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SUSTAINABLE DEVELOPMENT OF CONSTRUCTION CONTRACTORS OF THE REPUBLIC OF MOLDOVA IN THE CONTEXT OF WASTE GENERATION AND PROCESSING

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Abstract. The article deals with the formation and processing of construction waste resulting from the activities of construction organizations. Every year there is a growth in the volume of construction products, which leads, among other things, to an increase in the volume of generated waste. The aim of this scientific research is to study the preconditions of sustainable development of construction enterprises in the Republic of Moldova in the context of waste management. As a hypothesis, it was assumed that the scale of formation and processing of construction waste affects the profitability of contractors. The initial information for the research was the data characterizing the activity of the construction enterprises of the Republic of Moldova for the last 6 years. Methods of economic analysis and methods of correlation regression were used as research methods. The results of the correlation analysis showed that 99.27% of the profitability of sales of construction enterprises depends on the factors reflecting different aspects of waste formation and management, which makes it possible to directly create prerequisites for long-term and efficient management of construction waste.

Keywords: *construction enterprises, construction waste, profitability of construction enterprises, correlation analysis.*

Rezumat. Articolul se referă la formarea și prelucrarea deșeurilor rezultate din activitățile organizațiilor de construcții. În fiecare an se înregistrează o creștere a volumului de produse de construcții, ceea ce duce, printre altele, la o creștere a volumului de deșeurii generate. Scopul acestei cercetări științifice este de a studia premisele dezvoltării durabile a întreprinderilor de construcții din Republica Moldova în contextul gestionării deșeurilor. În calitate de ipoteză, s-a presupus că amploarea formării și prelucrării deșeurilor rezultate din construcții influențează profitabilitatea antreprenorilor. Informația inițială pentru cercetare au constituit-o datele ce caracterizează activitatea întreprinderilor de construcții din Republica Moldova pe parcursul ultimilor 6 ani. Ca metode de cercetare au fost utilizate metodele de analiză economică și metodele de regresie a corelațiilor. Rezultatele analizei de corelație au arătat că 99,27% din rentabilitatea vânzării întreprinderilor de construcții depinde de factorii care reflectă diferite aspecte ale formării și gestionării deșeurilor, ceea ce

face posibilă crearea directă a premiselor pentru gestionarea eficientă și pe termen lung a deșeurilor din construcții.

Cuvinte-cheie: *întreprinderi de construcții, deșeuri din construcții, profitabilitatea întreprinderilor de construcții, analiza de corelație.*

1. Introduction

Sustainable development of construction enterprises on the basis of resource conservation is an important topic that goes beyond the activities of enterprises in this sector of the national economy [1]. Comprehensive solution to the use of secondary construction resources affects the fields of economics, sociology, ecology, etc. Taking into account the fact that the material resources of the planet are limited and some of the resources are irreplaceable, it seems interesting to study the current situation with the formation and recycling of waste from construction enterprises in the Republic of Moldova and to assess the relationship between waste and the efficiency of these enterprises.

It is known that construction activity is characterized by increased material intensity of construction and installation works [2]. Material costs constitute 50-65% in the cost of construction products [3]. Therefore, the reduction of material costs in the total cost of construction and erection works serves as one of the key directions of increasing the efficiency of production and ensuring long-term development of contractors [4].

Specialists believe that when using secondary construction raw materials, the cost of production is several times lower compared to the cost of production obtained from primary natural resources [5]. Consequently, the management of construction companies should be interested in the specialization of construction and installation works, allowing in the presence of skilled workers and developed technical base to ensure the implementation of construction and installation work on condition of minimizing waste generation, as well as the use of recycled secondary raw materials in the production.

Minimization of waste generation is possible through the implementation of effective management of construction waste recycling system, from the design of new facilities, to their dismantling and further use of secondary construction resources [3].

If the issues of recycling and disposal of construction waste arise immediately at the time of waste occurrence - it is reflected in the quality of secondary construction raw materials, which can be regarded as incomplete material for construction [6, 7].

In addition to gaining economic benefits as a result of effective waste management, construction companies contribute to the environmental situation in the country, since most waste is harmful to the environment.

Based on the above, the purpose of this scientific research is to study the prerequisites for sustainable development of construction enterprises in the Republic of Moldova in the context of formation and processing of waste, which are formed during construction activities and the presence of which cannot be completely excluded, even with the presence of modern technologies.

As a hypothesis, we can assume that the scale of formation and processing of construction waste affects the growth of profitability of contractors.

2. Research Methodology

The initial information for the study was the official data of the National Bureau of Statistics of the Republic of Moldova regarding the activities of construction companies for the last 6 years (the period 2016-2021).

General methods of economic analysis were applied as methods of research. In particular, methods of statistical data processing and correlation regression. Correlation analysis allowed us to comprehensively study and measure the influence of various factors on the economic phenomenon, when the relationship between the result indicator and the arguments is uncertain.

The advantage of this method is the ability to consider the desired factors and their impact on the performance indicator by including variables in the mathematical model, for which there is no functional relationship with the economic phenomenon.

3. Results of the study

3.1. Characteristics of the construction industry in the Republic of Moldova and the dynamics of generated waste

According to the National Bureau of Statistics of Moldova, 1,886 contractors were engaged in construction activities in 2021 [8]. The total value of construction works and services in 2021 was 24226.8 million lei (Table 1).

Table 1

| Dynamics of the main performance indicators of construction enterprises | | | | | | |
|--|---------|---------|---------|---------|---------|---------|
| Indicators | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 |
| Cost of construction products (works and services), million lei | 15623.2 | 17020.4 | 20087.7 | 20981.2 | 24650.9 | 24226.8 |
| Net profit, million lei | 1169.5 | 1794.8 | 2229.6 | 2136.9 | 2028.7 | 2384.5 |
| Return on sales, % | 21.1 | 20.9 | 22.7 | 20.5 | 19.8 | 21.0 |
| Cost of long-term assets, million lei | 9 365 | 9 724 | 10 760 | 11 290 | 11 915 | 13 310 |
| Annual growth of long-term assets, million lei | 412 | 359 | 1035 | 530 | 625 | 1395 |

Source: Compiled by the authors based on [9-11].

For the period from 2016-2021, the activity of construction contractors in the Republic of Moldova is characterized by a steady growth in the main performance indicators. In particular, the value of construction products increased in 2021 compared to 2016 by 55.1%, net profit - more than 2 times. Despite the relatively volatile nature of the annual growth rate of long-term assets, their absolute value increased steadily and increased by 42.1% in the period under review. The dynamics of return on sales, as the most key indicator of construction companies' activity, underwent insignificant changes and in 2021 its level was 21.0 %.

Based on the fact that the main amount of waste, respectively potential secondary construction resources is formed during reconstruction and overhaul (up to 70.0%) and in the manufacture of dismantling works (up to 15.0%) [1], it seems interesting to consider the structure of construction works and its dynamics (Table 2).

Table 2

| Structure of construction works, % | | | | | | |
|--------------------------------------|-------|-------|-------|-------|-------|-------|
| Indicators | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 |
| Total | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 |
| New construction | 58.3 | 50.5 | 44.9 | 50.7 | 49.3 | 56.4 |
| Major repairs | 20.4 | 24.4 | 28.3 | 25.5 | 25.1 | 21.9 |
| Maintenance work and current repairs | 17.9 | 23.2 | 25.1 | 22.2 | 23.9 | 19.2 |
| Other works | 3.4 | 2.0 | 1.7 | 1.7 | 1.7 | 2.5 |

Source: Compiled by the authors on the basis of [8, 10].

Based on the data presented in Table 2, we can conclude that in the structure of works performed by construction organizations in the Republic of Moldova, the share of major repairs and maintenance and current repairs is quite high and ranged from 38.0% in 2016 to 53.4% in 2018 during the period under review. In 2021, the share of these works decreased to 41.1% due to an increase in the share of new construction.

The dynamics of formation and recycling of waste from construction companies is shown in Fig.1.

Based on the data presented in Figure 1, we can conclude that the dynamics of construction waste is extremely unstable, which makes it difficult to predict the volume and organize effective waste management and recycling. However, a positive fact is that the amount of recycled waste tends to grow. In 2021, the amount of recycled waste was 421 tons, which was 2.5 times more than in 2020.

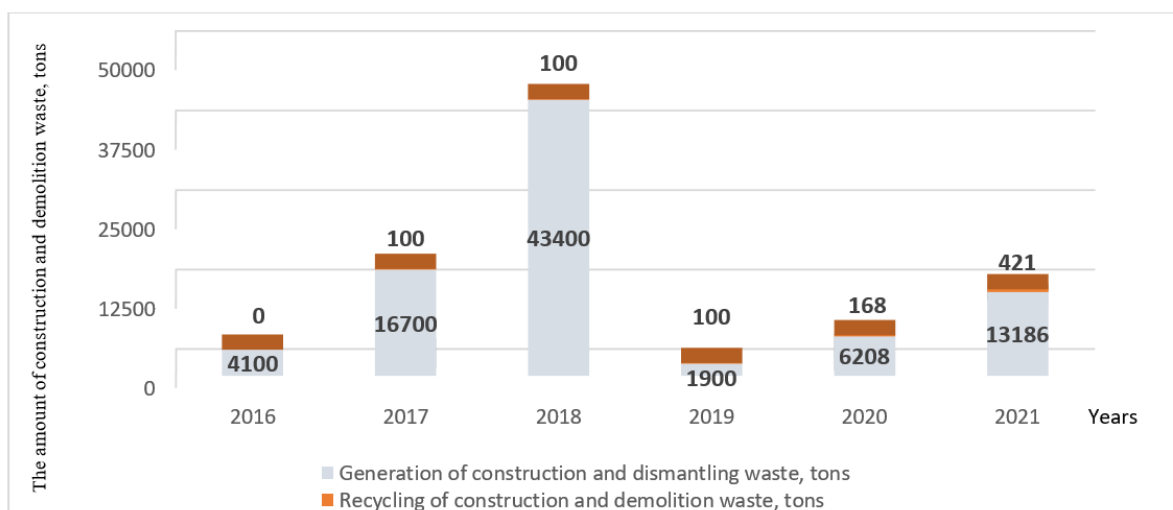


Figure 1. Dynamics of Generation and Processing of Waste of Construction Enterprises.

Source: Compiled by the authors on the basis of [12].

Table 3 shows the dynamics of the share of generated construction and demolition waste in the total amount of waste generated.

Table 3

Dynamics of the share of generated construction and dismantling waste in the total amount of generated waste

| Indicators | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 |
|---|------|------|------|------|------|------|
| Share of generated construction and dismantling waste in the total amount of generated waste (total), % | 0.25 | 1.04 | 2.72 | 0.16 | 1.50 | 3.17 |
| Share of recycled construction and demolition waste in the total amount of recycled waste (total), % | 0 | 0.02 | 0.01 | 0.04 | 0.05 | 0.17 |

Source: Compiled by the authors on the basis of [12].

Based on the data presented, we can state that the share of generated construction and dismantling waste in the total amount of generated waste is small (3.17%), but has a stable growth trend. The share of recycled construction and dismantling waste in the total amount of recycled waste is also assigned (only 0.17%).

The most informative data to assess the situation with waste management can be the calculation and analysis of the dynamics of complex indicators, calculated on the basis of absolute indicators. One of such indicators can be the amount of recycled construction waste in relation to the value of construction products (table 4).

Table 4

Dynamics of the amount of recycled construction waste in relation to the value of construction products

| Indicators | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 |
|--|---------|---------|---------|---------|---------|---------|
| The quantity of recycled construction and demolition waste, tons | 0,00 | 100 | 100 | 100 | 168,6 | 421,0 |
| Cost of construction products (works and services), million lei | 15623.2 | 17020.4 | 20087.7 | 20981.2 | 24650.9 | 24226.8 |
| The amount of recycled construction and demolition waste per 1 million lei of the value of construction products, tons per 1 million lei | 0.000 | 0.006 | 0.005 | 0.005 | 0.007 | 0.017 |

Source: Compiled by the authors on the basis of [9, 12].

The data presented in Table 4 shows the positive dynamics of growth in the amount of recycled construction waste in relation to the value of construction products during the study period.

Another interesting indicator may be the comparison of payments for allowable emissions of pollutants stipulated by legislation with the increase in the value of long-term assets (including fixed assets), as a guarantee of the implementation of technical progress at the enterprise, contributing to minimizing waste generation and improving the quality characteristics of secondary construction raw materials (Table 5).

Table 5

Dynamics of payments accrued to construction companies for permissible pollutant emissions

| Indicators | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 |
|---|--------|---------|--------|--------|--------|--------|
| Accrued payments to construction companies for permissible emissions of pollutants, thousands of lei | 207.0 | 254.5 | 149.6 | 141.5 | 254.0 | 421.6 |
| Accrued payments to economic entities for allowable emissions of pollutants TOTAL, thousands of lei | 8995.7 | 10894.1 | 9148.4 | 6058.6 | 9716.1 | 7737.5 |
| Share of payments accrued to construction companies for permissible pollutant emissions in total payments, % | 2.3 | 2.3 | 1.6 | 2.3 | 2.6 | 5.4 |
| Increase in long-term assets attributable to 1 leu of accrued payments for allowable emissions of pollutants, leu/leu | 1990 | 1411 | 6918 | 3746 | 2461 | 3309 |

Source: Compiled by the authors on the basis of [11, 12].

In 2021, construction companies paid 421.6 thousand lei for permissible emissions of pollutants, which amounted to 5.4% of the total value of payments realized by economic agents of various activities of the national economy.

3.2 Multifactor mathematical stochastic model for establishing the relationship between waste generation and management and performance of enterprises in the construction industry of the Republic of Moldova

To improve the situation in the field of waste management, the management of construction enterprises should ensure a systematic increase in the value of long-term assets

in relation to accrued payments for allowable emissions of pollutants. Thus, in particular, in 2021 for 1 leu of accrued payments, the construction companies increased the value of long-term assets by 3,309 lei.

It seems interesting to offer the management of construction companies an effective tool to establish a link between the indicators characterizing various aspects of waste generation and management and performance of these enterprises.

The following input data were used to construct a multifactor mathematical stochastic model (Table 6).

Further, the results of the correlation analysis are presented, with the help of which it is possible to establish the degree of connection between the profitability of sales of construction enterprises and the above considered indicators characterizing different aspects of waste use and costs for environmental payments. In the course of the analysis, it was possible to reveal the linear-correlation connection between the profitability of sales and the following indicators considered as influencing factors:

x1 - increase in long-term assets attributable to 1 leu of accrued payments for allowable emissions of pollutants, leu/leu;

x2 - the amount of recycled construction and demolition waste per 1 lei of the value of construction products, tons/1 billion lei;

t - time, years. The number of observations was 6 (2017-2021).

The multiple correlation equation is as follows:

$$Y = 20.7499 + 0.0004 * x1 + 0.1406 * x2 - 0.6146 * t. \quad (1)$$

Table 6

Input data for correlation analysis

| Years | Return on sales, % | Increase in long-term assets attributable to 1 leu of accrued payments for allowable emissions of pollutants, leu/leu | The amount of recycled construction and demolition waste per 1 lei of the value of construction products, tons/1 billion lei | Time, years |
|-------|-----------------------|---|---|----------------|
| | (Y) | (x1) | (x2) | (t) |
| 2016 | 21.1 | 1990 | 0.000 | 1 |
| 2017 | 20.9 | 1411 | 5.875 | 2 |
| 2018 | 22.7 | 6918 | 4.978 | 3 |
| 2019 | 20.5 | 3746 | 4.766 | 4 |
| 2020 | 19.8 | 2461 | 6.840 | 5 |
| 2021 | 21.0 | 3309 | 17.377 | 6 |

Source: compiled by the authors.

The test of regression coefficients by Student's test showed that their value is significant, since the calculated reliability of the correlation coefficient is higher than the tabulated value (Table 7) [13, 14].

Table 7

Regression coefficients according to Student's test

| Parameter | Coefficient | Critical value of Student's T-test | Calculated Student's T-test |
|-----------|-------------|------------------------------------|-----------------------------|
| Intercept | 20.7499 | 0.1469 | 141.2687 |
| b 1 | 0.0004 | 0.000 | 14.6358 |
| b 2 | 0.1406 | 0.0182 | 7.7122 |
| t | -0.6146 | 0.0570 | -10.7781 |

Source: compiled by the authors.

The economic sense of the obtained regression coefficients means:

- b_1 - an increase in the annual growth of long-term assets of construction companies in relation to the value of accrued payments for allowable emissions of pollutants by 1 thousand lei will lead to an increase in the profitability of sales of construction companies by 0.40 percentage points;
- b_2 - an increase in the volume of recycled construction and demolition waste in relation to the production value of construction companies by 1 ton/million lei will increase the profitability of sales of construction companies by 0.14 percentage points;
- t - each year the profitability of sales of construction companies decreases by an average of 0.61 percentage points (for this set of factors).

The obtained value of the coefficient of determination (0.9927) indicates the integrity of the relationship equation. The change in the profitability of sales of construction companies by 99.27 % is influenced by the factors included in the mathematical model. The correlation coefficient is 0.9964. The estimation of the results by Fisher's criterion showed that the value of the multiple correlation coefficient is considered significant because F calculated = 91.185 more than F tabulated = 19.3 [15] (number of degrees of freedom $f_1=6$, $f_2 = 6-3-1=2$ and significance level $q=0.05$).

4. Conclusions

Ensuring effective waste management is a priority for enterprises of the national economy, including construction. With the positive dynamics of the main performance indicators of contractors (volume of construction products, net profit, long-term assets), a certain challenge remains the inability to predict the volume and organization of effective waste management and recycling.

Improving the efficiency of construction enterprises is the main condition for their sustainable development, including by improving the situation in the field of construction waste management.

According to the results of the correlation analysis, the profitability of sales of the considered enterprises depends on 99.27% of the factors included in the mathematical model, reflecting various aspects of waste formation and management, which makes it

possible to directly create prerequisites for long-term functioning through the management of construction wastes.

To make improvements in this area, it is necessary when designing new buildings to think in advance about the construction materials that will be used in its construction. This measure will allow waste to be managed at all stages of the life cycle of construction projects.

Measures in the field of waste processing should ensure the use of modern technologies that maximize the safety of secondary building resources, while reducing the cost of enterprises to protect the environment.

In the future, special attention should be paid to the detailed classification of waste in order to identify new areas of waste recycling.

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References

1. Tkachenko, T.B.; Belousova, L.S. Upravlenie resursosberezheniem v stroitel'nom komplekse v aspecte ekologizatsii ekonomiki. *Ekonomika. Informatika* 2012, 19 (138), pp.17-20.
2. Stratila, A.; Albu, I.; Usturoi, L. *Economia construcțiilor*. Suport de curs, Tehnica-UTM, Chișinău, 2019, 124 p. ISBN 978-9975-45-570-1.
3. Lunev, G.G. Voprosy razvitiya metodologii kompleksnogo ispol'zovaniya vtorichnykh stroitel'nykh resursov. *Vestnik evraziiskoi nauki* 2014, 5 (24), p. 161.
4. Stratila, A. System of profitability indicators in the construction industry. *Journal of Social Sciences* 2020, 3(3), pp. 61-71.
5. Lunev, G.G. Analiz i obosnovanie organizatsionno-provodstvennoi struktury predpriyatiya po pererabotke vtorichnykh stroitel'nykh resursov. *Vestnik evraziiskoi nauki* 2014, 3 (22), p. 47.
6. Lunev, G.G.; Prokhotksii, Yu.M. Vtorichnye stroitel'nye resursy: ekologo-ekonomicheskii podkhod klassifikatsii. *Kompetentnost'* 2019, 7, pp. 18-23.
7. Chepeleva, K.V.; Bannikova, A.S.; Sprengel', D.E. Perspektivy ispol'zovaniya vtorichnogo syr'ya na stroitel'nom rynke Krasnoyarskogo kraya. *Epokha nauki* 2017, 9, pp. 159-164.
8. Biroul Național de Statistică of the Republic of Moldova, Statistici per domenii, Activitatea de construcții. Available online: https://statbank.statistica.md/PxWeb/pxweb/ro/40%20Statistica%20economica/40%20Statistica%20economica__18%20CON_CON010/?rxid=b2ff27d7-0b96-43c9-934b-42e1a2a9a774 (accessed on 08.02.23).
9. *Rezultatele anchetei structurale în întreprinderi*. Biroul Național de Statistică al Republicii Moldova, Chișinău, 2022, p. 66. ISBN 978-9975-3592-1-4 (PDF).
10. Anuarul statistic of the Republic of Moldova. Biroul Național de Statistică of the Republic of Moldova, Chișinău, 2022, p. 454. 978-9975-3484-6-1 (PDF).
11. *Statistici per domenii, Antreprenoriat*. Biroul Național de Statistică of the Republic of Moldova, Available online: https://statbank.statistica.md/pxweb/pxweb/ro/40%20Statistica%20economica/40%20Statistica%20economica__24%20ANT_ANT030/?rxid=9a62a0d7-86c4-45da-b7e4-fecc26003802 (accessed on 09.02.23).
12. *Resursele naturale și mediul în Republica Moldova: Culegere statistica*. Biroul Național de Statistică of the Republic of Moldova, Chișinău, 2022, p. 122. ISBN 978-9975-3484-7-8.
13. Simonov, P.M. Ekonomiko-matematicheskoe modelirovanie [Elektronnyi resurs]. Perm', 2019, 230 p. ISBN 978-5-7944-3378-4. Available online: <http://www.psu.ru/files/docs/science/books/uchebnie-posobiya/economiko-matematicheskoe-modelirovanie-simonov-1.pdf> (accessed on 20.02.23) [in Russian].
14. Korolev, A.V. Ekonomiko-matematicheskie metody i modelirovanie. Moskva: Izdatel'stvo Yurait, 2023, 280 p. ISBN 978-5-534-00883-8. Available online: <https://urait.ru/bcode/512225> (accessed on 21.02.23) [in Russian].
15. Raspredelenie Fishera (F-raspredelenie). Available online: <https://math.semestr.ru/corel/table-fisher.php> (accessed on 22.02.23) [in Russian].

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QUALITY MANAGEMENT AND ITS IMPACT ON ENTREPRENEURIAL ACTIVITY

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Abstract. Quality plays a key role in entrepreneurial activity. To become a successful entrepreneur, quality must be put at the forefront of the company's strategic objectives. Quality management can influence different domains of entrepreneurship by improving product quality, customer satisfaction, operational efficiency, and overall financial performance. Product quality is crucial to a company's reputation and success. It is achieved by understanding the market, providing excellent customer service, knowing the customer base, focusing on design, and establishing a quality management system. Measuring product quality can be done by using data regarding defects, and product quality inspections can ensure that products meet pre-specified standards. Finally, every great product possesses some common qualities that contribute to solving our problems and contributing to our daily lives. Quality management can help companies identify and reduce unnecessary costs by eliminating defects and other problems. By implementing quality control measures and continuously improving quality, businesses can achieve increased competitiveness, customer satisfaction and growth, while also contributing to the wider community and environment.

Keywords: *quality, management, entrepreneurship, performance, competitiveness.*

Rezumat. Calitatea joacă un rol esențial în activitatea antreprenorială. Pentru a deveni un antreprenor de succes, calitatea trebuie să fie pusă pe primul plan în obiectivele strategice ale companiei. Managementul calității poate influența diferite domenii ale antreprenoriatului prin îmbunătățirea calității produselor, satisfacției clienților, eficienței operaționale și performanței financiare globale. Calitatea produselor este crucială pentru reputația și succesul unei companii. Ea se obține prin cercetarea pieței, prin furnizarea de servicii excelente pentru clienți, prin cunoașterea bazei de clienți, prin concentrarea asupra design-ului și prin stabilirea unui sistem de management al calității. Măsurarea calității produselor se poate face prin utilizarea datelor referitoare la defecte, iar inspecțiile calității produselor pot asigura faptul că produsele corespund standardelor prestabilite. În cele din urmă, fiecare produs excelent posedă câteva calități comune care contribuie la rezolvarea problemelor noastre și contribuie la viața noastră de zi cu zi. Managementul calității poate ajuta companiile să identifice și să reducă costurile inutile prin eliminarea defectelor și altor

probleme. Prin punerea în aplicare a măsurilor de control al calității și îmbunătățirea continuă a calității, întreprinderile pot obține o competitivitate sporită, creșterea satisfacției clienților și o dezvoltare economică, contribuind în același timp la comunitate și la mediul înconjurător în general.

Cuvinte-cheie: *calitate, management, antreprenoriat, performanță, competitivitate.*

1. Introduction

In today's socio-economic environment, quality has become a strategic tool for the overall management of enterprises and a determining element of their competitiveness. Quality is also important for consumers and citizens and is therefore a key element of service to society and the environment. The general concept of quality is used in various fields, with different meanings appropriate to each of them; its meanings are philosophical, logical, technical, economic and social.

Quality management plays a critical role in the success of businesses in different domains of entrepreneurship. Managers should develop and implement quality management strategies to maintain organizational fit with contingencies such as size, task, and ethical evaluations, particularly in the innovation domain [1]. Quality managers should understand the complex dynamics that lead to innovation and various relationships between quality management practices [1]. One empirical examination of manager-employee relations found that displaying confidence and satisfaction about an entrepreneurial project can increase employee willingness to act entrepreneurially [2]. Changes in financial development, labor, fiscal and bankruptcy regulations, informal regulations and corruption levels, government size, and regulatory measures related to government support of entrepreneurship can affect entrepreneurship quality [3].

Incorporating principles of entrepreneurial management can provide a more solid management structure to the innovation inherent in entrepreneurship [4]. The principles of management are drawn from a number of academic fields, primarily leadership, entrepreneurship, and strategy [5]. Babson Global identifies six parts of the entrepreneurship ecosystem: culture, markets, human capital, finance, supports, and policy [6]. Entrepreneurship research has evolved over time and has made interesting contributions to a set of questions at the individual, firm, and macro levels [7]. Finally, entrepreneurship is the key determinant for economic growth because it creates new businesses based on innovation and disruptive ideas, thus maximizing the wealth of the nation [8].

But the activity of any company is completed with a product or service. Indeed, product quality refers to how well a product meets expectations and performs its intended function [9]. There are various approaches to defining product quality, including the transcendent approach of philosophy, the product-based approach of economics, the user-based approach of economics, marketing, and operations management, and the manufacturing-based and value-based approaches of operations management [10].

Quality control is important to safeguard a company's reputation, prevent products from being unreliable, and increase consumer trust. It ensures that the company uses evidence-based data and research to ensure that the products and services live up to the standards [11].

To achieve great product quality, companies should understand the market, provide excellent customer service, get to know their customer base, focus on design, and establish a quality management system [9]. In addition, measuring product quality can be done by

using data regarding defects to determine flaws and areas of lacking. By utilizing the data, companies can measure the quality of the product and understand and improve the way they work [12].

Product quality inspections are procedures that involve checking the various attributes of a product and testing it to ensure that it meets pre-specified standards. Inspections can be conducted by the factory's quality control team, a buyer, or a third-party inspection company [13].

Every great product possesses some common qualities that contribute to solving our problems and contributing to our daily lives. Such qualities may include being functional, efficient, reliable, easy to use, aesthetically pleasing, and affordable [14].

Understanding and managing interrelated processes as a system contributes to the efficiency and effectiveness of an organisation in achieving desired outcomes. This approach enables companies to control the interdependencies between system processes and improve overall business performance.

2. Materials and Methods

Quality management is an essential component of a company's success in any domain of entrepreneurship. Implementing quality management can lead to several benefits, including increased efficiency, improved customer satisfaction, and the ability to exploit new markets [15].

In different domains of entrepreneurship, the impact of quality management may vary. For instance, manufacturers may use "hard" quality management techniques, which are more scientific and focused on process control. This approach is similar to left-brain thinking. On the other hand, "soft" quality management techniques are more focused on the people and culture aspects of an organization, which is similar to right-brain thinking [16].

Furthermore, a study found that improved institutional quality can help establish entrepreneurial success in the competitive market [17]. The entrepreneurship ecosystem also plays a significant role in the success of entrepreneurs [18].

Therefore, it is crucial to adopt a comprehensive approach to quality management that addresses both the scientific and cultural aspects of the organization. Moreover, entrepreneurs should focus on improving institutional quality and leveraging the resources of the entrepreneurship ecosystem to ensure their success in the market.

Quality is widely recognized as a determinant of competitiveness for organizations, whether at the national, regional, or international level. Quality helps organizations achieve a real and sustainable competitive advantage by increasing productivity, efficiency, and innovation [19]. Quality has become an essential factor that determines the competitiveness of companies, along with price, and the relationship between these two components is crucial for organizations to be successful in the marketplace [20]. Quality is also one of the critical factors for the competitiveness of cities since it provides the conditions for efficient development of companies and fosters a better quality of life for the people who live and work in that environment [21].

Continuous improvement of quality has become a necessity for organizations due to the external threat of market losses caused by poor quality [20]. Therefore, organizations must adopt a systemic quality control concept, which refers to all functional departments and not just the production activities [20].

Foundational competitiveness is defined as the expected level of output per working-age individual supported by the overall quality of a country as a place to do business. It means

that a country's quality of infrastructure, institutions, macroeconomic stability, health, education, and other factors are crucial to determine the country's competitiveness [22].

Overall, quality is a crucial determinant of competitiveness, both for organizations and cities, and continuous improvement of quality helps organizations gain a sustainable competitive advantage in the marketplace. The relationship between quality and price is essential for organizations to be successful. For countries, foundational competitiveness is determined by the overall quality of infrastructure, institutions, macroeconomic stability, health, education, and other factors.

3. Results

Following the literature review and the examination of the opinions of various researchers on quality management and its impact, three groups of factors can be distinguished, systematised as follows:

- Impact on commercial and marketing activity;
- Impact on operational activity and results;
- Impact on human resources and their management;

In the context of fierce competition in most fields of activity, quality management is an indispensable tool that develops the entrepreneurial ecosystem through the marketing vision. In this context, the main effects of quality management are characterised by a logical interdependence and are shown in Figure 1.

One of the important functions of marketing is product development. Proper quality management ensures that products are designed and developed according to high standards and that they meet customer needs. Taking into account the high diversity of products on the market, which in most cases meet the same groups of consumer needs, quality control measures and continuous monitoring of product quality can help ensure the successful development and launch of new products. In this context, quality management can help to improve marketing efforts by offering reliable and high quality products to customers.

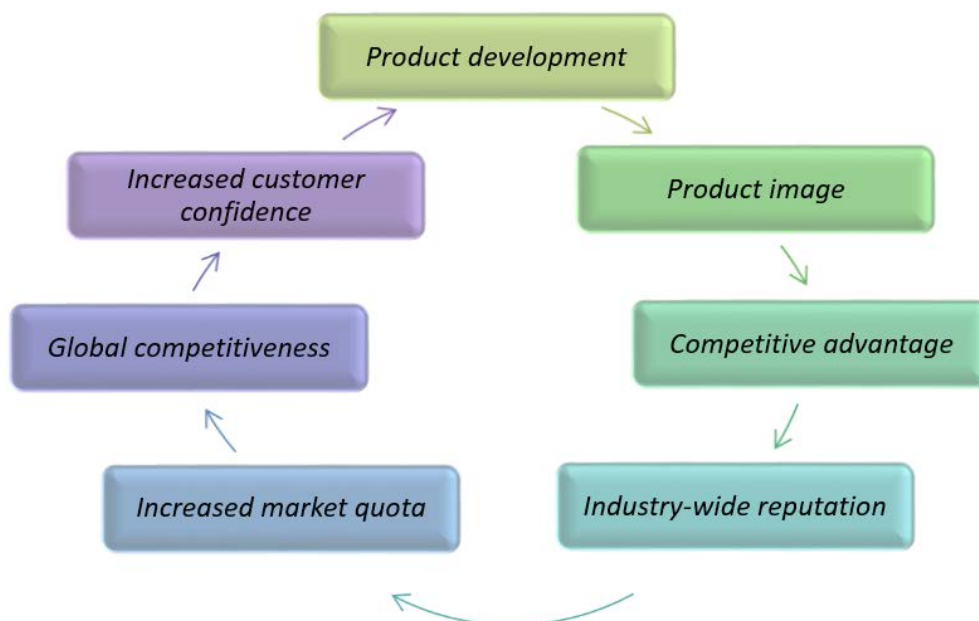


Figure 1. Points of impact of quality management on the entrepreneurial ecosystem through the lens of the marketing vision.

Source: Elaborated by the authors.

From the point of view of product image in the marketplace, which is one of the psychological marketing objectives, quality management can help build and maintain a positive brand reputation by ensuring that products are of high quality and customer service is exceptional. As a result of effective quality management companies build their industry-wide reputation.

By providing high quality products and services, businesses can help raise the profile of the whole industry, both in domestic and foreign markets, by associating themselves with compliance and innovation. In turn, by forming a positive image of production and the company as a whole, quality management can ensure that market share is increased by providing high-quality products and services to customers. By ensuring that products meet customer expectations, companies can build customer confidence, leading to increased sales and customer loyalty. This can help businesses stand out from their competitors, leading to increased sales and market share.

In order to ensure the sustainable development of businesses, their strategies must include the competitive advantage component. One of the effective and reliable directions in this regard is quality management can give businesses a competitive advantage by differentiating them from their competitors. By providing high quality products and exceptional customer service, businesses can attract and retain customers, leading to increased sales and profitability. When it comes to the global level, global competitiveness can be ensured in particular through quality management by improving product quality and customer satisfaction, by complying with international standards and regulations, businesses can expand their reach and compete with businesses around the world.

Given that quality management encompasses all the activities and processes carried out within the company itself and in collaboration with third parties, it is clear that it has a strong and comprehensive impact on operational activity, which is in fact the core business of any company. The following figure (Figure 2) includes the main pillars reflecting the impact of quality management on the operational activity of the enterprise.

Given that one of the principles of quality management is continuous improvement, quality management can be approached as a continuous process that involves monitoring, analysing and continuously improving processes, products and services. By continuously improving quality, companies can respond to changes in customer needs and market trends, leading to increased competitiveness and long-term success. Quality management plays a crucial role in ensuring that operations are efficient and effective. By implementing quality control measures, contractors can minimise the risk of defects, reduce production costs and improve overall operational efficiency.

At the same time, quality management can help improve supply chain management by ensuring that suppliers deliver high-quality raw materials and components. This can reduce the risk of product defects, improve product quality and increase customer satisfaction. Quality management can help mitigate risks by reducing the likelihood of product defects, customer complaints and other issues that can have a negative impact on the business. By implementing quality control measures, contractors can reduce the risk of product recalls, lawsuits and other costly consequences.

Quality management can foster innovation by encouraging employees to identify and solve problems, leading to new ideas and approaches that can improve product quality and customer satisfaction. Quality management can foster innovation by encouraging companies to continuously improve processes, products and services.

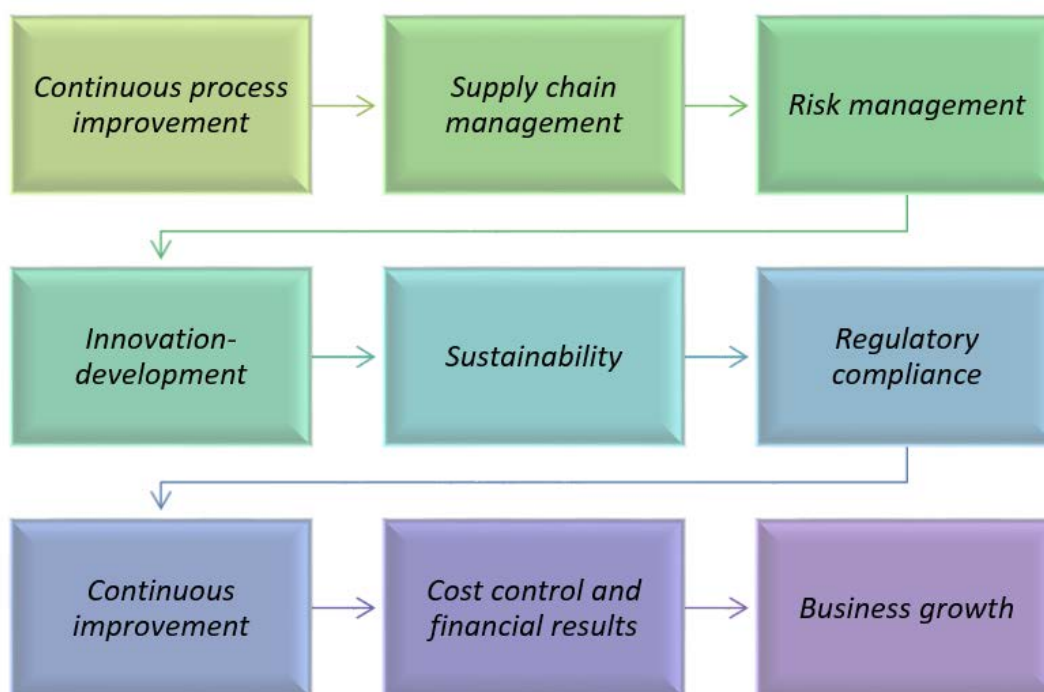


Figure 2. Main pillars reflecting the impact of quality management on the operational activity of the enterprise.

Source: Elaborated by the authors.

By analysing data and feedback, businesses can identify areas for improvement, leading to new and better products, processes and services.

Importantly, quality management can help promote sustainability by reducing waste, conserving resources and minimising the negative impact of products and operations on the environment. By improving product quality and customer satisfaction, entrepreneurs can also promote sustainability by reducing the need for frequent replacements, leading to long-term customer loyalty and a positive reputation for the company. Quality management can reduce the environmental impact of business activity by promoting sustainable practices and reducing waste. By reducing energy consumption and emissions, businesses can help protect the environment and reduce their carbon footprint.

Quality management helps to ensure business compliance with relevant regulations and standards. This can reduce the risk of legal sanctions, customer complaints and negative publicity, which can have a significant impact on the long-term success of the business.

Taking into account those impacts that quality management has on the operational activity of the business it can be concluded that it will have a positive impact on financial management by reducing costs associated with product defects and customer complaints. Quality management can contribute to cost control by reducing the frequency of product defects, customer complaints and returns. By improving product quality and customer satisfaction, businesses can also reduce the need for costly repairs and replacements, leading to increased profitability. By improving product quality and customer satisfaction, entrepreneurs can increase sales and profits, which can contribute to the long-term financial stability of the business. Finally, quality management can support business growth by improving overall business performance and competitiveness. By reducing costs, improving customer satisfaction and increasing sales, businesses can achieve long-term growth and success.

The most important business resource that has the ability to improve over time when promoting effective management is the human resource. In this context quality management provides for the implementation of a system that will involve the entire staff of the enterprise, ensuring multiple positive effects (Figure 3).



Figure 3. Directions of impact of quality management on human resources.

Source: Elaborated by the authors.

Firstly, quality management can improve the overall working environment by setting and maintaining high standards of employee performance. This can lead to increased employee motivation and commitment, which in turn will lead to improved productivity and better customer satisfaction. Through improved employee motivation, quality management can improve employee satisfaction and reduce staff turnover by ensuring that employees are trained and supported to perform their jobs effectively. This can help attract and retain talented employees, leading to better operational efficiency and better customer service.

Quality management empowers employees by involving them in the quality management and improvement process. By giving employees the tools and resources they need to contribute to business success, businesses can create a positive work environment and foster a culture of continuous improvement.

Staff development carried out on a continuous basis can be successfully delivered through quality management which can offer employees opportunities for professional development and growth through the provision of training and support. By improving the skills and knowledge of employees, businesses can improve its overall performance and competitiveness. Given that quality management is a complex process involving all company staff, quality management can encourage collaboration between departments and employees by involving them in the quality improvement process. By working together, side by side to achieve company goals, employees can identify and solve problems, which leads to self-development and motivation, as well as improved product quality and customer satisfaction.

