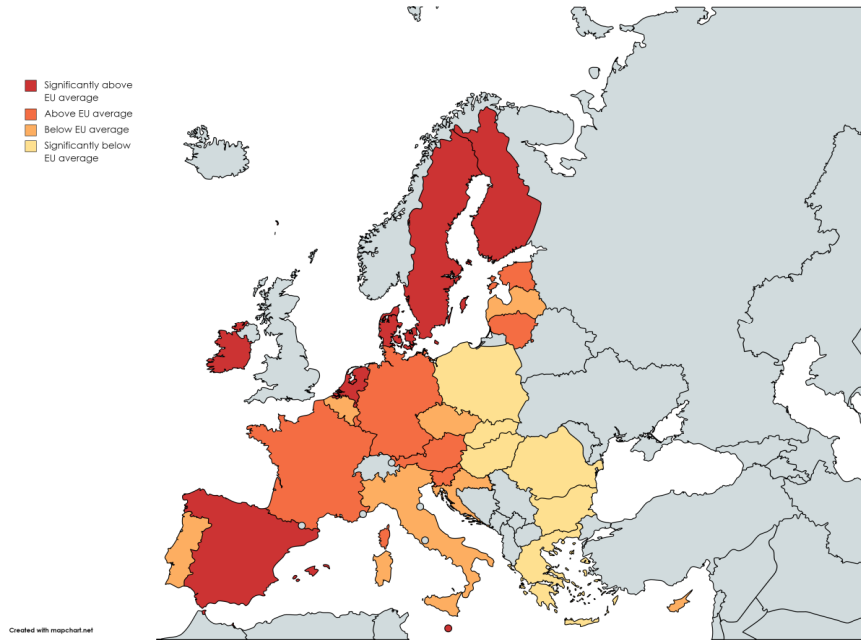


Figure 2 – DESI Ranking 2022. Source: Digital Economy and Society Index 2022; MapChart 2023.

Southern Europe is, even more than the Northern group, heterogeneous: Malta and Spain have excellent scores, Slovenia is slightly above the EU average, Italy, Croatia, and Cyprus are below average, while Greece is in the proximity of the two countries that joined the EU in 2007 (Romania and Bulgaria). These discrepancies cannot be completely explained either by history, the economic model, or cultural particularities. However, as we will see below, other indicators present a more comprehensible image of this group.

Overall, if we focus exclusively on this index, we could argue that it demonstrates the existence of a multi-speed Europe; the North and the West are clearly superior to most of the Eastern and Southern countries (Fig. 3). This image, although quite accurate, is ignoring the latest trends. The strategic approach of several Eastern states prioritizes the process of digitalization.

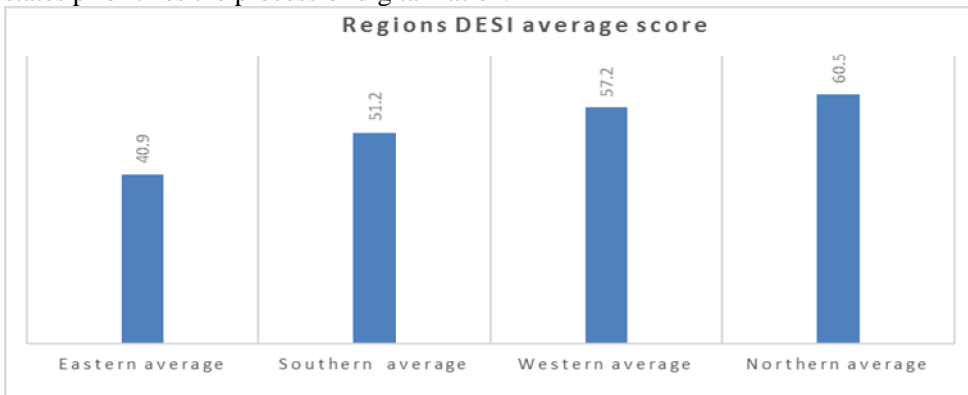


Figure 3 – The average score of the four groups in 2022. Source: Digital Economy and Society Index 2022.

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An essential indicator for establishing the importance of the digital field in the economic development of a country is represented by the share of the ICT sector in the GDP. In this regard, the overview presented by DESI is not confirmed. If we analyze the period between 2018 and 2020, we can notice that the Northern group maintains its primacy, but the Western and Southern ones are registering lower figures than the Easterners (Fig. 4). Regarding the West, we must specify that we could not identify complete data regarding the share of the ICT sector in the GDP for two countries (Luxembourg and Ireland). ICT has the lowest impact on the economic evolution in the Southern region (Fig. 4). Here, Portugal, Spain, and Italy have not provided relevant data for all the analyzed years; therefore we filled the gaps by utilizing the averages of the figures that were available.

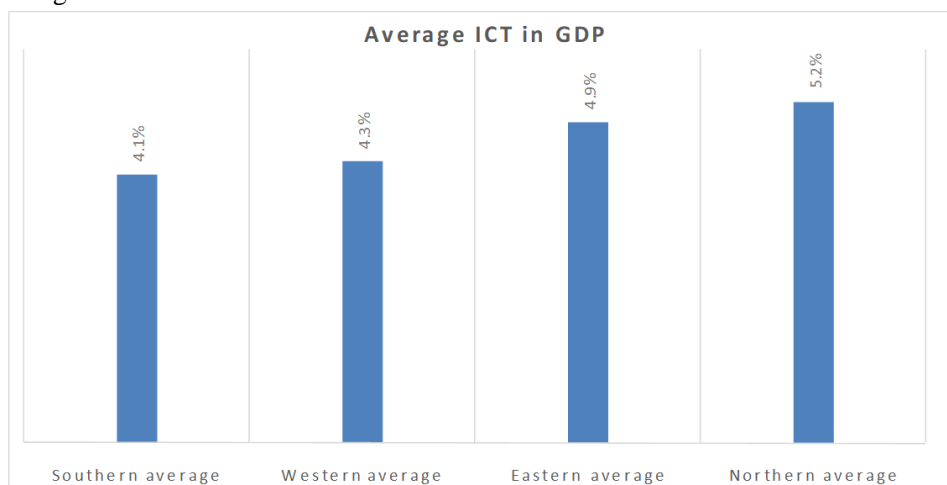


Figure 4 – The average share of the ICT sector in GDP (2018-2020). Source: Eurostat 2023a.

In the North, there are some notable regional differences: Lithuania is the only country that has a percentage below 4%, while Sweden is the only one that exceeds 7% (in 2020). In the East, a quite homogenous landscape is altered by Bulgaria, which has remarkable figures (above 6% in 2019 and 2020). In the West, the only country that is below the 4% mark is Austria. In the South, Malta's share (8% in 2020) is significantly improving the average score (Eurostat 2023a).

The apparent backwardness of the Southern group can be explained by the importance of the tourism and travel sectors in the GDP. Regarding the higher percentage of the Eastern group, there are at least two possible explanations. Firstly, regardless of the dominant economic model, governments seem to consider digitalization as a precondition for social and economic development. Secondly, the involvement of foreign IT companies that benefit from a combination of lower wages and improvements regarding connectivity and human capital is boosting this sector (Anderson 2022).

If we analyze the percentage of the ICT personnel in total employment, we obtain an image that resembles the one offered by the DESI index: the Northern and Western groups have significantly higher figures than the Southern and Eastern ones

(Fig. 5). Notably, the backwardness of the Easterners is significantly less pronounced than in the case of the above-mentioned index. Moreover, it could be argued that employees from Eastern Europe tend to generate a higher added value in the economy, given that the ICT sector's percentage in the GDP is higher in the Eastern region than in the Southern one. Also, it must be specified that the precise number of ICT specialists employed in the West is significantly higher than in the North, given that Scandinavia and the Baltic region have a smaller population density than Western and Central Europe.

The gap between the North and the West on the one hand and the South and the East on the other hand suggests that in the latter, there is still a significant room for improvement regarding e-learning. Thus, we have a confirmation of the overview of digital skills in the EU provided by DESI.

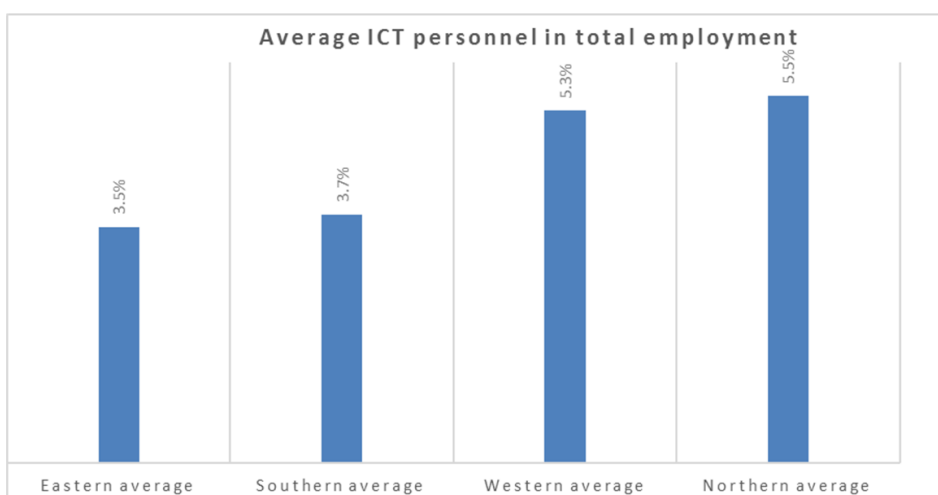


Figure 5 – The average of the percentage of ICT personnel in total employment (2018-2022). Source: Eurostat 2023b

Obviously, acquiring digital skills is heavily influenced by the accessibility of the internet. In this regard, we can also identify a discrepancy between the performers of the DESI index and the rest (Fig. 6). Although the situation is far from grim in the South and the East, it is clear that the possibilities for these regions to boost their digitalization processes can be limited by the lack of significant improvements in this field. In the Eastern region, from 2018 until 2021, internet access increased by 3% every year, and from 2021 to 2022, it improved by 2%. In the Southern region, an increase at a steady pace was registered (2%–3% yearly) (Eurostat 2023 c). The South and the East need to keep up this pace in order to reduce the aforementioned development gap.

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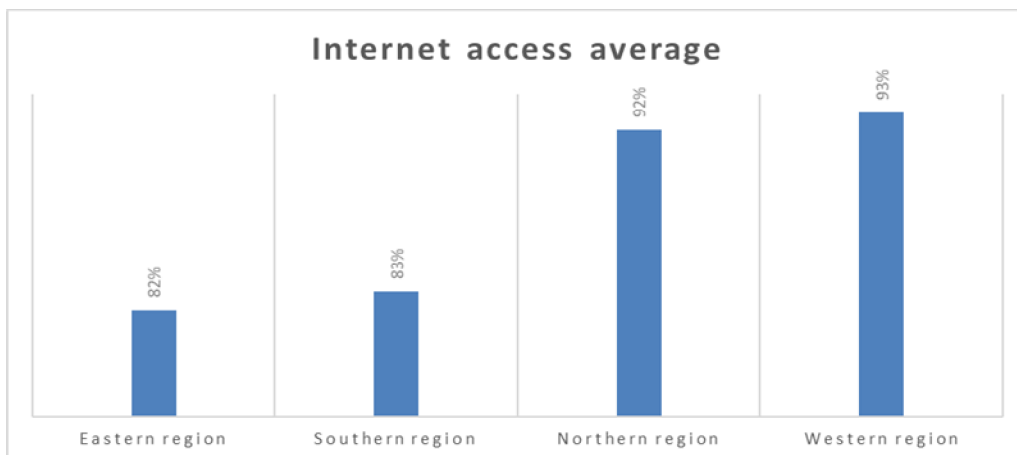


Figure 6 – The average of the internet accessibility in the four groups (2018-2022). Source: Eurostat 2023c

A relevant indicator regarding the importance of the digital sector in the economy and in the everyday lives of individuals is represented by the frequency of internet purchases. Here, the gap between the Northern and Western groups on the one hand and the Southern and Western groups on the other is as visible as ever (Fig. 7). Nevertheless, the latest trends offer us relevant insight into the development of ICT at a regional level. At the beginning of the analyzed period (2018), people from the Western and Northern regions were obviously more familiar with online purchases than citizens from Eastern and Southern Europe. However, the latter managed to adapt and significantly increase their online purchases, especially in the context of the pandemic. Notably, in Eastern Europe, online acquisitions continued to increase in 2022, while in other groups, a recoil was generated by the end of pandemic-related restrictive measures. In the East, the analyzed figure increased from 29% (2018) to 49% (2022). In the South, the progress is from 32% (2018) to 46% (2022) (Eurostat 2023d, Eurostat 2023e). These details highlight the fact that the dynamism of the Eastern digital sector is growing more rapidly than in other regions; therefore, it can be argued that a factor consisting, among others, of governmental strategic approach and foreign investments has the ability to redraw the EU's regional ICT map.