Quality management is a core process for any business that wants to provide its customers with high quality products or services. Effective quality management can help a business improve its products or services, increase its revenue and keep its customers happy. It involves a range of activities, including planning, controlling and improving quality, and engaging all employees and customers to achieve this goal.

By implementing a quality management system, an organisation can achieve a number of benefits, including improved internal processes, reduced costs and increased customer satisfaction. By ensuring the quality of the products and services offered, the organisation can improve its image and increase customer loyalty, which can lead to increased revenues. This is essential for any organisation that wants to improve the quality of its products and services and increase the efficiency and effectiveness of its operations.

4. Conclusions

In conclusion, we can state that quality management is essential for the whole company, as it ensures that the products and services provided are safe, effective and meet the needs of customers. In a modern society, where consumers are increasingly informed and demanding, quality management is essential for the success of a business and customer satisfaction.

In addition, quality management has a direct impact on the environment and society at large. By improving processes and efficiency, resource consumption and pollutant emissions can be reduced, thus contributing to environmental protection and sustainable development.

Overall, quality management has a significant impact on society, improving the quality of products and services, protecting the environment, improving food safety and creating a more sustainable and efficient business environment.

Conflicts of Interest: The authors declare no conflict of interest.

References

1. Schniederjans, D.; Schniederjans, M. Quality management and innovation: new insights on a structural contingency framework. *International Journal of Quality Innovation* 2015, 1, 2. <https://jqualityinnovation.springeropen.com/articles/10.1186/s40887-015-0004-8>.
2. Kuratko, D.F.; Audretsch, D.B. Clarifying the domains of corporate entrepreneurship. *International Entrepreneurship and Management Journal* 2013, 9, pp. 323-335.
3. Chowdhury F.; Audretsch D.B.; Belitski M. Institutions and entrepreneurship quality. *Entrepreneurship Theory and Practice* 2019, 43(1), pp. 51-81.
4. What is entrepreneur management? Definition and benefits. <https://www.indeed.com/career-advice/career-development/entrepreneur-management> (accessed on 10.02.2023).
5. Leadership, entrepreneurship and strategy. <https://open.lib.umn.edu/principlesmanagement/chapter/1-4-leadership-entrepreneurship-and-strategy/> (accessed on 02.02.2023).
6. The 6 domains of the entrepreneurship ecosystem. <https://medium.com/@myISMinc/the-6-domains-of-the-entrepreneurship-ecosystem-a297571f58be> (accessed on 12.02.2023).
7. Carlsson, B.; Braunerhjelm, P.; McKelvey, M.; Olofsson, Ch.; Persson, L.; Ylinenpaa, H. The evolving domain of entrepreneurship research. *Small Business Economics* 2013, 41, pp. 913-930.
8. Aryal, A.K. Domains of entrepreneurial ecosystem and its impact on entrepreneurship. *Journal of Business and Social Sciences* 2021, 3(1), pp. 11-28.
9. What is product quality? Here is what you need to understand. <https://insight-quality.com/what-is-product-quality/> (accessed on 12.02.2023).
10. Garvin, D.A. What does "Product quality" really mean? *Sloan Management Review* 1986, 26 (1), pp. 25-43.
11. What is quality control: definition, benefits, examples, and more. <https://www.simplilearn.com/what-is-quality-control-article> (accessed on 05.02.2023).
12. Measure the quality of product. <https://www.techdataprodukt.com/measure-the-quality-of-product/> (accessed on 07.02.2023).
13. What is a product quality inspection and how do they work? <https://insight-quality.com/what-is-a-product-quality-inspection/> (accessed on 05.02.2023).

14. Suay, Ç. What makes a product good? – 11 qualities to consider. <https://userguiding.com/blog/good-product/> (accessed on 18.02.2023).
15. Schmidt, J. Quality management. <https://corporatefinanceinstitute.com/resources/management/quality-management/> (accessed on 16.02.2023).
16. Zeng, J.; Zhang, W.; Matsui, Y.; Zhao, X. The impact of organizational context on hard and soft quality management and innovation performance. *International Journal of Production Economics* 2017, 185, pp. 240-251.
17. Lv, Z.; Rodríguez-García, M.; Sendra-García, J. Does institutional quality affect the level of entrepreneurial success differently across the entrepreneurship distribution? *Review of Managerial Science* 2021, 15(1), pp. 937-955.
18. Callahan, C. Entrepreneur ecosystems - The key components driving success. <https://www.linkedin.com/pulse/entrepreneur-ecosystems-key-components-driving-success-callahan> (accessed on 02.02.2023).
19. Alghamdi, H.; Bach, C. Quality As Competitive Advantage. *International Journal of Management & Information Technology* 2013, 8(1), pp. 1265-1272.
20. Dobrin, C.; Gîrneală, A.; Mascu, M.; Croitoru, O. Quality: a determinant factor of competitiveness – the evolution of ISO certifications for management systems. In: *Proceedings of the 9th International Management Conference „Management and Innovation For Competitive Advantage*, November 5th-6th, 2015, Bucharest, Romania, pp. 1062-1073.
21. Vegara, A. The critical factors for the competitiveness of cities. *WIT Transactions on Ecology and The Environment* 2016, 204, pp. 47-56.
22. Porter, M.; Ketels, C. The Determinants of National Competitiveness. *NBER Working Paper Series* 2012, 18249, pp. 1-47.

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THE IMPACT OF ADVANCED MANAGEMENT ACCOUNTING METHODS ON THE QUALITY OF FINANCIAL REPORTING: THE CASE OF THE JORDANIAN BANKING SYSTEM

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Abstract. This study aims to investigate the degree of application of advanced management accounting methods within Jordanian banks. The researcher tries also to assess the effect of the degree of application of advanced management accounting methods on the quality of financial reports issued by Jordanian banks. In order to achieve this objective data was collected through the distribution of 45 questionnaires to the financial managers and chief accountants of ten commercial banks operating in Jordan. Only 40 questionnaires have been subjected to the process of statistical analysis in order to construct the model of the study, In addition to the use of descriptive statistical techniques of analysis of variance. The results showed that the level of use of the targeted management accounting methods represented in activity based costing, target costing, total quality management respectively within the subjected banks was acceptable. The study also found that there was a significant relationship between the degree of application of our targeted management accounting methods and the quality of financial reports issued by Jordanian banks. Therefore, the paper recommended that management of the subjected banks should improve their usage of advanced management accounting methods which is presently fair but not sufficient and involve accountants and financial managers in the decision making process.

Keywords: *activity-based costing, target costing, total quality management, quality of financial reporting, Jordanian banking system.*

Rezumat. Scopul acestui studiu a fost investigarea gradului de aplicare a metodelor avansate de contabilitate de gestiune în rândul băncilor iordaniene. Cercetătorul încearcă, de asemenea, să evalueze efectul gradului de aplicare a metodelor avansate de contabilitate de gestiune asupra calității rapoartelor financiare emise de băncile iordaniene. Pentru atingerea acestui obiectiv au fost colectate date prin distribuirea a 45 de chestionare către managerii financiari și contabilii șefi ai zece bănci comerciale care își desfășoară activitatea în Iordania. Doar 40 de chestionare au fost supuse procesului de analiză statistică, folosind o analiză de regresie multiplă pentru a construi diferitele modele ale studiului, în plus față de utilizarea tehnicilor statistice descriptive de analiză a varianței. Rezultatele au arătat că nivelul de utilizare a principalelor metode reprezentate de costul bazat pe activitate și costul țintă în

procesul de luare a deciziilor la nivelul băncilor supuse a fost într-o măsură moderată. De asemenea, studiul a constatat că a existat un efect semnificativ al utilizării metodelor avansate de contabilitate de gestiune asupra relevanței și fiabilității rapoartelor financiare emise de băncile iordaniene. Prin urmare, lucrarea a recomandat ca managementul băncilor supuse să îmbunătățească utilizarea metodelor avansate de contabilitate de gestiune, care în prezent este corectă, dar nu suficientă, și să implice contabilii și managerii financiari în procesul de luare a deciziilor.

Cuvinte cheie: *costul bazat pe activitate, costul țintă, managementul calității totale, calitatea raportării financiare, sistemul bancar iordanian.*

1. Introduction

Many companies and institutions at the international and regional levels have suffered from the inability to absorb the development caused by the application of modern managerial accounting practices. This new practices in their various ways, encourages the companies' management to continuously improve their competitive position, through information provided to the management about its competitors, customers, suppliers, and any other parties that could affect the competitiveness of the company [1]. In the same context the study of [2] showed that the use of advanced management accounting methods was always related to the business environment developments, therefore the application of these new methods may help management in creating the necessary competitive advantages to outperform its competitors.

According to [3, p. 206], the use of advanced management accounting methods leads to discover new areas of improvement in accounting systems application, and to support competitive advantages. Managerial accounting can also serve us in providing information necessary for the main steps of the decision making process.

The present paper has a significant contribution to the expansion of researches in the field, related to the Importance of bank sector for national economy and due to the importance of management accounting methods in the decision making process, so the importance of this study result primarily from the contribution of these methods in making efficient managerial decisions within this financial institutions. Therefore the use of these methods provide accurate and more relevant information to banks manager and help them to make ideal decisions about managerial issues, also this techniques help the board of management in operations of financial control, measurement of activity performance and financial planning. This study stems also its importance from the fact that it examines the extent to which advanced management accounting methods are used in commercial banks operating in Jordan, particularly in light of the changes taking place in the domestic banking industry due to financial globalization, which has increased competition in various sectors. Since the banking sector is one of the important sectors that support the Jordanian economy. It is considered as one of the most important sectors on which the local economy relies in enhancing the levels of economic development, and this stems from the important role played by commercial banks in the process of collecting and directing national savings in accordance with the requirements of economic growth. In the same context several consistent studies have demonstrated the positive impact played by the application of modern management accounting methods on improving management systems at the level of commercial banks. It was therefore necessary to focus on to the use of advanced management accounting methods in this sector. based on the aforementioned the researcher try to reach

the following objectives: determining the extent to which Jordanian banks apply advanced management accounting techniques; determining the nature of relationship that exist between the respondents' demographic characteristics and the respondents' perception of the importance of the subjected management accounting methods and finally assessing the nature and degree of effect of the subjected management accounting methods represented in: activity-based costing, target costing and total quality management on the qualitative characteristics that assess good quality of financial report established by Jordanian banks represented in our study in: relevance and reliability.

1.1 conceptual clarification and Literature review

This section consists of a brief conceptual clarification on the study variables and an empirical review of the related studies.

1.1.1 Conceptual clarification

Before analyzing the effect of the advanced management accounting methods on the quality of financial reports established by Jordanian banks, it is necessary to introduce the main concepts and definitions that consist this study, in order to clarify some ambiguities related to this management accounting methods. In the same context reference [4, p. 934] defined activity-based costing as a method that identifies performance indices by activity, which are very useful for gauging the general functioning of the company, and the achievement of the objectives set. It also helps the managers to identify malfunctions and hidden costs to improve profitability and better perceive the costs consumed by each activity.

The difference between activity based costing and the traditional costing methods is that resources are assigned to resource drivers and not directly to products. In addition, these Drivers are allocated to Activities, which are in turn allocated to Activity Drivers and ultimately to Cost Objects such as Product, Market and Customer. [5, p. 180].

In the same vein, reference [6, p. 58] noted that target costing can be considered as a control instrument often centered on the company than a holistic management method, which has proven itself as a strategic decision-making tool. This method can help managers to distinguish their companies in highly competitive markets. The strength of target cost is particularly evident in the development, differentiation, and diversification of complex products and systems that are manufactured in medium-sized batches. At the contrary target cost is less effective for entirely new product designs, as well as for managing simple but mass-produced products. Target cost attempts to achieve customer orientation both in terms of price and in terms of the properties of the product required by the customer.

The last technique used in this study was total quality management, which describes the continuous activity that covers, records, inspects, organizes and controls all areas of an organization and serves to introduce quality as an objective and guaranteed system in permanence. This method was first developed in the Japanese automobile industry and eventually made a successful model [7, p. 10].

There are two major characteristics of these technique [8, p. 43]:

- Management and employee involvement and commitment.
- Total quality management a way of doing business, and not just a program.
- Customer satisfaction and expectations are the main goal of this approach.

On the other hand, the researcher in this study looks to identify the potential effect of using advanced management accounting methods on the quality of financial reports

established by Jordanian banks. In the same context reference [9, p. 40] defined the financial reports quality as the credibility of the financial information and the benefit they bring to users in the decision-making process. Whereas the study of [10, p. 106] demonstrated that low quality financial information leads to undiversifiable informational risk between informed and uninformed investors, thereby increasing the cost of capital. On the other hand, the publication of better financial information in terms of quality and quantity, would reduce this level of risk and consequently the cost of capital by the same proportion.

The fundamental characteristics of financial reports can be listed as follow [11, p. 1-2]:

- Relevance.
- Reliability.
- Faithful representation.
- Comparability.
- Timeliness.
- Verifiability.

1.1.2 Literature review

As a result of the inadequacy of the traditional methods of management accounting and the inability of organizations to compete in light of the complexity and environmental uncertainty faced by those organizations, it is imperative for managers to use effective management accounting methods characterized by providing accurate and appropriate information for decision-making that supports the competitiveness of the organization [12]. In light of the aforementioned several studies through the world were conducted to assess the degree of application of managerial accounting techniques in the strategic decision making process, so we will show in this section the most recent and most important studies that have examined this topic.

The study conducted by [13], aims to determine the degree of application of strategic management accounting techniques in Bengali industrial companies, and their relationship to several strategic parameters related to the subjected companies. In order to reach the study purposes, the researcher has conducted a survey study on a sample of 71 industrial companies. One of the main results of the study mentioned that the level of adoption of the subjected techniques within the surveyed industrial organizations ranged between the medium and low level of adoption, and that the level of application differs from one company to another depending on the difference in the strategic parameters selected by the researcher. The findings have also showed that activity based costing technique, target costing, and strategic costing has a significant impact on achieving strategic efficiency.

On the other hand [14] tried to assess the impact of application of advanced management accounting techniques on the performance of financial institutions operating in Nigeria. In order to reach this objective, a field study has been conducted by distributing 156 questionnaire to the top management employees of the subjected financial institutions. The finding of the study showed that there was a significant negative relationship between the level of use of the management accounting techniques and the financial performance of the subjected banks. However, the remaining factors of the study represented in the degree of the accountant's intervention in making administrative decisions, as well as the type of administrative strategy, had a significant positive effect on the financial performance of the banks operating in Nigeria.

The study conducted by [15], have examined the level of application of several strategic management accounting techniques within Jordanian banks. The researcher seeks

also to determine the relationship between the demographic characteristics of the respondents and the importance of applying the selected strategic management accounting techniques. The study sample consisted of 31 individuals working in Jordanian banks. The study concluded that the level of application of the strategic management accounting techniques within subjected banks was very low. The findings have also showed that the perception of the respondents about the importance of using strategic management accounting techniques was similar.

In the same vein, the study conducted by [16], tried to analyze the management accounting practice in commercial banks operating in Nepal. In order to achieve these objectives the researcher submitted the accountants and the financial managers of the six commercial banks operating in Nepal to a survey research in order to explore their views about the extent to which the subjected banks was able to apply modern management accounting systems. In this regard, the study concluded that the level of application of management accounting systems at the level of commercial banks operating in Nepal was acceptable. The study also emphasized the advantages that commercial banks were able to achieve as a result of applying these techniques, as this contributed to improving many activities in the decision making process.

In the same context the study performed by [17], examined the extent of using strategic management techniques among Jordanian industrial companies, the study also aimed to assess the trends in their adoption to show the benefits obtained from adopting this tools. Data were collected from 52 Jordanian main manufacturing companies, especially those companies that faces major reforms in their management structure. The results of this study revealed that the average rate of application of strategic management tools has reached 44% and, while the most used tools utilized were Total quality management, lifecycle costing and target costing. The results indicated also that the use of this managerial tools provides some benefits and there is some barriers that hinder the application of these techniques in the subjected companies.

The study performed by [18], shed the light on the target costing system and its application within service companies operating in Jordan, in addition to identifying the obstacles that hinder using this technique within the subjected companies. In this regard, the researcher distributed a set of questionnaires to the financial manager of various companies. The results of the study showed that the subjected companies possess the basic requirements for applying the target cost method, the findings of the study have also proved the high importance that this system possesses as a basic approach in controlling costs.

The study of [19], examined the impact of using Activity Based Costing technique in the pricing of banking services within the commercial banks operating in Jordan. In this regard, the researchers conducted a survey on a sample that consist of commercial banks managers selected randomly. The results showed that the cost system established by the subjected commercial banks were inappropriate and inaccurate, the results also demonstrated that the adoption of Activity Based Costing technique helps local commercial banks in the pricing of banking services in a proper manner.

The study of [20], tried to measure the effect of utilizing management accounting techniques in the improvement of the quality of financial reports issued by commercial banks operating in Iraq. The findings of the study revealed the great importance that the subjected banks attach to the process of financial disclosure. Despite this, the results of the study concluded that the commercial banks operating in Iraq have recorded a clear delay in

applying modern methods of management accounting. Finally the study of [21], shed the light on the application of financial accounting techniques in preventing fraudulent practices within commercial banks operating in Nigeria. In order to achieve this aim the researcher utilize several techniques such as data mining, ratio analysis and trend analysis. The results of the study have proved the significant role played by the financial accounting techniques used in this study in detecting and preventing fraud cases within commercial banks operating in Nigeria.

Most of the aforementioned studies have focused on strategic management accounting methods and the extent of their application in various economic projects. The study of AL-Nawayseh assessed the degree of application of a set of strategic management accounting methods within Jordanian banks. While the study of Al-hosban et.al focused on studying the effect of using the target cost on reducing costs in services companies operating in Jordan. In the same context the study of Al-Bawab et.al dealt with the importance of using the activity based costing in the pricing process of banking services in the commercial banks operating in Jordan. Based on the aforementioned studies the researcher tried to assess the impact of application of the activity based costing, target costing and total quality management respectively on the quality of financial statements established by Jordanian commercial banks. What also distinguishes this study from the other literature is that it focuses on the national banking sector as it is a building block for any economic development in the national economy.

2. Method and materials

Several studies focused on the examination of the extent of using management accounting methods in the decision making process among production entities, but most of these studies addressed the traditional methods. So it may be logical to limit the scope of this study in advanced management accounting methods and its effect on the quality of financial reports established by Jordanian banks.

2.1. Population and sample of the study

The population of the study consists of all commercial Jordanian banks, while the sample of the study consists of ten commercial banks named (Arab bank; Cairo Amman bank; Arab Jordan investment bank; Arab banking corporation; Jordan Ahli bank; Jordan Kuwait bank; Housing bank for trade and finance; bank al Etihad; Rafidain bank, Citibank) which are selected randomly. Data were collected by a questionnaire distributed on the financial managers and chief accountants of the banks in question. The researcher distributed 45 questionnaires. Three questionnaires were unreturned and two other questionnaires were invalid for analysis purposes. In this context the table showed below summarizes the questionnaire distribution process.

Table 1

| Questionnaire distribution process | | |
|---|-----------|------------|
| | Frequency | Percentage |
| Distributed questionnaires | 45 | 100 |
| Unreturned questionnaires | 3 | 6.66 |
| Invalid questionnaires | 2 | 4.44 |
| Remaining questionnaires | 40 | 88.88 |

Source: Authors' field survey, 2022.

2.2. Measurement and scaling technique:

The questionnaire consists of three parts, organized as follow: part one is designed to measure the demographic characteristics of the respondents (age, level of study, job position, years of experience), part two consists of 21 items divided equally between the methods involved in this study (activity-based costing, target costing and total quality management), finally part three consist of 10 items divided equally between two qualitative characteristics of financial report quality (relevance, reliability). Five lickert scales has been used to determine the response of the sample members, as following: strongly disagree (1), disagree (2), neutral (3), agree (4) and strongly agree (5) [22 p. 299-300].

The data used to assess banks financial managers' perceptions of the impact of advanced management accounting methods on the quality of financial reporting process, were presented with the aid of descriptive statistics. The weighted mean scores used for the parameters by the study were sourced from the study of [15] where the level of impact as perceived by the respondents was ranked between intervals and reflected as Less than 1.8 indicates that there is no impact of the independent variables; from 1.8 to 2.6 indicates a fair impact of the independents variable; from 2.6 to 3.4 indicates an averagely import degree of impact; from 3.4 to 4.2 this indicates a high degree of impact and finally the scores that range from 4.2 to 5 indicates a very high degree of impact of the independent variables [23]ю

2.3. Reliability of the questionnaire items:

In order to verify the internal consistency of the questionnaire, the researcher used Cronbach alpha test, for all sections of the study instrument. The results of this test can be summarized in table 2.

Table 2

| Cronbach alpha test | | |
|-------------------------------------|-----------------|------------|
| Variable | Number of items | Test value |
| All methods | 21 | 0.843 |
| Activity-based costing | 7 | 0.811 |
| Target costing | 7 | 0.741 |
| Total quality management | 7 | 0.787 |
| Quality of financial reports | 10 | 0.753 |
| Relevance | 5 | 0.718 |
| Reliability | 5 | 0.737 |
| All items | 31 | 0.889 |

Source: Authors' computation, 2022.

The results of the previous table shows that all questionnaire items have an acceptable Cronbach alpha coefficient (more than 0.600) [24]. This result indicates that the instrument measurement is reliable, and the research's internal consistency is acceptable.

2.4. Statistical tests used for data analysis

In order to analyze the data of the study, the researcher used the following statistical tests:

- Frequencies to analyze the demographic characteristics of the respondents.
- Descriptive statistics to determine the importance of the study variables.
- Shapiro-wilk test to analyze the normality of data distribution.

- t-test to verify the significance of the questionnaire items compared to the hypothetical mean.
- Anova test to determine the nature of relationship between the independent variables and the demographic characteristics of the respondents.
- Variance inflation factor (VIF) and tolerance coefficient to test the multicollinearity.
- Regression analysis to construct the main model of the study.

3. Results

This section, focus on the main results of the statistical analysis process.

3.1 Respondent's characteristics

The analysis unit for the current study consisted of all the financial managers and accountants working in the subjected Jordanian commercial banks. The members of the analysis unit were deliberately selected due to their extensive experience and knowledge in the field of finance and accounting.

The table 3 shows that 40% of respondents have a bachelor, 30% of them have a master degree while 10% of members of the analysis unit have a PhD degree, and this results confirm the high academic qualifications of the financial managers and accountants working in the Jordanian commercial banks. On the other hand, the results shows that 20% of respondents have less than 5 years of experience while 20% of them have more than 15 years of experience, which means that the financial managers and accountant of these banks have no sufficient experience.

Table 3

| Respondent's demographic characteristics | | | |
|--|-------------------------|-------------|------------|
| Description | Categories | Frequencies | Percentage |
| Age | Less than 30 years | 6 | 15 |
| | Between 30 and 40 years | 12 | 30 |
| | Between 41 and 50 years | 13 | 32.5 |
| | More than 50 years | 9 | 22.5 |
| | TOTAL | 40 | 100 |
| Level of study | Diploma | 8 | 20 |
| | Bachelor | 16 | 40 |
| | Master | 12 | 30 |
| | doctorate | 4 | 10 |
| | TOTAL | 40 | 100 |
| Job position | Financial Manager | 10 | 25 |
| | Accountant | 30 | 75 |
| | TOTAL | 40 | 100 |
| Years of experience | Less than 5 years | 8 | 20 |
| | Between 5 and 10 years | 20 | 50 |
| | Between 11 and 15 years | 4 | 10 |
| | More than 15 years | 8 | 20 |
| | TOTAL | 40 | 100 |

Source: Authors' field survey, 2022.

3.2 Normality of Data

In order to ensure the suitability of data, and to verify the objectivity of the results, the data were subjected to Shapiro-wilk test. The results of this test can be summarized in table 4.

Table 4

| Normality test | | |
|--------------------------|-----------|--------------|
| Variables | Statistic | Significance |
| Activity-based costing | 0.964 | 0.345 |
| Target costing | 0.969 | 0.104 |
| Total quality management | 0.943 | 0.321 |
| Relevance | 0.838 | 0.143 |
| Reliability | 0.912 | 0.235 |

Source: Authors' computation, 2022.

The p-value of all variables exceed the significance level (0.05), which mean that the data is normally distributed. It should be noted that the researcher relied in this study on 3 main management accounting methods represented in: activity-based costing, target costing and total quality management as independent variables. The reasons that prompted the researcher to choose these methods are mainly related to the nature of the activity of financial institutions, in addition to the specificity of the Jordanian economy. In the same context and in order to assess the dependent variable of the study, only two qualitative characteristics of financial reporting quality have been selected, represented in relevance and reliability of financial statement established by Jordanian banks. The reasons that led the author to choose these characteristics are related to the late application of the IFRS standard within the Jordanian financial institutions, consequently the target institutions faced big challenges in the implementation of the remaining qualitative characteristics of financial reports quality such as timeliness, verifiability and comparability.

3.3 Questionnaire's items analysis

This section reviews the results of the statistical analysis of the response of the members of the analysis unit, including financial managers and accountants.

Results of degree of use of advanced management accounting methods:

To test the degree of application of advanced management accounting methods within Jordanian banks, we have computed the means and standard deviation for each method (tables 5), than t-test has been conducted in order to compare the average response of each method with the whole average of all advanced management accounting methods.

Table 5

| Results of t-test for independent variables | | | | |
|--|-------|--------------------|--------------|--------------|
| Variables | Mean | Standard deviation | t-test value | Significance |
| Activity-based costing | 3.742 | 0.531 | 5.312 | 0.001 |
| Target costing | 3.684 | 0.317 | 5.124 | 0.005 |
| Total quality management | 2.457 | 1.423 | 1.342 | 0.312 |

Source: Authors' computation, 2022.

The previous table shows the results of the statistical analysis of the respondents' answers related to the level of practice of advanced management accounting methods within Jordanian commercial banks. Where the values of mean for the three techniques was 3.742, 3.684 and 2.457 respectively. This result indicates that the respondents prefer using activity-based costing then target costing comes in the second place finally total quality management has the lowest score.

Results of importance of financial report quality

In order to identify the importance of questionnaire' items that measure the quality of financial reports, the mean scores and standard deviation of each variable have been calculated, then the researcher performed one sample t test to compare these results with the hypothetical average.

Table 6

Results of one sample t test for financial report quality

| Variables | Mean | Standard deviation | t-test value | Significance |
|-------------|-------|--------------------|--------------|--------------|
| Relevance | 3.985 | 0.324 | 5.667 | 0.000 |
| Reliability | 4.123 | 0.213 | 5.931 | 0.000 |

Source: Authors' computation, 2022.

The results shown in table 6 indicates that the reliability of financial reports established by Jordanian banks has more importance than the other qualitative characteristics of financial reporting quality represented in relevance. The results of t-test comes to clarify the previous findings, where both variables have p value less than 0.05.

3.4 Results of importance of respondents' demographic characteristics

The table 7 showed that there is a significant relationship between the demographic characteristics represented in: level of study, Job position and years of experience respectively and the respondents' perception of the importance of the subjected management accounting methods within Jordanian banks, at the contrary the variable of respondent's age was irrelevant.

Table 7

Results of one way Anova test

| Variables | Degree of freedom | Mean squares | Fischer test value (F) | Significance | |
|----------------------------|-------------------|--------------|------------------------|--------------|--------------|
| Age | Between groups | 3 | 0.418 | 1.986 | 0.273 |
| | Within groups | 36 | 0.139 | | |
| | Total | 39 | - | | |
| Level of study | Between groups | 3 | 0.434 | 4.634 | 0.031 |
| | Within groups | 36 | 0.145 | | |
| | Total | 39 | - | | |
| Job position | Between groups | 1 | 0.346 | 4.437 | 0.012 |
| | Within groups | 38 | 0.115 | | |
| | Total | 39 | - | | |
| years of experience | Between groups | 3 | 0.429 | 4.274 | 0.041 |
| | Within groups | 36 | 0.143 | | |
| | Total | 39 | - | | |

Source: Authors' computation, 2022.

From the previous table, we can conclude that calculated F value for the following variables: level of study, job position and years of experience, exceeded the biggest tabulated value 4.089. While F value of Age's respondents was less than the tabulated value 2.866 which means that the age of respondents has no significant relationship with the respondents' perception of the importance of the subjected management accounting methods importance within Jordanian banks.

3.5 Multicollinearity tests results

Before proceeding with the construction of the study model, the researcher conducted some statistical tests in order to ensure the suitability of the data and this is by examining the problems of multicollinearity between the independent variables.

In order to perform the multicollinearity test, the study's data was subjected to variance inflation factor test (VIF) as well as tolerance test.

Table 8

| Results of Multicollinearity tests | | |
|------------------------------------|---------------------------|------------------------|
| Variables | Variance inflation factor | Tolerance significance |
| Activity-based costing | 2.013 | 0.841 |
| Target costing | 2.766 | 0.763 |
| Total quality management | 3.112 | 0.613 |

Source: Authors' computation, 2022.

The results of table 8 confirmed that the data of the independent variables doesn't suffer from any form of multicollinearity, and this was confirmed by the values of the variance inflation coefficient test for all independents variables: 2.013, 2.766, 3.112 respectively, which can be considered as acceptable (less than 10). It is also clear that the values of the tolerance test exceeded the values of significance 0.05.

3.6 Model construction

Based on the foregoing and after ensuring that there are no multicollinearity problems between the independents variables of the study, and that the data of the study was subjected to a normal distribution, it has become possible to construct the model of the study.

In this section the researcher seeks to examine the effect of applying advanced management accounting methods on the combined characteristics of quality of financial reports established by Jordanian banks. The results of this model can be summarized in table 9.

Table 9

| Model | R | R square | Adjusted R square | Standardized coefficients (a) Beta | t- test value | Significance |
|--------------------------|-------|----------|-------------------|---------------------------------------|---------------|--------------|
| (constant) | | | | | 11.095 | 0.000 |
| Activity-based costing | 0.711 | 0.506 | 0.496 | | 5.039 | 0.003 |
| Target costing | | | | | 5.991 | 0.000 |
| Total quality management | | | | | 1.265 | 0.542 |

a: dependent variable: quality of financial reports.

Source: Authors' computation, 2022.

The results of this table revealed that the level of significance for activity- based costing and target costing were less than 0.05, which mean that both methods have a positive significant effect on the quality of financial reports issued by Jordanian banks. While total quality management has no effect on our dependent variable.

The value of R (0.711) in our case, emphasized the good level of prediction. The coefficient of determination R² (0.506) in our model, indicates that the independent variables of the study explain 50.6 % of the variability of our dependent variable.

3.7 hypothesis testing:

It is clear from the results presented in table 9 that the calculated significance values of all management accounting methods were less than the tabulated significance value (0.05) except for the total quality management which have a significance level (0.542) above the tabulated significance. Therefore, we reject the null hypothesis (H_0), and we accept the alternative one (H_1). By implications, there is a positive effect of the independent variables of the study and the quality of financial reporting (dependent variable). Furthermore, our model has a coefficient of R square equal to 0.506 which means that the advanced management accounting methods (independent variables) were able to explain about 50.6% of the variation in the quality of financial reports established by Jordanian banks (dependent variable).

4. Discussion

The objectives of this study were to assess the degree of application of advanced management accounting methods within Jordanian banks. This study also sought to determine the effect of using a set of different management accounting methods on the financial reporting quality within Jordanian banks.

The results of table 5 showed that Jordanian banks uses activity based costing and target costing at a moderate level. In the same context the results showed that the subjected banks does not use total quality management in the decision making process. The findings are consistent with several studies that confirm the importance of management accounting methods in the decision making process [13]. The findings of the study agree again with the results of many studies about the importance of activity based costing over the remaining techniques [14,19]. The findings of the study agree also with the results of [18], in point of degree of application of advanced management accounting methods in economic companies. On the contrary the researcher disagree with the results of [15] which stated that Jordanian banks doesn't apply management accounting methods at all.

The results of table 7 demonstrate that there was a significant positive relationship between the demographic characteristics of the respondents represented in (Level of study, Job position and years of experience) and the importance of using advanced management accounting methods in Jordanian banks. The results of this table showed also that the dimension of respondents' age has no significant effect on perceiving the importance of using advanced management accounting methods in Jordanian banks. These results disagree with the findings of [15], which stated there is no significant effect of the respondents' demographic characteristics on the perceiving importance of applying modern accounting methods in Jordanian Banks.

The results of table 9, showed that there was a positive and significant effect of the activity based costing and target costing respectively on the different qualitative characteristics that consist the dependent variable represented in relevance and reliability of financial reports issued by Jordanian banks, while the results of total quality management was irrelevant (not significant). These results are consistent with the findings of various studies that confirm the effect of advanced management accounting methods on the financial reporting quality [25], in the same context the results of [26], demonstrate the source of financial information used in British industrial companies, and their importance in the decision-making process.

5. Conclusions

Through the conducted research, we achieved the study objectives, investigating the degree of application of advanced managerial accounting methods in subjected Jordanian banks. We determined as a novel element of the study the nature of relationship that exist between the application of the targeted management accounting methods represented in activity-based costing, target costing and total quality management on the quality of financial reporting in our subjected banks.

Contrary to views expressed in many of the related literature, the research provides evidence that subjected Jordanian banks apply advanced management accounting methods, represented in: activity based costing, target costing and total quality management at a moderate level, secondly the study demonstrated that there is a significant positive effect of these methods on the quality of financial reporting process within Jordanian banks. Finally, the results of the study proved that there was a significant relationship between demographic characteristics of the respondents represented in (Level of study, Job position and years of experience) and the respondents' perception of importance of using these management accounting methods in Jordanian banks, except for the respondents' age, which was irrelevant and had no significant effect on the respondents' perception of the importance of applying our accounting method. Therefore, it is highly recommended to bank and financial institutions managers to place a considerable emphasis on the modernization of management accounting system, due to its large contribution in the decision-making process.

The limitations of the study consist in assessing the impact of only three management accounting methods. Also, the study was limited only to the banking sector. Therefore the author propose to extend the scope of this research to other economic sectors, with the application of other modern management accounting methods.

Conflicts of Interest: The author declares no conflict of interest.

References

1. Eze, W. Strategic Management Accounting and Performance Measurement in Nigerian Hotels: A contingency-Based Study. PhD dissertation in Tourism and Hospitality Management, The Institute of Graduate Studies and Research, Eastern Mediterranean University, Cyprus, 2009.
2. Cadez, S; Guilding, C. Strategy, strategic management accounting and performance: a configurational analysis. *Industrial Management & Data Systems* 2012, 112 (3), pp. 484-501.
3. Langfield-Smith, K. Strategic management accounting: how far have we come in 25 years. *Accounting, Auditing and Accountability Journal* 2008, 21 (2), pp. 204-228.
4. Almeida, A; Cunha, J. The implementation of an Activity-Based Costing (ABC) system in a manufacturing company. *Procedia Manufacturing* (2017), 13(17), pp. 932-939.
5. Al-Dhubaibi, A. Optimizing the value of activity based costing system: The role of successful implementation. *Management Science Letters* 2021, 11(21), pp. 179-186.
6. Diop, S. Étude de l'appropriation de quatre outils de contrôle de gestion dérivés de l'ABC classique au Sénégal à travers la théorie positiviste des outils de gestion. *Revue Internationale des sciences de l'organisation* 2021, 1(10), pp. 55-78.
7. Dong, T; Qiang, L; Wei, Y; Yafeng, L; Ming, L. Influence of quality management practice on quality performance in construction enterprises. *Manufacturing and Service Operations Management* 2022, 3 (22), pp. 9-16.
8. Cadez, S; Guilding, C. An exploratory Investigation of an Integrated Contingency Model of Strategic Management Accounting. *Accounting, Organizations and Society* 2008, 33(7), pp. 836-863.
9. Elias, C. and Vasco, A. Quality analysis of earnings reported by banks in dynamic and less dynamic financial markets by applying IAS 39 for measuring financial instruments-case study: Mozambique and Portugal. *Open journal of accounting* 2020, 9 (3), pp. 36-49.

10. Houcine, A. qualité de l'information financière et comportement d'investissement : cas des entreprises tunisiennes cotées. *La revue gestion et organisation* 2014, 6(14), pp. 94-116.
11. Ugbede, O; Lizam, M; Kaseri, A. Corporate governance and earnings management: empirical evidence from Malaysian and Nigerian banks. *Asian journal of management sciences and education* 2013, 2 (4), pp. 1-21.
12. Pradhan, D; Swain, P.K; Dash, M. Effect of management accounting techniques on supply chain and firm performance – an empirical study. *International Journal of Mechanical Engineering and Technology* 2018, 9 (5), pp. 1049-1057.
13. Fowzia, R. Strategic management accounting techniques: Relationship with business strategy and strategic effectiveness of manufacturing organization in Bangladesh. *World Journal of Management* 2011, 3(2), pp. 54–62.
14. Odia, J.O. Strategic Management Accounting Techniques Usage, Strategic Choices, and Performance of Financial Institutions in Nigeria. *Journal of Asian Business Strategy* 2019, 9(2), pp. 94-109.
15. AL-Nawayseh, M. The Extent of Applying Strategic Management Accounting Tools in Jordanian Banks. *International Journal of Business and Management* 2013, 8 (19), pp. 32 – 44.
16. Karki, C. B. Management Accounting Practice in Nepalese Commercial Banks. *Journal of Management* 2021, 4(1), pp. 51-64.
17. Alzoubi, N. The extent use of contemporary management accounting practices and its effect on operational performance of industrial corporations in Jordan. *Asian Journal of Finance and Accounting* 2018, 10 (1), pp. 376-389.
18. Al-hosban, A; Alsharairi, M; Al-Tarawneh, I. The effect of using the target cost on reducing costs in the tourism companies in Aqaba special economic zone authority. *Journal of sustainable finance and investment* 2021, pp.1-16. DOI: 10.1080/20430795.2021.1891782.
19. Al-Bawab, A; Al-Rawashdeh, H. The Impact of the Activity Based Costing System (A.B.C.) in the Pricing of Services Banks in the Jordanian commercial Banks: A Field Study. *International Business Research*, 2016, 9(4), pp. 1-10.
20. Hamawandy, N.M; Qader, A; Mohammed, H; Ali, R; Kareem, F. Effect of Management Accounting Techniques in Improving the Quality of Financial Reports. *Turkish Online Journal of Qualitative Inquiry* 2021, 12(10), pp. 5338-5348.
21. Ewa, E; Adesola, A; Eseneyen, M. Evaluation of Forensic Accounting Techniques in Fraud Prevention/Detection in the Banking Sector in Nigeria. *International Journal of Finance and Accounting* 2020, 9 (3), pp. 56-66.
22. Zikmund, W. *Business Research Methods*. 6th ed. The Dryden Press Harcourt College Publishers: London, 2000, 660 p.
23. Sekaran, U. *Research Methods for Business*. 4th ed. John Wiley & sons Inc.: New York, USA, 2003, 464 p.
24. Salkind, N. *Exploring research*. 9th ed, Pearson education Inc., USA, 2012, 270 p.
25. Isa, C.R; Saleh, Z; Sharoja, N. A survey on financial and management accounting practices among small and medium enterprises in Malaysia. *Asian journal of accounting perspectives* 2008, 1 (1), pp. 13-25.
26. Collis, J; Jarvis, R. Financial information and the management of small private companies. *Journal of Small Business and Enterprise Development* 2002, 9 (2), pp. 100-110.