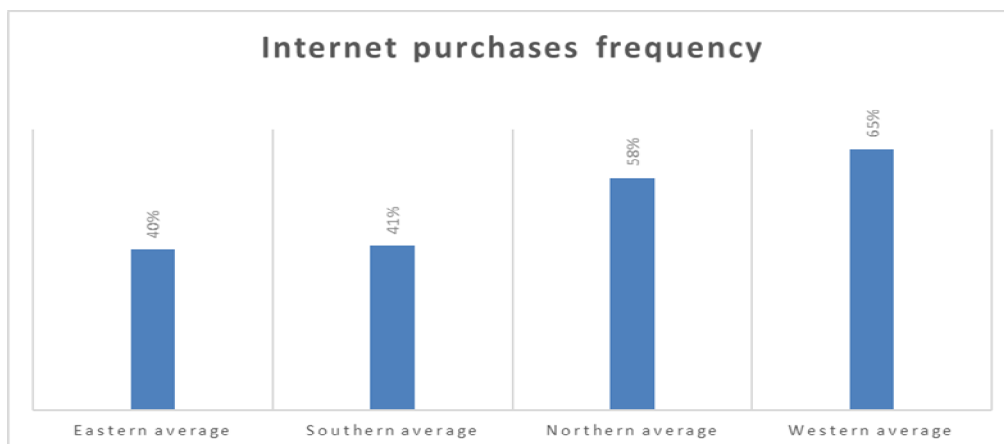


Figure 7 – The average of the annual frequency of internet purchases by individuals in the four groups (2018-2022). Source: Eurostat 2023d, Eurostat 2023e.

## 5. Conclusions

Our study focuses on an overview that is in continuous transformation. Certainly, in the future, several of our affirmations will be obsolete. Our preliminary attempt to delineate the main trends regarding the development of the digital sector in the EU should be followed by studies that will update its conclusions or rebuild them through the study of analyzed data. The utilization of quantitative methodological tools could represent the proper approach for such endeavors. Nevertheless, our conclusions, although perfectible, can be useful both for academics and policymakers who have the ICT domain in their area of interest.

Firstly, we must underline that the economic model is an essential element for the evolution of the ICT sector. Obviously, these models are a consequence of political decisions, which are unavoidably influenced by historical reasons. The economic landscape is also constantly transforming; the landscapes of 1973, 1998, and 2023 are certainly not identical. Nevertheless, in spaces that were not affected by authoritarian experiments in the last 75 years (Western Europe and Scandinavia), the levels of stability and predictability are significantly higher than in the East and in the South. The social democratic, coordinated, and liberal models are all, in various degrees, compatible with deepening the process of digitalization. On the other hand, the ambiguity and turns that sometimes characterize former Communist or right-wing dictatorships can be harmful for innovation and productivity. Therefore, it can be stated that the analyzed information tends to confirm our first hypothesis.

Secondly, the current image reflects the superiority of the Northern and Western groups in comparison with the Eastern and Southern ones with regard to the digital sector. Nevertheless, if we focus on the trends, we can see that former Communist countries are at least partially successful in their endeavor to reduce the digital gap that separates them from the core of the EU. These countries have a significant competitive advantage due to their relatively cheap labor force. Moreover, governments are actively trying to improve this domain. This reality is reflected, among others, in the Bulgarian and Romanian cases. For instance, in Romania, workers in the IT sector had, for a long period of time, important fiscal facilities (Moşoianu 2019). Therefore, it can be argued that the second hypothesis is confirmed as well.

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Thirdly, there is a clear correlation between the underdevelopment of the digital sector and having a high share of tourism and travel in the GDP. However, obviously, the presence of correlation does not automatically imply the existence of causation. Moreover, having a low share of tourism in the GDP is not correlated with an excellent situation regarding the ICT sector. For example, in Romania, in 2022, tourism and travel accounted for only 5.5% of the GDP (21st position in the EU) (Statista 2023), while in the same year, Romania occupied the last position in the DESI index (Digital Economy and Society Index 2022). The validity of our third hypothesis is also questioned by the heterogeneity of the Southern group. Nevertheless, some figures indicate that this topic could be further researched. Croatia (25.8% of the GDP in 2022) and Greece (18.5% of the GDP in 2022) have more developed tourism than Spain (13.6% of the GDP in 2022) and Malta (12.6% of the GDP in 2022) (Statista 2023). On the other hand, in the DESI index, the superiority of Malta (6th position in 2022) and Spain (7th position in 2022) in comparison with Croatia (21st position in 2022) and Greece (25th position in 2022) is undeniable (Digital Economy and Society Index 2022).

In conclusion, although the effects of the fourth and fifth waves of the industrial revolution influence all the EU members, the development of the digital domain is not a natural process. Digital literacy and connectivity, among other elements, are influenced by political decisions. Political and economic approaches can boost or delay aspects of digitalization. For now, Scandinavia and Western Europe have the upper hand in this regard. Nevertheless, the peril of stagnation is present in these regions as well. If Eastern Europe continues to prioritize the ICT sector, the following decades could witness a rearrangement of the European status quo.

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## ORIGINAL PAPER

# Determinants of Lapse and Surrender of Life Insurance Policies in India

Vidyavathi Kayarthakdka<sup>1)</sup>, Ramona Birau<sup>2)</sup>, Shylaja K.<sup>3)</sup>,  
Avinash B.N.<sup>4)</sup>, Petre Valeriu Ninulescu<sup>5)</sup>

### Abstract:

Life insurance is a long-term contract in which company is committed to paying a specified death or maturity benefit provided that the premiums are paid by the insured. However, a policyholder can terminate the policy either through lapse or surrender at any point of time. influence the profitability and liquidity of insurance companies through acquisition cost, loss of income from renewal premiums etc., and hence needs to be controlled and managed carefully. In this research, an effort is made to identify factors leading to lapsation and surrender of life insurance products and statistically assess their importance based on primary data collected from life insurance policy holders. The data and information collected about reasons for lapsing/surrendering a life insurance policy were analysed using Gretl. A logit model was developed to test the marginal effect of various factors having association with the decision to lapse/surrender a life insurance policy. ofLogit model on lapsation have identified age, marriage, loss of job, debt, hospitalization of dependents, agents' poor service and poor return from policy as the drivers of lapsation. Similarly results of logit model on surrender activity has identified marital status, occupation, marriage of self and children, loss of job, debt, children's education, house construction and poor return from policy are the major reasons for surrendering a life insurance policy before the completion of the term.

**Key Words:** *Life insurance, Lapsation, Surrender, Maturity, Surrender value, Logit model, Marginal effect.*

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<sup>1)</sup> Faculty of Management, Nitte Institute of Professional Education, Nitte (Deemed to be) University, Karnataka, India, Email: vidyavathijayakumar@gmail.com.

<sup>2)</sup> Faculty of Economic Science, University Constantin Brancusi, Tg-Jiu, Romania ramona.f.birau@gmail.com.

<sup>3)</sup> Faculty of Commerce, Sri Dhavala College, Karnataka, India, Email: shylajajain123@gmail.com.

<sup>4)</sup> Free Lance Researcher, Karnataka, India, Email: avinashbngowda@gmail.com.

<sup>5)</sup> University of Craiova, Doctoral School of Economic Sciences, Craiova, Romania, Email: petre.pregi@yahoo.it.

### **Introduction**

Insurance is a contract between two parties which would run to 10-20 years whereby one party undertakes to pay the other party a fixed amount of money on the occurrence of a certain event (death or attaining a certain age in case of human life or to pay the amount of actual loss when it takes place through the risk insured in case of property) in exchange for a fixed sum as a consideration of insurance contract (Vidyavathi et.al, 2018) The party who seeks protection against a particular risk is called the insured and the party who undertakes to protect the former is called the insurer. Insurers are insurance companies these days.

The document of an insurance contract is known as an insurance policy. The amount for which the event/risk is insured is the insured amount of policy and the fixed sum which is paid by the insured to the insurance company is called premium. Thus insurance is an economic device whereby an individual substitutes a small certain cost (premium) for a large uncertain financial loss (the contingency insured against) that would exist if it were not for the insurance.

Life insurance is designed to offer protection against two distinct risks: premature death and superannuation (living too long) and also to help to meet the long-term needs and aspirations of its customers (Vidyavathi et al, 2018). It is a long-term contract in which company is committed to paying a specified death or maturity benefit provided that the premiums are paid by the insured (Vidyavathi et al., 2022). However, a policyholder can terminate the policy either through lapse or surrender at any point in time. Lapsation of life insurance policy is a discontinuation of premium payment by the policy holder during the period of operation of the policy due to any reason other than the death of the policy holder (Vidyavathi 2013).

According to Life Insurance Marketing and Research Association International (LIMRA International) a policy lapses if its premium is not paid by the end of a specified period often called as the grace period. In India, Insurance Regulatory and Development Authority (IRDA) too follow the same definition. When a policy lapses, it negatively affects the policy holder, the company, the agent and the industry in terms of forfeiture of premiums paid, cost of acquisition not fully recovered, loss of renewal commissions and wastage of scarce resources (LoiSohLoi, Wu Yuan and Robert LianKengHeong).

Lapsation of life insurance policies has always been a worldwide concern (LoiSohLoi, Wu Yuan and Robert LianKengHeong 1993).A proper understanding of lapse dynamics is particularly important for insurance managers, regulators and customers (Dieter Kiesenbauer). Lapses influence the profitability and liquidity of insurance companies through acquisition cost, loss of income from renewal premiums etc., and hence needs to be controlled and managed carefully (Vidyavathi 2018). For regulators and policy makers it is of interest in designing an appropriate regulatory environment. For the customers lapse rates constitute one of the main indicators to assess the product and service quality of insuring firms. Lapsation is certainly an important phenomenon in life-Insurance markets. (Hanming Fang and Edward Kung 2012). Historically, the problem of lapsation of life insurance policies in India has been studied purely from a general approach. Different Committees, appointed by the government of India/IRDA studied the problem of lapsation based on secondary data. Hence, the objective of this paper is to identify factors leading to lapsation and surrender of life insurance products and statistically assess their importance based on primary data collected from life insurance policy holders.

## **Determinants of Lapse and Surrender of Life Insurance Policies in India**

### **Literature Review**

LoiSohLoi, Wu Yuan and Robert Lian Keng Heong (1993) have analysed the effect of factors such as age at purchase of policy, sex, marital status at purchase, type of policy, mode of payment, status of policy, method of payment, service status and size of policy on the persistency/lapsation of policies and higher persistency is found among policy holders who are older in age, the policies with term coverage, smaller size, premium paid less frequently, paid by pre-authorized methods and not serviced by agents.

Purushotham Me (2006) stated that LIMRA International and Society of Actuaries conducted a study on U.S. Individual Life Persistency, where it is found that in terms of policy factors contributing to lapse were issue age, premium payment mode and underwriting method. The study found that persistency generally improves with increasing age at issue particularly for universal life and variable universal life insurance plans. Policy premiums paid on annual basis exhibited lower lapse rates of around 2.6 percent while policies that are paid on a quarterly basis exhibited higher lapse rates of over 6 percent. LIMRA persistency studies have shown that policies that use automatic bill payment methods tend to exhibit lower lapse rates than those are billed on a direct basis. An analysis in this study on the basis of underwriting method used, policies issued with full medical underwriting or on a paramedical basis exhibited the lowest rates of lapsation. Whole life, term and universal life policies issued on a non-medical basis or on a simplified issue basis registered a higher lapse rates especially during the first 10 policy years.

J.N. Mojekwu (2011) in his study stated that age of policy holder is the most important factor responsible for the increased lapsation of life insurance policies in the Nigerian insurance industry. His analysis clearly showed that those below 35 years of age who surrendered or allowed their policies to lapse constitute more than 50 per cent of the life policies considered during the study.

Stephen G Fier and Andre P. Liebenberg (2012) tested the emergency fund hypothesis (EFH) and the policy replacement hypothesis (PRH) associated with life insurance lapse behaviour while controlling life cycle factors that have an influence on lapse decision. The results of their study provided strong evidences in favour of both the EFH and PRH. The findings indicated that the probability of voluntarily lapsing a life insurance policy is high for households that suffered a large negative income shock and that reported greater amounts of household debt. The results of their study also provided support for policy replacement hypothesis stating that 13.7 per cent of households that lapsed a policy also purchased a new life insurance policy. Their study also established a link between the decision to lapse and important life cycle factors. Age as an important factor in the lapse decision is observable through the finding that the youngest households are more likely to lapse a policy than the oldest households in the sample. The study also found that recently retired households and recently widowed households are more likely to lapse policies than other households.

Fang, H and Kung E (2021) in their study indicated that a large fraction of life insurance policy lapsations are driven by idiosyncratic shocks which are uncorrelated with health, income and bequest motives when policyholders are relatively young. However, as the policyholders get older, the role of such idiosyncratic shocks gets smaller, and more of their lapsation is driven either by income, health or bequest motive shocks.

Gemmo and Martin (2016) through their working paper demonstrated that the demographic variables like Age, Marital Status, Birth of a child, number of children, acquisition of assets, influence the surrender of a life insurance policy.

Santosh Anagol, Shawn Cole and Shayak Sarkar (2013) in their study *Understanding the Advice of Commissions-Motivated Agents: Evidence from the Indian Life Insurance Market* evaluated the quality of advice provided by life insurance agents in India. They found that agents overwhelmingly recommend unsuitable, strictly dominated products, which provide high commissions to the agent. Agents in majority cases mis-sell the products to the informed consumers. Agents usually recommend those products which bring them high commission rather than recommending a product suitable to the needs of customers.

As per the study by N.V.Subramanian (2004) reasons for lapsation include wrong selling, forced selling, over selling, bogus selling, effect of competition, introduction of new plans, bad service, ignorance, lack of follow up by agent etc.,

Suresh Chandra CH and Jenda Ramesh (2011) considered lapsation as one of the critical problems faced by the life insurance companies in India. They calculated the lapse rates for various traditional and unit linked policies of life insurance companies for the 5 years period from 2002-03 to 2006-07 taking the data from annual reports of IRDA. The study found that the lapse rate is high for ULIPs as compared to traditional policies. Lapse rate is high for quarterly and monthly mode of premium payment and also for the policy term 0-10 years. Further the study found that the lapsation is more in case of sales done through brokers and corporate agents.

Sachin S. Surana and Amar K. Gaur (2013) identified the causes of lapsation based on the available literature and annual reports of IRDA, LIC etc., The causes identified by them lack of commitment and malpractice on the part of different distribution channels, financial burden suffered by the policy holder, poor service quality of agents and company, inadequate information and knowledge about the different insurance products particularly of ULIPs, delay in grievance redressal etc.,

As per the analysis of Monika, A.V Rao, R.Kannan, K.P.Sarma, A and S.K.Sarma (2008) based on the data collected by IRDA from all the life insurance companies regarding various factors affecting lapsation include age at entry, mode of premium payment, duration elapsed since policy inception, policy type and the type of underwriting.

Life insurance policy lapses are tested using macroeconomic data in most of the literature. Macroeconomic data analysis provides an insight into the general determinants of lapsation of life insurance policies (Vidyavathi et.al 2022). Very limited literature is available on analysis of micro economic and household specific factors that drive the lapse decision. Hence, an attempt has been made in this research to analyse whether the micro economic, household and life cycle factors influence the decision to lapse a life insurance policy before it attains a surrender value and surrender a policy before its maturity.

### **Objectives**

The first and foremost objective of this research is to identify and assess the statistical importance of various factors that drive a decision to lapse a life insurance policy before it attains a surrender value.

The second objective is to analyze the statistical importance of various factors that led to the surrender of a life insurance policy before its maturity.

## Determinants of Lapse and Surrender of Life Insurance Policies in India

### Data and Methodology

In India, the secondary data sources on insurance in general and on lapsation of life insurance policies in particular are very limited unlike in developed countries. The lapse ratio and persistency ratio of insurance companies available with IRDAI are the only publicly available data on lapsation of life insurance policies. Moreover, insurance companies because of the confidentiality or non disclosure clause do not share any kind of information about the policyholders who have lapsed or surrendered their policy. Hence, for this study, we have collected the required data and information from the life insurance policy holders and enquired with them if they had lapsed or surrendered their policy before maturity and what are the factors responsible for such behavior. In this study, we randomly selected the respondents and used a structured questionnaire to collect the data and information in a face-to-face interview. More than 1000 people were approached, but, we could get the required data only from 537 people who owned life insurance policies after 2001. Of these, 128 respondents had lapsed their policies before the policies could attain the surrender value and 135 respondents had surrendered their policies before the maturity (Vidyavathi et al., 2022).

In this research study, we enquired about the factors that compelled the respondents to lapse/surrender their policies. The collected data and information on factors driving lapsing/surrendering a life insurance policy were analyzed using Gretl. A logit model was developed to find the marginal effect of various factors associated with the decision to lapse/surrender a life insurance policy.

In order to determine whether the policy is lapsed/surrendered, we mainly focused on the following two questions in the survey.

**Question 1:** Have you ever discontinued any of your policies (lapsed) before the policy attaining the surrender value?

**Question 2:** Have you ever surrendered any of your policies before its maturity?

Respondents who answered in affirmative to this question were classified as having lapsed/surrendered a policy and were asked several additional questions to probe into the reasons to lapse/surrender a policy (Vidyavathi et.al, 2022).

Additional questions asked to respondents related to life cycle events, income shock, company characteristics and agents to probe into the reasons to lapse/surrender a life insurance policy. Under life cycle events four questions were asked: whether (i) marriage (ii) divorce (iii) death of a spouse and (iv) retirement were reasons for lapsing/surrendering a life insurance policy. Under income shock seven questions were asked: whether (i) loss of job by self, (ii) unemployment in household,(iii) debt, (iv) hospitalization of self, (v) hospitalization of dependents,(vi) financial commitments towards children's education, (vii) financial commitments towards house purchase/construction were reasons for lapsing/surrendering a life insurance policy. Under agent related factors four questions were asked: whether (i) misinterpretation of policy by agent (ii) poor post sale follow up/service,(iii) agent leaving the company (iv) agent influencing the replacement of old policy by a new one were reasons for lapsing/surrendering a life insurance policy. Under company characteristics three questions were asked: whether (i) poor post sale follow-up/service,(ii) poor return from the policy and (iii) non availability of up to date information about policy were reasons for lapsing/surrendering a life insurance policy.

## Results and Discussion

### Logit model for lapsation of life insurance policy

During the survey, information was gathered about all the above mentioned factors that led to the lapsation/surrender of policies. Data and information so collected was subjected to logistic regression analysis. The status of life insurance policy (0=not lapsed and 1= lapsed) was the dependent variable. All the above mentioned 18 variables were independent variables which are also categorical and dichotomous. When both dependent and independent variables are dichotomous logit model is used. When Logit model was applied Gretl dropped 11 independent variables viz., divorce, death of spouse, retirement, unemployment in the household, hospitalization of self, financial commitments towards children's education, financial commitments toward house construction/purchase, agent leaving the company, agent influencing the replacement of old policy by a new one, poor post sale follow up & service and non-availability of up to date information on the policy. Gretl retained 7 variables namely marriage, loss of job by self (policy holder), debt, hospitalization of dependents, misinterpretation of the policy by agent, poor post sale service by agent and poor return from the policy for model construction as these variables are important in predicting the status of life insurance policies.

Thus finally seven independent variables namely marriage (0= marriage is not the reason and 1= marriage is the reason), loss of job by self (0=loss of job by self is not the reason and 1=loss of job by self is the reason), debt (0= debt is not the reason and 1=debt is the reason), hospitalization of dependents (0=hospitalization of dependents is not the reason and 1=hospitalization of dependents is the reason), misinterpretation of the policy by agent (0=misinterpretation of the policy by agent is not the reason and 1=misinterpretation of the policy by agent is the reason) and poor return from the policy (not the reason and reason) are included in the model. Logit model is constructed in gretl employing maximum likelihood method and the probability of lapsation of a policy by the policy owner is estimated on the basis of marriage, loss of job by self (policy holder), debt, hospitalization of dependents, misinterpretation of the policy by agent, poor post sale service by agent and poor return from the policy.

Logit model is estimated as follows:

$$\text{Lapse} = \beta_0 + \beta_1 \text{marriage}_i + \beta_2 \text{loss of job by self}_i + \beta_3 \text{debt}_i + \beta_4 \text{hospitalisation of dependents}_i + \beta_5 \text{misinterpretation of policy by agent}_i + \beta_6 \text{agent's poor post sale service}_i + \beta_7 \text{poor return from policy}_i + \mu_i$$

Where lapse is equal to one if individual  $i$  has lapsed the policy, zero otherwise, marriage is equal to one if individual  $i$  has lapsed the policy because of marriage, zero otherwise, loss of job by self is equal to one if individual  $i$  has lapsed the policy because of job loss by him/her, zero otherwise, debt is equal to one if individual  $i$  has lapsed the policy because of debt, zero otherwise, hospitalization of dependents is equal to one if individual  $i$  has lapsed the policy because of dependents' hospitalization, zero otherwise, misinterpretation of policy by agent is equal to one if individual  $i$  has lapsed the policy because agent misguided the policy holder at the time of purchase of policy, zero otherwise, agent's poor post sale service is equal to one if individual  $i$  has lapsed the policy because of agent's poor post sale service, zero otherwise, poor return from policy is equal to one if individual  $i$  has lapsed the policy because of poor return from policy, zero otherwise,



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Logit model is defined as:

$$\text{LN} (P_i/1-P_i) = \beta_0 + \beta_1 X_{i1} + \beta_2 X_{i2} + \beta_3 X_{i3} + \beta_4 X_{i4} + \beta_5 X_{i5} + \beta_6 X_{i6} + \beta_7 X_{i7} + \mu_i \quad (1)$$

Our model is estimated as:

$$\text{LN} (\text{Lapse/No Lapse}) = \beta_0 + \beta_1 \text{marriage}_i + \beta_2 \text{loss of job by self}_i + \beta_3 \text{debt}_i + \beta_4 \text{hospitalisation of dependents}_i + \beta_5 \text{misinterpretation of policy by agent}_i + \beta_6 \text{agent's poor post sale service}_i + \beta_7 \text{poor return from policy}_i + \mu_i \quad (2)$$

**Model 1:** Logit, using observations 1-537

Dependent variable: PolicyLapse

Standard errors based on Hessian

	<i>Coefficient</i>	<i>Std. Error</i>	<i>Z</i>	<i>p-value</i>	
Const	-2.87757	0.215001	-13.38	<0.0001	***
Marriage	3.07185	1.31828	2.330	0.0198	**
Joblossbyself	5.06878	1.07350	4.722	<0.0001	***
Debt	4.75687	1.08890	4.369	<0.0001	***
Dependents' hospitalization	2.93318	1.39321	2.105	0.0353	**
MisinterpretationByagent	1.64647	1.64248	1.002	0.3161	
Agents' poorservice	5.57264	1.05464	5.284	<0.0001	***
Poorreturn	5.44869	1.08118	5.040	<0.0001	***

Mean dependent var	0.238361	S.D. dependent var	0.426478
McFadden R-squared	0.640571	Adjusted R-squared	0.613444
Log-likelihood	-105.9999	Akaike criterion	227.9998
Schwarz criterion	262.2878	Hannan-Quinn	241.4130

Number of cases 'correctly predicted' = 514 (95.7%)

f(beta'x) at mean of independent vars = 0.426

Likelihood ratio test: Chi-square(7) = 377.823 [0.0000]

		Predicted	
		0	1
Actual	0	406	3
	1	20	108

Excluding constant, p-value was highest for variable 13 (misinterpretation by agent)

Logit estimates of equation (2) are obtained using gretl. Following is the logit equation of our lapse model:

Lapse = -2.87757 + 3.07185 marriage + 5.06878 loss of job by self + 4.75687 debt + 2.93318 hospitalisation of dependents + 1.64647 misinterpretation of policy by agent + 5.57264 agent's poor post sale service + 5.44869 poor return from policy.