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THE ARTISTIC PATH OF DUMITRU TRIFAN IN THE FIELD OF SATIRICAL GRAPHICS

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Abstract. The objectives of this study are to mirror the fruitful activity of the plastic artist Dumitru Trifan in the field of satirical graphics by highlighting the particularities of the graphic sheets signed by him. As a result of extensive analysis, it is noted that the plastic artist Dumitru Trifan has excelled in the field of caricature for several decades. Thus, the protagonist, together with other established cartoonists, intensively publishes ironic and humorous cartoons on the pages of the most famous periodicals, such as the magazines *Scînteia Leninistă* and *Femeia Moldovei* and the satire and humor magazine *Chiparuș*. At the same time, at the beginning of the 1980s of the last century, as an illustrator for the weekly *Literatura si Arta*, Dumitru Trifan elaborates and publishes an impressive number of caricatures on the pages of this newspaper. I am constantly amazed by how these scenarios are twisted from reality and how boldly the crises' core is handled. Dumitru Trifan practiced a vast thematic spectrum through which he brought to the fore the relations between spouses and those between the working man and the bureaucrat; he also presented humorously but also sarcastically the images of the chilling and the trickster, of irresponsible people, and others. Thus, the artist is sometimes sarcastic in the distortion of the image and sometimes cordial and kind to the character or landscape. And the tonal stain, like an arbitrary game, is intense and expressive.

Keywords: *satirical graphic, humor, line, tonal stain.*

Rezumat. Obiectivele acestui studiu au menirea de a oglindi fructuoasa activitate a artistului plastic Dumitru Trifan în domeniul graficii satirice prin reliefaarea particularităților foilor grafice semnate de către plastician. În rezultatul unei ample analize se remarcă faptul că plasticianul Dumitru Trifan excelează în domeniul caricaturii pe parcursul a mai multor decenii. Astfel, protagonistul alături de alți caricaturişti consacrați, publică intensiv caricaturi cu tentă ironică și umoristică pe paginile celor mai renumite ediții periodice precum revistele *Scînteia Leninistă* și *Femeia Moldovei*, și revista de satiră și umor *Chipăruș*. Totodată, la începutul anilor 80 ai secolului trecut, în calitate de ilustrator la săptămânalul *Literatura și Arta*, Dumitru Trifan elaborează și publică pe paginile acestui ziar un număr impunător de caricaturi. Acestea, surprind de fiecare dată prin situațiile rupte din realitate, prin îndrăzneala cu care este tratată esența situațiilor. Dumitru Trifan a practicat un spectru tematic vast prin

intermediul cărora aduce în prim plan relațiile între soți și cea dintre omul muncitor și a birocratului, de asemenea prezintă într-o manieră umoristică, dar și sarcastică imaginea chiulangiului și a șmecherului, a oamenilor iresponsabili, ș.a. În acest context, „eroii” permanenți ai caricaturistului sunt oamenii din diferite pături sociale. Astfel, plasticianul este uneori sarcastic în deformarea imaginii, alteori cordial și amabil față de personaj sau peisaj. Iar pata tonală, ca un joc arbitrar, este intensă și expresivă.

Cuvinte cheie: *grafica satirică, umor, linie, pată tonală.*

1. Introducere

Grafica satirică are la origine caricatura ce ocupă un loc aparte printre genurile artei vizuale. Fiind arta ce exagerează, caricatura implică descrierea comică sau satirică de accentuare a anumitor trăsături, caracteristici, afirma Bergson. Condiția pentru realizarea unei imagini grafice satirice este ca artistul caricaturist să utilizeze, în lucrările sale, mesaje codificate prin intermediul satirei și a umorului. În context, menționăm că la noi în țară desenul umoristic și satiric a apărut demult, fiind publicat de la caz la caz în ediții periodice. Însă cu începere din anul 1945 genul caricatural a cunoscut o dezvoltare impresionantă datorită aportului multiplilor artiști plastici consacrați, printre care se înscrie și plasticianul Dumitru Trifan.

Dumitru Trifan (28.07.1937-18.11.1997), absolvent al Școlii republicane de Arte Plastice „Ilia Repin” din Chișinău, face parte din generația artiștilor care și-au adus aportul considerabil în evoluția graficii satirice din țară printre care se numără Alexei Grabco, Leonid Domnin, Iurie Rumeanțev, Nicolae Macarenco ș.a [1-3]. Acești plasticieni, cu nume sonore, exersând în creația lor diverse tehnici grafice proprii genului satiric și lărgind arealul subiectelor abordate, au reușit să dezvolte arta caricaturii și să o facă cunoscută atât în țară cât peste hotare.

Plasticianul Dumitru Trifan excelează în domeniul caricaturii pe parcursul a mai multor decenii. Este unul dintre puținii artiști caricaturiști creația cărui a fost inclusă în ediția unui album de caricaturi. În acest sens se menționează ediția intitulată „99 desene umoristice”, care a văzut lumina tiparului în anul 1980, orașul Chișinău, editura *Literatura artistică*. În anul 1982, editura *Timpul* publică ediția intitulată „Mozaic hazliu” a cărui alcătuitoare este Iurie Zavadschi, iar recenzent - criticul de artă Dmitrii Golitzov. Aceasta prezintă o colecție de foi grafice umoristico-satirice care au fost realizate de artiști caricaturiști, precum: Alexei Grabco, Roland Vieru, Iurie Rumeanțev, Iurie Zavadschi, Ion Migali, Alexei Sainciuc, ș.a. printre care și Dumitru Trifan.

Pe plan național și internațional, artistul plastic Dumitru Trifan se face cunoscut și datorită participării la *Expoziția Jubiliară Republicană a Artelor plastice din RSS Moldovenească, dedicată aniversării a 25-a de la Victoria în cel de-al Doilea Război Mondial*, organizată în perioada 27 martie – 15 mai 1970, precum și la *Expoziția republicană de placarde politice și grafică satirică*, organizată la sfârșitul anilor 70, secolul XX [4-6]. Prin intermediul acestor două expoziții plasticianul prezintă publicului 3 și respectiv 5 foi grafice satirice realizate în tuș sau în tuș și acuarelă pe hârtie. Astfel, prin intermediul ironiei fine și a satirei biciuitoare, Dumitru Trifan condamnă prostia, lenevia și alte vicii umane.

Important de menționat este faptul că în anul 1997, prin Hotărârea Consiliului de Conducere a Uniunii Artiștilor Plastici, plasticianului Dumitru Trifan i se conferă titlul de Membru de Onoare a Uniunii Artiștilor Plastici din Republica Moldova (post-mortem) [7].

2. Studiu cronologic al creației artistului plastic Dumitru Trifan, anii 1960-1990

La începutul anilor '60 ai secolului trecut, în republică, grafica destinată edițiilor periodice cunoaște o vastă popularitate și se bucură de dezvoltare în materie de subiecte abordate, manieră de realizare, figuri de stil implicate în soluționarea estetică a unor teme de actualitate. Acest lucru se datorează implicării tot mai active a mai multor graficieni în procesul de realizare a foilor grafice cu tentă umoristică, ironică, satirică. În perioada menționată artistul Dumitru Trifan, alături de alți caricaturiști consacrați, adesea publică multiple caricaturi cu tentă ironică și umoristică pe paginile unor renumite ediții periodice. Astfel, în martie 1961 apare, pe paginile revistei de satiră și umor „Chipăruș”, prima caricatură semnată de protagonist (figura 1). În suplimentul „Стелуца/Stelutsa” al revistei „Scînteia Leninistă” (nr.1, ianuarie 1962) identificăm o caricatură socială semnată de Dumitru Trifan, realizată în maniera benzilor desenate (figura 2) [8]. Cu începere din martie 1965, artistul publică multiple caricaturi și desene umoristice în ziarul „Cultura Moldovei” (denumit din aprilie 1965 „Cultura”). Din anul 1967 începe frumoasa colaborare a graficianului cu revista „Femeia Moldovei” unde se face cunoscut publicului larg prin intermediul caricaturii casnice (figura 5).

În anii 60, ai secolului al XX-lea, când Dumitru Trifan debutează și se face remarcant printre artiștii caricaturiști deja cunoscuți la acest moment (Alexei Grabco, Iurie Rumeanțev, Nicolae Macarenco, Boris Șirocorad, Glebus Sainciuc, ș.a.), stilul plasticianului este în plină elaborare și formare. Bunăoară, în foile grafice umoristico-satirice ce văd lumina tiparului pe paginile revistei pentru copii „Scînteia Leninistă”, plasticianul apelează la principiul de imitare plastică a desenelor realizate de copii. În anii 1960-1970, această tendință a imitării artei naive există în arta plastică autohtonă, la general în grafica de carte cât și în particular. Maniera în cauză oferă posibilitatea manifestării libertății creative printr-o combinație de abordări plastice apropiate creației copiilor [9].



Figura 1. Prima caricatură semnată de protagonist, publicată în revista „Chipăruș” [16].



Figura 2. Prima caricatură semnată de Dumitru Trifan, publicată în revista „Scînteia Leninistă” [8].

Analizând foile satirice semnate de către Dumitru Trifan și publicate în revista de satiră și umor „Chipăruș” în aceeași perioadă de timp atestăm exersarea de către artist a orchestrării spațiului compozițional în 2-4 scene dispuse fie pe orizontală, fie pe verticală (figura 3, 4). Compozițiile acestor imagini aduc în prim plan subiecte din viața cotidiană, sunt policrome și sunt realizate plastic în stilistica graficii de carte fiind utilizată metoda realistă.

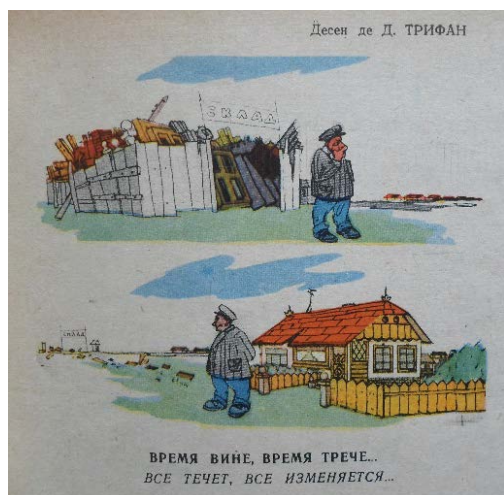


Figura 3. „Vremea vine, vremea trece” - compoziție cu două scene dispuse pe verticală [17].



Figura 4. Compoziție cu două scene dispuse pe orizontală [17].

Totodată, scenele sunt abil selectate din viața reală și urmăresc scopul prezentării unui univers artistic cu tentă ironică, comică având un rol moralizator și educativ. În perspectiva atingerii expresiei și mesajului sunt implicate tratarea grotescă și distorsionarea intenționată a formei. Aceste foi grafice sunt realizate în tehnica acuarelă cu prelucrare grafică suplimentară în tuș, una dintre cele mai răspândite modalități de exprimare artistică în perioada dată de timp.

Cea de-a două jumătate a anilor 60 - începutul anilor 70 ai secolului al XX-lea este una dintre cele mai fructuoase perioade din activitatea protagonistului. Activând în calitate de pictor la săptămânalul „Cultura” plasticianul reușește cu prisosință să realizeze și să publice pe paginile acestuia multiple foi de grafică satirică, în care se observă conturarea particularităților stilistice individuale ale artistului (figura 5-7) [1, 11].

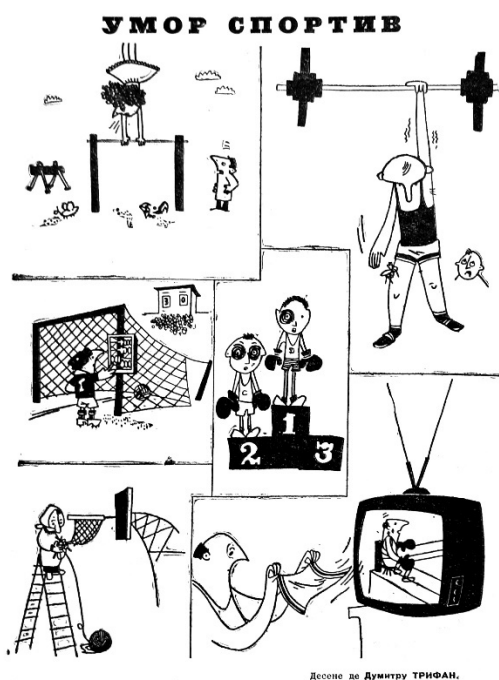
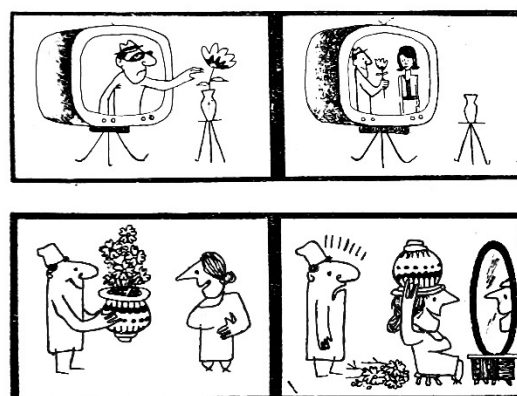


Figura 5. Rubrica „Umor sportiv” [19].



Фэрэ кувинте.
Десене де Д. Трифан.



Фэрэ кувинте...
Десене де Думитру ТРИФАН.
Figura 6. Foi grafice la tema „Relațiile dintre soți” [18, 20].

Pentru a reprezenta mai multe teme precum tema sportului, a relațiilor între soți, secvențe din cultură, plasticianul utiliza din plin linia, iar pentru a echilibra compoziția și a face unele accente expresive utilizează mai mult sau mai puțin pata tonală. În tot acest răstimp, Dumitru Trifan reușește să „cocheteze” cu linia, să promoveze energia creatoare a acestui element de limbaj și expresie artistică modelând linia și creând imagini ce reprezintă o lume complexă a relațiilor umane cotidiene.

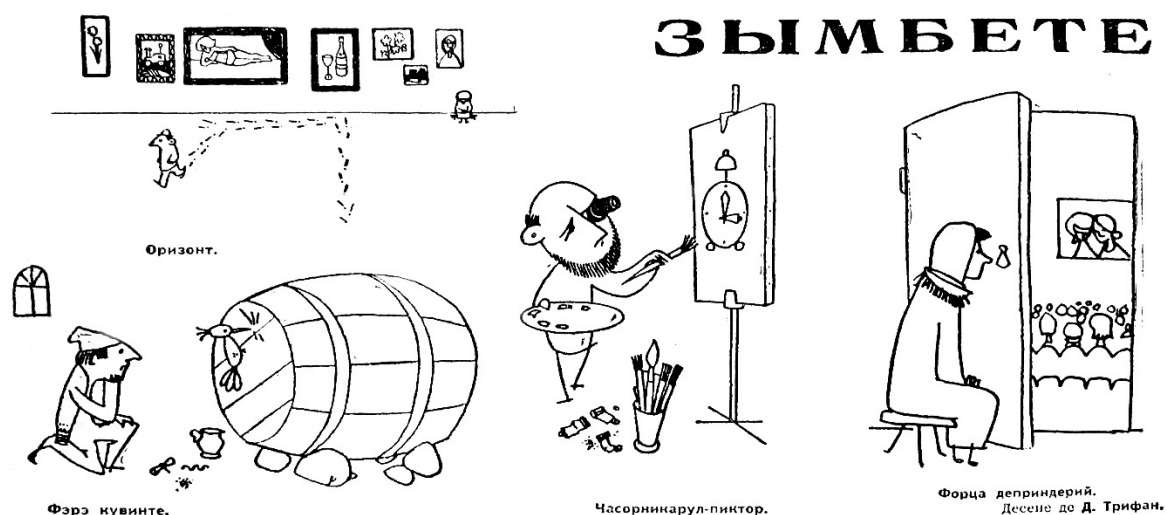


Figura 7. Rubrica „Zâmbete” [21].

Intensiv și în același timp productiv, graficianul continuă să creeze în perioada anilor 1970-1980, atunci când lucrările devin mai pline de spirit, de situații ingenioase și de abordări ale unor teme pe care alți artiști le ocolesc. Deja, cu începere din anul 1977 și până în anul 1997, plasticianul activează în calitate de ilustrator la săptămânalul „Literatura și Arta” [1, 11, 12]. Dumitru Trifan elaborează și publică pe paginile acestui ziar un număr impunător de caricaturi. Acestea, surprind de fiecare dată prin situații sesizate din realitate, și transpuse printr-un limbaj artistic îndrăzneț. Atitudinea civică biciuitoare a creatorului, poziția sa personală, fermă și detașată față de anumite evenimente din societate sunt codificate profesionist de către plastician prin intermediul mijloacelor artistice fundamentale ale graficii satirice. Astfel, cu ajutorul ochiului său critic și lucid, pictorul reușește să realizeze imagini metaforice a unor personaje, preponderent funcționari, în perspectiva satirizării exceselor și moravurilor acestora. În acest context, plasticianul optează să comenteze actualitatea prin dezvăluirea unor aparențe sociale, dar și să îndrepte cititorul să pătrundă în profunzimea imaginilor îndemnând-ul să-și educe spiritul civic, gândirea critică și analitică.

Dumitru Trifan își elaborează un limbaj plastic individual care adesea se reduce la câteva linii trasate liber. Prin intermediul acestora artistul reprezintă scene, situații umoristice și satirice. Iar farmecul accentelor decorative și a detaliilor reconstituite de artist din natură se promovează plastic prin intermediul petei tonale. Cu toate că, o similară modalitate de reprezentare poate fi întâlnită și în unele lucrări ale artiștilor Iurie Rumenațev și Nicolae Macarenco, imaginile create de către Dumitru Trifan se promovează prin stilul propriu de reprezentare a chipului uman și a formei. Exersând plastic expresii multiple de linii scurte și subțiri, precum și pete tonale ce ocupă suprafețe considerabile ale imaginii, artistul își acompaniază imaginile cu distinse valori estetice.

În creația sa, protagonistul face dovada unei imaginații entuziaste, uneori poetice, promovate artistic prin intermediul unei dispute între caracterul de orchestrare a imaginii, prin forma riguroasă și solid constituită, prin căutarea unei expresii independente și de decisivă libertate a liniei. Anume o asemenea abordare a mijloacelor de limbaj plastic face ca opera lui Dumitru Trifan să se evidențieze. Foile sale grafice sunt întotdeauna rodul unui efort perseverent de a realiza un acord armonios între motivul desprins din realitatea exterioară și lumea interioară a artistului.

În scopul căutării unei comuniuni cu cititorul, Dumitru Trifan a ținut să realizeze imagini originale structurate, de cele mai multe ori, în două sau frecvent în trei cadre dispuse adesea pe verticală. Această manieră de structurare compozițională a subiectelor îl favorizează pe cititor pe de o parte să depene firul descriptiv al situației, iar pe de alta să pătrundă mai ușor în sensul caricaturii, or aceasta poate fi înțeleasă fără cuvinte. În acest context, „eroii” permanenți ai caricaturistului sunt oamenii din diferite pături sociale. Graficianul în operele sale dezvăluie și condamnă cu sârguință și talent manifestări umane precum ar fi lenevia, lașitatea, prostia, trufia, cinismul, ș.a. Astfel, Dumitru Trifan a practicat un spectru tematic vast al graficii satirice. Prin intermediul registrului tematic vast, plasticianul etalează o gamă largă de subiecte, adesea exersând fructuos și caricatura fără cuvinte. În acest context, Sava Melega scria: „*în caricaturile lui Dumitru Trifan ne frapau laconismul și bogăția de conținut, deșertăciunea sufletească a celui vizat, redată cu o exactitate zdrobitoare*” [13].

3. Analiza temelor și a mijloacelor de limbaj plastic specifice operei protagonistului

După cum deja s-a menționat, una dintre temele preferate ale plasticianului Dumitru Trifan este cea ce reprezintă relațiile între soți și atitudinea lor față de muncă. Bunăoară, în figura 8a, artistul reprezintă o situație banală ce se poate întâmpla în fiecare gospodărie. Aici plasticianul a selectat un eveniment cheie prin intermediul căruia a elucidat în mod grotesc calitățile de chiulangiu și lenevia, caracteristice unor oameni. În acest context, cei de la sate, este bine cunoscut, că își lucrează în permanență loturile de pământ de pe lângă casă. În scenă se prezintă soțul, care profitând de întâmplarea nefastă în urma căruia s-a deteriorat sapa, adică unealta de lucru a nevastei și, oferindu-i generos pe cea cu care el muncea, a hotărât să se odihnească. Aici, trebuie de remarcat faptul că în multiplele istorioare în imagini ce tratează această temă, artistul plastic prezintă tradiționala unealtă agricolă – sapa. Într-un interviu acordat lui Victor Prohin, unde artistul plastic Dumitru Trifan este întrebat de ce pentru protagoniștii desenelor „*existau, în tot Universul, numai sapa și o părticică din câmpul care trebuia prășit*” acesta spunea „*Port tot respectul sapei, acestui Parker * țărănesc. Personal, cred că e o unealtă care nu se învechește cu trecerea secolelor, ca și ciocanul. Se schimbă numai pancartele de la marginile dinspre șosea ale câmpului. În perspectivă, s-ar putea să mânuim o săpăligă electronico-cibernetică, dar tare mi-e teamă că, după atâtea experimente în agricultură, nu vom mai avea ce prăși*” [14].

Prin intermediul celor trei secvențe unde apar soții și sapa, artistul, în mod ironic, demască și condamnă unele dintre viciile umane. Din punct de vedere artistic, plasticianul a determinat judicios motivul în baza unor observații lucide din viața cotidiană. Ca mijloace de expresie artistul utilizează particularitățile portului autohton de la sat în perspectiva localizării imaginii în arealul local. În același timp, în calitate de mijloace artistice, plasticianul exersează abil linia și pata tonală, acestea favorizându-i atingerea unor expresii majore ale imaginii. Pata tonală, care joacă expresiv pe diagonală, este cea care prin modul

de amplasare în imagine, trezește la cititor nedumerirea și totodată revolta față de gestul îndrăzneț al soțului și smerenia soției. Scopul artistului de a contesta, prin intermediul imaginii, acțiunea soțului a fost atins, ba mai mult ca atât, foaia grafică trezește reacție de dezaprobare din partea cititorului în legătură cu acest fapt.

Aceeași temă și aceeași soluționare ideatică a stat la baza creării foii grafice „Выручил/Vyruчил” care a văzut lumina tiparului pe paginile ediției de specialitate „Мастера советской карикатуры. У нас в гостях журнал Кипэрүш/Mastera sovetskoj karikatury”. U nas v gostiakh jurnal Kiperush” [15]. Specific acestei caricaturi este organizarea mesajului în 4 scene dispuse pe verticală și utilizarea culorii în calitate de expresie plastică, alături de linie. Pe paginile ediției menționate, mai sunt deopotrivă incluse lucrările grafice „Дисциплинированный пешеход/Distsiplinirovannyi peshekhod” și „Выход/Vykhod” în care sunt dezvăluite viciile și fenomenele negative din societate.

În figura 8b Dumitru Trifan prezintă într-o manieră umoristică imaginea chiulangiului și a șmecherului, regăsit într-o secvență care, pare inspirată din snoavele cu Păcală și Tândală. Astfel, plasticianul într-un mod artistic ingenios prezintă o situație ce oglindește oameni care profită de orice ocazie pentru a găsi foloase. Anume maniera umoristică a scenei și asocierea acestora cu o secvență bine-cunoscută din snoave, i-au permis plasticianului atingerea scopului scontat, acesta fiind îndreptat spre trezirea interesului cititorilor spre demascarea și dezaprobarea unor asemenea indivizi din societate.

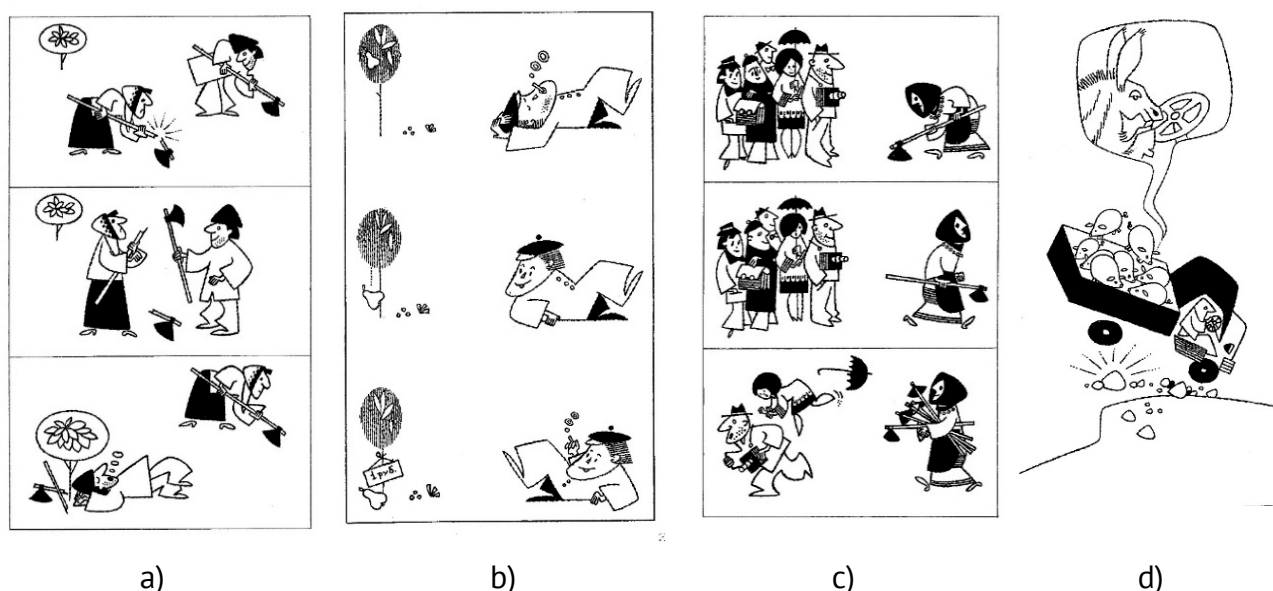


Figura 8. Foi grafice publicate în albumul „99 de desene umoristice”, de Dumitru Trifan: a) și b) tema chiulangiului și a leneviei; c) și d) tema muncii și a iredansabilității.

Un alt aspect, oglindit plastic original de către artist, este cel în care se elucidează relațiile dintre omul muncitor și persoanele care sunt numai cu „privitul”. În acest context, este reprezentativă figura 8c în care se prezintă o situație hazlie relatată plastic prin intermediul unor mijloace artistice și compoziționale inedite, inclusiv cu utilizarea pe verticală a trei secvențe ale realității cotidiene. Motivele în cauză, având la bază multiple personaje, tratate expresiv prin aparențele faciale, postură, mișcări și piese vestimentare, oferă posibilitatea cititorului să pătrundă în esența scenei surprinse și să perceapă mesajul transmis de către grafician. Astfel, această caricatură tratează într-un mod ironic momentul în care un grup de slujbași vin în vizită la omul ce trudește. Artistul a găsit o secvență din

viața reală prin care prezintă sarcastic atitudinea unor funcționari obișnuiți cu activitățile de birou, iar truditorul și munca de pe deal fiindu-le străine. Prin intermediul reprezentării portului vestimentar tradițional de la sat și cel al birocraților este elucidată diferența socială, aceasta fiind oglindită și prin particularitățile figurilor personajelor. Artistul utilizează și aici în mod eficient contrastele dintre linie și pată, iar ritmul petelor tonale asigură o bună structurare a compoziției.

În unele dintre caricaturi, artistul „biciuiește” starea de iresponsabilitate a unor persoane, cazul figurii 8d. Aici, scena este tratată dinamic, efectele ce redau starea de mișcare sunt concepute astfel încât să îl facă pe cititor să perceapă atitudinea iresponsabilă a personajului central. Pata tonală, ce predomină organizarea compozițională a imaginii, delimitează vizual personajul central evidențiind acțiunea iresponsabilă și neglijentă a acestuia, inclusiv oglindind și personajele care „culeg” consecințele acestei fapte. Artistului îi reușește să transmită mesajul, pe de o parte desfășurat, iar pe de alta concis, grație mesajului alegoric promovat de unele componente ale imaginii. Un alt aspect tematic este reprezentat în figura 9a, în care este oglindit caracterul nefast al unor discursuri lipsite de sens, fenomene întâlnite și acestea în societate.

Având un spirit civic dezvoltat, plasticianul, dezvoltându-și de-a lungul anilor gândirea critică, a străduit în multe dintre lucrările sale și asupra temei ecologice. Această temă a creației artistului se oglindește grafic în figura 9b unde, prin intermediul găsirii unui motiv din viața reală, protagonistul încuviințează ideea că natura este în stare să se regenereze în pofida tuturor activităților industriale nefaste ale omului. Imaginea unei plante vii, a florii contrapusă norului de gaze, balansând pe imaginea unui coș de fum, reprezintă metaforic ideea că natura este mai puternică decât orice activitate ne sustenabilă. Scopul autorului a fost orientat spre determinarea cititorului de a avea reflecții analitice și spre educarea activă a omului în spiritul atitudinii pozitive față de problemele de mediu. Acest scop a fost atins datorită impactului vizual puternic pe care îl joacă însăși imaginea motivului selectat, inclusiv petele contrastante utilizate în reprezentarea gazelor emanate de către coșul de fum.

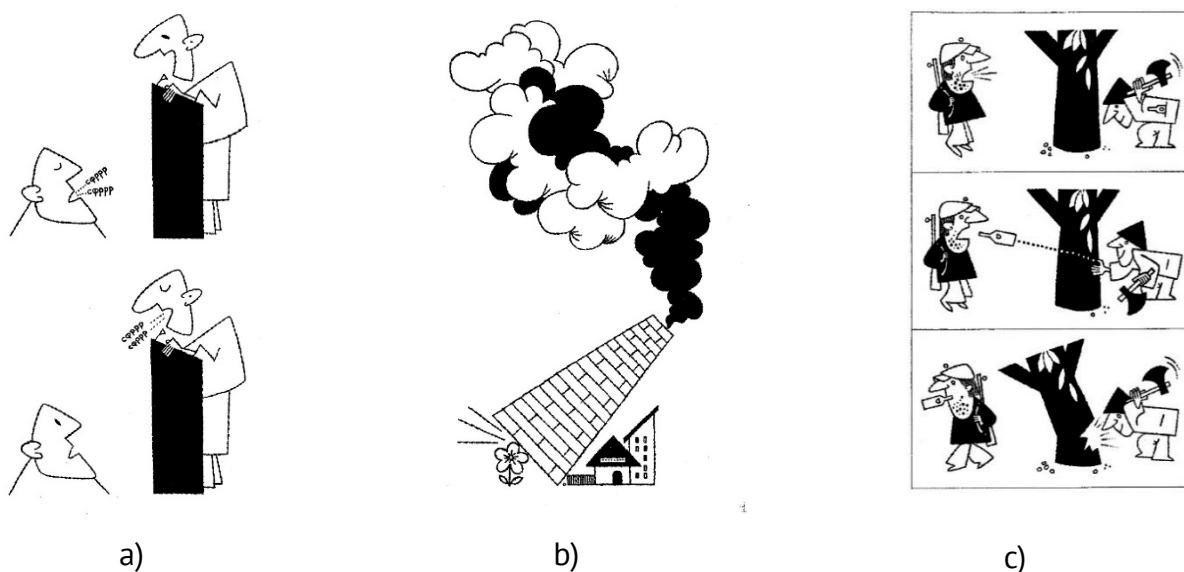


Figura 9. Foi grafice ce prezintă diverse fenomene din societate [22]:
a – discursuri lipsite de sens; b – tema ecologiei; c – fenomenul corupției.

Un alt aspect al relațiilor umane în societate îl întâlnim reprezentat în figura 9c unde graficianul oglindește artistic o secvență care elucidează fenomenul corupției întâlnit în societate. În această ordine de idei, Alexandru Donos scria în ziarul „Literatura și arta”: „*curajul civic, viziunea clară și exactă asupra evenimentelor, finețea observației, acuitatea simțirii artistice – iată datele fundamentale ale creației lui Dumitru Trifan*” [10].

4. Concluzii

Generalizând, menționăm faptul, că foile satirice create de către Dumitru Trifan pe parcursul deceniilor sunt actuale și în prezent. Plasticianul, prin creația ce a cunoscut o cale lungă materializată concomitent în ilustrații de carte și foi satirice de rezonanță, a contribuit valoros la dezvoltarea artelor grafice și inclusiv a caricaturii din Republica Moldova.

Mulțumiri: Studiul prezintă rezultatele proiectului 20.8009.0807.17. Educație pentru revitalizarea patrimoniului cultural național prin tehnologiile tradiționale de prelucrare utilizate în Republica Moldova, în contextul multiculturalismului, diversității și integrării europene”.

Conflicte de interes: Autorul nu declară nici un conflict de interes.

Referințe

- Rocaciuc, V. Grafica de carte în creația artistului plastic Dumitru Trifan. International scientific conference cultural heritage: Research, Valorization, Promotion (Edition XI), p. 133-134. Disponibil online: https://ibn.idsi.md/sites/default/files/imag_file/Patrimoniul%20cultural_ed11_pp133-134.pdf (accesat 01.02.2023)
- Caricaturi. Timpul, Chișinău, 1990, p. 57.
- Faceți cunoștință. *Revista de satiră și umor Chipăruș* 1967; 1: p. 4.
- Rocaciuc, V. Artele plastice din Republica Moldova în contextul sociocultural al anilor 1940-2000. Chișinău: editura Atelier, 2011. pp 114-127
- Katalog izobrazitel'nogo iskustva Moldavskoi SSR. Timpul, Kishiniov, 1971.
- Expoziția republicană de pancarde politice și grafică satirică. Catalog. Timpul, Chișinău, 1979.
- Arhiva Organizațiilor Social-Politice a Republicii Moldova. Fond 2906, inventar 1, dosar 568, f. 92.
- Stelutsa. Suplimentul pentru octombrie. *Scînteia Leninistă* 1962, 1, p. 3.
- Mardari, D.; Adascalîța, L. Sergiu Puică – maestrul graficii de carte pentru copii. În : *Magazin bibliologic*. 2021, 3-4, pp. 155-159. Disponibil online: http://www.repository.utm.md/bitstream/handle/5014/19349/Magazin_Bibliologic_2021_N3_4_p155-159.pdf?sequence=1&isAllowed=y (accesat 29.01.2023)
- Donos, Al. Modestie. *Ziarul Literatura și Arta* 1997, 48 (2728), p. 3.
- Nucă, S. Litanie la un portret. *Ziarul Literatura și Arta* 1997, 48 (2728), p. 2.
- Zavadschi, Iu. Mozaic Hazliu. Timpul, Chișinău, 1982, p. 9.
- Melega, S. În amintirea celui care a fost și veșnic pentru noi va rămâne Dumitru Trifan. *Ziarul Literatura și Arta* 1997, 48 (2728), p. 2.
- Prohin, V. Bărbații de altădată. *Revista Moldova*, 2012; 7-9, pp. 28-31.
- Mastera sovetskoi karikatury. U nas v gostekh jurnal Kiperush. Kishiniov: *Izdatel'stvo Sovetskii hudojnik* 1973, pp. 8-11.
- Revista de satiră și umor Chipăruș* 1961, 5.
- Revista de satiră și umor Chipăruș* 1961, 8.
- Revista Femeia Moldovei* 1967, 6.
- Ziarul Cultura*. 1965, 21.
- Ziarul Cultura Moldovei* 1965, 23.
- Ziarul Cultura*. 1966, 20.
- Trifan D. 99 desene umoristice. Literatura artistică, Chișinău, 1980.

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INTERIOR DESIGN IN THE RENOVATION, MODERNIZATION AND AESTHETIC EDITING OF THE MUSEUM OF HISTORY AND ETHNOGRAPHY IN UNGHENI

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Abstract. The present paper deals with a scientific analysis of the interior design within the licensing process concerned with the renovation, modernization and aesthetic editing of the Museum of History and Ethnography in Ungheni, carried out in 2022. In the context, the historical course of formation and evolution of the museum is described, prominent personalities who contributed to the development of the museum, museum pieces and categories of exhibits in the museum's possession. All these have been used in value through the vision of interior design which is researched through the historical, ethnographic and artistic prism. Through the research, the role and responsibility of interior design in the process of consolidation and valorization of the national cultural heritage is highlighted. The given study presents the result of the interior design project, concerned with the correspondence or synchronization of the new modern implementations with the ethnographic data inherited from the historical period.

Keywords: *interior design, space, ethnography, craft, tradition, heritage, renovation.*

Rezumat. Lucrarea de față prezintă o analiză științifică a designului interior din cadrul procesului de renovare, modernizare și redactare estetică a Muzeului de istorie și etnografie din Ungheni, realizat în anul 2022. În context se descrie parcursul istoric de formare și evoluție a muzeului, personalități marcante care au contribuit la dezvoltarea muzeului, piese muzeale și categorii de exponate aflate în posesia muzeului. Toate acestea au fost puse în valoare prin viziunea designului de interior care este cercetat prin prisma istorică, etnografică și artistică. Prin intermediul cercetării se scoate în evidență rolul și responsabilitatea designului interior în procesul de consolidare și valorificare a patrimoniului cultural național. Studiul dat prezintă rezultatul proiectului de design interior, preocupat de corespunderea sau sincronizarea noilor implementări moderne cu datele etnografice moștenite din perioada istorică.

Cuvinte cheie: *design interior, spațiu, etnografie, artizanat, tradiție, stil, patrimoniu, renovare, restaurare.*

1. Introduction

The Museum of History and Ethnography in Ungheni is a symbol of the regional and national cultural-artistic entity. Representing the community located in the Middle Prut Valley, today the Ungheni Museum is known for the originality and uniqueness of the pieces it holds, but also for the history of its creation. The museum was established at the end of the seventh decade of the last century on June 13, 1967, at the initiative of a group of teachers and students. The community sensitized the local authorities through a "grievance" that was "launched on January 30, 1965 in an article in the local newspaper "the city needs a museum" [1, p. 91]. It is considered that the founding of the Ungheni Museum was "the only solution at the time to save the building of the St. Alexandru Nevski church from demolition" [2, p. 1]. This impulse appeared as a reaction against the rise of atheistic society, when many parishes were forced to close their doors. In this situation was also the church "St. Aleksandr Nevski" in the center of Ungheni, which, with the intention of allaying the discontent of the locals, offered the opportunity to organize in its premises a museum of local historical and ethnographic artifacts [3, p. 40]. After almost twenty years in 1988, along with the socio-cultural changes of the time, the church was reopened as a place of religious worship, and the Ungheni Municipal Museum was transferred to the halls of the Ungheni Municipal Culture Palace [4].

Starting from 1990, after the city of Ungheni deeply experienced the emotions of the "Bridge of Flowers over the Prut" event and at the same time the totalitarian regime of the Union of Soviet Socialist Republics (USSR) was shaking and collapsing, the Museum of History and Ethnography prodigiously increases its activity to complete the collections, to preserve and capitalize on the cultural heritage [5]. This beginning of a new evolution of the museum is largely due to the contribution of the historian, researcher and director Vasile Iucal, who dedicated a large part of his life to the research and promotion of the city of Ungheni [6].

Numerous exhibitions, fairs, excursions, scientific and archaeological research, publications and actions to promote national values were included in the museum's activity. The historical relics in the museum's endowment list more than 10,000 pieces from various historical periods [1, p.91]. Each object is valued, in chronological order according to archaeological research data, showing an age of about 4000 years before Christ (BC) [7]. The museum's equipment includes several categories of historical data: archaeological pieces, documents, photographs. Ethnographically these include collections of: archaeology, history, numismatics, folk wear, traditional fabrics, decorative art, folk art, wear, interior fabrics, textiles, carpets, towels, embroideries, ceramics, home industry, household utensils and fine art contemporary. [1, 2]. The archeology collection also contains vestiges of the "Cucuteni-Tripole" culture - known as one of the oldest in the country [8. p. 38]. The Museum also keeps "medieval documentary collections related to the history of Ungheni in unpublished manuscripts" [1, 2].