(0.215001) (1.31828) (1.07350) (1.08890) (1.39321) (1.64248)  
(1.05464) (1.08118)

(Figures in parentheses are standard errors based on Hessian);

From the model, it is clear that the effect of marriage, loss of job by policyholder, debt, hospitalization of dependents, poor post sale service by agent and poor return from policy is statistically significant. However, the coefficients in the output are not interpreted as marginal effects. To obtain marginal effect we need to re estimate the model by selecting the option “show the slopes at mean” and we get logit model 2.

**Model 2:** Logit, using observations 1-537  
 Dependent variable: Policy Lapse  
 Standard errors based on Hessian

	<i>Coefficient</i>	<i>Std. Error</i>	<i>Z</i>	<i>Slope*</i>
Const	-2.87757	0.215001	-13.38	
Marriage	3.07185	1.31828	2.330	0.643064
Joblossbyself	5.06878	1.07350	4.722	0.790831
Debt	4.75687	1.08890	4.369	0.785188
Dependents’hospitalisation	2.93318	1.39321	2.105	0.621751
Misinterpretationbyagent	1.64647	1.64248	1.002	0.371177
Agents’poorservice	5.57264	1.05464	5.284	0.826059
Poorreturn	5.44869	1.08118	5.040	0.813126

Mean dependent var	0.238361	S.D. dependent var	0.426478
McFadden R-squared	0.640571	Adjusted R-squared	0.613444
Log-likelihood	-105.9999	Akaike criterion	227.9998
Schwarz criterion	262.2878	Hannan-Quinn	241.4130

\*Evaluated at the mean

Number of cases 'correctly predicted' = 514 (95.7%)

f(beta'x) at mean of independent vars = 0.426

Likelihood ratio test: Chi-square(7) = 377.823 [0.0000]

Predicted

0 1

Actual 0 406 3

1 20 108

Excluding constant p-value was highest for variable 13 (misinterpretation by agent)

The marginal effect of marriage is 0.64. On the event of marriage of self or dependents the probability of lapsing a policy by the policy holder will increase by 64 percent. In India Marriage is an expensive affair. So, there will be a high chance of using the funds that would otherwise go to premium payment for meeting the marriage expenses or repay the debt taken for marriage. In case of unmarried women policy holders after the marriage they require 6 months to one year to get the job after they quit their previous job (Vidyavathi et.al 2022). The marginal effect of loss of job by policy holder is 0.79. A policy holder losing the job will increase the probability of lapsing a by 79 percent.

## **Determinants of Lapse and Surrender of Life Insurance Policies in India**

The marginal effect of debt is 0.78. In India people go for debt to meet the expenses of hospitalization, children's education, marriage, house construction/purchase and for the purpose of business etc., so a policy holder borrowing a loan will increase the probability of lapsing a policy by 78 percent.

The marginal effect of hospitalization of dependents is 0.62. In India unfortunately less than a quarter of the population is protected under any health insurance coverage and in majority of cases hospitalization results in high out of pocket expenditure at the time of hospitalization and can also lead to years of debt repayment. So hospitalization of dependents of a policy holder will increase the probability of lapsing a policy by 62 percent. The marginal effect of misinterpretation of the policy by agent is 0.37. In rural as well as urban India agents are the most significant source of information on insurance. So a misinterpretation of the policy by the agent at the time of sale will increase the probability of lapsing a policy by 37 percent. The marginal effect of poor post sale service by agent is 0.83. Since the dependency of policy holders on agents is high, poor post sale service by agent will increase the probability of lapsing a policy by 83 percent. However in the recent years with the introduction of various method of premium payment such as online payment, ECS etc., the dependency on agents has been decreasing.

The marginal effect of poor return from policy is 0.81. Increase in the number of avenues for investment and also an increase in the level of financial awareness policy holders prefer to discontinue policy rather than continue paying the premium if the return is low. So, a poor return from policy will increase probability of lapsing a policy by 81 percent. Over the entire model gives 96 percent correct prediction.

### **Logit model for Surrender Activity in Life Insurance**

Another objective of this research is to identify and assesses the statistical importance of various factors that drive a decision to surrender a life insurance policy before its maturity. The same factors considered for lapse are considered for the surrender of a life insurance policy too. During the survey, information was gathered about all these factors that led the surrender of policies before maturity. Data and information so collected was subjected to logistic regression analysis. The status of life insurance policy (0=not surrendered and 1= surrendered) was the dependent variable. All the above 18 variables considered were independent variables which are also categorical and dichotomous. When both dependent and independent variables are dichotomous logit model is used. When Logit model was applied Gretl dropped 10 independent variables and retained Eight independent variables namely marriage (0= marriage is not the reason and 1= marriage is the reason), loss of job by self (0=loss of job by self is not the reason and 1=loss of job by self is the reason), debt (0= debt is not the reason and 1=debt is the reason), financial commitment towards children's education financial cont towards children's education is not the reason and 1=financial commitment towards children's education is the reason), financial commitment towards house construction/purchase (0=financial commitment towards house construction/purchase is not the reason and 1=financial commitment towards house construction/purchase is the reason) agents' poor service (0= agent's poor service is not the reason and 1= agent's poor service is the reason) company's poor service 0= company's poor service not the reason and 1= company's poor service is the reason) and poor return from the policy (0= poor return is not the reason and 1= poor return is the reason) are included in the model.

Logit model is constructed in Gretl employing maximum likelihood method and the probability of surrendering a policy by the policy owner is estimated on the basis of marriage, loss of job by self (policy holder), debt, financial commitment towards children’s education, financial commitment towards house construction/purchase, poor post sale service by agent, poor service by company and poor return from the policy.

Logit model is estimated as follows:

$$\text{Surrender of policy} = \beta_0 + \beta_1 \text{marriage}_i + \beta_2 \text{loss of job by self}_i + \beta_3 \text{debt}_i + \beta_4 \text{financial commitment towards children's education}_i + \beta_5 \text{financial commitment towards house construction/purchase}_i + \beta_6 \text{agent's poor post sale service}_i + \beta_7 \text{company's poor service}_i + \beta_8 \text{poor return from policy}_i + \mu_i$$

Where surrender is equal to one if individual i has surrendered the policy, zero otherwise, marriage is equal to one if individual i has surrendered the policy because of marriage, zero otherwise, loss of job by self is equal to one if individual i has surrendered the policy because of job loss by him/her, zero otherwise, debt is equal to one if individual i has surrendered the policy because of debt, zero otherwise, financial commitment towards children’s education is equal to one if individual i has surrendered the policy because of children’s education, zero otherwise, financial commitment towards house construction/purchase is equal to one if individual i has surrendered the policy because of house construction/purchase, zero otherwise, agent’s poor post sale service is equal to one if individual i has surrendered the policy because of agent’s poor post sale service, zero otherwise, company’s poor service is equal to one if individual i has surrendered the policy because of poor service from company zero otherwise poor return from policy is equal to one if individual i has surrendered the policy because of poor return from policy, zero otherwise,

Logit model is defined as

$$\text{LN}(P_i/1-P_i) = \beta_0 + \beta_1 X_{i1} + \beta_2 X_{i2} + \beta_3 X_{i3} + \beta_4 X_{i4} + \beta_5 X_{i5} + \beta_6 X_{i6} + \beta_7 X_{i7} + \beta_8 X_{i8} + \mu_i \quad \text{-----(1)}$$

Our model is estimated as

$$\text{LN (Surrender/No Surrender)} = \beta_0 + \beta_1 \text{marriage}_i + \beta_2 \text{loss of job by self}_i + \beta_3 \text{debt}_i + \text{financial commitment towards children's education}_i + \beta_5 \text{financial commitment towards house construction/purchase}_i + \beta_6 \text{agent's poor post sale service}_i + \beta_7 \text{company's poor service}_i + \beta_8 \text{poor return from policy}_i + \mu_i \quad \text{-----(2)}$$

**Model 3:**Logit, using observations 1-537

Dependent variable: policysurrender

Standard errors based on Hessian

	<i>Coefficient</i>	<i>Std. Error</i>	<i>Z</i>	<i>p-value</i>	
Const	-3.17399	0.249727	-12.71	<0.0001	***
Marriage	4.82989	1.11441	4.334	<0.0001	***
Joblossbyself	3.89593	1.71	3.148	0.0016	***
Debt	5.05080	1.09569	4.610	<0.0001	***
Children's education	3.45931	1.28656	2.689	0.0072	***
Houseconstruction	3.77294	0.893948	4.221	<0.0001	***
Agents' poorservice	2.62265	1.47347	1.780	0.0751	*
Companypoorservice	1.92380	1.82960	1.051	0.2930	
Poorreturn	5.84355	0.770760	7.582	<0.0001	***

## Determinants of Lapse and Surrender of Life Insurance Policies in India

Mean dependent var	0.251397	S.D. dependent var	0.434221
McFadden R-squared	0.697320	Adjusted R-squared	0.667597
Log-likelihood	-91.64989	Akaike criterion	201.2998
Schwarz criterion	239.8738	Hannan-Quinn	216.3896

Number of cases 'correctly predicted' = 518 (96.5%)  
 f(beta'x) at mean of independent vars = 0.434  
 Likelihood ratio test: Chi-square (8) = 422.291 [0.0000]

Predicted

	0	1
Actual 0	397	5
1	14	121

Excluding the constant p-value was highest for variable 17(company poor service)

Logit estimates of equation (2) are obtained using Gretl.

Following is the logit equation of our lapse model

Surrender = -3.17399 + 4.82989marriage + 3.89593loss of job by self + 5.05080debt + 3.45931financial commitment towards children's education + 3.77294financial commitment towards house construction/purchase + 2.62265agent's poor post sale service + 1.92380company's poor service + 5.84355poor return from policy.  
 (0.249727) (1.11441) (1.23771) (1.09569) (1.28656) (0.893948)  
 (1.47347) (1.82960)

(Figures in parentheses are standard errors based on Hessian)

From the model it is clear that the effect of marriage, loss of job by policy holder, debt, financial commitment towards children's education, financial commitment towards house construction, dependents, poor post sale service by agent, poor service from company and poor return from policy is statistically significant. However the coefficients in the output are not interpreted as marginal effects. To obtain marginal effect we need to re estimate the model by selecting the option "show the slopes at mean" and we get logit model 4.

**Model 4:** Logit, using observations 1-537

Dependent variable: policysurrender

Standard errors based on Hessian

	<i>Coefficient</i>	<i>Std. Error</i>	<i>Z</i>	<i>Slope*</i>
Const	-3.17399	0.249727	-12.71	
Marriage	4.82989	1.11441	4.334	0.773206
Joblossbyself	3.89593	1.23771	3.148	0.721384
Debt	5.05080	1.09569	4.610	0.797664
Children's education	3.45931	1.28656	2.689	0.688842
Houseconstruction	3.77294	0.893948	4.221	0.724243
Agents'poorservice	2.62265	1.47347	1.780	0.575190
Companypoorservice	1.92380	1.82960	1.051	0.436818
Poorreturn	5.84355	0.770760	7.582	0.860643

Mean dependent var	0.251397	S.D. dependent var	0.434221
McFadden R-squared	0.697320	Adjusted R-squared	0.667597
Log-likelihood	-91.64989	Akaike criterion	201.2998
Schwarz criterion	239.8738	Hannan-Quinn	216.3896

\*Evaluated at the mean  
 Number of cases 'correctly predicted' = 518 (96.5%)  
 f(beta'x) at mean of independent vars = 0.434  
 Likelihood ratio test: Chi-square (8) = 422.291 [0.0000]

Predicted

0 1  
 Actual 0 397 5  
 1 14 121

Excluding the constant p-value was highest for variable 17(company poor service)

The marginal effect of marriage is 0.77. On the event of marriage of self or dependents the probability of surrendering a policy by the policy holder will increase by 77 percent. In India Marriage is an expensive affair. So there will be a high chance of using the funds that would otherwise go to premium payment for meeting the marriage expenses or repay the debt taken for marriage. In case of unmarried women policy holders after the marriage they require 6 months to one year to get the job after they quit their previous job. The marginal effect of loss of job by policy holder is 0.72. A policy holder losing the job will increase the probability of surrendering a by 72 percent.

The marginal effect of debt is 0.80. In India people go for debt to meet the expenses of hospitalization children's education marriage house construction/purchase and for the purpose of business etc., so a policy holder borrowing a loan will increase the probability of surrendering a policy by 80 percent.

The marginal effect of financial commitment towards children's education is 0.69. So, financial commitment towards children's education will increase the probability of surrendering a policy by 69 percent. The marginal effect of financial commitment towards house construction/purchase is 0.72. In India every individual has a dream of having an own house and around 50-60% of total cost of house construction/purchase is met by loan and the remaining is out of savings including money saved/invested in insurance. So a policy holder going for the construction/purchase of a house will increase the probability of surrendering a policy by 72 percent.

The marginal effect of poor post sale service by agent is 0.57. Since the dependency of policy holders on agents is high poor post sale service by agent will increase the probability of surrendering a policy by 57 percent. The marginal effect of poor service from company is 0.44. Poor service from company will increase the probability of surrendering a policy by 44 percent. The marginal effect of poor return from policy is 0.86. Increase in the number of avenues for investment and also an increase in the level of financial awareness policy holders prefer to surrender policy if the return is low. So a poor return from policy will increase probability of lapsing a policy by 86 percent. Over the entire model gives 96.5 percent correct prediction.

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### Conclusions

Results of Logit model on lapsation have identified age, marriage, loss of job, debt, hospitalization of dependents, agents' poor service and poor return from policy as the drivers of lapsation. Similarly results of logit model on surrender activity has identified marital status, occupation, marriage of self and children, loss of job, debt, children's education, house construction and poor return from policy are the major reasons for surrendering a life insurance policy before the completion of the term. This is in confirmation with the results of earlier studies done by Carson, James, Randy E (1999), David T. Russell, Stephen G. Fier, James M. Carson and Randy E. Dumm (2013), Dieter Kiesenbauer (2011), Fang H and Kung E (2021), Kuo, W., Tsai, C., Chen, W.K., (2003) LoiSohLoi, Wu Yuan and Robert LianKengHeong (1993) and also in favour of emergency fund hypothesis and replacement.

Finally insurance companies have huge pool of data and information about their customers and they can use predictive analytics to identify the most probable factors driving lapsation and surrender activity. Companies can have remedial course of action from the stage of product design, sale and post-sale service, better return etc and this will go a long way in reducing the incidence of lapsation and surrender of life insurance policy before the completion of the term.

### Authors' Contributions:

The authors contributed equally to this work.

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## ORIGINAL PAPER

# Acceptance and adoption of digital financial inclusion by the rural population of India: A case study

Sharan Kumar Shetty<sup>1)</sup>, Ramona Birau<sup>2)</sup>,  
Petre Valeriu Ninulescu<sup>3)</sup>, Robert Dorin Filip<sup>4)</sup>,  
Gabriela Ana Maria Lupu (Filip)<sup>5)</sup>

### Abstract:

Technology is important to the banking industry. One of the biggest financial institutions, banking, is constantly looking for ways to offer customers more convenience and a better customer experience through technology-enabled services. In the information age, everyone has a mobile phone, which is an everyday technological item. A growing alternative avenue for offering banking services is mobile banking. Gathered data for this research study from both primary and secondary sources. The basic data was gathered through a questionnaire that was delivered to 224 in rural area. Financial inclusion means having access to services and goods including bank accounts, insurance, remittance and payment services, financial consulting services, etc. Mobile banking is a popular choice among those with low incomes since it is simple to use, handy, affordable, and secure. Historically, the poor have resided in the unorganized sector, where they have little access to banking services. They can now take advantage of the same range of financial services with mobile banking. The mobile banking system is absolutely appropriate for the distant places given that it is an easily accessible, cheaper, more comfortable and faster means of sending and receiving money. Rural areas see an increase in financial activity, which supports economic growth.

**Keywords:** *financial inclusion, digital payment, bank account, online banking, digital financial inclusion, digital transactions, digital apps, rural area, mobile banking*

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<sup>1)</sup> Texila American University, Lusaka, Zambia, Email: Sharan.k@tau.edu.zm.

<sup>2)</sup> Faculty of Economic Science, University Constantin Brancusi, Tg-Jiu, Romania, Email: ramona.f.birau@gmail.com

<sup>3)</sup> University of Craiova, Doctoral School of Economic Sciences, Craiova, Romania, Email: petre.pregi@yahoo.it.

<sup>4)</sup> University of Craiova, Doctoral School of Economic Sciences, Craiova, Romania, Email: filiprobtdorin@gmail.com.

<sup>5)</sup> University of Craiova, Doctoral School of Economic Sciences, Craiova, Romania  
Lupuanamariagabriela@yahoo.com.

# **Acceptance and adoption of digital financial inclusion by the rural population of India: A case study**

## **Introduction**

Considering advancements in computing and communications technology over the 20th century, banks were able to grow significantly in size and geographical reach. Many of the major banks in the world failed during the financial crisis of the late 2000s, and there was much discussion about bank regulation.

## ***Digital Financial Inclusion***

The discussion of digital financial inclusion is the focus of this study. Everything necessary to understand digital financial inclusion is included in the paper. The number of online financial services applications has grown and is still expanding over time. For their own use or to better serve banks' customers, many of the digital apps used to provide financial services are created by technology or financial technology businesses. Financial inclusion is a multidimensional approach. With technology intervention in financial inclusion, electronic banking activity in rural India leads to increased use of financial services and better living standards. In the rising market, many people using mobile phones still are not able to access banking products and financial services. This indicates a huge untouched market for commercial banks.

## ***Statement of the Problem***

In the present world, many people use mobile banking, which benefits the consumer without requiring them to visit the bank. The development of online banking has increased the comfort of providing banking services. Customers have benefited from its speed and convenience. Customers no longer need to drive to the bank and wait in line only to check their account balance or make deposits. A few clicks now will enable them to complete the identical task from home in the comfort.

## **Objective of the study**

- To review the status of digital financial inclusion practices in rural areas.
- To Examine the emergent themes in the literature on financial inclusion.
- To Assess the challenges of rural population in adoption of digital financial practices.
- To determine the influence of digital funding on promoting financial inclusion among the people.

## **Literature Review**

Akhter et al. (2021) conducted a study on revisiting the impact of mobile banking on financial inclusion among developing countries. The study aimed to explore mobile banking facilities' effect on financial inclusion in 17 developing countries. Samartha et al. (2022) developed a research study for an emerging country such as India, on mobile applications on banking using “Unified theory of acceptance and use of technology” also known under the acronym UTAUT) model. Moreover, Ullal et al. (2022) investigated the importance of Artificial Intelligence (AI) and other innovative technologies in the case of the service industry in India, considering inherent complex implications. Blaise and Kosgei (2021) examined the implications of mobile banking in the case of financial inclusion in an developing country such as Burundi. On the other hand, Omar and Inaba (2020) investigated the effect of financial inclusion for poverty alleviation and reduction of income inequality, including for emerging economies. Bakari et al. (2019) also conducted a research study on the impact of financial inclusion on poverty alleviation. In addition, Spulbar et al. (2022) also examined the influence of digitalization in the case of poverty alleviation considering the period of COVID-19 pandemic.

Koomson et al. (2020) examined the relationship between financial inclusion and how vulnerable Ghanaian households are to poverty. The data for the study were obtained from the Ghana Living Standards Survey of 2016/17. The multiple correspondence method was used to produce a financial inclusion index, using a three-stage feasible least squares to estimate households' vulnerability to poverty, through the probit technique. The results revealed that an improvement in financial inclusion has the tendency to reduce the likelihood of household's to be poor by 27% and can therefore averts how households are exposed to future poverty by 28%. The authors also indicated that financial inclusion has the tendency to reduce poverty and has the ability to reduce vulnerability to becoming poor in rural areas than urban areas in Ghana.

Inoue (2019) examined the impacts of financial inclusion on poverty reduction in India. The study used an unbalanced panel dataset from India from 1973 to 2004, using a generalized method of moments (GMM) estimation to estimate the effect of financial inclusion on poverty ratios for public sector banks and financial deepening for private sector banks. The study revealed that financial inclusion as well as financial deepening are statistically inversely related to the poverty ratio for public sector banks, but not for private sector banks

Wakaba and Wepukhulu (2019) studied the effect of mobile money services on Kenya's financial inclusion. The study aimed to determine the effect of Key mobile money services on financial inclusion in Kenya. The study adopted a census research design. The target population comprised four firms (Safaricom, Airtel, Equity and Telkom) that provided mobile money services in Kenya. The study adopted secondary data. The study review period was between 2013 and 2018.

## **Methodology**

### **Research design**

Descriptive research design, as used in this study, is a research technique that outlines the characteristics of the population under examination. Similar to how it was done when respondents' information was gathered all at once. About 224 participants in a community-based study conducted in a rural area made up the sample. The study's target audience was customers in rural areas.

### **Sources of Data collection**

The data collection is the primary source of information for this study. Utilizing both the primary and secondary data, the research was carried out.

- **Primary Data**

A self-structured questionnaire that customers in the rural area completed served as the main source of data for this comparison study. Numerous queries pertaining to various aspects of rural region customers' satisfaction with mobile banking services.

- **Secondary Data**

In this study, secondary data included a thorough literature analysis on the related studies conducted by various authors. Additionally used will be published reports, qualitative data, and statistical data.

The survey used 224 participants from various population strata as its sample size. Complete confidentiality of the informations was certified.

The total population of Mangalore Taluka is 994,602 out of which urban population is 784,569 while rural is 210,033. The members of our sample population were residents in rural areas. All aspects of society were represented in our sample population, including various income levels, occupational groups, and age groups under 30.

# Acceptance and adoption of digital financial inclusion by the rural population of India: A case study

## Statistical Analysis

The data input in Microsoft Excel were analysed using the Statistical Package for Social Sciences (SPSS) version 16 to ascertain the correlation between knowledge of digital payments. Calculations were done for descriptive statistical metrics such as percentage, cumulative percentage, and ad frequency. The data were subsequently studied to establish the association between awareness and other traits. An inferential statistical test, such as the Chi square test, was used. At an error of 5%, differences were considered statistically significant. Regression was used to further analyze the data.

## Empirical Results

### Use of Regression

**Table No 1**

- a. Age group and those using digital payments are significant
- b. Age group and those who do not use digital payments are not significant.

### Model Summary

Model	R	R Square	Adjusted Square	R	Std. Error of the Estimate	Durbin-Watson
1	.186 <sup>a</sup>	.034	.030		.321	2.146

- a. Predictors: (Constant), Age
- b. Dependent Variable: Digital

R-value represents the correlation between the dependent and independent variable. A value greater than 0.4 is taken for further analysis. In this case, the value is .186, which is good. R-square shows the total variation for the dependent variable that could be explained by the independent variables. A value greater than 0.5 shows that the model is effective enough to determine the relationship. In this case, the value is .034, which is not good. Adjusted R-square shows the generalization of the results i.e. the variation of the sample results from the population in multiple regression. It is required to have a difference between R-square and Adjusted R-square minimum. In this case, the value is .030, which is not far off from .034, so it is good and satisfied. Therefore, the model summary table is satisfactory.

**Table No 2**

- a. Age and the terms of financial inclusion and steps by RBI towards financial inclusion are significant
- b. Age and the terms of financial inclusion and steps by RBI towards financial inclusion are not significant.

**Model Summary**

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate	Durbin-Watson
1	.056 <sup>a</sup>	.003	-.001	.468	1.906

a. Predictors: (Constant), Age

b. Dependent Variable: Inclusion

R-value represents the correlation between the dependent and independent variable. A value greater than 0.4 is taken for further analysis. In this case, the value is .056, which is not good. R-square shows the total variation for the dependent variable that could be explained by the independent variables. A value greater than 0.5 shows that the model is effective enough to determine the relationship. In this case, the value is .003, which it is not good. Adjusted R-square shows the generalization of the results i.e., the variation of the sample results from the population in multiple regression. It is required to have a difference between R-square and Adjusted R-square minimum. In this case, the value is -.001, which is not far off from .003. So it is good. Therefore, the model summary table is not satisfactory to proceed with next.