Apart from these, the Ungheni Museum serves as a cultural center that gathers researchers, people of culture, plastic artists, researchers interested in history, traditions and beauty to various cultural-artistic events [9]. Also, the Museum manifested itself as a promoter of contemporary plastic art, which "thanks to the collaboration with the Culture Fund of Moldova with numerous valuable plastic artists, it was possible to organize a rich collection of contemporary plastic art signed by plastic artists: Mihail Grecu, Ada Zevin, Emil Childescu, Dumitru Verdianu, Ion Zderciuc, Tudor Cataraga, Valentin Vîrtosu, Andrei Mudrea et al." [1, p.93].

Undoubtedly, the segment of museum ethnography is "important both for the knowledge of the history of ethnography and museology...", about which the researchers say that "in our space, ethnographic museums should be considered as museums with a special specificity" [3, pp. 31-46].

Analyzing the culture and art of a people we inevitably understand the value of the historical vestiges of the ancestors, because they imprint a pure truth, which can be continuously researched by the following generations. For this reason, cultural-artistic edifices that define the evolution and identity of a nation are particularly important [10, pp. 221-232]. Aware of their historical and cultural-artistic importance, the Interior Design study program of the Technical University of Moldova includes in the field of scientific-practical research the problem of preserving and promoting the national architectural heritage of the country (Republic of Moldova). This subject being of major importance in the socio-cultural and scientific environment of the given time in the country [11, p. 233]. Thus, in the didactic process of the mentioned specialty and especially in the Bachelor's Theses program, the themes of renovation, modernization and aesthetic editing of buildings of major importance for the national cultural heritage are encouraged [12 - 14].

In this context, we propose in the given work the analysis of the Bachelor's project "Interior design of the Museum of History and Ethnography in Ungheni" carried out by the graduate Elena Comarnițchi in 2022. The interior design concept project presents a special relevance from a functional, technical and artistic point of view. At the same time, the idea of the project tends to create an optimal environment or environment for each individual historical relic, thus favoring a unique perception through the proposed solutions.

2. Technical solutions in the functional management of the museum interior

Respectfully valuing the historical data of the edifice of the Museum of History and Ethnography in Ungheni, it was decided to carry out the project of renovation and modernization of the interior design, at the same time establishing a series of objectives. They are based on the substantial improvement of the technical parameters of exhibition, storage, preservation, air conditioning, lighting and operation of the museum according to the new trends in the field [15]. The process of renovating the interior was based on the results of historical research of the edifice, through which the management and organization predilections practiced until now were deduced.

The total area of the designed space was over 450 m², including 6 exhibition rooms, storage rooms, offices, entrance hall, hall, etc. The 6 exhibition halls represent compartments of the exhibits according to different periods: hall 1 - the ancient era, hall 2 - the medieval era, hall 3 and 4 - the era of the modern period up to the 19th century and hall 6 - exhibition gallery of contemporary palstic arts.

In the process of designing the museum, the idea of structuring the spaces according to the historical eras was preserved, as well as the existing basic brick walls, to which Autoclaved Cellular Concrete (ACC) blocks were added to form niches in rooms 2, 3 and 4. ACC blocks have properties of sound insulation, resistance to fire and the action of living organisms, being an ecological material and easy to process. In the constructive completion of the walls, increased attention was paid to the "object-mode of exposure" problem for a good transmission of information to the public and a correlation with the organizational principles of museums [16]. In the context, it was also proposed to lower the ceiling by 200 mm, being made of plasterboard boards, to ensure a sound-insulating effect, also creating

favorable possibilities for mounting lighting fixtures. In this last category, lighting fixtures on magnetic rails were chosen, considered advantageous due to the possibility of moving the position or directing them towards the exhibits. The intensity of the light, which plays a primary role in the museum's composition, was also thought out in detail, favoring highlighting from the detail to the general and vice versa [15].

The types of exhibited objects, the material, the elaboration technique, their category and age were carefully analyzed in order to create optimal conditions for their display and preservation.

Based on the typology of the exhibited objects, the decisions of the finishing materials for the walls, the floor and the furniture or the supports for the exhibits were also chosen. From the tradition of historical models made of wood, stone, clay, metal or vegetable and animal fibers, the palette of materials used in the proposed interior design was inspired, suggesting a predilection for the rustic style. The rustic style was most used in room no. 4 which is manifested by the presence of elements made of stone, wood, decorations with ethnographic motifs, which remind us of nature, childhood and country life. In the rest of the rooms, a stylistic combination was made between rustic and modern, to create an easy adaptation to the new techniques and technologies for finishing the rooms. Elements in modern style contain shiny surfaces of stainless steel, chrome metal, glossy paint, glass, tiles and other materials that invigorate the surroundings of the interior.

The finishing works include the processing of the floor, ceiling, walls with the specific plaster that has the role of acoustic, thermal insulation and maintaining humidity. Chromatically, modern style walls will be treated in monochrome shades to create a perfect background for modern art pieces. In rustic-style spaces, the use of stone and wood texture will be used in the processing of the walls. Color-wise the walls will be limited to shades of: butter, sage, grey, dusty blue, sand or creamy white. In room no. 4 they will be painted in a shade of light gray, combined with tiles that will have brick imitation.

The suspended ceilings will be covered with plasterboard and sound-insulating boards, on which the lighting fixtures directed on the rails will be applied. In addition to these, local lighting will be installed in several areas through LED strips, for better lighting of the windows. In the rustic style, the ceiling is completed with solid oak beams, painted in natural colors, contrasting with the walls [16].

The rustic-style floor is proposed with a slightly unfinished wooden look or with layered parquet, which offers a look suitable for the rustic style and fulfills the function of both acoustic and thermal insulation.

In the given project (Museum of History and Ethnography), sculptures from the respective eras with stylized shapes, photographs, glass objects or natural materials will be placed as decorative objects. The paintings allowed will be very large, but without being framed.

Wooden furniture will be used in combination with metal and textiles. Several modern furniture items are present in the museum layout, which stand out for their straight, simple lines, with very discreet details.

Shelves attached to the wall and solid wood objects painted with special varnish will create the impression of "old" or "traditional". The furniture is combined with the handicraft pieces from the exhibition: clay dishes and pots, tools, old pieces, traditional carpets and folk crafts, etc.

3. Artistic solutions in the formation of the aesthetic concept of design

Starting from the idea that the Museum represents an important component of culture, being a direct consequence of the socio-cultural and even political-economic evolutions of a society, it was proposed to arrange the museum space by creating interesting areas that would attract the visitors' eyes, instilling the desire to know every particle of it.

The design of the interior space of each room was decided according to different principles and solutions, depending on the pieces or the historical data they present. At the entrance to the Museum, the project proposes a welcoming opening through the entrance hall - arranged in an eclectic manner that combines rustic, classicism and modernism (figure 1). Using a value contrast between the transparent lightness of the glass and the massive pieces of clay, or the strict geometrized and naively modeled forms, the author succeeds in creating a playful game. This game is also animated by the mural that tends to bring back as close as possible the vivid feeling of the historical ambience. The ancient hall was solved in the key of the stone grotto, offering innovative solutions in the modeling of the walls, the floor and the supports of the exhibits (Figure 2). By resorting to the assembly and partial dismantling of the walls, massive niches with a depth of 500 mm were made. In these niches, a sculptural relief associated with the rock invoice specific to the ancient civilization was created. The proposed solution creates an environment typical of the reference historical period and perfectly fits the peasant predilections for pottery and traditional craftsmanship.

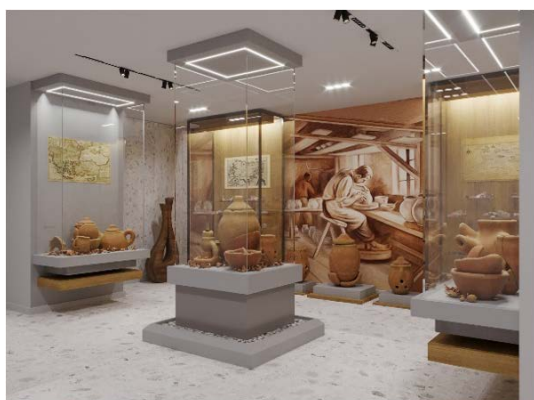


Figure 1. Entrance hall.



Figure 2. The ancient hall.

Rendering of the interior design by Elena Comarnițchi.

The medieval hall, richer in the variation of pieces, materials used and their processing technology, comes with an added flavor of shape modeling, which has a deeply rustic character linked to the culture of stone masonry - an aspect intensively promoted in the ambience of the villages of the Valley Prut (Figure 4). The locality being closely related to aquatic activities, it still keeps a wooden boat and some fishing pieces in the museum's equipment (Figure 3).

At the same time, the historical evolution of the temporal segment also dictates certain solutions in the modeling of stone forms that already resorted to cutting in straight lines and more monumental modeling. Thus, they opted for robust modeling in massive stone, configuring large, well-ordered monumental surfaces and coloristic toning.

The room for the modern period (the hall of folk costumes, traditional pieces and utensils) is treated differently, using wood, metal modeling and forms from the tradition of costumes and folk crafts (Figures 5, 6).

In balance with the formal manifestations of the exhibits of the given time, laconic, minimalist modeling of the space is resorted to, thus offering a passage of attention towards.



Figure 3. Medieval hall.



Figure 4. Medieval hall with niches.

Rendering of the interior design by Elena Comarnițchi.



Figure 5. Hall of folk costumes.

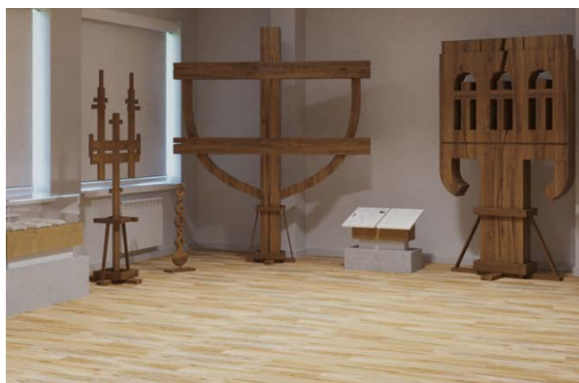


Figure 6. Hall of traditional pieces and utensils.

Rendering of the interior design by Elena Comarnițchi.

The following hall represents the modern society of the century. 19th century, closely related to textile art presenting a wide variety of hand-woven carpets, embroidered towels, garments, pieces and working techniques (Figures 7, 8). Emerging from their character and ethnographic data, the vision of plastic approaches in design was formulated. He opted for games of structure, texture and plastic form, which articulate beautifully with the existing exhibits.



Figure 7. Hall of folk crafts.

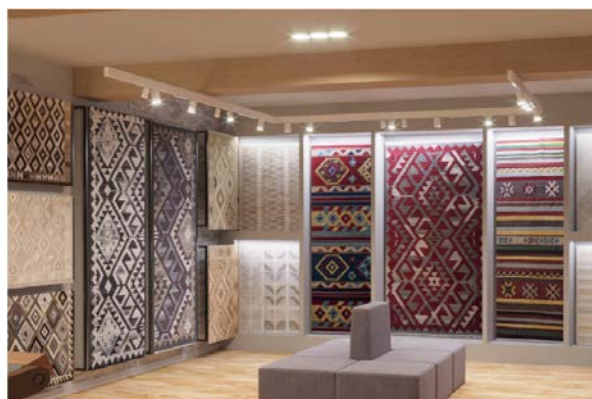


Figure 8. Hall of carpets.

Rendering of the interior design by Elena Comarnițchi.

In this context, forms of decoration were created aesthetically synchronized with the old artifacts, arranged in a restricted color scheme, thus creating a warm domestic range associated with the workshops of the time. Plastic implementations aim to create a sensitive-

tactile perception of wood, which was a material intensively exploited in all spheres of production (Figure 9).

For this space, it was proposed to partially cover the walls with large wooden slabs on which small geometric elements are mounted, an orderly decoration according to the artisanal ornaments typical of the given area. The interior design solutions are subtly synchronized with the characteristic data of the historical vestiges.

The color range used to decorate the museum (rooms no. 1 - 6) is represented by a palette of neutral colors, earths close to nature. This palette allows the monochrome arrangement of the spaces, limiting itself to a single general color that allows the use of color accents from the museum pieces. Shades of gray persist almost throughout the space in combination with brown, white and beige inspired natural warm shades, coming from the idea of tree bark, stone and earth. This decision visually increases the spaciousness of the rooms, while also creating favorable conditions for the integration of any color nuances of the pieces in the museum.

At the exit from the museum halls, a small contemporary art gallery is created that can accommodate various achievements of artists, craftsmen, students and teachers from the region (Figure 10).

The technical and artistic solutions implemented in the interior design project of the Ungheni Museum were coordinated with the design norms in force and existing analogies in this field, taking into account the most relevant buildings known in the country [17].



Figure 9. Hall of folk crafts.

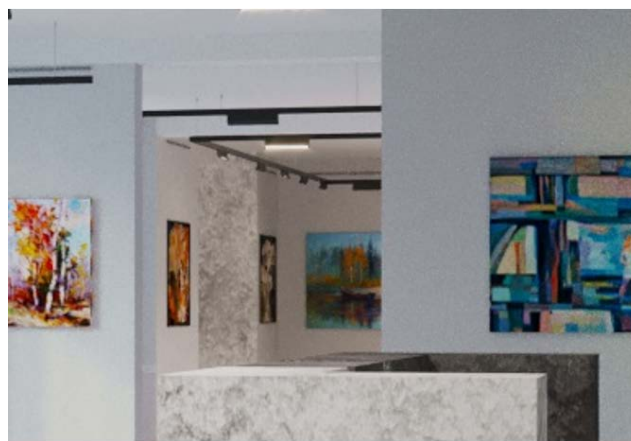


Figure 10. Exhibition hall.

Rendering of the interior design by Elena Comarnițchi.

The harmonious arrangement of the interior of the Ungheni Museum aims at the optimal realization of several problems: the rational use of space, ensuring circulation, sufficient lighting, sound insulation, ergonomic furniture solutions, creating a favorable climate, ensuring attractive color combinations, judicious use of textiles, the reasonable involvement of aesthetic decor, etc. All these elements were skilfully analyzed and solved in the given project, additionally using high-performance air conditioning systems, safety and security of the rooms in accordance with the modern provisions for such edifices. As a result of the renovation works, a refined aesthetic ambience was obtained, extremely luxurious, elegant and at the same time true to the historical prototype. A much improved version through the constructive, engineering and aesthetic possibilities, which provides a noble image to the edifice.

4. Conclusions

In conclusion, we can state that the interior design solutions proposed in this museum building from Ungheni have demonstrated the ability to perfectly synchronize the rules of design with the ethnographic heritage of the regional national heritage. Completely respecting the historical reminiscences of the heritage objects, the young designers involve in a very subtle way some modern and postmodern solutions, which make an inevitable transition towards contemporaneity. Solutions of this kind can be seen in constructive, engineering, technical, functional, ergonomic, decorative, etc. decisions. implemented in the spaces of the new projects.

The contribution of young designers demonstrates that in the process of renovating the national heritage, the field of interior design occupies an important place, assuming major responsibility for restoring the ethnographic and aesthetic values of the historical past. At the same time, the interior design project includes a process of correlating historical traditions with contemporary ones, involving modern solutions in finishing techniques, construction materials and plastic modeling of forms. The plastic approach to the interior design respectfully preserves the incipient stylistic formula of the edifice, at the same time completing the aesthetic concept through associated modern and postmodern interventions.

Conflicts of Interest: The authors declare no conflict of interest.

References

1. Ciobanu, C. Gh.; Ursu, M. *Evoluția rețelei muzeale din Republica Moldova*. Reclame, Chisinau, Moldova, 2014, 284 p.
2. Iucal, V. *Muzeul Ungheni*. Fundația Soros - Moldova, Asociația cultural-științifică Museion, Chisinau, Moldova, 2012, 10 p.
3. Buzilă, V. *Muzeele de etnografie și etnografia muzeală. Etnografie muzeală 2020*. Lexon-Prim. Chisinau, Moldova, 2020. pp. 31-46.
4. Muzeul de Istorie și Etnografie Ungheni/The Museum of History and Ethnography Ungheni. Available online: <https://www.turism.ungheni.md/?p=400> (accessed on 04.01.2023).
5. Iucal, V. Niciodată de când există, Ungheniul n-a văzut atâta lume. *Journal online Expresul*. Available online: <https://expresul.md/2020/05/vasile-iucal-niciodata-de-cand-exista-ungheniul-n-a-vazut-atata-lume/> (accessed on 04.01.2023).
6. Iucal, V. Pot face istorie, muzeografie și cercetare. Pentru asta am fost dat de Dumnezeu pe pământ. *Journal online Expresul*. Available online: <https://expresul.md/2022/08/560-vasile-iucal-pot-face-istorie-muzeografie-si-cercetare-pentru-asta-am-fost-dat-de-dumnezeu-pe-pamant/> (accessed on 04.01.2023).
7. Muzeul de Istorie și Etnografie Ungheni. Available online: <http://www.crungheni.md/raionul-ungheni/descrierea-generalatractii-turistice-ghid-turistic-muzee-manastiri/> (accessed on 04.01.2023)
8. Sava, E. ; Cornețchi, A. ; Postica, E. ; Ploșniță, E. *Muzeul național de istorie a Moldovei 1983-2013*. Bonus Offices, Chișinău, Moldova, 2013. 191 p.
9. Prepețiță, C. ; Călin, M. *Crâmpoie ale istoriei basarabenilor din raionul Ungheni în fotografii de epocă*. Lexon-Prim, Chișinău, Moldova, 2017. 111p.
10. Onica, D. *Misiunea muzeului în educarea patriotismului cultural. Etnografie muzeală*. Lexon-Prim, Chișinău, Moldova, 2020. 272 p.
11. Tabuica, R. *Evidența și gestionarea patrimoniului cultural mobil. Etnografie muzeală*. Lexon-Prim, Chișinău, Moldova, 2020. pp. 221-232
12. Platon, L. Interior design in the restoration of the National Museum of Plastic Arts of Moldova. *Journal of Social Sciences* 2021,4(4), pp. 44 – 50. https://jss.utm.md/wp-content/uploads/sites/21/2021/12/JSS-4-2021_44-50-10.52326jss.utm_.2021.44.05.pdf
13. Platon, L. Designul interior în viziunea absolvenților UTM din ultimele promoții. In *Patrimoniul cultural de ieri – implicații în dezvoltarea societății durabile de mâine, Conferința științifică internațională*, ediția a V-a, AȘM, Chișinău, Moldova, 2022. pp. 96-97.

14. Platon, L. Valori și tradiții în designul interior al Teatrului Național „Mihai Eminescu”. In *Patrimoniul cultural de ieri – implicații în dezvoltarea societății durabile de mâine, Conferința științifică internațională*, ediția a VI-a, AȘM, Chișinău, Moldova, 2022. pp. 318-322.
15. Godea, I. *Muzeotehnică*. Editura Muzeului Țării Crișurilor, Oradea, Romania, 2007, 39 p.
16. Roșiu, L. *Reinventarea spațiului muzeal*. Editura Universitară Ion Mincu, București, Romania, 2002, 65 p.
17. Ursu, M. ; Ciobanu C. Gh. *Muzeul Național de Etnografie și Istorie Naturală. Evoluția în epoca Modernă și Contemporană*. Cartdidact SRL, Chișinău, Moldova, 2019, 1, 360 p.

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QUALITY ASSURANCE IN HIGHER EDUCATION INSTITUTIONS THROUGH THE RISK MANAGEMENT INTEGRATION

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Abstract. Recently, universities are under increasing public and government pressure to demonstrate the implementation of quality processes. In the present study we analyze what represents the concept of quality in higher education, how we differentiate the services offered by universities in terms of quality, what is the role of risk management in quality assurance. Several researches provided by various scientific sources, international standards in the field of quality, the experience of some foreign universities regarding the implementation of risk management are analyzed. The experience of the public institution, the Academy of Economic Studies from Moldova, was also presented, although not very extensive in the analyzed field. The conclusions we reached relate to the need to promote an effective communication in the field of quality assurance and risk management at the institutional level, the implementation of a risk culture at the institution level. Only in such conditions, the efforts made by the management of the institution can bring the expected results.

Keywords: *quality, risk, risk culture, communication, stakeholders, employability.*

Rezumat. În ultimul timp universitățile sunt supuse unei presiuni publice și guvernamentale din ce în ce mai mari pentru a demonstra implementarea proceselor de calitate. În prezentul studiu analizăm conceptul de calitate aplicat în învățământul superior, cum diferențiem serviciile oferite de universități din punct de vedere al calității, care este rolul managementului riscului în asigurarea calității. Sunt trecute în revistă mai multe cercetări oferite de diverse surse științifice, standarde internaționale în domeniul calității, experiența unor universități din străinătate privind implementarea managementului riscului. Este prezentată și experiența instituției publice Academia de Studii Economice din Moldova, deși nu foarte vastă, în domeniul analizat. Concluziile pe care le-am realizat țin de necesitatea promovării la nivel de instituție a unei comunicări eficiente în domeniul asigurării calității și a managementului riscului, implementării la nivel de instituție a unei culturi a riscului. Doar în astfel de condiții eforturile depuse de managementul instituției pot aduce rezultatele așteptate.

Cuvinte-cheie: *calitate, risc, cultura riscului, comunicare, stakeholders, angajabilitate.*

Abbreviations: ANACEC - National Agency for Quality Assurance in Education and Research; ASEM - Academy of Economic Studies of Moldova; EQA - External quality assurance; ISO - International Organization for Standardization; TQM - Total Quality Management; QMS - Quality Management System; USA - United States of America.

1. Introduction

In the last few decades, we increasingly read, hear, and also use the term "quality" in different contexts, at different conferences, round tables, TV shows, but also in private discussions. We use it when we refer to certain products that we purchase, when we need various services (medical, educational, financial, other). Every time we want to make sure that we get only high quality. So everyone knows what quality means once they refer to it and want it. But each of us knows quality for ourselves, what we consider to be quality, what satisfies our perception of quality. Each person not only interprets this term differently, but also with reference to one and the same product or service, the requirements will be different. Quality is an indistinct and elusive construct [1], therefore it is necessary to achieve a common understanding of the term „quality“. Quality is a particularly complex notion, currently there are a multitude of definitions and dozens of synonyms for this term. Thus, we mention the definitions presented by the classics of quality management, such as Crosby (1979), who defines quality as „conformity with requirements“[2], while Juran and Grya (1980) understand by this concept „fit for use“ [3], and Deming (1986) characterizes quality by assigning it „an unpredictable degree of uniformity and reliability; it has low costs and is adapted to market requirements“[4]. However, these expressions represent only certain facets of quality, so additional explanations are usually needed to clarify the mentioned concept. There are multiple attempts to group the various definitions, putting forward some differentiating criteria. We believe that, in line with some common elements that quality has, a lot depends on the field we are referring to. In this article we will focus on the illustration of quality within higher education institutions.

The purpose of this study is to highlight the importance of risk management in supporting the quality assurance framework and the activities, in general, of the higher education institution. We have outlined some specific objectives to achieve the proposed goal: highlighting the difficulties in evaluating the quality of higher education institutions based on the study of the literature in the given field; presenting the risk approach in the context of quality assurance; giving an example of ASEM's experience where the quality management system recognizes risk and deals with it appropriately.

2. Materials and Methods

To achieve the stated goal, several scientific publications were studied with reference to the concept of quality, in general, and, in particular, what concerns the particularities that determine quality in higher education institutions. It was particularly interesting in how the risk management can be integrated into the quality strategy, what are the benefits, but also the impediments encountered by universities. As well, the experience of some foreign universities in integrating risk management in quality assurance, process of ISO standards implementation has been analyzed.

3. Results and Discussion

3.1. Peculiarities of the definition of the quality concept in the academic environment

In the higher education sector, quality assurance has been a widely discussed topic for at least the last few decades. It is important to ensure that all strategies, programs and

outputs are coordinated, fit for purpose and focused on results with an appropriate quality assurance system. Quality assurance is about how we understand, measure and improve. Quality improvement inevitably involves change, and the implementation of change itself is a risky thing [5], because often the objectives are not achieved exactly or there are unforeseen consequences. Considering the current situation in higher education, we can highlight several factors, which generate changes [6]:

- *Increasing efficiency and responsibility.* It is increasingly expected that universities, in the process of developing study programs and their realization, take into account the needs of employers and the community as a whole, respond promptly to their requests.
- *Increasing expectations from students* regarding the learning strategies used, the importance of the university's "image" and its reputation, for attracting students with higher education backgrounds and highly qualified teachers.
- *Increasing competition for students and teachers in the global higher education market.* The competition between universities for students manifests itself not only at the country level, but also at the global level and is related to demographic decline, population migration, and the change in young people's preferences in favor of higher education. Competition for teachers is driven by, among other things, the demographic shift towards older age groups and the problems of replacing them with younger people with scientific degrees [7].
- *The strengthening of relations with the business environment* is observed for the vast majority of universities. Often, the initiators of these relationships are university researchers looking for partnership agreements with commercial organizations through which the research activity could be financed, and the research results - implemented. Another component of these growing relationships is the implementation of dual education in universities, based on the needs of the business environment [8].
- *The impact of information technology.* Higher education has not been left out of the progress made in the field of information technology, more than that the COVID 19 pandemic has accelerated the development of this direction. Online education has brought about important changes in traditional learning and teaching models. The share of direct student-teacher contact has been significantly reduced in favor of remote classes. Secondly, several support activities for students have been digitized, such as admission, access to the online library, payment of university services, using various platforms, etc.

In the case of services, quality is largely represented by customer requirements and indicates how the services provided have met or exceeded customer requirements and expectations.

Some authors, for example, Srikanthan and Dalrymple (2007) [9] recognize the uniqueness of the higher education sector in that it provides not only administrative services similar to those in other service sectors, but also professional teaching, research and consultancy services that transform students in human resources developing countries and driving the global economy. They argued the need to create a holistic quality management model to meet the expectations of various stakeholders. In the university sector, stakeholders play an important role in the delivery of academic services. An attempt to highlight the importance of stakeholders in the provision of academic services, and, implicitly, on their quality, can be found at Green, D (1994) (Figure 1.)



Figure 1. The multi-stakeholder view of quality.

Source: [10].

From Figure 1 we can see the important role of students, graduates, employers, taxpayers, but also governments as a whole in determining the quality of the services provided by a university. On the other hand, the quality of services is also dependent on those standards, which determine the level of quality in a certain period of time. So quality is relative [11, p.74] because it depends on who sets those standards, how they apply them. At the same time, we also mention the dynamic nature of quality, given the fact that we aim for continuous improvement and the standards periodically change.

Several researches in the field confirm the importance of the satisfaction degree of the university's main stakeholders regarding the quality of services [12 - 14]. There are a number of methods and models, which evaluate the perception of students and graduates regarding the quality of the academic service, rightly considering that they, as the main beneficiaries of the educational services, could determine the quality of the services provided. Precisely in this sense, one of the most common perspectives in higher education institutions refers to customer orientation [15]. Lately it has been mentioned more often the expansion of the orientation from quality for the customer to quality for all stakeholders as an essential component of the total quality philosophy of management and the starting point in the foundation of continuous improvement strategies for higher education institutions [16].

3.2. Discussions regarding the quality indicators of higher education

Are there endless discussions about what determines the quality of a university though? These concerns are not only theoretical in order to highlight some criteria, indicators

and make the respective calculations. A favorable climate for the creation and improvement of quality in the academic environment comes to the fore throughout the world, as it is currently faced with factors and challenges, such as the insufficiency of financial resources, the development of competition between universities, the lack of motivation of teachers, institutional autonomy, etc. At the same time, these challenges must not affect the quality of the training of future specialists, who represent the future of the country.

Some authors are of the opinion [16, 17], that an important role in increasing the quality of study programs is held by internal and external quality assurance structures, which provide the necessary support and monitor the measures for continuous improvement of the quality of the educational services undertaken by the institutions of Higher Education. We agree with the authors, that these structures (in the Republic of Moldova it is ANACEC: National Agency for Quality Assurance in Education and Research) contribute to monitoring compliance with quality standards. In Moldova, the External Quality Assessment Methodology for provisional operation authorization and accreditation of study programs and vocational technical, higher education and continuing education institutions [18] is approved, in which the procedure for external assessment of higher education programs is determined, the evaluation criteria are established. ANACEC developed the Guide for the external evaluation of undergraduate higher education programs (cycle I) and integrated higher education, which includes accreditation standards, criteria and performance indicators. One of the specific objectives of the accreditation (authorization) of study programs consists in "assuring the academic community, the beneficiaries, employers and the public in general, that the bachelor/integrated higher studies program and the educational institution meet the quality level corresponding to the educational standards state and good practices, both national and international" [19, p. 6]. Compliance with state educational standards, the presence of accreditation certificates allows the higher education institution to offer the respective services. It's kind of a "green light" for these programs. But how do we differentiate these study programs offered by different universities? How do we judge which institution offers higher quality? The accreditation procedure does not give us an answer to this question. There are indeed voices who mention that „one of the disadvantages reported by the opponents of EQA is that it promotes 'game playing' and compliance instead of quality improvement" [20, p.17]. It is pointed out, which is true for most European higher education institutions, that one of the dangers of overly bureaucratic systems of external monitoring is that they can lead to a 'culture of compliance' at the expense of real quality improvement.

In the search for the answer to these questions, I found that more and more people are talking about the use of the graduate employability indicator in the labor market as an important factor in assessing the quality of studies. True, the professional insertion of higher education graduates has gradually become, in the last decades, a fundamental component of the national systems for evaluating the quality of universities. Employability is considered to be one of the best operationalization of the concept of quality as transformation [21]. In this sense, an important dimension of quality assessment is the one through which we can quantify the change in skills that a person possesses, measured at the time of entry into the educational system (or a certain level of it) and later at the time of exit (usually through graduation) within the system.

At the same time, several challenges are highlighted that any attempt to evaluate the way in which higher education graduates fit into the labor market, such as: the lack (imperfection) of the mechanisms for recording the employment of graduates. However, the

biggest challenge is to identify the fields of study followed and to correlate the field of study with the skills obtained after graduation. An additional impediment refers to the fact that it is very difficult to make a clear match between a certain field of studies and a certain field of economic activity.

Employment with higher education degree (graduate employability) becomes a performance indicator for the quality of higher education, which causes institutions to pay more and more attention to this issue. There are several studies conducted by scholars from different countries and from different times regarding the positive correlation between university education and future earnings [22]. At the same time, relatively little of the existing research focuses on the quality of studies to describe the causality between the quality of higher education and the results of insertion in the labor market. Some scholars in the USA have tried to determine how the quality of college education has influenced the level of salary that the graduate obtains, using multiple identification strategies. However, far from converging on how large the impact of college education quality has been on wage magnitude, relatively recent empirical evidence has yielded mixed results [23 - 26]. Zhang (2012) [27] further examined the impact of university education on employment opportunities in the first 10 years after graduation and found that although graduates of prestigious institutions considered to offer high-quality education enjoyed the highest income compared to graduates of other higher education institutions, they also had the highest graduate unemployment rate. Other research, for example, has shown that the prestige of the higher education institution had no significant impact on employment status or starting salary.

So, the employability of graduates is a complex process, which is influenced by many factors, both personal and the quality of the studies obtained. Although there are statements that [17, p. 11] „employability depends not only on the attributes of individual graduates, as well as on knowledge, experience, skills and personality traits, but also on the quality of the study program, curriculum and teaching-learning-assessment techniques used in the educational process, the quality of teaching staff, as well as employers' expectations”, we cannot establish the extent to which each component influences the hiring process.

In the context of the above, we find that more and more universities implement different programs, which are closely related to management concepts in the industrial sector. Terms characteristic of the private sector, companies, such as, for example, strategic planning, TQM and audits are becoming part of everyday life in higher education institutions. Those who advocate for business-specific quality models (total quality management, total quality, etc.) claim that such a fact results from some characteristics found in the academic environment, such as resistance to perceiving the student as a customer, the difficulty of working in a team, the tradition and resistance to new practices, and others [28]. Other scholars deny the possibility of using the industrial concept of quality in the academic environment, citing the impossibility of quantitative evaluation of teaching and research activity. Considering the criticism brought to the implementation of total quality management in the education system, the specialized literature presents distinct opinions regarding the suitability of using the notion of customer for higher education. One of the proposed solutions to avoid these misunderstandings is to use the less controversial notion of "stakeholders". Despite all the criticisms and controversial opinions with reference to the subject presented above, more and more higher education institutions are trying to

implement (and succeeding in this) the quality standards of the ISO: 9001 series in the desire to demonstrate excellence in the work they do deploy.

3.3. Quality assurance and the role of the universities risk management

The type of the ISO 9001:2015 standard remains to focus on continuous improvement and the process approach in order to satisfy customer requirements, but looking at them from a new perspective, that of risk management. So, in its new form, the ISO 9001:2015 standard [29] requires the organization to fully identify the processes related to the quality management system and to find those that take into account risks and opportunities [30].

Risk management is a driving force with increasing importance, so not only entities show interest in it, but also stakeholders show increased interest in risk. If risk management is addressed for the whole organization, this has a positive impact, as it allows both existing and potential risks with an impact on all processes in the organization to be identified. The necessary condition is an understanding of the risks assumed when aiming to achieve the organization's goals. In addition, it is important to recognize and prioritize significant risks and identify the most inadequate controls.

Risk management in higher education institutions is defined as a „set of designed and planned activities that are systematically undertaken to minimize the negative impact of risk on training processes and learning outcomes” [31, p.49]. In other words, we need to identify a bearable combination of cause-effect tolerance, which allows the reduction of unwanted events, which could threaten the day-to-day activity of the training and research processes.

Risk management is a mandatory condition of some international standards for management systems (quality, environment, security, energy, etc.). In this sense, universities must recognize and evaluate them in order to:

- take measures to ensure that the quality management system will be able to achieve the objectives;
- ameliorate the expected consequences;
- prevent or reduce unexpected effects;
- carry out the planned improvements.

Risk management presupposes the availability of complete and truthful information, their effective management for decision-making. The interdependence of quality management, risk management and information management are presented in Figure 2. This presentation emphasizes the fact that an important premise for effective and complex quality assurance management requires the creation of a reliable risk management and information management system.

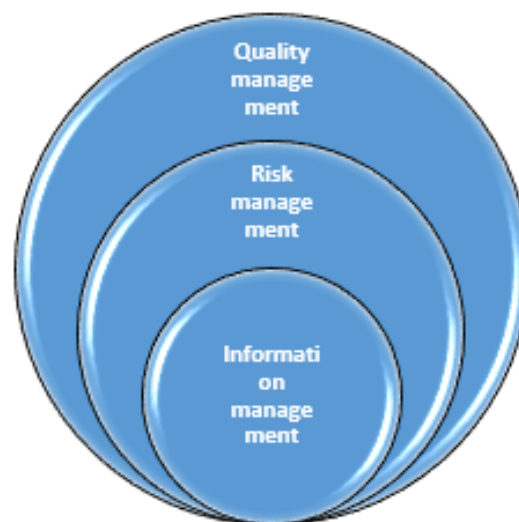


Figure 2. Interdependence of the management system at the institution level.

Source: [31].

Risk management in the academic environment must be considered only in correlation with the development strategy, this being a mandatory component of all operational

activities, important projects. The aim is to identify the factors and draw preventive activities, so that the threats do not create problems for the achievement of the activities and objectives set.

3.4. Case Study. Implementation of risk management for quality improvement in ASEM

The Academy of Economic Studies of Moldova is a public institution, which offers bachelor's, master's and doctoral programs, mainly in the field of economic sciences. The activity in the field of quality assurance within ASEM resides in the Rector's Declaration on the policy of ASEM in the field of quality [32] which mentions as objective: the implementation and maintenance at the level of the entire university of a Quality Management System, designed and documented in accordance with the provisions to the ISO 9001:2015 international standard, the scope of which is also the provision of educational services. ASEM's QMS is focused on meeting customer requirements by ensuring institutional competence to produce competitive educational and scientific services through efficient and effective processes. The ASEM Policy regarding the quality management system is elaborated, a document that includes the ASEM's intentions and general directions regarding quality, expressed by the institution's management.

The strategy regarding quality assurance in the Academy of Economic Studies of Moldova for the period 2022-2026 [33] was developed in accordance with the Strategic Development Plan of ASEM [34], the ASEM Charter and is supported by the documents of the Quality Management System. Within this important document, the strategic objectives and priority directions of action of the institution are highlighted, the implementation risks are also analyzed, which are addressed as factors that can determine the deviation of the results from the initial expectations or forecasts and which require proactive management, and the ways are mentioned treatment of these risks. At the same time, the importance of the identification of risks and their appropriate treatment in order to achieve the proposed objectives was realized. That is why it was decided to approach this topic more deeply and to develop the Risk Management Strategy of ASEM.

The purpose of the Strategy is to ensure the management of risks in a controlled and efficient way, to achieve the general and specific objectives of ASEM and its subdivisions. The definition of risk was accepted in accordance with the ISO 31000:2018 standard "risk represents the effect of uncertainty on objectives" [35]. ASEM's Strategic Development Plan, international standards ISO 9001:2015 served as the basis for the development of this valuable document; ISO 31000:2018.

Each objective presented in the Strategic Plan was analyzed from the point of view of the action of internal or external factors that could block its achievement. The probability of materialization of this risk was calculated, then the impact was determined, that is, the size of the possible losses in case of materialization of the risk situation and, finally, the exposure to the risk, as a product between the probability and the impact. Exposure to risk allowed us to rate the risks.

The next step taken was to determine the risk tolerance, that is, the "amount" of risk that the ASEM is prepared to tolerate. Based on the listed, we rated the risks, in other words, we established the order of priorities in the treatment of risks, taking into account the allocation of resources, and we created the Risk Profile, based on the 5-step scale. So, both probability and impact were translated into qualitative scales (from very low to very high), reflecting the perceived importance in relation to the objectives.

The development of the Risk Profile gave us the opportunity to take into account all the risks to which the institution is exposed according to the level of risk tolerance that we have accepted and to provide for each of these risks specific treatment methods, an activity necessary to keep the risk within acceptable limits. What is really important is not so much the level of risk that we have calculated, but the deviation of risk exposure from the level of risk tolerance.

We passed the exercise of developing the risk strategy at the institutional level. The most responsible component is the implementation of these measures that we have outlined. In order to deal with things, it is important to know who is the responsible person, what are the duties of each person, what is the way of recording and reporting. Only in such conditions, the implementation of the strategy can ensure the success we want.

At ASEM level, at this stage, a separate body for risk management has not been created, the attributions being delegated to the Quality Assurance Council. At the level of subdivisions, the responsible persons from the quality assurance structures were also appointed. To register the risks, the Risk Register was developed, the reporting procedure was established.

At the stage of developing and implementing the Risk Management strategy, certain difficulties were encountered, which mostly refer to the perception of things by employees, the inadequacy of the communication process on this subject. We realized that integrating a reliable risk management in an organization is a difficult thing to achieve. Responsible structures must both constantly prioritize risks and constantly update culture, people and processes. The risk culture reflects the common values, objectives, stabilization mechanisms that incorporate risk into the institution's decision-making activities. In other words, the culture of risk manifests itself according to the behavior of people in the university, their attitude towards risks and their level of risk-taking.

4. Conclusions

The study of bibliographic sources in the analyzed field, of the experience, although not very large, of the Academy of Economic Studies of Moldova regarding the risk management implementation in correlation with the quality management system, allowed us to make some conclusions:

The quality of higher education is important for all stakeholders of the institution. In order for the university to achieve a high quality assessment, it is necessary that it implements a quality management system that is applicable despite the high costs and resources required.