**Table No 3**

a. Age and successful online banking that meets expectations are important.

b. Age and successfully finished online banking are not significant factors.

**Model Summary**

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate	Durbin-Watson
1	.042 <sup>a</sup>	.002	-.003	.415	1.743

a. Predictors: (Constant), Age

b. Dependent Variable: Expectation

R-value represents the correlation between the dependent and independent variable. A value greater than 0.4 is taken for further analysis. In this case, the value is .42, which is good. R-square shows the total variation for the dependent variable that could be explained by the independent variables. A value greater than 0.5 shows that the model is effective enough to determine the relationship. In this case, the value is .002, which is not good. Adjusted R-square shows the generalization of the results i.e., the variation of the sample results from the population in multiple regression. It is required to have a difference between R-square and Adjusted R-square minimum. In this case, the value is -.003, which is not far off from .002, so it is not good .Therefore, the model summary table is not satisfactory.

**Table No 4**

a. Designation and getting online banking services are significant

b. Designation and getting online banking services are not significant

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**Model Summary**

Model	R	R Square	Adjusted Square	R	Std. Error of the Estimate	Durbin-Watson
1	.126 <sup>a</sup>	.016	.012		2.096	1.562

a. Predictors: (Constant), Designation

b. Dependent Variable: Online

**Interpretation**

R-value represents the correlation between the dependent and independent variable. A value greater than 0.4 is taken for further analysis. In this case, the value is .126, which is good. R-square shows the total variation for the dependent variable that could be explained by the independent variables. A value greater than 0.5 shows that the model is effective enough to determine the relationship. In this case, the value is .016, which is not good. Adjusted R-square shows the generalization of the results i.e., the variation of the sample results from the population in multiple regression. It is required to have a difference between R-square and Adjusted R-square minimum. In this case, the value is .012, which is not far off from .016, so, it is good.

Therefore, the model summary table is satisfactory.

**Use of T-test**

**Table No 5**

a. Age and how frequently people use digital payments are significant.

b. Age and how frequently you use digital payments are not significant.

**Group Statistics**

	Gender	N	Mean	Std. Deviation	Std. Error Mean
Payment	Male	110	4.04	1.116	.106
	Female	114	3.74	1.212	.114

**Independent Samples Test**

	Levene's Test for Equality of Variances		t-test for Equality of Means						
	F	Sig.	t	df	Sig. (2-tailed)	Mean Difference	Std. Error Difference	95% Confidence Interval of the Difference	
								Lower	Upper
Payment Equal variances assumed	3.014	.084	1.922	222	.056	.300	.156	-.008	.607
			1.924	221.520	.056	.300	.156	-.007	.606

**Interpretation**

The first subsection of group statistics includes the sample size (n) mean, standard deviation, and standard error of digital payment, among other basic data on group comparisons. This group consists of 114 Women and 110 Men. For men, digital payment has a mean of 4.04, and for women, it is 3.74.

The test results for Levene’s Test for Equality of Variance, where F is the statistic of Levin’s test and sig, are presented in this section. is the p value that this test statistics matching to. The p- value for the test in Levene’s test is 0.056. We reject the null hypothesis of Levene’s test since the p value is so low and come to the conclusion that there is heterogeneity in the problem faced by male respondents who use digital payment. If the test result hadn’t been significant, that is, if  $p > \alpha$  had been seen; we would have used the Equal variance assumption.

The results of the T-test to determine whether the means are equal are given for the real independent samples. Male is having an average trouble with digital payments (4.04-3.74=0.3). The sign of the t values and the mean difference are same. The positive t value of female users of digital payments are significantly higher than that of male users. Since 0.056 is smaller than the significance level we chose, 0.05, we can reject out the null hypothesis.

**Table No 6**

- a. Gender and Bank aim to serve customers via all available sales channel are significant
- b. Gender and Bank aim to serve customers via all available sales channel are not significant

**Group Statistics**

Gender		N	Mean	Std. Deviation	Std. Error Mean
Service	Male	110	3.95	.975	.093
	Female	114	3.83	.940	.088

**Independent Samples Test**

	Levene’s Test for Equality of Variances		t-test for Equality of Means						
	F	Sig.	t	df	Sig. (2-tailed)	Mean Difference	Std. Error Difference	95% Confidence Interval of the Difference	
								Lower	Upper
Service Equal variances assumed	.225	.636	.876	222	.382	.112	.128	-.140	.364
			.876	220.832	.382	.112	.128	-.140	.364



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The first subsection of group statistics includes the sample size (n) mean, standard deviation, and standard error of digital payment, among other basic data on group comparisons. This group consists of 114 Women and 110 Men. For men, digital payment has a mean of 3.95, and for women, it is 3.83. In this section, the test results for Levene’s Test for Equality of Variance where F is the test statistic and sig—are shown. is the p value to which this test statistic corresponds. The test in Levene’s test has a p-value of 0.382. We conclude that there is heterogeneity in the problem experienced by male respondents who were satisfied with the services provided by the bank and reject the null hypothesis of Levene’s test because the p value is so low. The Equal variance assumption would have been applied if the test result had not been significant, i.e., if  $p > \alpha$  had been observed.

For the actual independent samples, the T-test results are provided to show whether the means are equal. Male is experiencing difficulties with bank service (3.95-3.83=0.12). The mean difference and the t values, sign is both the same. The positive t value of female customers who were satisfied with the bank’s services is noticeably higher than that of male users. We can rule out the null hypothesis because 0.382 is less than the 0.05 significance level that we selected.

**Uses of Correlation**

**Table No 7**

- a. Age and Bank sell a product or service that is time constrained are significant
- b. Age and Bank sell a product or service that is time constrained are not significant

**Correlations**

		Time	Age
Time	Pearson Correlation	1	-.033
	Sig. (2-tailed)		.620
	N	224	224
Age	Pearson Correlation	-.033	1
	Sig. (2-tailed)	.620	
	N	224	224

**Interpretation:**

The study shows that here the Pearson correlation is negative correlation between age and time because Pearson correlation values is Less than 1 here value is -0.33. Here significant value is 0.620 which is more than alpha value 0.05 therefore it was not significant. It shows that dependent variable time and independent variable age is not significant as well as there is negative correlation

**Table No 8**

- a. Designation and Rank of the services which provided by the bank are significant
- b. Designation and Rank of the services which provided by the bank are not significant

**Correlations**

		Designation	Rank
Designation	Pearson Correlation	1	-.032
	Sig. (2-tailed)		.636
	N	224	224
Rank	Pearson Correlation	-.032	1
	Sig. (2-tailed)	.636	
	N	224	224

**Interpretation**

The study shows that here the Pearson correlation is negative correlation between age and time because Pearson correlation values is Less than 1 here value is -0.32. Here significant value is 0.636 which is more than alpha value 0.05 therefore it was not significant. It shows that dependent variable Rank and independent variable Designation is not significant as well as there is negative correlation.

**Use of Chi-square**

**Table No 9**

- a. Age and Bank maintain the bank website are significant
- b. Age and Bank maintain the bank website are not significant

**Chi-Square Tests**

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	7.561 <sup>a</sup>	3	.056
Likelihood Ratio	5.703	3	.127
Linear-by-Linear Association	1.917	1	.166
N of Valid Cases	224		

- a. 3 cells (37.5%) have expected count less than 5. The minimum expected count is .84.

**Interpretation:**

The chi square statistic appears in the Value column immediately to the right of “Pearson Chi-Square”. In this example, the value of the chi square statistic is 7.561. The p-value (.056) appears in the same row in the “Asymptotic Significance (2-sided)” Column. The result is significant if this value is equal to or less than the designated alpha Level (normally .05). In this case, the p-value is Less than the standard alpha value, so the Result is significant – the data suggests that the variables age and bank maintain website.

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**Table No 10**

- a. Gender and Online banking provide better services than traditional Banking are significant
- b. Gender and Online banking provide better services than traditional banking is not significant

**Chi-Square Tests**

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	3.710 <sup>a</sup>	1	.054
Continuity Correction	3.080	1	.079
Likelihood Ratio	3.757	1	.053
Fisher's Exact Test			
Linear-by-Linear Association	3.693	1	.055
N of Valid Cases	224		

a. 0 cells (.0%) have expected count less than 5. The minimum expected count is 20.63.

b. Computed only for a 2x2 table

The chi square statistic can be found directly to the right of "Pearson Chi-Square" in the Value column. The chi square statistic in this instance has a value of 7. The same row's "Asymptotic Significance (2-sided)" Column contains the p-value (.054). If this value is the same as or less than the selected alpha Level, the result is significant (normally .05). The data indicates that the variables age and bank maintain website since the p-value in this instance is less than the typical alpha value, which means that the result is significant.

**Table No 11**

- a. Designation and purposes to go to Bank are Significant
- b. Designation and purposes to go to bank are not significant

**Chi-Square Tests**

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	9.498 <sup>a</sup>	10	.486
Likelihood Ratio	9.919	10	.448
Linear-by-Linear Association	1.963	1	.161
N of Valid Cases	224		

a. 8 cells (44.4%) have expected count less than 5. The minimum expected count is .50.

### **Interpretation**

The chi square statistic appears in the Value column immediately to the right of “Pearson Chi-Square”. In this example, the value of the chi square statistic is 9.498. The p-value (.486) appears in the same row in the “Asymptotic Significance (2-sided)” Column. The result is significant if this value is equal to or less than the designated alpha Level (normally .05). In this case, the p-value is Less than the standard alpha value, so the Result is not significant – the data suggests that the variables designation and purposes to go to bank.

### **Discussion**

The results of the survey, there are significantly more female respondents than male respondents. Most of the respondents are employed and between the ages of 20 and 30. It shows that most females choose digital payments since they can finish transactions quickly despite having busy schedules. The majority of the 183 respondents who have bank accounts are familiar with digital payments. The majority of respondents visit the bank because they don't feel confident making this digital payment yet since they don't trust the Internet and the alleged security risks. The majority of people said that online banking offers outstanding service than traditional banking since it gives you access to your account history and transactions from anywhere. The majority of respondents prefer online money transfers because there is no paperwork involved or because they are available around-the-clock. It is simple and effective. People choose it because money is transferred from one account to another very quickly. The majority of respondents selected customer service as their top priority because it helps banks build positive reputations, lower customer complaints, and increase sales. In the use of regression for the variables Age group and those using digital payments are significant and satisfactory. Using regression for the variables Age and the number of bank account holders are significant considerations. For further analysis using chi-square the positive t value of female users of digital payments are significantly higher than that of male users. Since 0.056 is smaller than the significance level we chose, 0.05, we can reject out the null hypothesis. So, it is not satisfactory. In the use of correlation, it shows that dependent variable time and independent variable age is not significant as well as there is negative correlation. Using correlation, it shows that dependent variable Rank and independent variable Designation is not significant as well as there is negative correlation. In the use of T-test the positive t value of female users of digital payments are significantly higher than that of male users. Since 0.056 is smaller than the significance level we chose, 0.05, we can reject out the null hypothesis. Using t-test the positive t value of female customers who were satisfied with the bank's services is noticeably higher than that of male users. We can rule out the null hypothesis because 0.382 is less than the 0.05 significance level that we selected.

This study shows that people are aware of digital banking, which allows them to complete their tasks quickly and efficiently without having to visit a bank. To encourage customers of online banking to do a big volume of transactions, the bank should implement new rules and incentives. The technical and physical accessibility of online banking services should be improved by the bank. Bank customers who are men must take the necessary procedures in order to use online banking services. The bank needs to offer more services including training programmes and awareness raising events to all kinds of customers. To collect online bill payment premiums and other finance-related matters, banks should work with other financial institutions. For those who are unsure of

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how to use online banking services very effectively, the bank should provide an easy approach to access those services. The bank should enhance the quality of its home page, server availability, and online banking services. There is still more to be done to raise public knowledge of the existence of digital banking products and services, as well as their features and advantages. Banks should host open exhibits and lecture presentations, and they should make their products available to all customers.

### **Conclusions**

This study reveals how demographic factors including age, gender, designation, and income have an impact on digital payments. Banks will be able to operate more successful and profitable because of mobile devices. People who don't have time to visit a bank can use mobile banking to do tasks quickly in their busy schedules. People who don't have time to visit a bank can use mobile banking to do tasks quickly in their busy schedules. Digital and mobile technology are reaching more and more areas of society, business, and personal life. Digital finance is essential to peoples' daily lives. The study's findings revealed that usability, convenience, accuracy of timing, and ease of interbank account facilities had favorable effects on mobile banking. Low service fees, accuracy of timing, and low service fees have beneficial effects on internet banking (apps). Thus, the study's results indicate mobile banking significantly affects financial inclusion. All people want to use digital finance in some capacity in their daily lives. The proportion of participants either fully or partially understand digital banking. In terms of frequency of use, digital banking services are the most popular option, followed by ATM, Internet banking, mobile banking, and various mobile apps. According to the benefits, time savings is the biggest advantage, followed by simple processing, affordable, and simple fund transfers, bill payments, etc. Some of the respondents had accounts with various banks, and they have been using the institutions; digital banking services. Many commercials have a significant impact on people's awareness of digital banking technologies, their use, and likelihood to utilize them in the future.

### **Authors' Contributions:**

The authors contributed equally to this work.

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**QUESTIONNAIRE**

1. Name: -----

2.20-30

- 
- 
- 

30-40  
40-50  
50 & above

3. Designation:

- 
- 
- 

Student  
Employed  
Other

4. Gender:

- 
- 

Male  
Female

5. Annual Income

- 
- 
- 
- 
- 
- 

Below 15000  
15000-25000  
25000-50000  
50000-75000  
75000-100000  
More than 100000

6. Are you working in Bank?

- 
- 

Yes  
No

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7. Is your household having a Bank Account?  
 • Yes  
 • No
8. In how many Banks do you have an account?  
 • 1  
 • 2  
 • 3  
 • More than 4
9. Does a bank sell a product or service that is time constrained?  
 • Yes  
 • No
10. Does your Bank aim to serve customers via all available sales channel?  
 • Yes  
 • No
11. Is your Bank have a Transaction Tracking System?  
 • Yes  
 • No
12. Have you heard of the terms Financial Inclusion and steps by RBI towards financial Inclusion?  
 • Yes  
 • No
13. Are you using the latest Gadgets such as PDA's, two way pagers and mobile phones?  
 • Yes  
 • No
14. Is the Bank A/C with a Cheque Book?  
 • Yes  
 • No
15. For what purposes do you go to Bank?  
 • Saving/Current Account  
 • Operation  
 • Locker Operation  
 • Loans  
 • Savings Schemes  
 • Tax Schemes  
 • Investment Plans
16. Do you use Digital Payment?  
 • Yes  
 • No
17. How often do you use Digital Payment?  
 • Very often  
 • Often  
 • Sometimes  
 • Rarely

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Gabriela Ana Maria Lupu (Filip)**

- 
- 18. Are you satisfied with service of your Bank?
  - Never
  - Highly Satisfied
  - Satisfied
  - Neutral
  - Dissatisfied
  - Highly Dissatisfied
- 19. Does online banking provides better services than traditional Banking.
  - Yes
  - No
- 20. What kind of services are you getting in online Banking?
  - Online bill payment
  - Online Money Transfer
  - Online Bookings
  - Online Pay Roll Direct
  - Deposit
  - Mobile recharge
  - International Payments
  - Online Purchase
  - Other
- 21. Is your Bank maintain the Bank Website?
  - Yes
  - No
- 22. Is the security always updated to protect any theft fraudulent?
  - Yes
  - No
- 23. Is Online banking well fitted in your long-term strategy?
  - Yes
  - No
- 24. Did online Banking done well according to your expectations?
  - Yes
  - No
- 25. Give the Rank of the services which provided by your Bank?
  - Personalized service
  - Wide Branch Networking
  - Customer service
  - Core Banking
  - Computerized Banking
  - Problem Solving



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

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

Bond Library University  
[https://librarysearch.bond.edu.au/discovery/fulldisplay?vid=61BOND\\_INST%3ABOND&docid=alma9930197890502381&lang=en&context=SP](https://librarysearch.bond.edu.au/discovery/fulldisplay?vid=61BOND_INST%3ABOND&docid=alma9930197890502381&lang=en&context=SP)

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

The Royal Library and Copenhagen University Library Service  
[https://e-tidsskrifter.kb.dk/resolve?umlaut.locale=da&url\\_ver=Z39.88-2004&url\\_ctx\\_fmt=info%3Aofi%2Ffmt%3Akev%3Amtx%3Actx&ctx\\_ver=Z39.88-2004&ctx\\_tim=2020-04-11T21%3A23%3A41%2B02%3A00&ctx\\_id=&ctx\\_enc=info%3Aofi%2Fenc%3AUTF-8&rft.issn=1584-224X&rft.search\\_val=1584-224X&rft\\_val\\_fmt=info%3Aofi%2Ffmt%3Akev%3Amtx%3Ajournal&rft\\_id=info%3Asid%2Fsfxit.com%3Acitation](https://e-tidsskrifter.kb.dk/resolve?umlaut.locale=da&url_ver=Z39.88-2004&url_ctx_fmt=info%3Aofi%2Ffmt%3Akev%3Amtx%3Actx&ctx_ver=Z39.88-2004&ctx_tim=2020-04-11T21%3A23%3A41%2B02%3A00&ctx_id=&ctx_enc=info%3Aofi%2Fenc%3AUTF-8&rft.issn=1584-224X&rft.search_val=1584-224X&rft_val_fmt=info%3Aofi%2Ffmt%3Akev%3Amtx%3Ajournal&rft_id=info%3Asid%2Fsfxit.com%3Acitation)

Glasgow Caledonian University  
[https://discover.gcu.ac.uk/discovery/openurl?institution=44GLCU\\_INST&vid=44GLCU\\_INST:44GLCU\\_VU2&?u.ignore\\_date\\_coverage=true&rft.mms\\_id=991002471123103836](https://discover.gcu.ac.uk/discovery/openurl?institution=44GLCU_INST&vid=44GLCU_INST:44GLCU_VU2&?u.ignore_date_coverage=true&rft.mms_id=991002471123103836)

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University of Michigan Library,

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Pepperdine Libraries, Malibu, United States

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University of Victoria Libraries , Victoria, Canada

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

Academic Journals database

<http://journaldatabase.info/journal/issn1584-224X>

University of Zurich Database

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

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[title/index.php?katalog=VERBUND\\_BELGIEN&url=http%3A%2F%2Fwww.unicat.be%2FuniCat%3Ffunc%3Dsearch%26query%3Dsysid%3A7330250&signature=DxcVFwJMO1W4HpEAWW\\_ERyKR4oiGWXLGFinWk8fNU&showCoverImg=1](http://kvk.bibliothek.kit.edu/view-title/index.php?katalog=VERBUND_BELGIEN&url=http%3A%2F%2Fwww.unicat.be%2FuniCat%3Ffunc%3Dsearch%26query%3Dsysid%3A7330250&signature=DxcVFwJMO1W4HpEAWW_ERyKR4oiGWXLGFinWk8fNU&showCoverImg=1)

The National Library of Israel

[http://merhav.nli.org.il/primo-explore/fulldisplay?vid=ULI&docid=NNL-Journals003477656&context=L&lang=en\\_US](http://merhav.nli.org.il/primo-explore/fulldisplay?vid=ULI&docid=NNL-Journals003477656&context=L&lang=en_US)

Verbundkatalog GBV

<http://kvk.bibliothek.kit.edu/view->

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90%2CNKVK%2BWEBZUGANG%2CR129.13.130.211%2CFN%2FSET%3D1%2FPPNSET%3  
FPPN%3D590280090&signature=OmWA\_NLtwvdaOmmyeo7SUOCEYuDrgtoZqGXIK-  
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[https://a-z.lu/prim-explore/fulldisplay?vid=BIBNET&docid=SFX\\_LOCAL100000000726583&context=L](https://a-z.lu/prim-explore/fulldisplay?vid=BIBNET&docid=SFX_LOCAL100000000726583&context=L)

National Library of Sweden  
<http://libris.kb.se/bib/11702473>

Harold B. Lee Library, Brigham Young University  
[http://sfx.lib.byu.edu/sfxlcl3?url\\_ver=Z39.88-2004&url\\_ctx\\_fmt=info:ofi/fmt:kev:mtx:ctx&ctx\\_enc=info:ofi/enc:UTF-8&ctx\\_ver=Z39.88-2004&rft\\_id=info:sid/sfxit.com:azlist&sfx.ignore\\_date\\_threshold=1&rft.object\\_id=100000000726583&rft.object\\_portfolio\\_id=&svc.holdings=yes&svc.fulltext=yes](http://sfx.lib.byu.edu/sfxlcl3?url_ver=Z39.88-2004&url_ctx_fmt=info:ofi/fmt:kev:mtx:ctx&ctx_enc=info:ofi/enc:UTF-8&ctx_ver=Z39.88-2004&rft_id=info:sid/sfxit.com:azlist&sfx.ignore_date_threshold=1&rft.object_id=100000000726583&rft.object_portfolio_id=&svc.holdings=yes&svc.fulltext=yes)

Catalogue of Hamburg Libraries  
[https://beluga.sub.uni-hamburg.de/vufind/Search/Results?submit=Suchen&library=GBV\\_ILN\\_22&lookfor=1584-224x](https://beluga.sub.uni-hamburg.de/vufind/Search/Results?submit=Suchen&library=GBV_ILN_22&lookfor=1584-224x)

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

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

York University Library, Toronto, Ontario, Canada  
<https://www.library.yorku.ca/find/Record/muler82857>

The University of Chicago, USA  
[https://catalog.lib.uchicago.edu/vufind/Record/sfx\\_100000000726583](https://catalog.lib.uchicago.edu/vufind/Record/sfx_100000000726583)

The University of Kansas KUMC Libraries Catalogue  
<http://voyagercatalog.kumc.edu/Search/Results?lookfor=1584-224X&type=AllFields>

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

Electronic Journal Library  
[https://opac.giga-hamburg.de/ezb/detail.phtml?bibid=GIGA&colors=7&lang=en&flavour=classic&jour\\_id=111736](https://opac.giga-hamburg.de/ezb/detail.phtml?bibid=GIGA&colors=7&lang=en&flavour=classic&jour_id=111736)

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Wayne State University Libraries  
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Western Theological Seminar  
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Vanderbilt Library  
[https://catalog.library.vanderbilt.edu/discovery/fulldisplay?docid=alma991043322926803276&context=L&vid=01VAN\\_INST:vanui&lang=en&search\\_scope=MyInst\\_and\\_CI&adaptor=Local%20Search%20Engine&tab=Everything&query=any,contains,1584-224X&offset=0](https://catalog.library.vanderbilt.edu/discovery/fulldisplay?docid=alma991043322926803276&context=L&vid=01VAN_INST:vanui&lang=en&search_scope=MyInst_and_CI&adaptor=Local%20Search%20Engine&tab=Everything&query=any,contains,1584-224X&offset=0)

Wissenschaftszentrum Berlin für Sozial  
[https://www.wzb.eu/en/literature-data/search-find/e-journals?page=searchres.phtml&bibid=WZB&lang=en&jq\\_type1=IS&jq\\_term1=1584-224X&jq\\_bool2=AND&jq\\_type2=KS&jq\\_term2=&jq\\_bool3=AND&jq\\_type3=PU&jq\\_term3=&offset=-1&hits\\_per\\_page=50&Notations%5B%5D=all&selected\\_colors%5B%5D=1&selected\\_colors%5B%5D=2](https://www.wzb.eu/en/literature-data/search-find/e-journals?page=searchres.phtml&bibid=WZB&lang=en&jq_type1=IS&jq_term1=1584-224X&jq_bool2=AND&jq_type2=KS&jq_term2=&jq_bool3=AND&jq_type3=PU&jq_term3=&offset=-1&hits_per_page=50&Notations%5B%5D=all&selected_colors%5B%5D=1&selected_colors%5B%5D=2)



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The University of Hong Kong Libraries

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Metropolitan University Prague, Czech Republic