Risk management is a continuous process of learning from past experiences, one's own or others'. In order to ensure an effective risk management, we consider it important to promote and strengthen the organizational culture of risks in the institution. Risk culture reflects the shared values, objectives, practices and reinforcement mechanisms that incorporate risk into the institution's decision-making processes and risk management into its operations.

The implementation of the risk management strategy can only be achieved if at the institutional level there is an adequate communication process throughout the entire risk assessment process, it is a component of the risk management process. Both the importance of risk communication and the persons who must be informed at each stage of the process must be well elucidated in the elaborated documents. During the initiation of a risk

assessment process, it would be useful to share information related to the identification and assessment of risks with all important personnel in the organization.

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References

1. Marquardt, K.; Olaru, M.; Ceausu, I. Study on the Development of Quality Measurements Models for Steering Business Services in Relation to Customer Satisfaction. *Amfiteatru Economic* 2017, 19 (44), pp. 95-109.
2. Crosby, Ph.B. *Quality is free: the art of making quality certain*. Publisher: McGraw-Hill, New York, USA, 1979, 309 p.
3. Juran, J.M.; M. Gryna, F.M. *Quality Planning and Analysis: From Product Development Through Usage Edition: second*, Publisher: McGraw-Hill, New York, USA, 1980, 629p.
4. Deming, W.E. *Out of the crisis*, 1986, cited in Androniceanu, A. The Three-Dimensional Approach of Total Quality Management, an Essential Strategic Option for Business Excellence. *Amfiteatru Economic* 2017, 19(44), pp. 61-78.
5. Stebbings, H.; Braganza, A. Exploring continuous organizational transformation: Morphing through network interdependence. *Journal of Change Management* 2009, 9 (1), pp. 27–48.
6. Brewera, A.; Walkerb, I. Risk management in a university environment. *Journal of Business Continuity & Emergency Planning* 2011, 5(2), pp. 161-72.
7. Cotelnic, A. Dezvoltarea personalului științifico-didactic ca sursă principală în asigurarea calității universitare. *Revista Economica* 2015, 4 (94), pp. 32-39.
8. Sîrbu, O.; Covaș, L.; Stih, L.; Solcan, A. Development of the dual higher educational model based on company needs. *Eastern European Journal of Regional Studies* 2022, 8 (1), pp.30-49.
9. Srikanthan, G.; Dalrymple, J. F. A Conceptual Overview of a Holistic Model for Quality in Higher Education. *International Journal of Educational Management* 2007, 21, pp. 173-193.
10. Green, D. What is Quality in Higher Education? Concepts, Policy and Practice 1994, cited in *ASEAN Universities Network – Quality Assurance (AUN-QA)'s Manual for the implementation of the AUN-QA Guidelines* 2005, pp. 8-10.
11. Cotelnic, A. *Sisteme de planificare în afaceri*. CEP ASEM, Chisinau, Republic of Moldova, 2018, pp. 73-99.
12. Sahney, S.; Banwet, D.K.; Karunes, S. A SERVQUAL and QFD Approach to Total Quality Education. A Student Perspective. *International Journal of Productive and Performance Management* 2004, 53, pp. 143-166.
13. Osoian, C.; Nistor, R., Zaharie, M.; Flueraș, H. Improving higher education through student satisfaction surveys. In *2nd International Conference on Education Technology and Computer (ICETC)* 2010, Jun 22- 24, 2010, Shanghai, China, 2, pp. 436-440.
14. Cotelnic, A.; Dorogaia, I. Application of the EFQM excellence model for HEIS (ASEM example)/Aplicarea modelului de excelență EFQM pentru instituțiile de învățământ superior (pe baza exemplului ASEM). In *„30 years of economic reforms in the Republic of Moldova: economic progress via innovation and competitiveness”*, Vol.1, 2022. Proceedings of the Conference, ASEM, Chișinău, Republic of Moldova, 24-25 September 2021, pp. 88-96.
15. Duque, L.; Weeks, J. Towards a model and methodology for assessing student learning outcomes and satisfaction. *Quality Assurance in Education* 2010, 18 (2), pp. 84-105.
16. Nica, P. Posibilități de orientare a culturii organizaționale a unei universități în spiritul TQM, 2013. Available online : https://www.researchgate.net/publication/265376969_Posibilitati_de_orientare_a_culturii_organizacionale_a unei_universitati_in_spiritul_TQM (accessed on 19.11.2022).
17. Crudu, R.; Sava, L. Calitatea Studiilor Universitare și Inserția Pe Piața Muncii a Absolvenților în Republica Moldova. *Centre for Studies in European Integration Working* 2019, 12, pp. 6-27.
18. Government Decision of the Republic of Moldova no. 616 of 18.05.2016. External quality assessment methodology for provisional operation authorization and accreditation of study programs and vocational technical, higher education and continuous training institutions. Available online: https://www.legis.md/cautare/getResults?doc_id=92727&lang=ro (accessed on 26.11.2022).
19. Guide to the external evaluation of undergraduate higher education programs (cycle I) and integrated higher education, ANACEC, 2022/ Ghid de evaluare externă a programelor de studii superioare de licență (ciclul I) și studii superioare integrate, ANACEC, 2022. Available online: https://anacec.md/files/Ghid_licenta_18.04.2022.pdf (accessed on 12.12.2022).

20. Kis, V. Quality Assurance in Tertiary Education: Current Practices in OECD Countries and a Literature Review on Potential Effects. *OECD Thematic Review of Tertiary Education 2005*, OECD Paris. Available online <https://www.oecd.org/education/skills-beyond-school/38006910.pdf> (accessed on 23.12.2022)
21. Instrumente de monitorizare și analiza datelor existente în 8 universități. Rezumat, Academia Română, București, 2017. Available online https://www.edu.ro/sites/default/files/_fi%C8%99iere/Proiecte/SIPOCA/R1-M5%20-%20Instrumente%20de%20monitorizare%20C8%99i%20analiza%20datelor%20existente%20in%208%20universitati.pdf (accessed on 15.11.2022).
22. Yu, L. Did Better Colleges Bring Better Jobs? Estimating the Effects of College Quality on Initial Employment for College Graduates in China. *Current Issues in Comparative Education (CICE) 2017*, 19 (2), pp. 166-197.
23. Black, D. A.; Smith, J. A. How robust is the evidence on the effects of college quality? Evidence from matching. *Journal of Econometrics* 2004, 121 (1), pp. 99-124.
24. Dale, S.B.; Krueger, A.B. Estimating the payoff to attending a more selective college: An application of selection on observables and unobservables. *The Quarterly Journal of Economics* 2002, 117 (4), pp.1491-1527.
25. Hoekstra, M. The effect of attending the flagship state university on earnings: A discontinuity-based approach. *The review of economics and statistics* 2009, 91 (4), pp. 717-724.
26. Long, M. C. College quality and early adult outcomes. *Economics of education review* 2008, 27 (5), pp.588-602.
27. Zhang, L. Impact of College education on graduates' employment and earnings in U.S. *Peking University Education Review* 2012, 10 (1), pp.91-106.
28. Bertolin, J.C.G. Quality in Higher Education: From the Diversity of Conceptions to the Relentless Conceptual Subjectivity. *Creative Education* 2015, 6, pp. 2410-2421.
29. Standard ISO 9001:2015. Quality management systems – Requirements. Available online: <https://www.iso.org> (accessed on 28.11.2022).
30. Sitnikov, C.; Bocean, C.G.; Berceanu, D. Risk Management Model from the Perspective of the Implementing ISO 9001:2015 Standard Within Financial Services Companies. *Amfiteatru Economic* 2017, 19 (Special No. 11), pp. 1017-1034.
31. Kondić, Ž.; Knok, Ž.; Kondić, V.; Brekalo, S. Risk Management in the Higher Education Quality Insurance System. *Technical journal* 2020, 14 (1), pp. 46-54.
32. Rector's statement regarding ASEM's quality policy/ Declarația Rectorului privind politica ASEM în domeniul calității. Available online https://ase.md/files/legal/interne/1.4_declaratia_pca_r02_v2.pdf, (accessed on 15.12.2022).
33. The strategy regarding quality assurance within the Academy of Economic Studies of Moldova for the period 2022-2026/ Strategia privind asigurarea calității în cadrul Academiei de Studii Economice din Moldova pentru perioada 2022-2026. Available online: https://ase.md/files/legal/interne/1.6_Strategia_Calitate.pdf (accessed on 30.11.2022)
34. The strategic development plan of the Academy of Economic Studies of Moldova for the period 2018-2022/Planul strategic de dezvoltare al Academiei de Studii Economice din Moldova pentru perioada 2018-2022. Available online [https://ase.md/files/legal/interne/1.2_plan_stragic_2022.pdf](https://ase.md/files/legal/interne/1.2_plan_strategic_2022.pdf) (accessed on 20.12.2022).
35. Standard ISO 31000:2018. Risk management – Guidelines. Available online: <https://www.iso.org> (accessed on 30.11.2022).

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THE POWER OF eLEARNING FROM PROMISES TO PRACTICES APPLIED IN ENGINEERING

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Abstract. Significant strides are being made in the development of Information and Communication Technology (ICT) by infusing ICT as a tool for learning and education. Expansive and visionary programs are initiated meant to transform university education. The latter have jointly contributed to the considerable progress of the renewed curricula development and implementation, including the hybrid learning model for a number of key courses such as mathematics, science, computer networks, programming and ICT. Sectoral digitalization is implemented due to the digitalization strategies and initiatives. Computer and science labs support e-learning and of course the training and retraining of the teaching staff for new curricula (study-programmes), new pedagogical methodologies and assessment strategies. In general terms, the study-programmes have been renewed/redesigned to become more relevant fulfilling students' needs, while the specific outcomes are based less on knowledge and content and more on learning skills and competences, i.e. real-world applicable tasks/activities. The paper describes the study case of the presentation format for the Computer Networks course, which can be found in the study plan/syllabus of several study-programmes at the Faculty of Computers, Informatics and Microelectronics (FCIM) and the Faculty of Electronics and Telecommunications (FET) of the Technical University of Moldova (TUM).

Keywords: *eLearning, e-Lessons, educational environment, blended learning, industry 4.0, engineering disciplines.*

Rezumat. Sunt făcuți pași semnificativi în dezvoltarea învățământului superior bazat pe Tehnologia Informației și Comunicațiilor (TIC), prin infuzia TIC ca instrument de învățare și educație. Sunt inițiate programe expansive și vizionare de transformare a educației universitare. Ceea ce a contribuit în comun la progresul considerabil al dezvoltării și implementării de programe reînnoite, cu includerea formatului de învățare mixtă pentru o serie de discipline cheie, cum ar fi matematica, știință, rețele de calculatoare, programare și TIC. Digitalizarea sectorială se implementează în strategiile și inițiativele pentru digitalizare. Laboratoarele de computere și științe sprijină învățarea electronică și desigur, instruirea și reinstruirea cadrelor didactice pentru noile programe, noile metodologii pedagogice și strategii de evaluare. În termeni generali, programele au fost reînnoite pentru a deveni mai

relevante și mai favorabile nevoilor studenților, din punct de vedere general și rezultate specifice care se bazează mai puțin pe cunoștințe și conținut însă mai mult pe abilitățile și competențele învățării, bazate pe activități din lumea modernă. Articolul, descrie cazul formatului de prezentare pentru cursul Rețele de Calculatoare, curs care se regăsește în program de studiu a mai multor specialități de la Facultatea Calculatoare, Informatică și Microelectronică (FCIM) și Facultatea Electronică și Telecomunicații (FET) din cadrul Universității Tehnice a Moldovei (UTM).

Cuvinte-cheie: *învățare mediat electronică, e-Lecția, mediu educațional, învățare mixtă, industria 4.0, discipline ingineresti.*

1. Introducere

Transformarea digitală este procesul de schimbare a modului în care funcționează o organizație pentru a răspunde nevoilor erei digitale. Transformarea digitală nu este o destinație, dar o direcție, prin care tehnologiile emergente vor necesita și constata evoluția modalităților de lucru, a procedurilor și proceselor în întregul sistem, cu scopul de a adăuga valoare utilizatorilor.

Tehnologiile digitale sunt parte a vieții profesionale și personale [1]. Trăim timpul revoluției industriale și aici ne întrebăm: cât de pregătiți suntem noi profesorii universitari pentru a putea valorifica potențialul Industriei 4.0 în formarea de viitor a studenților?

Învățământul superior din Republica Moldova ca și oricare alt sector este în transformare spre digitalizarea procesului educațional, pentru a prospera și a fi competitiv clasamentelor globale ale învățământului superior din lume. Instituțiile de învățământ superior concurează pentru studenți și profesori, pentru finanțare și prestigiu. Există un interes mare pentru părțile interesate la nivel guvernamental, cu discuții și inițiative în direcția pregătirii de specialiști calificați pentru profesiile viitorului.

Unii autori concluzionează că învățământul superior trebuie să ofere studenților capacități și să dezvolte abilități pentru viitor [2-4]. Subiectul principal este cum tehnologiile pot îmbogăți învățarea și ce este transformarea digitală.

În învățământul superior se conștientizează nevoile spre evoluția și dezvoltarea profesională a angajaților prin facilitatea căilor flexibile de învățare și oportunități educaționale cu scop de dezvoltare a competențelor relevante pentru a face față provocărilor globale actuale.

Tehnologiile digitale pot fi factori decisivi în educație, prin deschiderea de noi căi de învățare și transformare a experienței de învățare. Și desigur, oportunități de îmbunătățire a întregului ciclu de experiență universitară pentru studenți, de la aplicarea inițială până la a deveni membru a comunității de absolvenți. Analiza datelor de-a lungul ciclului universitar obține noi perspective asupra profilurilor studenților. Acest lucru abordează subiectul cu privire la utilizarea responsabilă a tehnologiei și schimbului de date, precum și modul în care instituțiile de învățământ superior pot oferi suport în dezvoltarea acestei direcții.

Tehnologia schimbă modul de gândire și învățare, inclusiv modurile în care se procesează informațiile, durata de atenție, memoria și formatul de luare a deciziilor. Desigur, este afectat și modul de socializare și interacțiune, acest lucru duce spre abordarea de întrebări și probleme pe care le iau în calcul liderii învățământului superior și factorii de decizie politică.

Articolul ca cercetare, vine cu o abordare majoră pentru subiectul învățării și progresele acesteia: va acoperi eLearning (învățarea mediat electronică), eLecțiile și câteva

întrebări care trebuie luate în considerare atunci când discutăm aceste subiecte, prin prisma experienței autorului în proiectarea cursului digital Rețele de Calculatoare. Scopul este de a informa care este formatul de dezvoltare digitală în învățământul superior, metodologia și aplicarea eLearning, prin exemplul Universității Tehnice a Moldovei. De asemenea, nominalizăm proiectul inițiat în vara 2020 de Universitatea Tehnică a Moldovei și facem referire la portalul <https://lectii.utm.md/> [5], care au fost obstacolele cu care ne-am confruntat atunci când a trebuit de ales modelul de prezentare și înregistrare a lecțiilor, cu condiția ca să poată fi acceptat ca e-Curs. Autorul descrie experiența cercetării, prin care sunt factorii decisivi care au avut impact direct spre metoda și instrumentele aplicate la cursul înregistrat <https://lectii.utm.md/courses/retele-de-calculatoare-computer-networks/> [6], programul este dedicat în întregime educației tehnice și ingineresti, în cadrul căruia extinderea eLearning este un element cheie la elaborarea de cursuri pe platformă.

Strategia pentru dezvoltare prin sprijinirea transformării digitale în învățământul superior tinde spre: infrastructură digitală, dezvoltarea competențelor personalului pentru a utiliza metode bazate pe digitalizare în predarea lor. Strategia națională de dezvoltare “Moldova 2030” sprijină integrarea tehnologiei în toate activitățile academice și administrative. Ministerul Educației și Cercetării al Republicii Moldova oferă o direcție strategică generală pentru învățământul superior în ceea ce privește digitalizarea, prin oferirea de viziuni și așteptări clare, prin clarificarea distribuției sarcinilor și responsabilităților și prin inițierea de măsuri și inițiative comune [7].

Universitățile operaționalizează cu strategia generală printr-o serie de sub strategii, concentrându-se pe cercetare, educație, infrastructură, soluții administrative și informații securizate. Asociația Europeană a Universităților (EUA) are un rol important în procesul Bologna și în influența politicilor UE privind învățământul superior, procesul de cercetare, inovarea și organizează forum anual cu scop de desiminări a expertizelor în învățământul superior. Documentul fundamental despre viitor a universităților europene „Universități fără ziduri – viziune pentru 2030”, stabilește viziunea universităților deschise și angajate pentru un viitor mai bun. Universitățile se vor baza pe capacitatea lor să evolueze și să devină motoare ale schimbării în societate, cu rol de transformator pentru cunoaștere, producere prin cercetare, educație, inovare și cultură [8].

Dezvoltarea competențelor și abilităților trebuie să înceapă devreme în conținutul de curriculum educațional cu concentrare pe integrarea TIC în practicile de predare, învățare și evaluare.

„E-learning este o abordare a învățării și dezvoltării: o colecție de metode de învățare combinate cu utilizarea tehnologiilor digitale, care oferă, distribuit și îmbunătățit procesul de învățare.” [9]. Dacă facem referință la definiția eLearning distingem caracteristici ca fiind: eficient, îmbunătățit și responsabil. Totuși, termenul „eLearning” are multe alte interpretări, cea care este cel mai aliniată cu misiunea noastră se bazează pe Consiliul de calitate a învățării la distanță și deschisă din Marea Britanie, definind eLearning drept „Procesul de învățare eficient creat prin combinarea conținutului furnizat digital cu suport și servicii”. Această definiție evidențiază patru componente de bază:

- 1) eficacitatea în asigurarea unei experiențe de învățare de succes;
- 2) beneficiind de elementele tehnologiei informației și comunicațiilor și combinarea acesteia cu pedagogia care oferă învățarea mixtă;
- 3) livrarea digitală a conținutului prin media offline, online sau streaming prin internet;
- 4) eLearning ca instrument de sprijin pentru ajutorarea tutorilor, facilitatorilor și coordonatorilor de cursuri să își livreze curriculumul.

Pentru a asigura o implementare cu succes a eLearning, este necesar să analizăm cinci etape majore: 1) „Dezvoltarea viziunii eLearning” – până acum, Ministerul Educației și Cercetării al Republicii Moldova a dezvoltat viziunea eLearning la scară națională. 2) Urmează „strategia de învățare și predare pentru eLearning” – în această etapă, au fost identificate organizațiile educaționale, curriculumul, mediul și resursele. 3) „strategia TIC de eLearning” – în care hardware-ul, software-ul și resursele fizice sunt identificate și pregătite pentru această strategie. 4) La această etapă „Planuri și bugete”, autonomie instituțională – sunt pregătite pentru a decide implementarea necesară, etapele, calendarul și implicația financiară a instituției ca organizație autonomă. 5) „Revizuirea” – în această etapă, comisia responsabilă din instituție, verifică rezultatele și progresul, unde ne aflăm în prezent și spre ce ne îndreptăm.

E-learning pentru pregătirea specialiștilor din noua generație se regăsește cu un rol important în societatea inteligentă. Se amplifică rolul de viziune eLearning cu aport de valoare și este abordat cu rol special în pregătirea ca formare de specialiști, unde eLearning și învățarea personalizată au prioritate.

2. Detalii despre viziunea eLearning

Viziunea eLearning constă din trei puncte majore. Fie de la implicare la motivare, ipoteza de bază - eLearning îmbunătățește rezultatele învățării. În plus, gestionează, organizează și distribuie informațiile mai eficient, deoarece este cunoscută a fi un instrument cu rol de suport pentru toate progresele de învățare. În cele din urmă, extinzând învățarea dincolo de clasă, eLearning trece de la predarea tradițională la învățarea la distanță. S-a ajuns la concluzia că baza pentru eLearning este e-lecția (lecția electronică) care este definită ca „transfer conținut de învățat într-un mediu electronic”. Pot fi materiale de învățare animate care sunt produse la scară multimedia și joacă un rol esențial în transmiterea gândurilor profesorilor într-un mod mai vizualizat și mai eficient, care accelerează experiența de învățare a studenților. Lecțiile electronice îi ajută pe studenți să lucreze și să învețe în același timp în propriul ritm. Obiectivul lecțiilor electronice se bazează pe obiectivele educaționale, facilitând în același timp procesul de construire a conexiunilor. Pentru aceasta, materialele online, e-lecțiile ar trebui să fie prezentate într-un mod în care să reducă sarcina cognitivă, sporind în același timp retenția și transferul de rezolvare a problemelor.

Pentru a înțelege esența din spatele obiectivelor e-Lecția, este necesar de înțeles caracteristicile acesteia. Lecția electronică constă din 4 caracteristici principale:

- 1) Deoarece o astfel de tehnologie este orientată către diferite tipuri de studenți, e-lecția se adaptează la aceste stiluri diferite printr-o varietate de metode de livrare;
- 2) Învățarea se poate întâmpla în orice moment și în orice loc, oferind studenților posibilitatea de a studia în ritmul propriu, fără restricții;
- 3) Este rentabil pentru ambele entități;
- 4) Încurajează o mai mare interacțiune și colaborare între studenți și profesori.

Lecțiile electronice fac parte din revoluția TIC, aici menționăm beneficiile pe care le pot prezenta atât pentru student, cât și pentru profesor. Ca student, experimentarea unui mod nou și neobișnuit de învățare și oferirea unui mediu interactiv. În ceea ce privește profesorii, adaugă, de asemenea, mai multă interacțiune modurilor lor de predare, permițându-le să beneficieze de un plan de lecție optimizat în care pot aborda diversele abilități ale studenților, economisind în același timp timp și îmbunătățind experiența de învățare a lor.

Metodologia e-lecției, trebuie să abordeze patru întrebări majore. Aceste întrebări evidențiază: îmbunătățirea învățării folosind lecțiile electronice, strategia entității, disciplina

curriculară și managementul schimbării prin capacitatea de a adopta o astfel de dezvoltare. Desigur, apare și subiectul: care ar fi componentele pentru a asigura o lecție de succes. Aici suntem pregătiți că pot apărea: probleme de rețea – din punct de vedere al comunicării, probleme hardware, probleme de securitate – cum ar fi autentificarea și autorizarea, intenția de a învăța atât din partea profesorului, cât și din partea studentului.

Universitățile după natura și structura lor vor fi hibride, cu oferta de lecții în clasă și oferta de medii digitale de învățare și cercetare, urmând direcția de adaptare după nevoile diferite a demersurilor educaționale. Universitatea Tehnică a Moldovei urmând această direcție prin lansarea de oferte a cursurilor înregistrate pe platforma educațională deschisă <https://lectii.utm.md/courses/rețele-de-calculatoare-computer-networks/> [6]. Cursul universitar Rețele de Calculatoare se regăsește în platformă cu un număr de 48 de ore teoretice și practice în format video, e-lecții conținut teoretic și pentru pregătirea practică. Cursul universitar Rețele de Calculatoare se regăsește în Planul de Învățământ a mai multor programe de studii divizate pe facultăți. Pentru execuția lucrărilor de laborator au fost folosite simulări (produse software specializate) a situațiilor din domeniu foarte aproape cu situații reale din viață. Partea de e-evaluare a fost realizată prin teste electronice. Cu acest format de proiectare a cursului, un profesor este capabil să economisească timp, eforturi și să asigure siguranța studenților și a altor profesori, precum și a universității. Educația adecvată a tinerilor noștri este o modalitate pentru noi de a asigura prosperitatea și avansarea viitorului pentru țara noastră. Utilizând eLearning, putem contribui la crearea unei forțe de muncă care este analitică în gândire și implementare creativă, iar profesorii implicați în eLearning, pot ajuta să treceți de la promisiune la practică.

3. Gândirea diferită

Prin definiție se specifică că eLearning este o abordare amplă, care cuprinde mai multe metode. În timp ce industria eLearning a crescut exponențial, orice investiție în tehnologia eLearning aduce beneficii celor implicați în educație. eLearning nu este doar o abordare diferită a învățării, ci o modalitate diferită prin care instituțiile educaționale și membrii lor se gândesc la învățare.

Există mai multe moduri de gândire, una ar fi identificarea de probleme care necesită soluții de instruire și ca rezultat poate să apară un curs. Ideea de „instrumente de creație” – software specializat care oferă creatorilor o varietate de alternative pentru crearea de conținut dinamic și interactiv. Pentru a ajunge la succes cu obiectivele de învățare, se identifică conceptul cheie și caracteristicile instrumentului de eLearning, ca să asigurăm rezultatul unui produs de valoare.

Instituțiile mai avansate au recunoscut că aceste modalități nu sunt adecvate. Aceștia plasează responsabilitatea pentru învățare și dezvoltare pe formarea specialiștilor care vin cu rol de a informa și de a facilita învățarea. Aceste instituții se străduiesc să atingă o cultură a învățării în organizație. Învățarea electronică mediată este o abordare care face acest lucru mai ușor de realizat, încurajând studenții să preia controlul asupra propriei învățări, făcând învățarea mai centrată pe student prin valorificarea lor.

Filosofia învățării centrate pe student face ca cel ce învață să se concentreze și încurajează dezvoltarea resurselor de învățare. Aceasta înseamnă analiză și determinarea nevoilor de învățare, înseamnă scrierea obiectivelor, înseamnă activitate a studentului în procesul de învățare și le permite să aleagă cum învață prin implicarea studentului în planificarea și revizuirea învățării.

4. Personalitatea studenților

Peter Senge este teoreticianul dezvoltării organizaționale care a avut cele mai multe de spus în acest sens [9]. Autorul a identificat cinci dimensiuni ale unei culturi de învățare: măiestria personală, modelele mentale pentru viziune comună, învățarea în echipă, gândirea de sistem și capacitatea de a adopta o viziune sistemică asupra organizației (Tabelul 1).

Tabelul 1

| Cultura învățării după Peter Senge | |
|--|--|
| Dimensiune | Descriere |
| Măiestria personală | Crearea unui mediu care încurajează dezvoltarea obiectivelor personale și organizaționale în parteneriat cu ceilalți folosind "imaginile interne". |
| Modele mentale pentru viziune comună | Modele de eficientizare a învățării prin orientarea educației în actualitate. Modelele de grup ce demonstrează dezvoltare, sunt prezentate și desiminate în grupul de studenți și pot fi preluate ca experiențe valoroase. |
| Învățare în echipă | Încurajarea echipei și a muncii colective, astfel încât capacitatea unui grup de a dezvolta inteligența și abilitățile este mai mare decât suma talentelor membrilor individuali. |
| Gândire de sistem | Dezvoltarea capacității de a vedea "imaginea de ansamblu" în cadrul unei organizații și înțelegerea modului în care schimbările dintr-o parte afectează întregul sistem. |
| Capacitatea de a adopta o viziune sistemică asupra organizației | Să înțeleagă că interacțiunile dintre toți membrii săi pot avea un impact pozitiv și de durată asupra succesului unei organizații. |

Sursa: elaborat de autor în baza [11].

Filosofia culturii de învățare și organizarea învățării stau la baza unui eLearning de succes. În eLearning vedem valoarea studentului în mai multe forme:

1. Au mai multe opțiuni în eLearning.
2. Pot învăța în ritm propriu, moment și loc potrivit lor.
3. Pot alege intrările în dependență de stilul de învățare.
4. Pot personal contribui la progresul de învățare.
5. Au acces la o gamă largă de resurse.
6. Au mai multe oportunități de interacțiune.

Cu siguranță un eLearning bine proiectat trebuie să cuprindă aceste puncte. Imaginea de ansamblu pentru eLearning este că contribuie la generarea unei culturi de învățare. Strategiile instituționale se concentrează pe schimbul și cooperarea internațională pentru a îmbunătăți învățarea și predarea. Într-o organizație de tip universitate, toți cei implicați, toate părțile interesate, văd impactul eLearning și perspectivele acestuia în dezvoltarea de viitor [10].

Dacă să ne referim la experiența autorului de curs, din prisma proiectării eLearning pentru disciplina universitară Rețele de Calculatoare, putem formula următoarele concluzii (în baza completării chestionarului ce conține 14 întrebări, elaborat în Microsoft Forms de către 98 studenți, care au ascultat cursul Rețele de Calculatoare, în semestrul I pentru anul de studii

2021-2022, ce fac studii cu frecvența la zi. Studenți de la programul de studiu "Ingineria Software" filiera anglofonă, departamentul Ingineria Software și Automatică din cadrul Facultății Calculatoare, Informatică și Microelectronică a Universității Tehnice a Moldovei, care studiază disciplina Rețele de Calculatoare).

1. eLearning face obținerea unei valori mai mari din investițiile corporative în TIC.
2. eLearning poate să utilizeze mai bine oportunitățile de învățare deja disponibile pe Web.
3. eLearning poate explora entuziasmul cursanților pentru tehnologiile digitale.
4. eLearning oferă învățare mai rapid.
5. eLearning oferă o soluție centrată pe student.

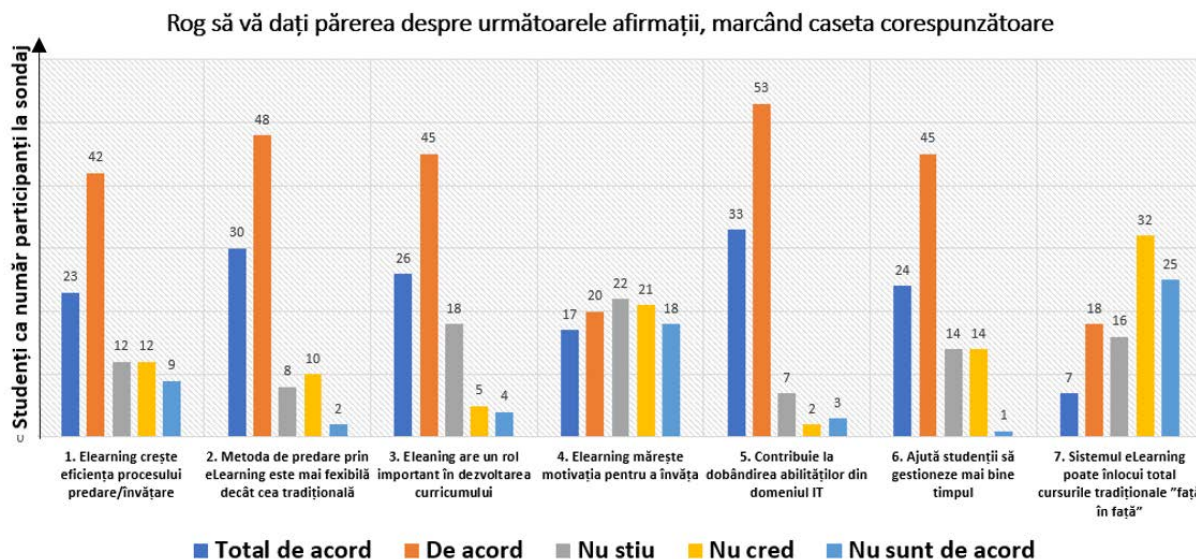


Figura 1. Raportul afirmațiilor despre eLearning proiectat și posibilități.

Sursa: elaborat de autor în baza datelor colectate în Microsoft Forms, 98 respondenți.

Peste 66% dintre respondenți au declarat că eLearning crește eficiența în procesul de predare/învățare (sunt măsuri de sprijin și servicii de asistență pentru studenți în eLearning). Puțin peste 20% dintre respondenți nu au o părere sau nu sunt de acord că în eLearning este mai multă flexibilitate în comparație cu metodele tradiționale, la clasă.

Puțin peste 72% de respondenți declară că eLearning are un rol important în dezvoltarea de curriculum. Desigur, aceste caracteristici sunt dezvoltate mai puternic atunci când au experiență în eLearning, astfel și există diferență semnificativă între diferitele tipuri de instituții ca experiență aplicată în eLearning.

„Alte” răspunsuri se referă la evenimente din cadrul cursului universitar Rețele de Calculatoare, resurse bazate pe Web pentru a promova eLearning și desiminarea de bune practici. Mai mulți respondenți au subliniat, de asemenea, că sistemul eLearning nu poate înlocui total cursurile tradiționale "față în față" - deoarece pentru studenții cu frecvență este important factorul de a se întâlni în sala de clasa uneori pentru schimb de experiențe față în față.

5. Elearning și stiluri de învățare

Elemente ca: digitalizare a infrastructurii și comunicații, sunt rezultatul digitalizării și raționalizării continue în învățământul superior și nu sunt conduse exclusiv de eLearning, dar au tangențe directe cu managementul instituțional. Infrastructura electronică este un element important ca condiție pentru eLearning. Extinderea e-structurilor și a instrumentelor electronice trebuie să acopere compatibilitatea și conectivitatea acestora pentru procesele de

predare/învățare/evaluare, ca ofertă educațională flexibilă și centrată pe student eLearning poate oferi soluții pentru fiecare preferință a stilului de învățare diferit și centrat pe cel ce învață. Distingem modele concurente de diferite stiluri de învățare în eLearning:

1. Un model, cel mai longeviv prezentat de David Kolb, este ciclul de învățare experimentală, ideea este că învățarea poate fi împărțită în patru faze: experimentarea, reflectarea, conceptualizarea și iar experimentare activă - studenții trec prin acest ciclu repetat [12]. eLearning poate acoperi așteptările studenților care preferă acest stil prin jocuri, exerciții practice, chestionare, feedback online, clipuri audio și video, simulări și exemple fluide care pot fi manipulate de către student pentru a experimenta diferite posibilități.

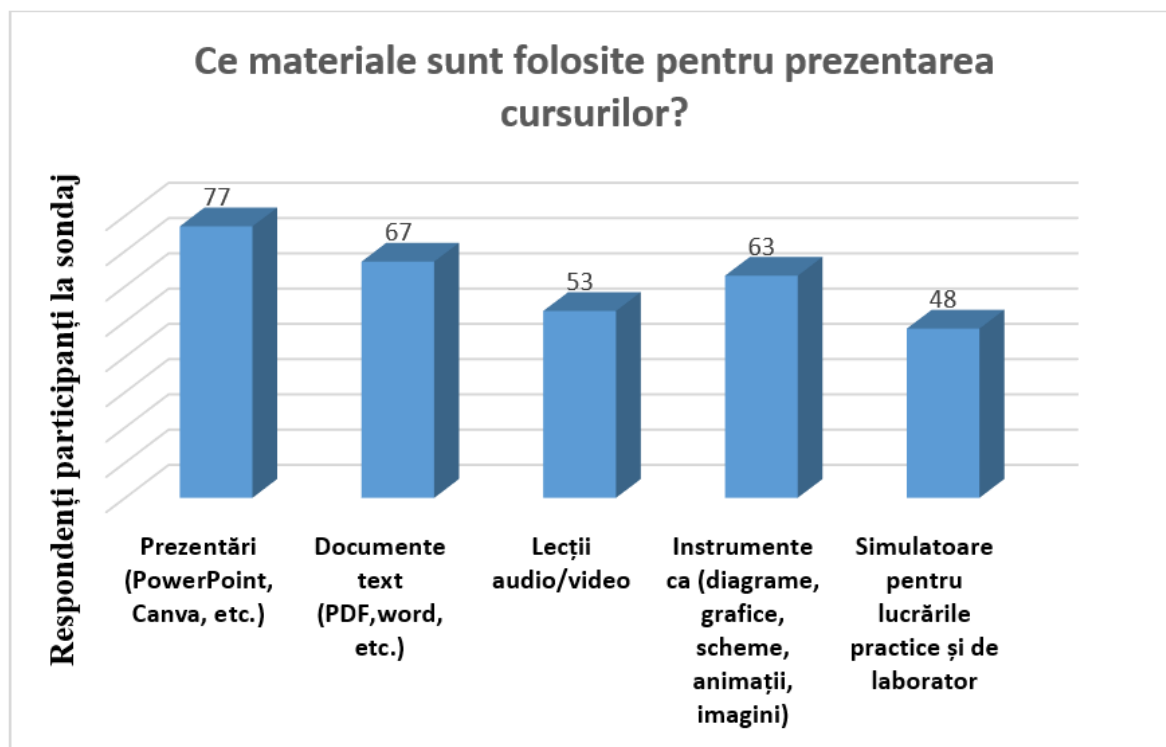


Figura 2. Format de prezentare curs, date statistice.

Sursa: elaborat de autor în baza datelor colectate în Microsoft Forms, 98 respondenți.

Conform datelor colectate, putem concluda că prezentările și alte formate de prezentare a conținuturilor, încă sunt în avantaj ca utilizare în cadrul lecțiilor.

Beneficiile ale eLearning sunt aprobate de marea majoritate a respondenților 72%, unde recunosc valoarea eLearning și revizuirea metodelor de predare 83%. Peste 77% dintre respondenți au subliniat că eLearning este capabil să ofere învățare interactivă pentru studenți (individual sau chiar grup mare de studenți).

2. Un alt model pentru stiluri de învățare se bazează pe modul în care percepem lucrurile prin simțurile noastre biologice. Asociat cu ce zice Confucius ar fi "Ce aud, uit", "Ce văd, îmi amintesc", "Ceea ce fac, înțeleg". Model care distinge trei stiluri de învățare: vizual, auditiv și kinestezic. În eLearning stilul vizual este simplu ni se oferă text și imagini, animații, videoclipuri, conținut dinamic. Stilul auditiv adaptat prin adăugarea de sunet la clipuri și prin comunicarea orală cu profesorul sau colegii, de exemplu, într-o situație de eLearning live (o clasă virtuală). Tipul tactil, aici învățarea este deservită și prin alte mijloace decât eLearning, dar există activități practice online, în cazul exemplului autorului au fost folosite simulările, aici stilul tactil este dezvoltat prin folosirea interfețelor). Concluzionând, putem menționa că eLearning poate stimula majoritatea simțurilor (excepție cred este mirosul și gustul – însă,

putem presupune că aceasta este posibil de dezvoltat, implicând inteligența artificială), poate aborda orice stil de învățare și poate oferi opțiuni posibile pentru anumite stiluri, aici facem referire și la studenții individuali.

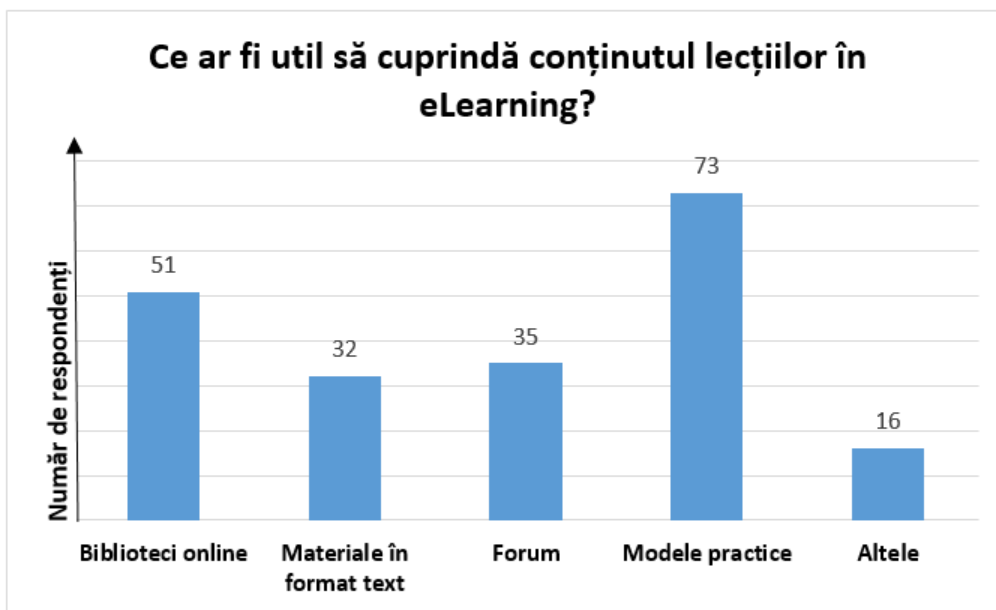


Figura 3. Tipuri de conținut eLearning, date statistice.