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

University of the West Library

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Elektronische Zeitschriften der Universität zu Köln

[https://www.ub.uni-koeln.de/IPS?SERVICE=METASEARCH&SUBSERVICE=INITSEARCH&VIEW=USB:Simple&LOCATION=USB&SID=IPS3:2d1c5acebc65a3cdc057a9d6c64ce76e&SETCOOKIE=TRUE&COUNT=15&GWTIMEOUT=30&HIGHLIGHTING=on&HISTORY=SESSION&START=1&STREAMING=on&URLENCODING=TRUE&QUERY\\_alAL=1584-224x&SERVICEGROUP1.SERVICE.SEARCH\\_EDS=on&SERVICEGROUP1.SERVICE.SEARCH\\_KUGJSON=on&SERVICEGROUP1.SERVICE.SEARCH\\_KUGUSBWEB=on&SERVICEGROUP1.SERVICEGROUP.USB:Default=on](https://www.ub.uni-koeln.de/IPS?SERVICE=METASEARCH&SUBSERVICE=INITSEARCH&VIEW=USB:Simple&LOCATION=USB&SID=IPS3:2d1c5acebc65a3cdc057a9d6c64ce76e&SETCOOKIE=TRUE&COUNT=15&GWTIMEOUT=30&HIGHLIGHTING=on&HISTORY=SESSION&START=1&STREAMING=on&URLENCODING=TRUE&QUERY_alAL=1584-224x&SERVICEGROUP1.SERVICE.SEARCH_EDS=on&SERVICEGROUP1.SERVICE.SEARCH_KUGJSON=on&SERVICEGROUP1.SERVICE.SEARCH_KUGUSBWEB=on&SERVICEGROUP1.SERVICEGROUP.USB:Default=on)

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

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Universität Passau

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

BSB Bayerische Staatsbibliothek

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

Deutsches Museum

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

Technische Hochschule Ingolstadt

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Hochschule Augsburg, Bibliothek

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

Hochschule Weihenstephan-Triesdorf, Zentralbibliothek

Freising, Germany

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

OTH- Ostbayerische Technische Hochschule Regensburg, Hochschulbibliothek

OTHBR, Regensburg, Germany

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

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Neuburg/Donau, Germany

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

Bibliothek der Europa-Universität Viadrina, Frankfurt (Oder)  
Frankfurt/Oder, Germany  
<https://opac.europa-uni.de/InfoGuideClient.euvsis/start.do?Query=10%3d%22BV035261002%22>

University of California Library Catalog  
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#### CEPOS Conference 2023

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Oxford Church & State Journal:  
<https://academic.oup.com/jcs/articleabstract/65/1/168/7044222?redirectedFrom=fulltext>

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

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

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

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

**CEPOS Conference 2022**

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

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

Vinculation International Diciembre 2021 newsletter n 99

[https://issuu.com/fundacionargentina5/docs/diciembre\\_2021\\_fundaci\\_n\\_argentina-ai\\_ok?fr=sZjg2NjE5NTg3OTY](https://issuu.com/fundacionargentina5/docs/diciembre_2021_fundaci_n_argentina-ai_ok?fr=sZjg2NjE5NTg3OTY)

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

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

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

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

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

**CEPOS Conference 2021**

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

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

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

<https://www.sciencedz.net/en/conference/72628-11thinternational-conference-after-communism-east-and-west-under-scrutiny>

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

<https://worlduniversitydirectory.com/edu/event/?slib=11thinternational-conference-after-communism-east-and-west-under-scrutiny-2>

**CEPOS Conference 2020**

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

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Scichemistry

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

Oxford Journals

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

Conference alerts

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

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

Intraders

<https://www.intraders.org>.

[cdn.ampproject.org/v/s/www.intraders.org/news/romania/10th-international-conference-after-communism-east-and-westunderscrutiny/amp/?amp\\_js\\_v=a2&\\_gsa=1&usqp=mq331AQCKAE%3D#ah=15737604302246&referrer=https%3A%2F%2Fwww.google.com&\\_tf=De%20pe%20%251%24s&share=https%3A%2F%2Fwww.intraders.org%2Fnews%2Fromania%2F10th-internationalconference-after-communism-east-and-west-under-scrutiny%2F](https://cdn.ampproject.org/v/s/www.intraders.org/news/romania/10th-international-conference-after-communism-east-and-westunderscrutiny/amp/?amp_js_v=a2&_gsa=1&usqp=mq331AQCKAE%3D#ah=15737604302246&referrer=https%3A%2F%2Fwww.google.com&_tf=De%20pe%20%251%24s&share=https%3A%2F%2Fwww.intraders.org%2Fnews%2Fromania%2F10th-internationalconference-after-communism-east-and-west-under-scrutiny%2F)

10 times

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

The conference alerts

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

Scirea

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

### CEPOS Conference 2019

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

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

10 Times

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

Conference Alerts

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

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Researchgate

[https://www.researchgate.net/publication/327905733\\_CEPOS\\_9TH\\_INTERNATIONAL\\_CONFERENCE\\_AFTER\\_COMMUNISM\\_EAST\\_AND\\_WEST\\_UNDER\\_SCRUTINY\\_2019?\\_iepl%5BviewId%5D=sjcOJrVCO8PTLapcfVciZQsb&\\_iepl%5Bcontexts%5D%5B0%5D=publicationCreationEOT&\\_iepl%5BtargetEntityId%5D=PB%3A327905733&\\_iepl%5BinteractionType%5D=publicationCTA](https://www.researchgate.net/publication/327905733_CEPOS_9TH_INTERNATIONAL_CONFERENCE_AFTER_COMMUNISM_EAST_AND_WEST_UNDER_SCRUTINY_2019?_iepl%5BviewId%5D=sjcOJrVCO8PTLapcfVciZQsb&_iepl%5Bcontexts%5D%5B0%5D=publicationCreationEOT&_iepl%5BtargetEntityId%5D=PB%3A327905733&_iepl%5BinteractionType%5D=publicationCTA)

The Free Library

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

Science Dz.net

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

### CEPOS Conference 2018

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

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

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

ManuscriptLink,

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

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

Aconf, [https://www.aconf.org/conf\\_112399.html](https://www.aconf.org/conf_112399.html)

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

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

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

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

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

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

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

SchoolandCollegeListings,

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

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

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

### CEPOS Conference 2017

The Seventh International Conference After Communism. East and West under Scrutiny (Craiova, House of the University, 24-25 March 2017) was evaluated and accepted for indexing in 10 international databases, catalogues and NGO's databases:

Ethic & International Affairs (Carnegie Council), Cambridge University Press-  
<https://www.ethicsandinternationalaffairs.org/2016/upcoming-conferences-interest-2016-2017/>

ELSEVIER GLOBAL EVENTS  
LIST <http://www.globaleventslist.elsevier.com/events/2017/03/7th-international-conference-after-communism-east-and-west-under-scrutiny>

CONFERENCE ALERTS-<http://www.conferencealerts.com/show-event?id=171792>

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

Hiway Conference Discovery System-<http://www.hicds.cn/meeting/detail/45826124>  
Geopolitika (Hungary)-<http://www.geopolitika.hu/event/7th-international-conference-after-communism-east-and-west-under-scrutiny/>

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

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

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

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

### CEPOS Conference 2016

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

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

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

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

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

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

Researchgate-  
[https://www.researchgate.net/publication/283151988\\_Call\\_for\\_Papers\\_6TH\\_International\\_Conference\\_After\\_Communism.\\_East\\_and\\_West\\_under\\_Scrutiny\\_8-9\\_April\\_2016\\_Craiova\\_Romania](https://www.researchgate.net/publication/283151988_Call_for_Papers_6TH_International_Conference_After_Communism._East_and_West_under_Scrutiny_8-9_April_2016_Craiova_Romania)

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

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

Sciencedz.net-<http://www.sciencedz.net/index.php?topic=events&page=53>  
Science-community.org-<http://www.science-community.org/ru/node/164404/?did=070216>

### CEPOS Conference 2015

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

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

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

GCONFERENCE.NET-  
[http://www.gconference.net/eng/conference\\_view.html?no=47485&catalog=1&cata=018&co\\_kind=&co\\_type=&pageno=1&conf\\_cata=01](http://www.gconference.net/eng/conference_view.html?no=47485&catalog=1&cata=018&co_kind=&co_type=&pageno=1&conf_cata=01)

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

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



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

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

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

ARCHIVE COM-[http://archive-com.com/com/c/conferencealerts.com/2014-12-01\\_5014609\\_70/Rome\\_15th\\_International\\_Academic\\_Conference\\_The\\_IISES/](http://archive-com.com/com/c/conferencealerts.com/2014-12-01_5014609_70/Rome_15th_International_Academic_Conference_The_IISES/)

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

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

Journal of Research in Education and Teaching Turkey-  
<http://www.jret.org/?pnum=13&pt=Kongre+ve+Sempozyum>  
CEPOS CONFERENCE 2015 is part of a "consolidated list of all international and Canadian conferences taking place pertaining to international relations, politics, trade, energy and sustainable development". For more details see <http://natocouncil.ca/events/international-conferences/>

### CEPOS Conference 2014

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

American Political Science Association, USA-<http://www.apsanet.org/conferences.cfm>

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

International Society of Political Psychology, Columbus, USA-  
[http://www.ispp.org/uploads/attachments/April\\_2014.pdf](http://www.ispp.org/uploads/attachments/April_2014.pdf)

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

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kassel.de/mediawiki/index.php/After\_communism:\_East\_and\_West\_under\_scrutiny  
:\_Fourth\_International\_Conference

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



## RSP MANUSCRIPT SUBMISSION

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Email: Manuscripts should be submitted online at [cepos2013@gmail.com](mailto:cepos2013@gmail.com) with the following settings:

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Paper title: For the title use Times New Roman 16 Bold, Center.

Author(s): For the Name and Surname of the author(s) use Times New Roman 14 Bold, Center. About the author(s): After each name insert a footnote (preceded by the symbol \*) containing the author's professional title, didactic position, institutional affiliation, contact information, and email address.

E.g.: Anca Parmena Olimid\*, Cătălina Maria Georgescu\*\*, Cosmin Lucian Gherghe\*\*\*

\* Associate Professor, PhD, University of Craiova, Faculty of Social Sciences, Phone: 00407\*\*\*\*\*, Email: [parmena2002@yahoo.com](mailto:parmena2002@yahoo.com). (Use Times New Roman 9, Justified)

\*\* Lecturer, PhD, University of Craiova, Faculty of Social Sciences, Phone: 00407\*\*\*\*\*, Email: [cata.georgescu@yahoo.com](mailto:cata.georgescu@yahoo.com). (Use Times New Roman 9, Justified)

\*\*\* Lecturer, PhD, University of Craiova, Faculty of Social Sciences, Phone: 00407\*\*\*\*\*, Email: [avcosmingherghe@yahoo.com](mailto:avcosmingherghe@yahoo.com). (Use Times New Roman 9, Justified)

Author(s) are fully responsible for the copyright, authenticity and contents of their papers. Author(s) assume full responsibility that their paper is not under review for any refereed journal or conference proceedings.

#### Abstract

The abstract must provide the aims, objectives, methodology, results and main conclusions of the paper (please submit the papers by providing all these information in the abstract). It must be submitted in English and the length must not exceed 300 words. Use Times New Roman 10,5, Justify.

#### Keywords

Submit 5-6 keywords representative to the thematic approached in the paper. Use Times New Roman 10,5, Italic. After the keywords introduce three blank lines, before passing to the Article text.

Text Font: Times New Roman: 10,5

#### Reference citations within the text

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

## RSP MANUSCRIPT SUBMISSION

E.g.: (Olimid, 2009: 14; Olimid and Georgescu, 2012: 14-15; Olimid, Georgescu and Gherghe, 2013: 20-23).

On first citation of references with more than three authors, give all names in full. On the next citation of references with more than three authors give the name of the first author followed by “et al.”.

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

### References:

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

References of the same author are listed chronologically.

### For books

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

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

### For chapters in edited books

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

### For journal Articles

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

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

### Tables and Figures

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

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

Proposed papers: Text of the Article should be between 3000-5000 words, single spaced, Font: Times New Roman 10,5, written in English, submitted as a single file that includes all tables and figures in Word2003 or Word2007 for Windows.

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