Sursa: elaborat de autor în baza datelor colectate în Microsoft Forms, 98 respondenți.

După interpretarea rezultatelor obținute, se observă că totuși studenții preferă experimentarea prin modele practice, aici se cuprind probleme de situații reale care îi stimulează prin curiozitate și rezultat ce au de obținut.

eLearning este instructiv prin aplicarea de modele practice, 74% dintre respondenți confirmă necesitatea de prezentare și descriere prin modele practice.

Prin eLearning se monitorizează progresul studiului și colectarea de date pentru a face o analiză minuțioasă a învățării pe fiecare student.

Aproximativ 57% de respondenți au spus că eLearning permite profesorilor mai multă flexibilitate și timp ce pot dedica unor studenți individuali, prin forum sau discuții închise.

Răspunsurile din categoria „altele” au indicat că unii dintre studenți au mai multe scopuri și le-a fost dificil să prioritizeze unul dintre cele propuse.

6. Criterii de alegere a abordării eLearning

Nu deținem o formulă simplă de luare a deciziei și nici măcar o matrice pe care să traseze punctele în favoarea uneia sau altei abordări. Cu toate acestea, sunt cinci pași care reprezintă o listă de verificare pentru a putea lua o decizie de adoptare a dezvoltării de eLearning: nevoile de învățare, preferințele stilului studentului, costul, timpul și valoarea adăugată, figura 4.

Este posibil ca majoritatea nevoilor de învățare să poată fi tratate prin mai multe combinații de abordări, iar altele necesită o acostare specială. Problema satisfacerii nevoilor de învățare necesită o atenție sporită. Diferitele modele de eLearning pot oferi soluții pentru aproape fiecare preferință de stil de învățare.

De obicei estimările de cost pot permite determinarea cărei abordări să fie implementată cu scop că este mai puțin costisitoare. Adică care abordare ar trebui să fie cea mai eficientă din punct de vedere a costurilor.

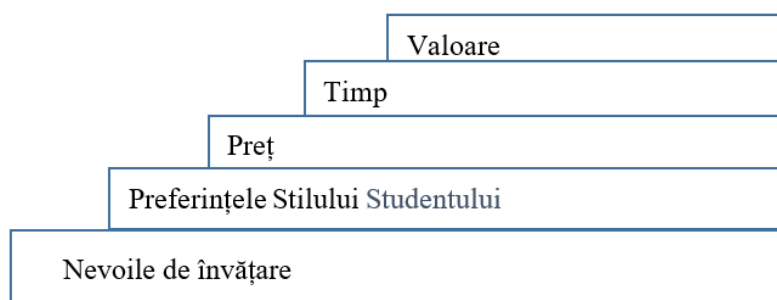


Figura 4. Criterii de alegere pentru eLearning.

Sursa: elaborat de autor.

Oare învățarea electronică ajută sau împiedică atunci când avem presiune de timp în a implementa învățarea? Depinde de cât de repede va fi lansată învățarea și cât timp va dura implementarea învățării folosind abordări diferite.

Valoarea adăugată este o verificare utilizată în eLearning, ca mijloc de a confirma dacă abordarea este corectă. Sau poate testa o alegere înainte de a decide care este cea mai potrivită.

Studentii au fost rugați să ia în considerare, ce funcționează mai bine și ce nu funcționează atât de bine în eLearning (în baza cursului universitar Rețele de Calculatoare) și să evedențieze oricare exemplu particular care i-a impresionat.

Câteva sugestii selectate din răspunsurile studenților, citări din comentarii:

- "După părerea mea, cel mai bun beneficiu este posibilitatea interacțiunii studenților cu conținutul, poți învăța și exersa în același timp. Am putut rezolva probleme, Ceea ce m-a ținut activă pe parcursul orelor pe tot procesul de învățare".
- "Cel mai important din punctul meu de vedere, este valoare oferită atunci când și unde ai nevoie. Pentru mine nu forma de eLearning este cea mai importantă, dar legătura cu profesorul care te ajută să obții mai rapid succesul";
- "Conținutul este relevant cursului Rețele de Calculatoare și este foarte bine conceput, a fost ușor în înțelegere și interacțiune".

Sunt doar câteva păreri citate și ca concluzie a fost că "eLearning este mai eficient atunci când este combinat cu alte forme" și "eLearning necesită noi atitudini din partea celui care învață". Unii studenți mi-au îndreptat atenția spre lucruri practice: "uneori infrastructura tehnologică mi-a dat bătăi de cap" se presupune că este răspunsul unui student din mediul rural, o zonă mai slab dezvoltată ca infrastructură și ofertă de servicii rețea, având o conexiune mai instabilă atunci când necesita acțiuni pe Web. "Grupurile de discuții electronice m-au ajutat mult mai ales pentru realizările lucrărilor de laborator", "de apreciat flexibilitatea: citesc, ascult sau fac lucrările în timpul și locul potrivit mie, dar nu atunci când cineva dorește", "Am apreciat posibilitatea de a reveni de fiecare dată asupra materialului de învățare". Diversitatea răspunsurilor subliniază faptul că eLearning are mai multe beneficii pentru a se potrivi mai multor situații.

În ce privește partea sensibilă a lucrurilor: studenții au găsit mai multe exemple negative: "Constrângeri curriculare, bariere ale disciplinei și testare constantă"; "Tehnologia se referă la eliberarea învățării" acest student a discreditat tehnologia "tehnologie prea sofisticată"; "nu am folosit aproape de loc prezentările, plasate la fiecare modul în else.fcim.utm.md, nu mi-au fost necesare"; "eLearning nu este potrivit pentru transfer mare de text, nimeni nu citește"; "chatul are capacități limitate în ceea ce privește numărul de studenții prezenți acolo în același timp". În ciuda capcanelor eLearning menționate "cred că

în curs ar trebui utilizat instrumentarul cel mai eficient, instrumentul trebuie să aibă propria sa aplicație în curs, să nu le alegem după popularitate”.

În ceea ce privește exemple specifice care au impresionat studenții: unii au vorbit despre metode pe care le apreciază că funcționează bine. ”Cea mai mare impresie a mea în eLearning aplicat la această disciplină, a fost descoperirea instrumentarului de eLearning rapid și foarte bine aranjat”. ”Interfață destul de ușor de apelat ca proces, intuitiv, astfel că oricine indiferent de nivelul de cunoștințe poate avea acces la informația pentru învățare”; ”unele materiale care folosesc tehnici de joc mi-au plăcut foarte mult, cu atât mai mult rezultatul învățării după aplicarea jocului”; ”Software utilizat la simularea lucrărilor de laborator foarte performant și cu rezultat pe măsură în urma proiectării sau securizărilor în rețea”.

7. Concluzii

Lucrarea este axată pe analiza de structură aplicată pentru cursul universitar MLS(Multiple Step Learning) eLearning Rețele de Calculatoare. Analiza a fost efectuată în baza sondajului completat de 98 de studenți FCIM a UTM.

Rezultatele au fost prezentate în tabele și grafice în baza cărora se confirmă aplicabilitatea eLearning și faptul că eLearning sprijină studenții în dezvoltarea gândirii reflexive și a gândirii critice.

Flexibilitatea în eLearning și eficiența sporită a timpului petrecut în sala de clasă, sunt unele dintre încă alte oportunități de învățare în eLearning și vin ca principalele motive pentru ca instituțiile să dezvolte această direcție.

O mai mare parte de respondenți afirmă că eLearning asigură o învățare mai flexibilă și că crește eficiența orei la clasă.

Se deduce că procedura și toate activitățile tehnologice ar trebui făcute și cu video, în acest format studentul poate reveni oricând pentru vizualizare sau consultare, în cazul descris a fost utilizată de către studenți platforma educațională <https://lectii.utm.md/courses/retele-de-calculatoare-computer-networks/> unde avem plasate cele 27 de lecții video.

Pentru cazul descris, pe platforma de eLearning chat-ul este destul de folosit cu scop de schimb de experiență și comunicare dintre colegi sau studenți - profesor.

Predarea și învățarea este, de asemenea, un proces de comunicare și este foarte important pentru învățare și se afirmă că este important ca studenții să vină și în lecții sau interacțiuni față în față. Pentru că comunicarea în procesul de învățare îi ajută pe studenți să înțeleagă subiecte mai ușor, să obțină feedback imediat și să completeze subiectele care mai puțin au fost înțelese.

Tehnologiile oferă posibilități de a comunica în sala de clasă și în afara ei. Această lucrare a descris strategia de eLearning ca ofertă de soluții pentru predare/învățare/evaluare, ca soluție dezvoltată pentru cursul universitar Rețele de Calculatoare.

Se constată că eLearning poate ajuta în mai multe feluri la stimulare, și să informeze instituții responsabile de strategii instituționale la nivel național – că ar fi necesar să transfere eLearning din zona discuției de specialitate în dezbateri la nivel național, pentru un spectru mai larg privind modele de învățare și predare în învățământul superior.

Conflicte de interes. Autorul nu declară nici un conflict de interese.

Referințe

1. Schwab, K. The Fourth Industrial Revolution. 2016. Disponibil online: https://law.unimelb.edu.au/_data/assets/pdf_file/0005/3385454/Schwab-The_Fourth_Industrial_Revolution_Klaus_S.pdf (accesat 18 februarie 2023).

2. Bond, M.; Marin, V.; Dolch, C.; Bedenlier, S.; Zawacki-Richter, O. Digital transformation in German higher education: Student and teacher perceptions and digital media use. *International Journal of Educational Technology in Higer Education*. 2018, 15(48).
3. Wilms, K.; Meske, C.; Stieglitz, S.; Decker, H.; Froehlich, L.; Jendrosch, N.; Schaulies, S.; Vogl, R. ; Rudolph, D. Digital transformation in higher education, new cohorts, new demands. *AMCIS*, 2017, p. 10.
4. Curaj, A.; Deca, L.; Pricopie, R. *European higher education area: Challenges for a new decade*. Springer Nature, Switzerland AG, 2018, p. 596.
5. Platforma educațională a UTM. Disponibil online: <https://lectii.utm.md/> (accesat 12 februarie 2023).
6. Platforma educațională a UTM. Disponibil online: <https://lectii.utm.md/courses/retele-de-calculatoare-computer-networks/> (accesat 12 februarie 2023).
7. Republica Moldova: Strategia națională de dezvoltare „Moldova Europeană 2030” (SND). Disponibil online: https://cancelaria.gov.md/sites/default/files/strategia_nationale_de_dezvoltare_moldova_2030-t.pdf (accesat 20 februarie 2023).
8. European University Association: 2021 annual report. Disponibil online: <https://eua.eu/search.html?searchword=2021%20annual%20report&ordering=newest&searchphrase=all> (accesat 9 martie 2023).
9. Dumbraveanu, R; Peca, L. E-learning Strategy in the Elaboration of Courses. In: *International Conference on Virtual Learning*, 2022, 17, pp. 15-26.
10. E-learning in European Higher Education Institutions. Results of a Mapiing Survey: 2013. Disponibil online: <https://eua.eu> (accesat pe 11 martie 2023).
11. The key to become a smart organization: the 5 disciplines of Peter Senge. Disponibil online: <https://people.acciona.com/organizational-culture/5-disciplines-of-peter-senge/> (accesat 12 februarie 2023)
12. Kolb, D. *Teoria învățării experimentale*. Disponibil online: <https://pdfcoffee.com/invatarea-din-experienta-pdf-free.html> (accesat 12 februarie 2023).
13. Gunawan, W.; Kalensun, E.; Fajar, A.; Sfenrianto, S. Applying COBIT 5 in higher education. In: *IOP Conference Series Materials Science and Engineering* 2018, 420, 012108. DOI:10.1088/1757-99X/420/1/012108.
14. Peca, L; Țurcanu, D. Computer networks: *Practical examples solved to be introduced in computer networks*. Tehnica-UTM, Chișinău, Moldova, 2022, pp. 3-5.
15. Țurcanu, D.; Siminiuc, R.; Bostan, V.; Țurcanu, T. Impact of the Covid-19 Pandemic on the Use of Microsoft 365 and Learning Outcomes at the Technical University of Moldova. In: *International Conference on Nanotechnologies and Biomedical Engineering*, 2022, pp. 456–462.
16. Peca, L. Etape și metode eLearning, model de educație al secolului XXI. In: *Materialele conferinței științifico-practică cu participare internațională "Cercetarea și inovarea educației din perspectiva exigențelor actuale ale pieții muncii"*, UST, Chisinau, 2021, 2, pp. 50-57. Disponibil online: https://ibn.idsi.md/vizualizare_articol/147437 (accesat 20 februarie 2023).
17. Dumbraveanu, R.; Peca, L. E-learning in Developing ICT Skills of Future Engineers. 1st *International Online Scientific Conference ICT in Life*, ISSN 2939-3930, 2022. pp. 86-95. Disponibil online: https://www.researchgate.net/profile/Roza-Dumbraveanu/publication/362791467_E-Learning_in_Developing_ICT_Skills_of_Future_Engineers/links/62ff626caa4b1206fabfa1ad/E-Learning-in-Developing-ICT-Skills-of-Future-Engineers.pdf (accesat 19 februarie 2023).

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BIOPHILIC DESIGN: THE CASE FOR MALTA

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Abstract. The human need to relate with the natural environs is the foundation of biophilic design. Thus, such a design solution aims to establish a relation between the built environment and nature; it is fundamental to the well-being of the users of a given space. The objective of this study is to assess the relationship between employees' sensation of well-being and work place design in Malta, the smallest-in-size member state of the European Union, during the COVID-19 pandemic. Based on an online questionnaire circulated to all employees in the civil service and public authorities of Malta, the present working environs were studied and proposed design solutions were put forward. The data collected was analyzed by making use of the Statistical Package for the Social Sciences. Apertures were found to have substantial impact on the employees' mental well-being, health and mood; whilst reducing anxiety, they increase the perceived health ratings. Naturally lit and ventilated workspaces lead to higher productivity and less fatigue. The survey results provide a snapshot of the current work environs and provide data for improving their re-design along biophilic principles, an important consideration given that the island's workforce suffers from the highest rates of depression, anxiety and elevated stress levels within the European Union.

Keywords: *biophilic design, workplace, well-being, productivity, Malta.*

Rezumat. Scopul acestui studiu este de a examina suficiența locurilor de muncă din Malta – cel mai mic și populat stat membru al UE – în ceea ce privește proiectare biofilă și de a studia existența legăturii între componentele fizice și bunăstarea angajaților. Studiul cantitativ folosește un chestionar online distribuit tuturor angajaților care lucrează în serviciul public și autoritățile civile din Malta. Pachetul Statistic pentru Științe Sociale a fost utilizat pentru a analiza datele colectate. S-a constatat că prezența ferestrelor are cel mai semnificativ impact asupra bunăstării mintale, sănătății și dispoziției angajaților. Ei reduc anxietatea și măresc senzația de sănătate, inclusiv fericirea. Angajații care au lucrat în spații iluminate și ventilate natural au avut scoruri mai mari de productivitate și au fost mai puțin oboșiți. Vederile clădirilor istorice au provocat același nivel de anxietate ca și vederile clădirilor și ale naturii combinate împreună. Rezultatele obținute reflectă experiența unei părți semnificative lucrătorilor de birou din Malta și oferă înțelegere aspectelor care trebuie de reluat în

conformitate cu principiile biofile. Aceste intervenții în proiectare oferă îmbunătățire bunăstării angajaților și creștere productivității la locul de muncă.

Cuvinte cheie: *design biofil, loc de muncă, bunăstare, productivitate, Malta.*

1. Introduction

Rapid urbanization resulted in densely populated cities and the disconnecting of citizens from nature. The interiors of buildings are primarily artificially finished and illuminated, exacerbating humans' detachment from nature [1]. Studies have shown that humans are inclined to opt for a natural/outdoor environment over an artificial/indoor one [2]. Whilst disconnected, we yearn for connection. 'Biophilia', a term expanded by Edward Wilson [3], refers to humans' innate love for nature and the intuitive desire to connect with it [4, 5]. Biophilic design is based on a hypothesis which merges life, nature and architectural understanding in the habitable environs, an approach which started gaining momentum a decade ago [6]. Daylighting, the introduction of plants, and window views directly and indirectly impact occupants [7]; they prove that biophilic principles are beneficial through the ripple effect(s) that they generate [5, 8].

A typical full-time employee spends a third of his/her working week at the workplace. Thus, the significance of the work environment on one's well-being cannot be underestimated [9]. Work spaces impact on stress and productivity [10]; absenteeism/sick-leave is an indicator. The immediate physical environment at the workplace should optimize workflow whilst reinforcing well-being [1, 11]. Such awareness runs low in Malta, the smallest yet most densely populated EU Member State. Psychosocial factors are main elements which impact employees at work, yet no reference is made to them in the official literature [12,13].

This research focuses on the connection between biophilic design and employee outcomes, namely well-being, productivity and creativity. Rather than arguing that a windowless and sensorially deprived office is a zoo cage [14], it is better described more as a closed container. This article is based on postgraduate research undertaken at the University of Malta by Farrugia [15]. The aims are to assess work environments in Malta and to identify whether, and to what extent, there is a relationship between employees' self-rated, health-related themes – anxiety, fatigue, happiness – and the physical characteristics of the workplace.

2. Background

Through anthropocentric actions, humanity has transformed its relationship with nature into an invasive one; "nature exists for man, who by means of an objective knowledge of its workings, harnesses it in the service of human ends" [16, p. 24]. The industrial revolution redefined the human–nature relationship [17]; nature became a resource exploited "as a process of commodification, that has made nature tradable in the market system" [18, p. 41]. Nature was transformed into a 'recreational amenity' [9]. Artificially lit and ventilated buildings prioritize architectural trends over 'place-appropriateness' [14, 19]. Failing to identify with one's place and space does impact on health and well-being [20]; once inside a building, the boundary of the space becomes the whole environment [19].

Experiencing nature allows better cognitive processes, thus mitigating stress [21]. Health-promoting environments are restorative; they "provide resources that can attenuate stress" and allow the surroundings to "function as a coping resource that can help building

occupants alter the balance between environmental demands and personal resources” [22, p. 91]. Although stress at the workplace depends significantly on the type of task, employees are more prone to stress-related disorders in technologically oriented jobs [23]; mental fatigue is leading to directed attention fatigue [21, 24].

Biophilia as a concept includes attributes through which humans experience nature [14]: (1) directly (views of nature, light, air, etc.), (2) indirectly (representations or transformations of nature) and (3) the experience of space and place (the creation of human habitat). Research has proven its validity [25]. Biophilic design is a holistic way of reading human nature and its interaction with different environs to ensure well-being [14, 26]. When the physical environment is not in phase with basic ecological needs, well-being is negatively impacted [27].

Openings fall under the first biophilic design attribute. Windows offer restoration to employees to cope with work related stress and anxiety whilst directly and indirectly affecting their health, well-being and mood [28, 29]. Daylight and views are two factors which dictate why windows are a priority for indoor environments. Job satisfaction is higher and stress levels are lower for windows with natural rather than urban views [30]. Absenteeism is influenced by the quality of the employees’ view from their window [31]. Connection to nature can be achieved via a window view and/or through indoor plants [30]. Further to aesthetic and decorative purposes, plants are beneficial to health in various ways: feeling of well-being, air purification and overall perception of the work environment [23, 30, 32, 33]. Overpopulating the office with them is, however, counteractive [33, 34]. Attention should be given to the tasks carried out and the needs of the occupants in order to implement beneficial office planting.

Plants reduce blood pressure in stress-inducing tasks and increase cognitive performance [35]. Employees were not bothered about the type of view, provided that they had a window to look out of; they decorated their space with images such as postcards and screensavers, thus resorting to the second attribute in order to satisfy the need to connect with nature [31]; such artificial views induce happiness through the indirect experience of nature [36].

Nature produces ripple effects on human health factors; “natural elements exposure influences mood and that mood in turn influences job satisfaction” [37, p. 12]. The benefits of biophilic design include the reduction and prevention of stress and mental fatigue which decrease illness and improve job performance [38]. Their ripple effects range from improvements in cognitive functioning [39] to reductions in absenteeism and staff turnover [38]. Unhealthy workplaces lead to unhealthy employees – 10% of absenteeism is credited to elements within the workplace environment; “workers in offices with poor ratings of light quality and in offices with poorer views used significantly more sick leave” [31, p. 8], thus leading to an economic burden [40]. The expenditure on mental health may exceed 4% of a country’s GDP [41].

The strategic policy document issued by the Ministry for Health outlines the impacts work-related sources of stress have on employees’ mental health and proposes ways for employers to optimize working environments to tackle them [42]. The physical environment as a potential source of stress and its health-related implications are never mentioned despite the fact that Malta has 29.3% (the highest in the EU, which has an average of 17.6%) of its workforce suffering from depression, anxiety and stress [43]. For two consecutive years, Malta – the EU Member State closest to the equator – ranked highest with 10% dimly lit dwellings,

circa twice the EU average [44]. Daylight allows the human body to maintain the right serotonin-melatonin balance [8] which allows the body to maintain the circadian rhythm and permits the neurological and immune systems to operate [37]. Polling office employees in Malta will reveal the physical characteristics of their workplace environments. This is particularly important to identify aspects which influence their well-being and how, in their opinion(s), they can be mitigated. Thus, the research questions were as follows:

1. What impact(s) do/does the presence of apertures, notably windows, have on the physical and mental health of the employees?
2. What impact(s) do/does natural light and ventilation have on the aptitude of the employees?
3. Which views from apertures are most health enhancing?

3. Materials and Methods

A quantitative study through the use of an online questionnaire, both in Maltese and English, was undertaken. (The English version is reproduced as an Annex at the end of this article.) Given the limitations generated by the COVID-19 pandemic, this method was deemed effective to reduce health risks. To minimize subjective results, the questionnaire involved comparing self-rated aspects to environmental characteristics.

In-depth, context assessments were undertaken prior to administering the questionnaire as, in itself, it does not constitute a scientific product unless supported by such evaluations. Thus, employees of different ages and backgrounds, working in different occupational sectors, job positions and office types within the civil service and public authorities were studied. The questionnaire was forwarded to all, numbering circa 30,000, via the People and Standards Division, Office of the Prime Minister, Malta. Specifically, this office demanded the removal of reference to gender: “remove the reference to sex as ultimately it does not bear any difference whether male, female or LGBTIQ ...”.

The survey – conducted over a 7-week period commencing on 30th March 2021 – was compiled through Google Survey. Those employees who were willing to participate answered the questions voluntarily and anonymously. The Statistical Package for the Social Sciences was utilized to analyze the data collected. A 5-point Likert scale – low (ratings 1 & 2), medium (rating 3) and high (ratings 4 & 5) – was applied for ease of legibility and enhanced interpretability.

4. Results

From the 456 responses, 348 answered in English and the remaining in Maltese. They fell into two main age groups: 46- to 55-year-olds (31.1%) and 36- to 45-year-olds (22.4%). The Northern Region (comprising Mellieħa, Mgarr, San Pawl il-Baħar, Rabat, Dingli, Mtarfa, Mdina, Mosta, Għargħur, Swieqi, Pembroke and Naxxar) and the Central Region (comprising Attard, Lija, Balzan, Birkirkara, Iklin, San Ġwann, San Ġiljan, Sliema, Gzira, Ta' Xbiex, Msida, Santa Venera and Pietra) were the regions where most of the respondents resided. The building type of their workplaces is given in Figure 1.

Over half of the workplaces (50.4%) are located within the South Eastern Region (comprising Valletta, Floriana, Marsa, Paola, Tarxien, Fgura, Bormla, Birgu, Isla, Kalkara, Xghajra, Zabbar, Zejtun, Marsascala and Marsaxlokk) while 24.8% are in the Central Region. 82.9% have a window close to their workspace; views varied between buildings (26.8%), yards/courtyards (17.8%), buildings and busy roads (10.5%), sea views or fields (8%) and car parks (7%); 5.96% opened on to an internal shaft.

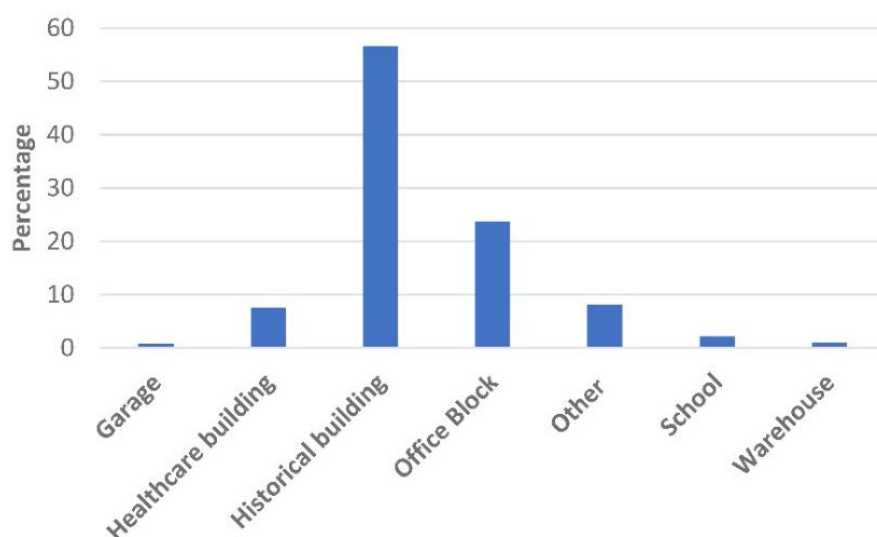


Figure 1. Workplaces in terms of building types.

Anxiety (Pearson Chi-Square: 0.038), how healthy the respondents feel (Pearson Chi-Square: 0.038) and happiness (Pearson Chi-Square: < 0.001) ratings with respect to window availability are given in Table 1.

Cross-correlated with the self-rated health related themes, the results with respect to feeling anxious (Pearson Chi-Square: 0.022), stressed (Pearson Chi-Square: 0.035) and happy (Pearson Chi-Square: 0.01) are given in Table 2. Only 40.7% of the participants had plants or a green space visible from their workspace. The Chi-square test provided a clear indication that the presence, or lack of, plants and green spaces was the least significant association between the two categorical variables assessed, namely, the group with visible plants or green spaces from their workspace and those who do not have such a view.

43.9% of the workplaces were naturally lit. The percentage impact on self-rated, health related, themes – anxiety (Pearson Chi-Square: 0.004), fatigue (Pearson Chi-Square: 0.021), and unproductivity levels (Pearson Chi-Square: 0.020) – are given in Table 3.

Table 1

Presence of windows at the workplace: cross tabulation (% ratings)

| Parameter | Criteria | Yes | No | Total |
|-----------------|----------|------|------|-------|
| Anxiety | Low | 60.0 | 44.9 | 57.5 |
| | Medium | 21.2 | 32.1 | 23.0 |
| | High | 18.8 | 23.0 | 19.5 |
| Feeling healthy | Low | 16.4 | 28.2 | 18.5 |
| | Medium | 37.0 | 35.9 | 36.8 |
| | High | 46.6 | 35.9 | 44.7 |
| Happiness | Low | 14.0 | 32.1 | 17.1 |
| | Medium | 36.0 | 34.6 | 35.7 |
| | High | 50.0 | 33.3 | 47.2 |

Less than a third (30.9%) of the workplaces made use of natural ventilation. Fatigue levels were higher in mechanically ventilated spaces: 34.8% felt very fatigued (Pearson Chi-Square: 0.001) versus 19% for naturally ventilated spaces, 52% of this group registering low levels of fatigue. Participants felt more unproductive (Pearson Chi-Square: 0.027) in mechanically ventilated spaces (12.8%) than in naturally ventilated ones (7.3%). 72.4% of the respondents who have naturally ventilated workplaces registered the lowest levels of fatigue.

Table 2

| View from windows at the workplace: cross tabulation (% ratings) | | | | | | | | | |
|---|---------|--------|------|--------|--------|------|-----------|--------|------|
| View type | Anxiety | | | Stress | | | Happiness | | |
| | Low | Medium | High | Low | Medium | High | Low | Medium | High |
| Buildings only | 49.5 | 24.2 | 26.3 | 44.5 | 22.2 | 33.3 | 20.2 | 35.4 | 44.4 |
| Buildings/fields/se a views/gardens | 79.4 | 10.3 | 10.3 | 62.1 | 20.7 | 17.2 | 10.3 | 24.2 | 65.5 |
| Buildings and busy roads | 59.0 | 25.6 | 15.4 | 46.2 | 28.2 | 25.6 | 20.5 | 30.8 | 48.7 |
| Carpark | 84.6 | 07.7 | 07.7 | 57.7 | 26.9 | 15.4 | 00.0 | 30.8 | 69.2 |
| Yard/Courtyard | 53.0 | 25.8 | 21.2 | 34.8 | 34.8 | 30.4 | 10.6 | 47.0 | 42.4 |
| Sea views or fields | 59.4 | 28.1 | 12.5 | 53.1 | 18.8 | 28.1 | 12.5 | 34.4 | 53.1 |
| Historical buildings | 79.3 | 17.2 | 03.5 | 79.4 | 10.3 | 10.3 | 10.3 | 24.2 | 65.5 |
| Internal shaft | 59.1 | 18.2 | 22.7 | 50.0 | 22.7 | 27.3 | 09.1 | 27.3 | 63.6 |
| No window | 47.6 | 29.8 | 22.6 | 42.9 | 21.4 | 35.7 | 29.8 | 36.9 | 33.3 |
| Rooftops | 57.1 | 28.6 | 14.3 | 28.6 | 42.8 | 28.6 | 28.6 | 57.1 | 14.3 |
| Square | 30.8 | 23.0 | 46.2 | 15.4 | 30.8 | 53.8 | 15.4 | 53.8 | 30.8 |
| High level windows | 70.0 | 10.0 | 20.0 | 40.0 | 40.0 | 20.0 | 20.0 | 40.0 | 40.0 |
| Total | 57.5 | 23.0 | 19.5 | 46.7 | 24.6 | 28.7 | 17.1 | 35.8 | 47.1 |

Table 3

| Light source: cross tabulation (% ratings) | | | | |
|---|----------|------------|---------|-------|
| Parameter | Criteria | Artificial | Natural | Total |
| Anxiety | Low | 51.2 | 65.5 | 57.5 |
| | Medium | 28.1 | 16.5 | 23.0 |
| | High | 20.7 | 18.0 | 19.5 |
| Feeling healthy | Low | 43.0 | 56.0 | 48.7 |
| | Medium | 30.0 | 24.0 | 27.4 |
| | High | 27.0 | 20.0 | 23.9 |
| Happiness | Low | 63.3 | 75.5 | 68.6 |
| | Medium | 26.2 | 17.5 | 22.4 |
| | High | 10.5 | 07.0 | 09.0 |

Those who felt least unproductive have naturally ventilated workplaces. Health ratings (Pearson Chi-Square: 0.031) were lower for mechanical (25.5%) than for natural ventilation (15.2%). There was a 6.3% difference between the two groups for the highest rating of happiness: 46.7% for naturally ventilated spaces versus 40.4% for artificially ventilated ones. The highest discrepancy between health ratings for the two subpopulations was for creativity (Pearson Chi-Square: < 0.001). 41.8% of respondents of mechanically ventilated workplaces felt low creativity levels at work, almost twice the figure for naturally ventilated ones. A difference for the medium and high creativity ratings is present – the naturally ventilated group is characterized by higher percentages.

A significant number of the respondents (69.5%) spend their lunch break at their desk; 13.8% go for a short walk, 4.8% make use of their workplace's indoor recreational area and

1.8% utilize outdoor recreational ones. Over 75% of those who do take a break rated their anxiety levels as 'low' (Pearson Chi-Square: 0.001); the highest levels of anxiety were reported in the group of those who do not have a break (57.1%), followed by those who run errands, go home or spend their break at their desk. The least fatigued were those who spend their break outdoors (81.3%; Pearson Chi-Square of > 0.001); 71.4% of those who do not have a break rated fatigue as 'high'.

Of respondents who rated their health as high, 84.3% and 10.8% rated their unproductivity levels as lowest and medium respectively. 21.4% of those who feel least happy at work feel a high level of unproductivity, versus the 4.9% who feel happiest at work and feel high unproductivity levels. With respect to the happiness ratings, of those feeling the lowest happiness levels, 41% feel low unproductivity levels; this percentage more than doubles for high happiness levels, with 86% experiencing both low levels of unproductivity and high levels of happiness. Similar results were obtained for higher unproductivity levels, where 25.6% of those experiencing low levels of happiness rated their unproductivity as high, a much larger percentage than for both those experiencing medium (8%) and high (3.7%) levels of happiness.

Natural light, ventilation, views and a pleasant work environment are important to facilitate and fulfil one's tasks at the workplace (15.8% were indifferent, and 14.5%, 11.4% and 9.2% opted for the integration of nature and natural spaces, for a more pleasant overall environment and for natural light and ventilation respectively). 19.5% of the respondents holds the relationship with colleagues as the main priority.

5. Discussion

The mean of windowless workplaces in Europe, the Middle East and Africa is 7% [45]. This is significantly lower than in Malta, which stands at 17.1%. Views of nature or with nature integrated within the frame decrease stress levels [30], improve productivity [29] and improve employee moods [33, 37]. Low stress was experienced by the occupants of workplaces which incorporate nature and those with sea views or fields, findings which comply with Kaplan [30]. Lower anxiety levels were reported for views of historical buildings and buildings with nature together. This may be due to the use of the honey-colored Lower Globigerina Limestone which outcrops over circa two-thirds of the Island's topography – "physical and psychological exposure to natural materials typically evokes a strong, and frequently deeply satisfying and beneficial, human response" [14, p. 60].

In all cases, anxiety, stress, health, happiness and creativity had better ratings with respect to views of nature and the integration of plants. Lower ill-feeling levels coincide with naturally lit environments while the converse is true. The highest significance between the type of light and health relates to anxiety (Pearson Chi-Square: 0.004), a finding in line with An et al. [37]. Mental health, notably depression and anxiety, are affected by sunlight penetration indoors. In agreement with Sanchez et al. [24], fatigue levels were less in naturally lit workplaces.

With respect to natural ventilation, there is a significant association between health and the type of ventilation. It impacts creativity and fatigue ratings whilst having less impact on ratings for unproductivity and health. Such findings are in line with the study by Browning et al. [8]. The presence of indoor plants or green spaces have less influence on health than the presence of windows, a finding which supports Chang and Chen [46]. People may opt to stay indoors instead of going for a walk due to excessive pollution and/or a lack of green

spaces [47]. Going out for a walk or spending time in green spaces is more popular with those who do not have a window, whose window leads to an internal shaft and those with views of car parks and roads. Fatigue ratings were mostly affected by experiencing green spaces outdoors or going for a short walk, findings which tally with Berman et al. [39].

The correlation between unproductivity and happiness and health is inversely proportional. The findings sustain Tennessen and Cimprich's argument, that the happier and better your mood, the more productive you feel [29]. Re-ordering the workplace layout can improve the overall setting. By desk rotation, the employees can be made subject to:

- (i) outdoor views,
- (ii) more natural light illuminating their workplace, and
- (iii) a decrease in the need for artificial light.

Figure 2 includes conceptual sketches which illustrate a deeper connection of the workplace with nature. The incorporation of biophilic design principles is more flexible in new buildings; they can strategically and meticulously be incorporated at the design inception stage to fulfil its restorative effects [48]; orientation and/or the introduction of an atrium/courtyard with services restricted to the core free the periphery to optimize daylighting and ventilation.

6. Conclusions

The outcomes of the study reinforce the employees' preference for natural elements. The following are the key findings of the research:

1. The presence of windows:
 - (i) reduces anxiety by 10%,
 - (ii) increases perceived health ratings by 7.5 %, and
 - (iii) increases self-rated happiness by 11.7 %;
2. Natural light led to:
 - (i) an average increase of 8 % in productivity,
 - (ii) a reduction of anxiety by 9.5 %, and
 - (iii) a decrease of 8.7 % in fatigue;
3. Employees working in naturally ventilated places experience, on average, 10.5 % less fatigue;
4. According to Table 2, a view to a car park seems to be a very strong criterion for feeling happy, actually the strongest of all the mentioned criteria; the second strongest criterion is a view of historical buildings; and
5. A view of historical buildings from the workplace resulted in the same anxiety levels as views of buildings and nature integrated together. Such a view seemed more stress attenuating than those involving nature and/or buildings with nature. Views of nature and of historical buildings are both rated highly and equally for the delight they generated.

Conclusions about views, windows and natural ventilation suggest the need for considering how important ambient factors in the office environment are for efficiency and wellbeing. Prioritizing employee's well-being and fatigue levels through health promoting spaces at the workplace benefits the occupants. Core to biophilic design is its being a type of architecture which address these conclusions in a holistic manner. Hence, opting for biophilic-sensitive architectural retrofitting or new designs for the workplace is a solution. In the case of retrofitting, re-organizing the workplace layout can improve the overall setting. The incorporation of biophilic design principles is easier in new buildings.

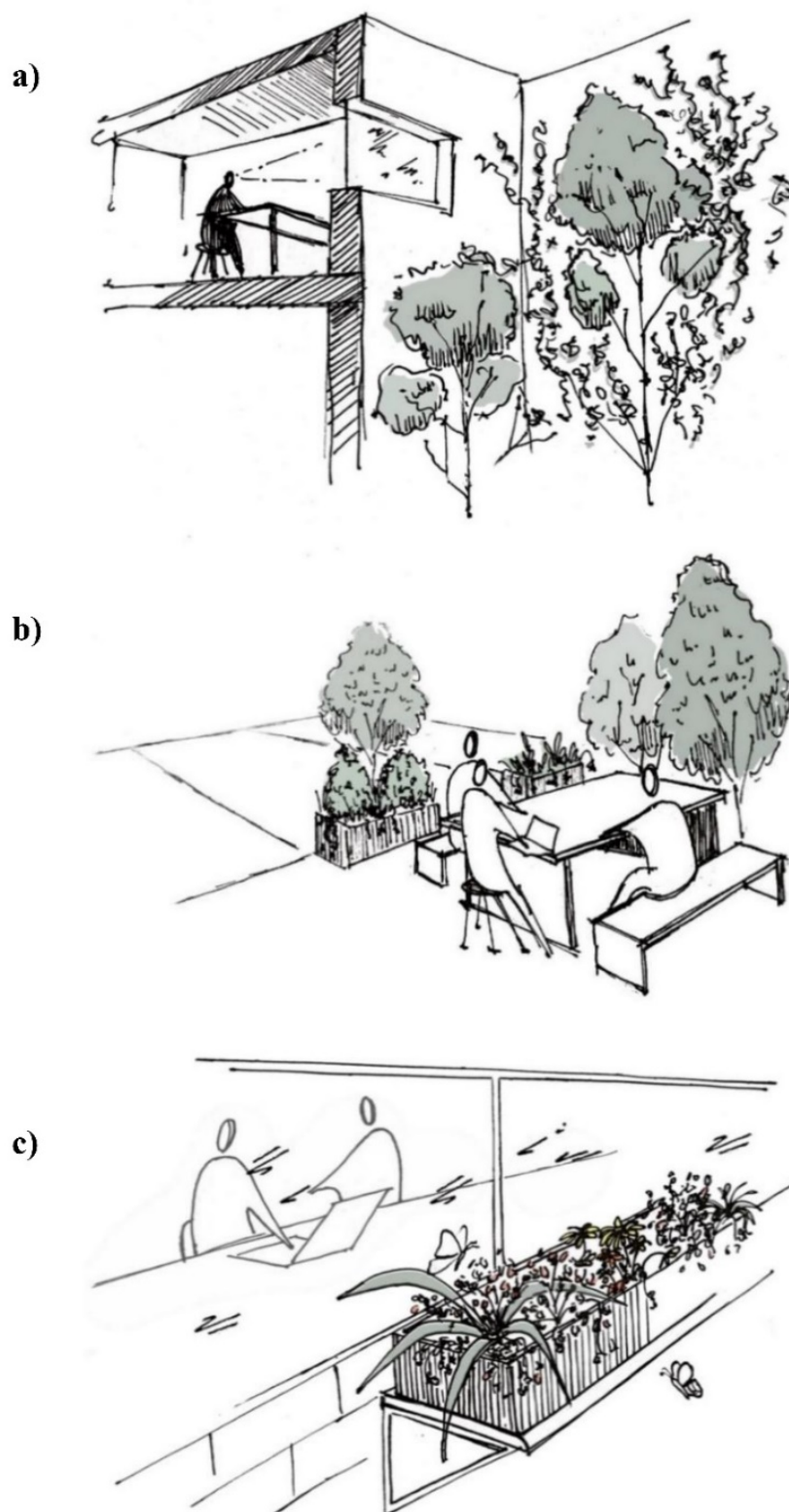


Figure 2. A deeper connection of the workplace with nature: a) greening of blank walls and courtyards; b) parking spaces transformed into parklets for employees; and c) harboring a deeper connection with nature and its ecosystems [15].

The COVID-19 pandemic has profoundly changed the working models under investigation, massively introducing the smart working that forces us to completely review the relationship between the employee and his/her workplace. Thus, it is recommended that this study is reconducted post COVID-19 restrictions and consider including questions regarding:

- (i) gender (maybe to include 'other' besides male and female),
- (ii) the health status of the participants (for example, any health conditions and diseases, medication taken, the number of hours of sleep, physical/sport, activities, stimulants such as coffee and/or energy drinks etc.),
- (iii) number of hours of work performed per day,
- (iv) type of work (computer, etc.),
- (v) office/building type(s),
- (vi) office/building's locations, and
- (vii) overshadowing of neighboring buildings, to have a more precise view on the particular work environment.

It is imperative that the type of work environment is more precisely defined. Furthermore, although the questionnaire was sent to all those in the civil and public authorities, the respondents seemed to be engaged in office work/work in public administration/white collar work, which is completely different from working in a hospital, eldercare center, building site, etc. Thus, a reading through the "reflection-in-action" notion as developed by Schön in his seminal publication *The Reflective Practitioner* [49] will give more insightful understanding of the findings.

Limitations: This research was undertaken during the COVID-19 pandemic which introduced constraints on the Malta study [50]. Existing office spaces could not be accessed due to controls introduced by the Ministry of Health, Malta, and most of the employees were teleworking on a rotational basis. During this time, companies made an effort to provide safe workplace environments by implementing: personal protective equipment; environmental adjustments such as improving ventilation, adding physical barriers to prevent physical contact and environmental cleaning; and organizational changes such as facility zoning and entry restrictions. However, despite the numerous workplace measures taken in response to the COVID-19 crisis, employees still expressed a high level of fear and concern about the disease [51]. The stress factor of the pandemic itself might significantly alter the employees answers and satisfaction which could influence the end results of the performed research.

Institutional Review Board Statement: During the meeting held on the 20th January 2021, the Faculty Research Ethics Committee of the Faculty for the Built Environment, University of Malta, approved the questionnaire and requested that professionals identified in the research will provide their consent. The unique form ID is 7450_15012021_Gabrielle Farrugia. All the data collected will be deleted within 4 years from publication. Clearance was secured through the Permanent Secretary, People and Standards, Office of the Prime Minister, Malta, after reference to sex of the responds was deleted.

Informed Consent Statement: Informed consent was obtained from all subjects involved in the questionnaire. Links to the google forms surveys, one in English (<https://forms.gle/wYG6U795EEExd1ENA>) and the other Maltese

(<https://forms.gle/a5izcUhuSAGxceAJ6>). It was distributed through a mail shot to all employees via the Research and Personnel Systems Directorate, Office of the Prime Minister, Malta. An information letter about the purpose of the survey in the respective language was attached to the email to be read before employees responded to the survey.

Data Availability Statement: Data supporting reported results are available from Gabrielle Farrugia (email: gaby.farrugia@yahoo.com) upon request.

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Conflicts of Interest: The authors declare no conflict of interest.

References

1. Topgül, S. The impact of biophilic designs on worker efficiency. *Sosyal Araştırmalar ve Davranış Bilimleri* 2019, 5(9), pp. 11-26.
2. Lerner, A.; Stopka, M. The financial benefits of biophilic design in the workplace. In: *MIST*, 2016. Available online: <https://www.semanticscholar.org/paper/The-Financial-Benefits-of-Biophilic-Design-in-the-A-Stopka/91613fb7292b2509ac8c33b9d432c6c8713ef4d4?sort=relevance> (accessed on 10.11.2022)
3. Wilson, E.O. *Biophilia, the human bond with other species*. Cambridge (Massachusetts): Harvard University Press, 1984, pp. 1-2.
4. Kellert, S.R. The biological basis for human values of Nature. In: *The biophilia hypothesis*; Kellert, S.R., Wilson, E.O., Eds.; Washington, DC: Island Press, 1993, pp. 42-69.
5. Kellert, S.R. Dimensions, elements, and attributes of biophilic design. In: *Biophilic design: the theory, science and practice of bringing buildings to life*; Kellert, S.R., Heerwagen, J., Mador, M., Eds.; Hoboken, New Jersey: John Wiley & Sons, 2008, pp. 3-19.
6. Beauchamp, P.; Adamowski, J. An integrated framework for the development of green infrastructure: A literature review. *European Journal of Sustainable Development* 2013, 2(3), pp. 1-24. <https://doi.org/10.14207/ejsd.2013.v2n3p1>
7. Downton, P.; Jones, D.; Zeunert, J.; Roös, P. Biophilic design applications: Putting theory and patterns into built environment practice. *KnE Engineering* 2017, 2(1), pp. 59-65. <https://doi.org/10.18502/keg.v2i2.596>
8. Browning, W.D.; Ryan, C.O.; Clancy, J.O. *14 Patterns of biophilic design*. New York: Terrapin Bright Green, 2014, pp. 19-125.
9. Kellert, S.R.; Calabrese, E.F. *The practice of biophilic design*. 2015. Available online: <http://www.biophilic-design.com> (accessed on 10.11.2022).
10. Keedwell, P. *HeadSpace: The psychology of city living*. London: Aurum Press, 2017, pp. 161-170. Available online: <https://media.oaipdf.com/pdf/2c8ec561-47fd-4a23-ba52-ddfa61585ae2.pdf> (accessed on 21.11.2022).
11. Lohela-Karlsson, M.; Hagberg, J.; Bergström, G. Production loss among employees perceiving work environment problems. *International Archives of Occupational and Environmental Health* 2015, 88(6), pp. 769-777. <https://doi.org/10.1007/s00420-014-1003-0>
12. Malta Employers Association. *Workplace health and wellbeing*. 2015. [accessed on 10.11.2022]. Available online: <http://www.maltaemployers.com/loadfile/736b524d-3571-4abe-a1f8-5daecfbb06a3>.
13. Office of the Prime Minister. *Managing mental health at work*. 2007. Available online: <https://publicservice.gov.mt/en/people/Documents/People-Support-Wellbeing/ESP/Publications/OPM-Mental-Health.pdf> (accessed on 10.11.2022).

14. Kellert, S. R. *Nature by design: The practice of biophilic design*. New Haven: Yale University Press, 2018, pp. 1-22, 60-62.
15. Farrugia, G. *Biophilic design: Impact of the work environment on one's well-being and productivity*. MArch Thesis, University of Malta, Malta, 2021. Available online: <https://www.um.edu.mt/library/oar/bitstream/123456789/89753/1/21MARCH015.pdf> (accessed on 27.07.2022).
16. Soper, K. *Humanism and anti-humanism*. LaSalle, IL: Open Court, 1986, pp. 24-53.
17. Steinberg, T.L. An ecological perspective on the origins of industrialization. *Environmental Review* 1986, 10(4), pp. 261-276. <https://www.journals.uchicago.edu/doi/10.2307/3984350>
18. Fukuhara, R. Human and nature revisited: The Industrial Revolution, modern economics and the anthropocene. In: *The Kyoto Manifesto for global economics: The platform of community, humanity, and spirituality*; Yamash'ta, S.; Yagi, T.; Stephen, S. Eds.; Singapore. Springer, 2018, pp. 35-62. https://doi.org/10.1007/978-981-10-6478-4_3
19. Day, C. *Places of the soul: Architecture and environmental design as a healing art*. Oxford: Architectural Press, 2004, pp. 9-30, 57-70.
20. Valera, S.; Vidal, T. Some cues for a positive environmental psychology agenda. In: *Handbook of environmental psychology and quality of life research*. Fleury-Bahi, G.; Pol, E.; Navarro, O. Eds.; Switzerland: Springer International Publishing AG, 2017, pp. 41-63.
21. Kaplan, S. The restorative benefits of nature: Toward an integrative framework. *Journal of environmental psychology* 1995, 15(3), pp. 169-182. [https://doi.org/10.1016/0272-4944\(95\)90001-2](https://doi.org/10.1016/0272-4944(95)90001-2)
22. Evans, G.W.; McCoy, J.M. When buildings don't work: The role of architecture in human health. *Journal of Environmental Psychology* 1998, 18, pp. 85-94. <https://doi.org/10.1006/jev.1998.0089>
23. Shoemaker, C.A.; Randall, K.; Relf, P.D.; Geller, E.S. Relationships between plants, behavior and attitude in an office environment. *Hort Technology* 1992, 2(2), pp. 205-206. <https://doi.org/10.21273/HORTTECH.2.2.205>
24. Sanchez, J.A.; Ikaga, T.; Sanchez, S.V. Quantitative improvement in workplace performance through biophilic design: A pilot experiment case study. *Energy and Buildings* 2018, 177, pp. 316-328. <https://doi.org/10.1016/j.enbuild.2018.07.065>
25. Joye, Y.; De Block, A. 'Nature and I are two': A critical examination of the biophilia hypothesis. *Environmental Values* 2011, 20(2), pp. 189-215. <https://doi.org/10.3197/096327111X12997574391724>
26. Sturgeon, A. Using biophilic design to heal body, mind, and soul. In: *TEDMED*. 6 February 2019. Available online: <https://www.youtube.com/watch?v=uAmbZCtNC9U> (accessed on 10.11.2022).
27. Kellert, S.R. *Birthright: People and nature in the modern world*. New Haven: Yale University Press, 2012, pp. 157-186.
28. Hassard, J.; Cox, T. The physical work environment and work-related stress: mechanisms and consequences. *OSH Wiki*. 2013. Available online: https://oshwiki.eu/wiki/The_physical_work_environment_and_work-related_stress:_mechanisms_and_consequences (accessed on 10.11.2022)
29. Tennessen, C.M.; Cimprich, B. Views to nature: Effects on attention. *Journal of environmental psychology* 1995, 15(1), pp. 77-85. [https://doi.org/10.1016/0272-4944\(95\)90016-0](https://doi.org/10.1016/0272-4944(95)90016-0)
30. Kaplan, R. The role of nature in the context of the workplace. *Landscape and Urban Planning* 1993, 26(1-4), pp. 193-201. [http://dx.doi.org/10.1016/0169-2046\(93\)90016-7](http://dx.doi.org/10.1016/0169-2046(93)90016-7)
31. Elzeyadi, I. Daylighting-bias and biophilia: Quantifying the impacts of daylighting and views on occupants health. *Thought and leadership in green buildings research, Greenbuild 2011 Proceedings*. Washington, DC: USGBC Press, 2011. Available online: file:///D:/UserProfile/Downloads/TLRPaper_Elzeyadi_online.pdf (accessed on 10.11.2022).
32. Fjeld, T.; Veiersted, B.; Sandvik, L.; Riise, G.; Levy, F. The effect of indoor foliage plants on health and discomfort symptoms among office workers. *Indoor and Built Environment* 1998, 7(4), pp. 204-209. <https://doi.org/10.1177/1420326X9800700404>
33. Larsen, L.; Adams, J.; Deal, B.; Kweon, B. S.; Tyler, E. Plants in the workplace: The effects of plant density on productivity, attitudes, and perceptions. *Environment and behavior* 1998, 30(3), pp. 261-281. <https://doi.org/10.1177/001391659803000301>
34. Gifford, R.; McCunn, L. Appraisals of built environments and approaches to their design that promote well-being and behaviour. In *Environmental psychology: An introduction*; Steg, L., van den Berg, A.E., de Groot, J.I.M., Eds.; New York: Wiley-Blackwell, 2012, pp. 87-95.
35. Raanaas, R.K.; Evensen, K.H.; Rich, D.; Sjøstrøm, G.; Patil, G. Benefits of indoor plants on attention capacity in an office setting. *Journal of Environmental Psychology* 2011, 31(1), pp. 99-105. <https://doi.org/10.1016/j.jenvp.2010.11.005>
36. Felsten, G. Where to take a study break on the college campus: An attention restoration theory perspective. *Journal of environmental psychology*, 2009, 29(1), pp. 160-167. <https://doi.org/10.1016/j.jenvp.2008.11.006>

37. An, M.; Colarelli, S.M.; O'Brien, K.; Boyajian, M.E. Why we need more nature at work: Effects of natural elements and sunlight on employee mental health and work attitudes.: *PLoS One* 2016, 11(5), e0155614. <https://doi.org/10.1371/journal.pone.0155614>
38. Browning, B. Healthier workplaces, happier employees: incorporating nature into the built environment. *People & Strategy* 2015, 38(3). Available: <https://go.gale.com/ps/i.do?id=GALE%7CA425111991&sid=googleScholar&v=2.1&it=r&linkaccess=abs&isn=19464606&p=AONE&sw=w&userGroupName=anon%7E69e80dd9> (accessed on 10.11.2022).
39. Berman, M.G.; Jonides, J.; Kaplan, S. The cognitive benefits of interacting with nature. *Psychological science* 2008, 19(12), pp. 1207-1212. <https://doi.org/10.1111/j.1467-9280.2008.02225.x>
40. Doran, C.M.; Kinchin I. A review of the economic impact of mental illness. *Australian Health Review* 2017, 43, pp. 43-48. <https://doi.org/10.1071/AH16115>
41. Organisation for Economic Co-operation and Development. *Making mental health count: The social and economic costs of neglecting mental health care*. Paris: OECD Publishing, 2014. Available online: http://www.oecd-ilibrary.org/social-issues/migration-health/making-mental-health-count_9789264208445-en (accessed on 10.11.2022).
42. Ministry for Health. *A mental health strategy for Malta 2020-2030*. Malta: Office of the Deputy Prime Minister, 2019. Available online: https://deputyprimeminister.gov.mt/en/Documents/National-Health-Strategies/Mental_Health_Strategy_EN.pdf (accessed on 10.11.2022).
43. Said, M. Maltese workers amongst highest in EU suffering from work stress. *Malta Today*. 20 January 2011. Available online: <https://www.maltatoday.com.mt/news/national/8121/maltese-workers-amongst-highest-in-eu-suffering-from-work-stress#.X0AHQ9wzbtQ> (accessed on 10.11.2022).
44. Eurostat. *Share of total population considering their dwelling as too dark - EU-SILC survey*. 2019. Available online: <https://ec.europa.eu/eurostat/databrowser/view/tessi295/default/table?lang=en> (accessed on 10.11.2022).
45. Cooper, C. *Human spaces report: Biophilic design in the workplace*. 2014. Available online: https://greenplantsforgreenbuildings.org/wp-content/uploads/2015/08/Human-Spaces-Report-Biophilic-Global_Impact_Biophilic_Design.pdf (accessed on 10.11.2022).
46. Chang, C.Y., Chen, P.K. Human response to window views and indoor plants in the workplace. *HortScience* 2005, 40(5), pp. 1354-1359.
47. Hudson, D. Traffic, construction, loss of open spaces... it is becoming stressful. *Malta Today*. 31 July 2019. Available online: https://www.maltatoday.com.mt/lifestyle/health/96562/traffic_construction_loss_of_open_spaces_it_is_becoming_stressful#.YNtILZMzZQJ (accessed on 10.11.2022).
48. Shibata, S.; Suzuki, N. Effects of an indoor plant on creative task performance and mood. *Scandinavian journal of psychology* 2004, 45(5), pp. 373-381.
49. Schön, D.A. *The reflective practitioner: How professionals think in action*. London: Temple Smith, 1983, pp. 49-69.
50. Anon. Malta: Authorities to tighten COVID-19-related restrictions from March 5 /update 15. In: *CRISIS24*. 4 March 2021. Available online: <https://crisis24.garda.com/alerts/2021/03/malta-authorities-to-tighten-covid-19-related-restrictions-from-march-5-update-15> (accessed on 09.11.2022).
51. Sasaki, N.; Kuroda, R.; Tsuno, K.; Kawakami, N. Workplace responses to COVID-19 associated with mental health and work performance of employees in Japan. *Journal of Occupational Health*, 2020, 62(1), pp. 1-6. <https://onlinelibrary.wiley.com/doi/10.1002/1348-9585.12134>

Annex:

Questionnaire

Section 1 - Demographics

1. What is your age?
2. In which locality do you live?
3. In which locality do you work?
4. What is your level of management at your work place?

Section 2 - Physical characteristics of the workplace environment

5. Building type:
 - a. What type of building is your workplace situated in?

- i. a historical building,
 - ii. an office block,
 - iii. a converted building, or
 - iv other.
6. Ventilation in your workspace:
 - a. Is the ventilation in your workplace natural (for example, windows/courtyard/loggia) or mechanical (for example, air conditioner)
7. Main light source:
Is the main light source in your workplace natural or artificial?
8. Views from your work area/desk:
 - a. Do you have a window close to your workspace/desk? Yes/No.
 - i. If the answer is yes, what is the view from the window?
 - b. Do you have any plants or green spaces visible from your workspace/desk? Yes/No.
9. Does your workplace have any green outdoor/indoor space (balconies, courtyards etc.)? Yes/No.
10. Are any of the following materials and colors found in the workplace/desk?
 - a. stone - Yes/No,
 - b. wood - Yes/No,
 - c. brick - Yes/No,
 - d. bamboo - Yes/No,
 - e. please specify any other materials with a natural connection,
 - f. please specify the colors found in your workplace.

Section 3 - *Influence of workplace environment on employee's well-being and productivity (psychological effects)*

11. Do you think there is a relationship between your health and your productivity at work (mood)? Yes/No
12. How do you feel going into work? (Rate on scale of 1-5; 1: lowest, and 5: highest):
 - a. anxious,
 - b. stressed,
 - c. fatigued/tired,
 - d. unproductive,
 - e. healthy,
 - f. happy, or
 - g. creative.
13. How do you feel at work? (Rate on scale of 1-5; 1: lowest, and 5: highest):
 - a. anxious,
 - b. stressed,
 - c. fatigued/tired,
 - d. unproductive,
 - e. healthy,
 - f. happy, or
 - g. creative.
14. How do you spend your break?
 - a. at your workspace/desk,

- b. in an outdoor recreational area at your workplace/desk (if any),
 - c. go outdoors - green spots/nature/seaside, or
 - d. go for a short walk.
15. How do you feel after your lunch break? (Rate on scale of 1-5; 1: lowest, and 5: highest):
- a. anxious,
 - b. stressed,
 - c. fatigued/tired,
 - d. unproductive,
 - e. healthy,
 - f. happy, or
 - g. creative.
16. How do you feel when out of work? (Rate on scale of 1-5; 1: lowest, and 5: highest):
- a. anxious,
 - b. stressed,
 - c. fatigued/tired,
 - d. unproductive,
 - e. healthy,
 - f. happy, or
 - g. creative.

Section 4 - Suggestions

17. What qualities do you prioritize in your work environment which allow you to fulfill your job tasks and facilitate your work flow?
18. What qualities of your work environment do you believe have a negative impact on your health and productivity (mood)?
19. What physical features would you change in your workplace/desk environment and why?

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CONCEPTUAL REFRAMING OF THE SOCIALIZATION PROCESS FROM THE MENTORING ACTIVITY PERSPECTIVE

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Abstract. The article analyzes the contemporary reflections that refer to the socialization process accompanying and engaging man as an individual and as a species. Starting from the hypothesis, according to which the individual is not a human person from birth, but becomes one, and this transformation takes place when the individual is integrated into the socialization process. The purpose of our research is to avoid, within the analyzed theories, the heterogeneous elements by capturing what is common, and essential. This would open the way to a reconceptualization of the socialization process in a unitary, essentialist framework from an interdisciplinary perspective. The applied research methods: phenomenological, hermeneutic, and sociological (interactionist) have allowed us to singularize our research and highlight the fact that coming together in a methodological unit is complementary, allowing the interdisciplinary explanation of the socialization process. Thus, from a pedagogical perspective, socialization is closely related to mentoring activity, which ensures convergence and creates opportunities for the individual's adaptation to new contexts. At the same time, mentoring and socialization represent emerging elements that offer possibilities to the individual for the development of a successful career. Through the mentoring activity, the individual is supported and encouraged to find the strength to overcome and improve his performance, develop various skills, and become a fully integrated being in society.

Keywords: *behaviour, becoming, education, evolution, identity, social control, social modeling, societies.*

Rezumat. În articol sunt analizate reflecțiile contemporane ce se referă la procesul de socializare care îl însoțesc și îl angajează pe om ca individ și specie. Pornind de la ipoteza, conform căreia individul nu este persoană umană de la naștere, ci devine, iar această transformare are loc atunci când individul este integrat în procesul de socializare. Scopul cercetării noastre este de a eluda, în cadrul teoriilor analizate, elementele eterogene și de a surprinde ceea ce este comun, esențial. Aceasta ar deschide calea către o reconceptualizare a procesului de socializare într-un cadru unitar, esențialist din perspectivă interdisciplinară. Metodele de cercetare aplicate: fenomenologică, hermeneutică și cea sociologică (interacționistă) ne-au permis să singularizăm cercetarea noastră și să evidențiem faptul că

reunirea într-o unitate metodologică este complementară, ce permite explicitarea interdisciplinară a procesului de socializare. Astfel, din perspectivă pedagogică, socializarea se află în strânsă legătură cu activitatea de mentorat, ceea ce asigură convergența și creează oportunități pentru adaptarea individului la noile contexte. Totodată, mentoratul și socializarea reprezintă elemente emergente ce oferă individului posibilități pentru dezvoltarea unei cariere de succes. Prin activitatea de mentorat individul este sprijinit și încurajat pentru a găsi forțe de a-și depăși și îmbunătăți performanța, de a-și dezvolta diverse abilități și de a deveni ființă integrată pe deplin în societate.

Cuvinte-cheie: *comportament, control social, devenire, educație, evoluție, identitate, modelare socială, societăți.*

1. Introducere

Socializarea reprezintă un proces complex, prin care omul obține cunoștințe și abilități necesare pentru a se afirma ca ființă socială. Acesta este un proces continuu, ce are loc pe parcursul întregii vieți și se manifestă ca rezultatul unui set complex de interacțiuni dintre diferiți membri ai societății: familie, colegi, prieteni, ce au un rol important în socializarea unei persoane. Procesul de socializare se realizează pe parcursul a câtorva etape: prima este copilăria, care se prelungește, într-o formă pregnantă, până la etapa adultă, iar în perioada de maturitate încetinește. Acest proces are drept finalitate adaptarea, înserarea în câmpul valorilor morale și integrarea deplină a individului în societate.

Procesul de socializare a individului la etapa incipientă (copilăria), prin intermediul familiei, este condiționat de diferite fenomene ce țin de momentele afective, de aspectul formativ - simetria sau asimetria familiei, de acceptarea sau neacceptarea copilului, de numărul și locul copiilor în familie, de poziția fratelui. Totodată, o influență majoră asupra acestui proces o au stilurile de educare ce sunt practicate, specificul modelelor culturale, aspirațiile părinților în raport cu copiii.

În viziunea profesorilor Traian Rotariu și Petru Iluț, „dezvoltarea fizică, intelectuală, afectivă și, cu atât mai mult, conduitele sociale complexe, nu se realizează automat, ci prin învățare, iar societatea, printr-o serie de mecanisme și agenți (familia, școala, mass-media) transmite bagajul cultural existent noilor generații, pretinzându-le un anumit comportament - considerat normal în respectiva cultură” [1].

Astfel, socializarea funcționează pe baza unui set de interacțiuni ce are drept rezultat formarea personalității, care presupune însușirea și asimilarea valorilor, normelor și a modelelor de reglementare a comportamentului social. Însăși formarea personalității este efectul unor procese complexe ce sunt determinate de factori subiectivi (personali), obiectivi ce țin de mediu social și cultural. Prin interacțiunea socială, sunt dobândite de către individ cunoștințe, valori ce reprezintă repere de comportament adecvat, sunt formate atitudini prin care se cristalizează o participare efectivă la viața socială. Prin corelații complexe are loc transferul de valori culturale de la o persoană/grup la o altă persoană și/sau grup.

În literatura de specialitate sunt reprezentate nu doar mecanismele de socializare, dar și activitatea de mentorat care este concepută ca o formă de socializare profesională, în care o persoană mai experimentată acționează drept ghid, model, dascăl, pentru a proteja pe altcineva care este mai puțin experimentat și pentru a contribui ulterior la dezvoltarea abilităților acestuia. Astfel, mentoratul este conceput ca instrument cheie în procesul de socializare oferind oportunități pentru ca indivizii să dobândească cunoștințe și abilități pentru a-și asuma un rol bine definit în societate.

În recente lucrări de cercetare, mecanismele de socializare sunt reprezentate de *modelarea socială, învățarea socială, controlul social* [2].

Modelarea socială este determinată de necesitatea omului de a fi parte a unei comunități sau a unui grup social în cadrul căruia își manifestă dorința de a-și realiza aspirațiile, de a se afirma și de a se identifica, iar acestea, la rândul lor, îi oferă protecție și securitate.

Familia reprezintă entitatea, în cadrul căreia se formează abilitățile și obiceiurile incipiente care permit copilului să se orienteze în mediul înconjurător. Modelul imitației constituie prima formă de învățare a copiilor în cadrul căreia sunt reproduse gesturi și acțiuni simple, diverse reacții la numeroși stimuli, ca, ulterior, să se formeze reprezentări convenționale și abstracte care vor forma temelia unei gândiri logice. După vârsta de 3 ani are loc o explozie de procese în care jocul devine forma de manifestare a atitudinilor și a schemelor de învățare.

Un alt mecanism de socializare este cunoscut drept *învățarea socială*, în cadrul căreia individul asimilează normele și valorile grupului, comunității, clasei sociale. În rezultatul interacțiunii cu alte persoane, individul își formează modele care facilitează comunicarea și integrarea în diferite grupuri sociale. La această etapă, jocul nu mai reprezintă un simplu act de imitare, ci un set de acțiuni orientate spre cunoașterea valorilor grupului, astfel se produce și se definitivează internalizarea întregului spectru de valori și concepte cu care se identifică individul.

La rândul său, *controlul social* implică procesul complex de conexiune a individului cu grupul social și a valorilor acestuia. În abordarea fenomenologică a psihologului polonez, Henri Tajfel, unul dintre fondatorii Asociației Europene de Psihologie Socială Experimentală, cunoscut pentru contribuția sa de pionierat asupra aspectelor cognitive ale prejudecăților și teoriei identității sociale și a lui John Turner, psiholog social britanic, apreciat pentru abordarea conceptului identității sociale, „totalitate de indivizi care se acceptă ca membri ai unei categorii sociale, împărtășesc consecințele afective ale autodeterminării și aprecierile colective ale grupului și apartenenței sale la el reprezintă grupul social” [3].

Aderarea la grupul social presupune că individul acceptă consecințele apartenenței sociale care sunt reprezentate prin relații socio-afective. Astfel, acest proces de integrare va duce la identificarea ființei umane ce se produce etapizat. La etapa inițială are loc conștientizarea identității ce presupune o analiză comparativă cu alți membri sociali. Relația cu mediul social, raportarea la alții au drept efect înserarea normelor, valorilor și modelelor pe care persoana le acceptă drept legi comportamentale individuale care facilitează înțelegerea de sine, dar și altora prin cunoaștere și comunicare.

Configurația persoanei ca ființă socială se produce prin socializarea primară (realizată în familie) și socializarea secundară, în care instituțiile educaționale au un rol determinant [4]. În acest proces omul, membru activ al societății, parcurge transformări succesive de interacțiune, care permit unei ființe sociale să-și dezvolte identitatea, ideile, abilitățile, deprinderile. Esența acestui proces rezidă în faptul că, prin agenții de socializare societatea încearcă să transforme individul astfel încât acesta să corespundă normelor și valorilor ei.

2. Analiza conceptelor și teoriilor despre procesul de devenire a omului

O definiție general acceptată al procesului de socializare vizează preluarea experiențelor sociale reprezentate de un sistem de norme, legități, idealuri, modele,

dezvoltarea capacităților de a acționa, formarea personalității, a inteligenței sociale, a necesităților, a aspirațiilor personale și colective [5].

Din totalitatea tipurilor de socializare clasificate după diverse criterii, evidențiem importanța acelor în care pregnantă este valoarea socializării grupurilor de contemporani, ce influențează personalitatea și comportamentul individului la vârsta adultă.

După unii autori, mecanismele de socializare implică tacticile sau variabilele specifice formale și informale pe care companiile le utilizează ca instrumente pentru a-și socializa angajații [6]. Dintre acestea menționăm importanța sistemului de convingeri ce include acțiuni în care sunt articulate și comunicate valorile de bază. Acestea sunt identificate drept „credințele care definesc principiile de bază, scopul și direcția” [6].

O altă tactică ce vizează furnizarea sarcinilor provocatoare, oferind oportunități de dezvoltare în carieră este mentoratul superior (superior mentoring) [7]. La rândul său, mentoratul reciproc (peer mentoring) include un sistem complex de acțiuni ce are drept scop încurajarea, recunoașterea pozitivă și susținerea angajatului.

De fapt, aceste mecanisme de socializare se realizează prin intermediul a trei niveluri de interacțiuni, pe care angajații le au în cadrul unei organizații (cu managementul superior și colegii lor) și care includ atât recepționarea, cât și oferirea de informații prin care sunt îndrumați și ghidați angajații. Mecanismele de socializare permit angajaților să fie participanți activi la procesul de schimb de informații și să funcționeze atât ca receptori (mentorat superior), cât și ca emițători de informații (mentorat reciproc). Prin participarea la procesul de schimb de informații angajații dobândesc cunoștințe cu valoare apreciativă, ceea ce facilitează congruența obiectivelor organizației. Mai mult, schimbul de informații pozitive reduce anxietatea și incertitudinea, sporind astfel sentimentele de securitate ale angajaților cu privire la calea lor ascendentă în carieră, făcând înțelegerea obiectivelor organizaționale mai proeminentă [6].

Examinarea mecanismelor de socializare din perspectiva congruenței obiectivelor prin prisma percepțiilor de securitate a carierei relevă că acest proces implică două etape majore: *socializarea primară* care se produce de la naștere până la adolescență și *socializarea secundară*, proces ce se desfășoară parcursul întregii vieții. Cu privire la socializarea adulților, aceasta are loc ori de câte ori oamenii, aflându-se în circumstanțe noi, și interacționează cu diverși indivizi, preluând normele și tradițiile ce diferă de cele proprii.

În procesul de socializare identitățile, rolurile sociale și particularitățile personale sunt construite printr-un proces continuu de transmitere culturală care implică relaționare și urmarea unui model. Socializarea continuă reprezintă este orientată spre transmiterea și însușirea modelelor culturale și normative pe parcursul întregii vieți ale omului. Astfel, aceasta este orientată pe necesitatea ființelor umane pentru auto-actualizare și învățare permanentă a normelor și valorilor noi, inclusiv în perioada adultă, considerată perioada cea mai bogată și mai activă a ciclurilor de viață.

O abordare fenomenologică și interacționistă este reflectată de către psihologul american, afiliat Universității din Chicago, George Herbert Mead devenită notorie în filosofia socială a secolului al XX-lea prin promovarea ideii, conform căreia experiența socială dezvoltă personalitatea unui individ. În lucrarea *Mintea, Sinele și Societatea* G. H. Mead promovează ideea privind apariția minții și a sinelui în procesul de comunicare dintre organisme, insistând asupra faptului că „mintea individuală poate exista doar aflându-se în relație cu alte minți cu semnificații comune” [8]. Astfel, mintea ia naștere se dezvoltă și se activează printr-un act social de comunicare. Teoria sa despre „minte, sine și societate” este,

de fapt, filosofia ce susține ideea procesului social care implică interacțiunea multor indivizi, la fel ca și teoria sa despre cunoaștere și valoare ce concepe cunoașterea ca proces din perspectiva individului care trăiește în interacțiunea sa cu un mediu [9].

Conceptul central dezvoltat de sociolog este sinele, fiind reprezentat de aspectul personalității unui individ constituit din conștientizarea de sine și imaginea de sine, un produs al experienței sociale. În viziunea sa, sinele nu este acolo la naștere, ci este dezvoltat din interacțiune și experiență socială.

În teoria sa despre sine autorul identifică patru modalități ale dezvoltării sinelui:

- a. Sinele ce se dezvoltă doar prin experiență socială. Prin această afirmație, Mead respinge conceptul lui Freud în care personalitatea este determinată parțial de aspectul biologic.
- b. Experiența socială constă în schimbul de simboluri. Aici autorul subliniază importanța utilizării primare a limbajului și a altor simboluri pentru a transmite sens.
- c. Cunoașterea intențiilor altora necesită imaginarea situației din perspectiva lor. Experiența socială depinde de faptul cum ne vedem pe noi înșine din perspectiva altora, propunând sintagma „a lua rolul celuilalt”.
- d. Înțelegerea rolului celuilalt rezultă în conștientizarea de sine. Există un sine /„eu” activ și un sine „*engl. me*” obiectiv (*engl. active “I” self and an objective “me” self*). Sinele „eu” fiind activ, inițiază acțiunea, iar sinele (*engl. „me”*) continuă, întrerupe sau schimbă acțiunea în funcție de modul în care alții răspund [10,11].

La fel, Mead consideră că ființa umană își dezvoltă imaginea de sine prin interacțiunea sa cu alți oameni, iar cheia autodezvoltării este înțelegerea rolului celuilalt.

Un alt sociolog, reprezentant al curentului sociologiei interacționiste, Charles Horton Cooley a supus cercetării modurile de interacționare a individului cu ceilalți. În lucrările sale „*Social organization: a study of the larger mind*” (1910), „*Human nature and the social order*” (1922), autorul a dezvoltat teoria, conform căreia felul în care ne percepem noi-înșine provine în egală măsură din autocontemplare și din modul în care credem că suntem văzuți de ceilalți, numind această percepție sinele oglindă. Creatorul „sinelui oglindă” (*engl. the looking-glass self*) accentuează că formarea personalității depinde de natura relațiilor interpersonale, explicând că, conceptele și identitățile noastre de sine reflectă modul în care ne percep alte persoane. „Indiferent dacă credințele noastre despre modul în care ne percep alții sunt adevărate sau nu, credințele noastre ne modelează cu adevărat ideile despre noi înșine” [9].

Conceptul psihologic *sinele-oglină* creat de C. H. Cooley în 1902 vizează faptul că sinele unei persoane este determinat de rezultatul interacțiunilor interpersonale ale societății și a percepțiilor celorlalți [*Ibid.*]. Termenul se referă la modalitatea în care oamenii își modelează identitatea bazându-se pe percepțiile celor din jur, determinându-le consolidarea perspectivelor despre ei înșiși. Oamenii se formează / modelează pe baza a ceea ce percep alții despre ei, acceptând opinia altora despre ei înșiși. Altfel spus, conceptele noastre de sine reflectă modul în care ne percep alte persoane.

Metafora *sinele oglindă* reprezentată prin observarea propriilor particularități suplinită de interpretarea acestora prin prisma ochilor celor care ne privesc. Interiorizarea reacțiilor altora față de noi este mai importantă decât realitatea. Procesul formării sinelui oglindă se conturează, după C. H. Cooley, în 3 etape:

Inițial, ne imaginăm modul în care ne percep oamenii din jur.

Apoi, încercăm să ne imaginăm cum alții ne validează, judecata celuilalt despre aspectul nostru; judecata acelei percepții.

În cele din urmă, ne dezvoltăm sinele prin judecățile altora, creând sentimente noi despre noi înșine în baza presupuselor evaluări a celor din exterior [12].

Cu alte cuvinte, capacitatea mentală a minții este un rezultat direct al interacțiunii sociale umane. Încă de la naștere, ființa umană începe să se definească în contextul socializării sale. Copilul învață că simbolul plânsului va suscita un răspuns din partea părinților, nu numai atunci când aceștia au diverse necesități, cum ar fi mâncarea, ci și ca simbol pentru a le capta atenția.

C. H. Cooley a descris sinele ca fiind un „fenomen de preluare a rolului celuilalt” și care constituie premisa prin care eul este actualizat. Prin interacțiunea cu ceilalți, individul începe să dezvolte o identitate despre cine este, precum și empatia pentru ceilalți. Altfel spus, „suntem ceea ce credem că alții cred despre noi că suntem” [Ibid.]. „Fără comunicare, susține Cooley, mintea nu se dezvoltă la nivelul întregului potențial al omului, ci rămâne într-o stare nefirească, confuză și care nu este în întregime nici umană, nici animalică” [13]. În viziunea sa, societatea cizelează comportamentul oamenilor, care nu sunt doar membri ai unei familii, al unei clase sociale ori al unui stat, ci fac parte dintr-un construct mult mai complex care își are rădăcinile la începuturile lumii, la omul primitiv. Iar această dezvoltare nu s-ar fi produs fără comunicare, considerată drept condiție obligatorie pentru dezvoltarea naturii umane [Ibid.].

Margaret Mead, antropolog cultural american (Universitatea Columbia) a fost preocupată preponderent de cercetarea a 3 domenii ce au vizat: studiul problemelor de socializare a copiilor, sensul cultural al rolurilor sexuale și dimensiunea socială și culturală a personalității. Autoarea a înaintat teoria referitor la amprentare (*engl.* theory of imprinting) susținând faptul că copiii învață urmărind comportamentul adulților, accentuând că nu factorul biologic este cel ce determină comportamentul uman, ci factorul social este cel care își lasă amprenta [14].

Încă în deceniul doi al sec. XX, cercetătoarea-antropolog insista asupra faptului că natura umană nu este rigidă și nici asemeni unei plante inadapabile care insistă să înflorească. Individul este extrem de adaptabil, iar ritmurile culturale sunt mai puternice și mai convingătoare decât cele fiziologice care eclipsează și distorsionează natura omului. „Eșecul de a satisface o necesitate artificială stimulată cultural produce mai multă nefericire și frustrare individului decât cele mai riguroase restrângeri culturale ale solicitărilor fiziologice” [15].

În lucrările sale, cercetătoarea abordează termenul educație nu doar din perspectiva metodelor instituționalizate și formale de școlarizare utilizate în țările occidentale, ci și din cea a utilizării mijloacelor complet informale și nestructurate folosite la scară mică, de către societatea analfabetă. Termenul educație, este folosit de Margaret Mead drept sinonim cu socializarea, doar că niciunul dintre aceste două concepte nu vizează domeniul său de cercetare, ci cel de culturalizare (*engl.* enculturation), termen introdus mai târziu de antropologul american Melville J. Herskovits, în viziunea căruia, experiențele de învățare prin care omul se deosebește de celelalte ființe și prin intermediul cărora el ajunge culturalizat, ceea ce presupune dobândirea de competențe în cultura sa. Culturalizarea, devine un proces de condiționare conștientă sau inconștientă, exercitat în cadrul unor tradiții stabilite/consacrate [Ibidem, p. 101].

Este important de menționat faptul că preocuparea cercetătoarei M. Mead nu a vizat modalitatea în care un individ devine social sau uman, ci modalitatea în care el devine

culturalizat. Semnificația conceptului de cultură „oamenii reprezintă niște animale incomplete sau nefinalizate care se completează și se finalizează prin cultură, prin forme extrem de particulare ale acesteia”. După el, omul se remarcă prin înalta capacitate de învățare, plasticitate și dependență extremă de un anumit tip de învățare: înțelegerea conceptelor, însușirea și aplicarea unor sisteme specifice de semnificație simbolică.

În lucrarea sa, *Culture and Commitment: A Study of the Generation Gap*, M. Mead dezvoltă teoria celor trei tipuri de societate sau culturi: post-figurativă, co-figurativă și pre-figurativă. Acestea sunt explicitate în felul următor:

- a. *post-figurativă* presupune învățarea de către cei mici de la cei mari;
- b. *co-figurativă* - când atât cei mici, cât și cei mari învață de la contemporani / semeni;
- c. *pre-figurativă* care vizează învățarea celor mari de la cei mici și/sau contemporani/semeni [*Ibidem*, p. 106].

Fiind prima cercetătoare care l-a combătut pe Piaget și teoria sa cu privire la procesele cognitive și dezvoltarea umană, M. Mead a abordat subiectul culturalizării în lucrarea sa *Cultură și personalitate*, demonstrând că ființele umane sunt animale pe deplin culturalizate [*Ibidem*, p. 108]. Fiind un antropolog ce a studiat schimbarea culturii și aculturația, a inclus în limbajul antropologiei conceptul de *enculturație* înainte ca acesta să fi existat. Împreună cu Gregory Bateson, au introdus ideea de cultură drept un proces de comunicare. În cele din urmă, cercetătoarea a dat „un sens profund și real studiului de schimbare rapidă și conceptului de decalaj generațional” [*Ibid.*].

M. Mead susține că învățarea este relativ simplă, dar capacitatea umană de a preda și a păstra ceea ce alții l-au învățat este un proces foarte dificil și complex [*Ibidem*, p. 109]. În pofida faptului că accentul a fost pus pe copii, cercetătoarea nu și-a limitat studiul doar la practicile de creștere a copiilor, dar a supus analizei contextul cultural în sens mai larg, a rolului fraților, părinților și bunicilor în procesul enculturativ. Ea a recunoscut că o mare parte din studiul *enculturației*, care reprezintă procesul de transmitere a anumitor forme și simboluri culturale către anumite persoane și grupuri, este în strânsă legătură cu problema comunicării, iar drept rezultat, a susținut că procesul comunicativ nu este în întregime verbal.

Totodată, antropologul american abordează problema educației din perspectiva activității de mentorat. Educarea presupune nu numai transmiterea de noi cunoștințe, dar și formarea unei personalități integre ce implică abilităților de gestionare a propriei învățări, de maximizare a potențialului, de îmbunătățire a performanțelor și de dezvoltare a unei cariere profesionale de succes. Astfel, conchide M. Mead, că mentoratul se impune, ca element al procesului de socializare, într-o formă imperativă în societățile moderne.

Într-un context mai actual, problema integrării, abordarea persoanei ca ființă socială este dezbătută prin prisma valorilor sociale moderne. În această direcție, menționăm că diverși sociologi francezi, printre care și Pierre Bourdieu, demonstrează că școala este un loc de reproducere a relațiilor sociale. Astfel, cercetătorul se focusează asupra consecințelor masificării care au contribuit la pierderea de către instituția școlară a importanței sale sociale [16].

Pierre Bourdieu, alături de Alain Touraine și Michel Crozier, reprezentanți ai curentului individualismului metodologic în sociologia franceză, este cunoscut pentru contribuțiile sale în apărarea individualismului metodologic și a explicațiilor cauzale bazate pe mecanisme sociale (numite și mecanisme generative) [*Ibid.*] Acest principiu metodologic, susține că orice fenomen macro-social trebuie explicat de pe poziția rezultatelor comportamentale ale indivizilor, care, la rândul lor, sunt consecințele raționamentelor motivaționale ale acestora. De asemenea, aceste motive și motivații nu pot fi înțelese decât în raport cu situația socială

inițială ale acestor indivizi. Bourdieu încearcă să demonstreze că ceea ce pare „natural” în societate este, de fapt, rezultatul unei construcții sociale sau a jocului social. Sociologia lui Bourdieu este marcată de tradiția structuralistă în care atitudinile, judecățile, motivațiile indivizilor care formează societatea sunt, în mare măsură, determinate de structura și de locul pe care acești agenți îl ocupă în societate.

La fel, P. Bourdieu, în parteneriat cu Jean - Claude Passeron, abordează subiectul performanțelor școlare, explicând ca acestea, la fel ca și parcursurile educaționale alese, sunt determinate de resursele culturale ale diverselor clase sociale. În viziunea lor, cei mai culti au o limbă, cultură și motivație care favorizează succesul școlar și care sunt moștenite de copiii lor, în timp ce copiii din clasa muncitoare au mai puțin „capital cultural” și mai multe dificultăți academice [*ibid.*]. Dominând întreaga sociologie franceză a educației, teoria reproducerii culturale a lui Bourdieu, reflectă, de asemenea, că inegalitățile sociale existente la școală nu sunt cauzate neapărat de inegalitățile materiale, ci de faptul că școala ar avea funcția latentă în reproducerea acestor inegalități. „Cultura școlară nu este nici neutră, nici obiectivă, nici universală, ea păstrează codurile și valorile culturii dominante, mascând, astfel un „arbitraj cultural” favorabil clasei dominante și exercitând „violență simbolică” asupra elevilor mai puțin privilegiați. Școala, în viziunea lui, este un instrument de reproducere socială” [*ibid.*].

Programele de formare continuă pe domeniul mentoratului academic reprezintă una dintre platformele prin care procesul de socializare profesională va fi asigurat de un mentor, prin experiența bogată pe care o deține și prin procesul de transmitere a acesteia către discipoli. Astfel, formabilii au posibilitatea de a deveni membrii unei comunități care se sprijină și se ajută reciproc, oferind suport, informații importante. În așa fel, mentorii devin elementul-cheie ce contribuie la socializarea și familiarizarea indivizilor cu cultura instituției.

Școala este un factor de selecție și inegalitate după Bourdieu. În consecință, sociologul francez consideră că școala participă la reproducerea societății, selecția fiind făcută de școală în baza elementelor ereditare, care implică:

- capitalul cultural, iar originea socială determină succesul academic.
- capitalul social și economic care definesc poziția socială [17].

Un alt sociolog, filosof și profesor de la Universitatea din Sorbona, Paris, Raymond Boudon, unul dintre cei mai proeminenți teoreticieni sociali francezi, înaintează o altă teorie în care oferă o perspectivă diferită asupra inegalității educaționale. În teoria sa, sociologul extinde teza capitalului cultural a lui Bourdieu, încercând să explice că diferențele sociale influențează alegerile educaționale [16].

În lucrarea sa *Educație, oportunități și inegalități sociale*, Boudon susține că inegalitatea șanselor educaționale este determinată de doi factori: stratificarea și statutul social. În teoria pozițională susținută de cercetător, se explică faptul că inegalitățile de șanse educaționale vor exista atâta timp cât vor exista clasele (păturile) sociale, în pofida existenței diferențelor subculturale între clase. Boudon afirmă, că reproducerea socială în educație are loc printr-un proces dual ce comportă, atât efecte primare, cât și secundare.

Reproducerea socială primară are loc prin influența directă a capitalului cultural al unei familii asupra copilului și a capacității acestuia de a reuși la școală. Reproducerea socială secundară se explică prin faptul că impactul capitalului cultural al familiilor este mediat de alegerile traseului educațional realizat de către discipoli. La rândul lor, aceste alegeri influențează viitoarele lor rezultate educaționale [16, 17].

Raymond Boudon consideră că poziția socială și parcursul educațional sunt interconectate. Cu cât nivelul de educație al părinților este mai înalt, cu atât aceștia vor insista asupra unui parcurs educațional superior al copilului, iar părinții fără studii vor accepta un nivel inferior. Teoria pozițională a lui Boudon susține că studenții fac alegeri diferite în funcție de poziția lor în sistemul de stratificare. Această poziție este detaliată în două dimensiuni: identitatea socioculturală și raționamentul economic. Prima poziție presupune că studenții iau decizii care sunt modelate și constrânse de caracteristicile și identitatea lor familială. Cealaltă este adesea acceptată ca fiind alegere „rațională”, care calculează costurile și beneficiile economice ale unei diplome universitare, având în vedere resursele existente și randamentele maxime pe termen lung [17].

Teza lui Boudon sugerează „că studenții din medii sociale și culturale mai privilegiate ar fi mai siguri în alegerea parcursului educațional și că ei tind să-și supraestimeze performanța academică și să-și optimizeze șansele permise de performanța lor” [18]. Pentru Raymond Boudon, fenomenele sociale nu pot fi explicate decât dacă sunt privite drept rezultat al acțiunilor și credințelor indivizilor. Aceste credințe și acțiuni au un sens, un motiv. Abordarea propusă de Boudon, pe care o sugerează, numind-o mai curând „acționism” decât individualism, se bazează pe următoarele elemente:

- a. Explicarea unui fenomen social este orientată spre faptul că acesta poate fi văzut drept un efect nedorit ale acțiunii raționale”.
- b. A considera că actorul social este rațional, în sensul că „are motive întemeiate să facă ceea ce face sau să creadă ceea ce crede”.
- c. Pentru a înțelege acțiunile, este necesar de a identifica motivația actorilor și, de a dispune de un set de informații despre trecutul lor, resursele lor, situația lor, or contextul social în care se mută [17].

Pentru ca inegalitatea șanselor educaționale să fie eliminată, concluzionează Boudon, o societate trebuie să fie nestratificată, or sistemul ei școlar trebuie să fie complet nediferențiat. În această privință, sociologul francez nu este prea optimist și consideră că eliminarea inegalității șanselor educaționale, în viitorul apropiat, nu este posibilă.

Interesul și nevoia înțelegerii profunde a personalității creează premise de cercetare și conceptualizare a mecanismelor complexe de formare a acesteia. Socializarea este un proces care are drept scop formarea persoanei cu abilități sociale, adaptate la condiții concrete de coabitare, activitatea de mentorat își are orientarea vectorială convergentă, dar concentrată spre formarea profesională a persoanei. Aceasta din urmă, va stimula abilitățile cognitive, va identifica interesele ce corespund aptitudinilor și care vor forma temelia pentru o viitoare carieră profesională.

3. Concluzii

Din cele expuse mai sus rezultă că individul se caracterizează prin deschiderea sa spre lume, spre ceea ce-l înconjoară, or tocmai aceasta este condiția ce-l determină și face posibilă devenirea lui ca ființă umană. Omul nu poate fi disociat de sensul la care se raportează și care implică o ierarhie socială (neechitabilă), modele educaționale diferite ca scop și metode, credințe, acțiuni etc.

Procesul de socializare surprinde interdependența individului cu mediul, iar interpretările susținute de diferiți cercetători se disting prin sublinierea întâietății fie a socialului față de natural sau invers. Aici se impune interogația: ce face din individ om? Omul nu este doar o sumă de capacități pe care le folosește pentru a se raporta și a înțelege lumea

înconjurătoare. Natura omului mai implică raportarea la sine, iar „destinul” lui nu este un „dat” rigid, ca natura lucrurilor, ci este ceea ce devine – umanul. Umanismul, în mod paradoxal, plasează omul într-o dublă dimensiune: ca „dat” în condiții sociale concrete, ca uman în proces de schimbare, transformare, devenire. Ambele sensuri sunt esențiale pentru a prolifera un concept profund asupra omului, primul vizează necesitatea obiectivă, cel de-al doilea subiectivitatea, ce presupune alegerea care implică libertatea.

Un rol important în procesul de socializare îi revine și activității de mentorat ce dezvoltă potențialul cognitiv și identitar al individului. Aceasta orientează spre cunoașterea de sine, spre reflecții ce reliefează punctele forte și punctele slabe, orientând persoana spre identificarea intereselor și a mediilor profesionale care concordă cu potențialul și aspirațiile sale. Fundamentată pe principii etice și oportunitate „maieutică”, procesul de mentorat facilitează procesul de socializare și devenire a persoanei.

Conflicte de interes. Autorii nu declară niciun conflict de interes.

Referințe

1. Rotariu, T., Ilut, P. Suport de curs pentru Sociologie. Disponibil online: https://www.academia.edu/24336877/Suport_de_curs_pentru_Sociologie_Autori_T_Rotariu_si_P_Ilut (accesat 15.01.2023).
2. Kennedy, F. A.; Widener, S. K. Socialization mechanisms and goal congruence. *Accounting, Organizations and Society* 2019, 76, pp. 32-49.
3. McLeod, S. Social Identity Theory, 2019. Disponibil online: <https://www.simplypsychology.org/social-identity-theory.html> (accesat 10.01.2023).
4. Theories of Socialisation. Disponibil online: <https://www.studysmarter.us/explanations/social-studies/cultural-identity/theories-of-socialisation/#:~:text=Socialisation%20is%20a%20lifelong%20process,with%20societal%20needs%20and%20expectations> (accesat 01.02.2023).
5. Cucer, A. Note de curs la disciplina *Psihologia personalității*, Chișinău, 2013. Disponibil online: https://criminology.md/wp-content/uploads/2020/06/ispca_note_curs_d_a210.pdf
6. Saks, A. M., Ashforth, B. E. Organizational Socialization: Making Sense of the Past and Present as a Prologue for the Future, în *Journal of Vocational Behavior* 1997, 51 (2), pp. 234-279.
7. Ragins, B. R., McFarlin, D. B. Perceptions of mentor roles in cross-gender mentor relationships. *Journal of Vocational Behavior*, 1990, 37, pp. 321–340.
8. Ritzer, G. *Encyclopedia of Social Theory*. SAGE Publications, Thousand Oaks, California, 2004, p. 491.
9. Theories of Socialization. Disponibil online: <https://www.coursehero.com/study-guides/boundless-sociology/theories-of-socialization/> (accesat 01.02.2023).
10. Primary Socialization. Disponibil online: <https://www.sparknotes.com/sociology/socialization/section1/#:~:text=Mead's%20Theory%20of%20Social%20Behaviorism,a%20product%20of%20social%20experience> (accesat 01.02.2023).
11. Mead, G. H. The I and the Me. Disponibil online: <https://www.khanacademy.org/test-prep/mcat/individuals-and-society/self-identity/v/george-herbert-mead-the-i-and-the-me> (accesat 02.02.2023)
12. În procesul postulat de sinele oglindă. Disponibil online: <https://lwworc.org/ro/in-the-process-postulated-by-the-looking-glass-self> (accesat 23.01.23).
13. Cooley, Ch. H. Social organization: a study of the larger mind, New York: C. Scribner's. Disponibil online: <https://www.stefamedia.com/sinele-oglanda-charles-horton-cooley/#fn1-6579> (accesat 09.11.2022).
14. Margaret Mead. Disponibil online: <https://www.history.com/topics/womens-history/margaret-mead#:~:text=Mead's%20famous%20theory%20of%20imprinting,female%20roles%20in%20all%20societies> (accesat 03.02.2023).
15. Langness, L. L. Margaret Mead and the Study of Socialization. *Ethos* 1975, 3 (2), pp. 97-112.
16. L'inegalite des chances selon Bourdieu et Boudon. Disponibil online: https://www.lezarts.org/05Debandade/Info_monde/01Info_monde_pdf/Le%20mythe%20de%20la%20mondialisation.pdf (accesat 10.10.2022).

17. Liu, Y. Choices, risks, and rational conformity: extending Boudon's positional theory to understand higher education choices in contemporary China. *High. Educ* 2019, 77, pp. 525–540. <https://doi.org/10.1007/s10734-018-0285-7> (accessed 08.10.2022).
18. Glaesser, J.; Cooper, B. Using rational action theory and Bourdieu's habitus theory together to account for educational decision-making in England and Germany. *Sociology* 2013, 48, pp. 463–481.

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THE ABUSE EXERCISE OF THE RIGHT TO STRIKE

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Abstract. Trade union organizations/elected representatives of employees, in their capacity as subject of collective labor relations, may abusively exercise their subjective rights both at the time of conclusion and at the time of modification, suspension and termination of the collective labor contract. A special situation emerges in the case of the abusive exercise of the right to the association and the abusive exercise of the right to strike and the rights of trade union organizations, of the elected representatives of employees, as the case may be. The right to strike, being a means of ensuring collective negotiations, cannot abusively harm the interests of the other party. In the following article, those situations of abusive exercise of the right to strike will be highlighted, wherein the limits of the exercise of this right are intentionally exceeded by the elected representatives of the employees. Starting from the idea that the strike is declared in order to protect the social interests of employees, the abusive exercise of the right to strike must be evaluated taking into account the prejudicial result of the strike in relation to the organizers' intention and interest to produce this result.

Keywords: *trade unions, strike, abuse of right, subjective right, interest, reasonable purpose, collective negotiations, good faith, bad faith.*

Rezumat. Organizațiile sindicale/reprezentanții aleși ai salariaților, în calitatea lor de subiect al raporturilor colective de muncă pot să își exercite în mod abuziv drepturile subiective atât la momentul încheierii, cât și la momentul modificării, suspendării și încetării contractului colectiv de muncă. O situație aparte se conturează în cazul exercitării abuzive a dreptului la asociere și a exercitării abuzive a dreptului la grevă a drepturilor organizațiilor sindicale, a reprezentanților aleși ai salariaților, după caz. Dreptul la grevă, fiind un mijloc de asigurare a negocierilor colective nu poate leza în mod abuziv interesele celeilalte părți. În articolul ce urmează vor fi evidențiate acele situații de exercitare abuzivă a dreptului la grevă, în care limitele de exercitare ale acestui drept sunt depășite cu intenție de către reprezentanții aleși ai salariaților. Pornind de la ideea că greva se declară cu scopul de a proteja interesele sociale ale salariaților, exercitarea abuzivă a dreptului la grevă trebuie apreciată ținând cont de rezultatul prejudiciabil al grevei în raport cu intenția și interesul organizatorilor de produce acest rezultat.

Cuvinte cheie: *organizații sindicale, grevă, abuz de drept, drept subiectiv, interes, scop rezonabil, negocieri colective, bună-credință, rea credință.*

1. Introducere

Expresie a unei democrații veritabile, dreptul la grevă reprezintă o prerogativă fundamentală, inserată la articolul 45 din Constituția RM [1], care stabilește la alin. (1) că declanșarea grevelor poate avea loc numai în scopul apărării intereselor profesionale cu caracter economic și social ale salariaților. Conform alin. (1) al art. 362 din Codul muncii al RM [2], greva reprezintă refuzul benevol al salariaților de a-și îndeplini, total sau parțial, obligațiile de muncă, în scopul soluționării conflictului colectiv de muncă declanșat în conformitate cu legislația în vigoare. Alin. (2) al aceluiași articol statuează că greva poate fi declarată doar în scopul apărării intereselor profesionale cu caracter economic și social ale salariaților și nu poate urmări scopuri politice. Greva reprezintă ultimul instrument care trebuie aplicat la soluționarea unui conflict colectiv de muncă și poate fi declarată dacă în prealabil au fost epuizate toate căile de soluționare a conflictului colectiv de muncă în cadrul procedurii de conciliere prevăzute de Codul muncii al RM [2]. În conținutul acestui cod [2] la art. 363 sunt inserate dispoziții, care canalizează conduita salariaților și angajatorilor pe perioada desfășurării grevei. În principiu, aceste norme se referă la organizarea grevei la nivel de unitate și descriu drepturile și obligațiile acestor actori implicați, mai puțin se referă la normele de conduită și limitele de exercitare a drepturilor și obligațiilor reprezentanților salariaților. Doar alin. (1) și (2) fac referire la reprezentanții salariaților, sub aspectul procedurii premergătoare grevei și a celei de reprezentare în fața organelor de jurisdicție a muncii și ale altor autorități. În ceea ce privește conduita salariaților și angajatorilor pe parcursul desfășurării grevelor, legiuitorul incumbă acestora, dar fără a stipula expres, obligativitatea de a a-și onora drepturile și obligațiile cu bună-credință, fără a aduce atingere exercitării drepturilor altor salariați, precum și de a acționa cu diligență și cu prudență în raport cu bunurile angajatorului. Aceste norme se referă la:

- dreptul altor salariați de a nu se alătura la grevă și/sau de a continua activitatea;
- dreptul salariatului de a nu fi înlocuit cu altă persoană;
- menținerea tuturor garanțiilor care izvorăsc din contractele individuale, colective de muncă și din alte acte, care conțin norme de dreptul muncii;
- interdicția de aplicare a anumitor sancțiuni, de realizarea a unor acțiuni, care ar avea consecințe negative pentru salariații organizatori sau participanți la grevă;
- dreptul de a fi retribuiți pentru muncă a salariaților care nu participă la grevă și staționează pe motivul desfășurării acesteia;
- obligația salariaților aflați în grevă de a nu împiedica angajatorul să-și desfășoare activitatea pe durata grevei.

Aceste limite de exercitare a drepturilor și obligațiilor a participanților la grevă (salariații) și a angajatorului au menirea de interzice angajatorului să ia măsuri discriminatorii în ceea ce privește participanții la grevă și de a proteja patrimoniul angajatorului pentru a nu bloca activitatea ulterioară a acestuia.

Chiar dacă dreptul la grevă este garantat („recunoscut”) de Legea fundamentală a țării [1], scopul pentru care aceasta trebuie declarată trebuie să fie în favoarea apărării intereselor profesionale cu caracter economic și social ale salariaților. Cel puțin două condiții, care trebuie îndeplinite pentru a putea fi declanșată greva sunt susceptibile de a fi supuse unui exercițiu abuziv din partea celor care sunt îndreptățiți să o facă. În primul rând, ne referim la condiția scopului pentru care aceasta trebuie declarată, iar în al doilea rând ne referim la

condiția ca greva să fie declarată în favoarea apărării intereselor profesionale. În continuare, vom examina aceste condiții, precum și vom încerca să identificăm când exercitarea dreptului la grevă are loc contrar rațiunii pentru care a fost instituit.

Art.1 din Codul civil al RM [3] reglementează principiul exercitării libere a drepturilor civile, stabilind că legislația civilă este întemeiată pe recunoașterea egalității participanților la raporturile reglementate de ea, protecția vieții intime, private și de familie, recunoașterea inviolabilității proprietății, a libertății contractuale, protecția bunei-credințe, protecția consumatorului, recunoașterea inadmisibilității imixtiunii în afacerile private, necesității de realizare liberă a drepturilor civile, de garantare a restabilirii persoanei în drepturile în care a fost lezată și de apărare a lor de către organele de jurisdicție competente. Principiul respectiv reprezintă un garant pentru persoanele fizice și juridice, care le conferă posibilitatea de exercitare a drepturilor civile, în măsura în care aceste drepturi sunt conforme intereselor persoanelor respective. Totodată, este stabilit că acestea pot fi limitate în temeiul unor norme constituționale, astfel că nu există o libertate absolută de exercitarea a drepturilor civile. În acest sens, Gheorghe Mihai afirma că „exercitarea oricărui drept subiectiv, al oricărei persoane - indiferent de ramura de drept pozitiv – nu este permisă decât pe direcția realizării scopului admis de legea în vigoare și de celelalte reguli de conviețuire. Recunoașterea și ocrotirea exercitării dreptului subiectiv de către titularul său sunt justificate numai raportate la o anumită finalitate, concordantă cu interesele generale specificate de legiuitor.” [4, pg.137]. Această afirmație este în corespondență cu condițiile de declarare a grevei, care poate fi declarată doar în scopul apărării intereselor profesionale cu caracter economic și social ale salariaților și nu poate urmări scopuri politice. Astfel, titularul dreptului de a declara greva (în acest caz avem în vedere inclusiv reprezentanții salariaților) trebuie să exercite acest drept în strictă conformitate cu principiile de exercitare.

Este indubitabil că orice titular al unui anumit drept subiectiv urmărește, prin exercițiul acestuia, un interes personal (de ex. fiecare cetățean al Republicii Moldova are dreptul la muncă liber aleasă sau acceptată, dreptul dispunerii de capacitățile sale de muncă, dreptul alegerii profesiei și ocupației), dar acest interes trebuie să fie direct, actual, legitim și să beneficieze de protecție juridică, fiind în acord cu interesul general și cu normele de conviețuire socială. Este interesantă poziția doamnei Raluca Dimitriu [5, pg. 138], care spunea că „Deși reglementată ca un drept, ea apără (greva) un interes”. Tocmai acest fapt de apărare a interesului augmentează posibilitatea de exercitare abuzivă a acestui drept. Chiar și reprezentanții salariaților urmăresc un anumit interes atunci când își exercită inclusiv dreptul prevăzut la art.22 din Legea sindicatelor [6]. În virtutea acestuia, sindicatele, **„în scopul apărării drepturilor membrilor de sindicat și drepturilor sindicatelor, protejării de samavolnicia patronilor, influențării asupra autorităților publice în vederea promovării unei politici social-economice ce ar corespunde intereselor lucrătorilor, organul sindical, de sine stătător sau la decizia membrilor sindicatului respectiv, organizează și desfășoară, în modul stabilit de lege, întruniri: mitinguri, demonstrații, manifestații, procesiuni, marșuri, pichetări, greve și alte acțiuni, folosindu-le drept formă de luptă pentru ameliorarea condițiilor de muncă, majorarea salariului, reducerea șomajului, întărirea solidarității lucrătorilor în lupta pentru drepturile și interesele lor profesionale, economice, de muncă și sociale”** [6].

Exercitarea dreptului la grevă trebuie să fie exclusiv, *inter alia*, în scopul apărării drepturilor membrilor de sindicat și drepturilor sindicatelor, fără a se aduce atingere drepturilor altor salariați, neimplicați în grevă și/sau drepturilor angajatorilor inclusiv la ceea ce se referă la asigurarea integrității patrimoniului.

Art.13 din Codul civil al Republicii Moldova [3] stabilește că niciun drept subiectiv nu poate fi exercitat predominant în scopul de a cauza altei persoane un prejudiciu sau a-i dăuna în alt mod (abuzul de drept). Legea fundamentală a țării - Constituția Republicii Moldova [1] instituie la art. 55 principiile de exercitare ale drepturilor subiective: „*Orice persoană își exercită drepturile și libertățile constituționale cu bună-credință, fără să încalce drepturile și libertățile altora.*”. Astfel, că greva nu poate fi declarată în scopul prejudicierii altei părți, chiar dacă urmare a declarării legitime a acesteia pot exista careva repercusiuni de ordin financiar în activitatea uneia dintre părți a raportului juridic de muncă.

2. Materiale utilizate și metode aplicate

Prezentul articol este elaborat preponderent în baza unui studiu detaliat al cadrului normativ în domeniu. În mod prioritar au fost examinate actele legislative, care reglementează greva, în calitate de instrument juridic de soluționare a conflictelor de muncă. La fel au fost supuse cercetării un șir de acte normative ale altor state, precum și reglementări specifice organizațiilor internaționale.

Un sprijin valoros pentru realizarea prezentului articol a fost oferit de doctrina de specialitate, precum și de jurisprudența națională și străină în domeniu.. Spectrul metodelor de cercetare utilizate în prezentul articol este specific domeniului științelor juridice, optând pentru o analiză calitativă a resurselor prezente în literatura de specialitate, practica judecătorească și cadrul normativ. Generalizarea și evaluarea informației a fost realizată utilizând metoda abstracției științifice, metoda logică, metoda hermeneutică și metoda sistemică, precum și metoda comprehensivă în scopul asigurării înțelegerii plenare a izvoarelor și resurselor supuse analizei. Pentru a facilita diferențierea între categoriile (tipologia) grevelor în scopul identificării exercitării abuzive a dreptului la grevă a fost utilizată metoda comparativă. La fel, această metodă a fost utilizată în procesul de formulare a concluziilor, urmare a analizei cadrului legal existent în Republica Moldova și în alte țări.

3. Rezultate

Legiuitorul din Republica Moldova definește greva la alin. (1) al art. 362 din Codul muncii al RM [2], ca fiind refuzul benevol al salariaților de a-și îndeplini, total sau parțial, obligațiile de muncă, în scopul soluționării conflictului colectiv de muncă declanșat în conformitate cu legislația în vigoare. Totodată, legiuitorul nu a descris care sunt modalitățile de realizare a grevei sau mai bine-zis nu a fost descris modelele de greve admise (tipologia grevelor), fapt care ar putea conduce la o exercitare abuzivă a dreptului la grevă. Avem în vedere acele tipuri de grevă, care nu stopează în genere activitatea angajatorului, ci se referă la anumite sectoare ale entității angajatoare, la anumite perioade de timp și/sau la anumite categorii de salariați. În mod particular, ne referim la grevele denumite în practică și literatura de specialitate [7, pp.56-57] greve perlate (când fără a se stopa activitatea, sarcinile de muncă se execută într-un ritm lent, care influențează randamentul și reduce productivitatea muncii), greve de zel (care se caracterizează printr-un ritm accelerat de muncă și o respectare până la absurd a normativelor de muncă, aspect care influențează negativ calitatea activității) și nu în ultimul rând grevele tromboză (care presupun încetarea lucrului la un anumit loc de instalație, utilaj etc., esențial și care afectează întregul proces de muncă). Aceste categorii de greve, inofensive și fără un efect simțitor la prima vedere au un impact mult mai mare asupra activității angajatorului, fiind de natură să încline balanța negocierilor în favoarea revendicărilor reprezentanților salariaților. Comparând aceste tipuri de grevă și analizând efectele lor, a fost identificat elementul comun al acestora, care denotă un caracter atipic

activității de muncă – chiar dacă nu se stopează activitatea de muncă, greviștii fie adoptă un comportament lent, fie stopează anumite procese sau *per a contrario*, demonstrează un exces de zel. Aceste tipuri de greve au drept scop perturbarea și dezorganizarea activității angajatorului, fără a nu suferi la plata salariului. Totodată, în cazul acestor greve, trebuie să analizăm gradul de influență a grevelor asupra rezultatului necesar să se obțină în urma acesteia. Mai exact, care este scopul urmărit de cei care declară greva și cum elementele caracteristice ale acestora vor influența activitatea economică a angajatorului. Aceste elemente de influență ale tipurilor de greve enumerate mai sus prezintă caracterele unui drept subiectiv exercitat abuziv. Totodată, nu orice prejudiciu adus activității angajatorului urmare a grevei poartă un caracter abuziv, deoarece elementul intrinsec al abuzului de drept, cel al relei-credințe, este ceea ce diferențiază exercitarea licită de cea abuzivă a dreptului la grevă.

În opinia autorilor Eduard Boișteanu și Nicolae Romandaș [7, pp. 702-703], finalitatea grevei constă în determinarea angajatorului să accepte revendicările salariaților susținute cu ocazia negocierii contractelor sau convențiilor colective de muncă. Autorii sus-numiți, califică greva ca fiind un instrument prin intermediul căruia salariații îl pot determina pe angajator să le accepte propunerile lor inclusiv, care o dată negociate devin clauze obligatorii ale contractului colectiv (convenției colective) de muncă [7, p. 706]. Similar este și opinia formulată de autorul român Alexandru Țiclea, care consideră dreptul la grevă, ca fiind corolarul firesc al dreptului la negociere colectivă și ar fi lipsit de conținut dacă lucrătorii nu ar avea la îndemână instrumentul necesar pentru realizarea acesteia [8, p. 267].

În acest sens, doctrina românească [9, pp. 56-57] a considerat abuzivă exercitarea dreptului la grevă în situațiile în care scopul urmărit de salariați este:

- falimentarea angajatorului;
- prelungirea în mod excesiv a grevei, în scopul prejudicierii activității economice a angajatorului;
- declararea grevei cu rea-credință și cu intenție dolosivă;
- dezorganizarea activității economice a angajatorului, care poate avea loc în mai multe modalități: repetarea în mod deliberat, pentru perioade scurte de timp a grevei; [10, p. 19] limitarea accesului la unitate a salariaților care nu participă la grevă, fapt care conduce la îngrădirea dreptului la muncă a celor vizați; pichetarea intrărilor sau blocarea accesului la unitate a unităților de transport sau a terților care au legătură cu activitatea operațională a unității.

În prima situație suntem în prezența unui abuz de drept atunci când revendicările salariaților nu sunt rezonabile, iar satisfacerea lor este imposibilă din punct de vedere economic și financiar și are drept scop falimentarea unității.

Referitor la a treia situație considerăm că natura abuzivă a grevei trebuie apreciată ținând cont de rezultatul prejudiciabil al grevei în raport cu intenția organizatorilor de produce acest rezultat. În acest sens Curtea de Casație franceză [11, p. 130] a calificat exercitarea dreptului la grevă ca fiind abuzivă, atunci când există anumite impedimente de ordin legal pentru satisfacerea revendicărilor greviștilor. Spre exemplu solicitarea de a obține plata unei indemnizații în condiții contrare prevederilor legale. Autoarea Veronica Pribac consideră că o asemenea solicitare în condițiile dreptului muncii din România, poate îmbrăca forma unei condiții discriminatorii: numai membrii de sindicat să beneficieze de un spor pentru condiții deosebite de muncă de 30%, procentul acordat salariaților nesindicaliști urmând a fi stabilit sub limita minimă impusă de lege [11, p. 130]. În acest context sunt discriminatorii și prevederile art. 33 din Codul muncii al RM [3], care limitează aplicabilitatea contractului colectiv doar asupra salariaților-membri de sindicat. Este un instrument de

impunere a salariaților de obține statutul de sindicalist pentru a se bucura de anumite garanții.

În ceea ce privește exercitarea abuzivă a dreptului la grevă cu intenția de dezorganizare a activității unității, suntem de acord cu opinia enunțată de către juristul francez Pascal Bathmanabane [11, p. 130]. că momentul ales de sindicat pentru a declanșa greva poate fi de asemenea relevant. Astfel, jurisprudența franceză a calificat abuzivă greva „surpriză” într-un stabiliment medico-pedagogic care a debutat într-un climat de dezordine incompatibilă cu starea copiilor încredințați stabilimentului, în condițiile în care lipsa vreunui program reeducativ și terapeutic serios a determinat plecarea copiilor și retragerea autorizației administrative de funcționare [11, p. 130]. De asemenea abuzivă este și declanșarea bruscă a unei încetări a lucrului imediat după o soluționare a unui conflict intervenit anterior, nefiind altceva decât o intenție vădită a sindicatului de a destabiliza unitatea angajatoare [11, p. 131].

O opinie asemănătoare este exprimată și de către profesorul francez Alain Supiot, [12, pp. 687-704], care se întreabă cum să evităm abuzul de poziție dominantă (din perspectiva salariatului sau a reprezentanților salariaților) în situația exercitării dreptului la grevă. În acest caz apare problema evitării unei situații în care salariații ar abuza de poziția strategică din cadrul unității angajatoare, blocând funcționalitatea acesteia cu scopul de a obține beneficii în plus în comparație cu ceilalți salariați. Soluția este oferită de către practica judecătorească referitoare la dezorganizarea orchestrată a unității angajatoare, care permite judecătorului să aprecieze în ce măsură exercitarea dreptului la grevă aduce atingere intereselor și drepturilor altor persoane. La fel, Alain Supiot [12, pp. 689] consideră că atâta timp cât jurisprudența contracarează orice tentativă de exercitare abuzivă a dreptului la grevă, nu este obligatoriu ca o asemenea prohibiție să fie prevăzută expres de norma legală.

Autoarea Veronica Pribac consideră că „abuzul din partea organizației sindicale în declanșarea grevei, poate viza și data aleasă pentru încetarea lucrului, deoarece aceasta poate fi stabilită în așa manieră încât să coincidă cu o perioadă de activitate intensă a angajatorului” [11, p. 132]. Drept exemplu este prezentată situația în care anunțarea unei greve în cadrul unei companii aeriene are loc în luna august, în plin sezon estival. Suntem de acord cu cele enunțate de către cercetătoarea din România, cu atât mai mult cu cât în aceeași ordine de idei s-a pronunțat și jurisprudența franceză [11, p. 132] (Tribunal de Grand Instance d'Evry – Curtea de Apel Evry din Paris), statuând într-o cauză din anul 1988 că un asemenea demers va produce cu certitudine un grav și eminent prejudiciu miilor de călători ce pleacă și vin din vacanță și că alegerea datei încetării lucrului denotă voința organizatorilor grevei de a dezorganiza activitatea transportatorului aerian. Instanța a considerat abuzivă această grevă anume din necesitatea prevenirii prejudicierii intereselor beneficiarilor serviciilor de transport.

4. Discuții

Legiuitorul din Republica Moldova nu stabilește limite temporale privind desfășurarea grevei. În situația în care greva este organizată și desfășurată prin întreruperi repetate ale activității de muncă, care drept consecință dezorganizează grav unitatea, fapt care poate conduce la repercursiuni în privința funcționalității ulterioare ale acesteia, considerăm că suntem în prezența exercitării abuzive a dreptului la grevă.. Aprecierea caracterului abuziv are loc prin prisma a două elemente complementare: rezultatul grav al grevei și intenția organizatorilor grevei de a obține acest rezultat. Chiar dacă nu interzice expres exercițiul

abuziv al dreptului la grevă, textul de lege inserat la art. 45 din Constituția RM comportă o triplă conotație: 1) garantarea dreptului la grevă („Dreptul la grevă este recunoscut.”); 2) scopul grevei; 3) subiecții dreptului la grevă („[...]Grevele pot fi declanșate numai în scopul apărării intereselor profesionale cu caracter economic și social ale salariaților”). Declanșarea grevei în alt scop decât acel prevăzut de lege implică răspunderea disciplinară, materială, administrativă și penală.

Limitări similare ale exercițiului dreptului la grevă se regăsesc și în normele constituționale ale altor țări. De exemplu, art. 40 din Constituția Republicii Italia[13], stabilește că dreptul la grevă se exercită în cadrul legilor care îl reglementează. La fel, și în Preambulul Constituției franceze din 27 octombrie 1946 [14], la art. 7 prevede că dreptul la grevă se exercită în cadrul legilor care îl reglementează. Luând în considerare prevederile normelor constituționale enunțate mai sus, concluzionăm că dreptul la grevă nu are un caracter absolut, fiind pasibil de limitare de reglementări naționale, precum și să fie interzis pentru anumite categorii de salariați. Limitările respective se regăsesc și în Codul muncii al Republicii Moldova. Conform alin. (3) al art. 362 din Codul muncii al RM [3], greva reprezintă un remediu final pe care îl vor utiliza salariații, fiind posibilă declararea ei doar dacă au fost epuizate toate căile de soluționare a conflictului colectiv de muncă în cadrul procedurii de conciliere. O altă limitare se referă la interdicția pentru anumite categorii de salariați de a declara grevă. Această interdicție se referă în principiu la salariații din domeniul medico-sanitar, din sistemele de alimentare cu energie și apă, din sistemul de telecomunicații, ai serviciilor de dirijare a traficului aerian, a persoanelor cu funcție de răspundere din autoritățile publice centrale, angajații din structurile de forță, salariații din unitățile cu flux continuu și cei care fabrică producție pentru necesitățile de apărare a țării [3]. În același timp nu trebuie de confundat limitarea dreptului la grevă cu exercitarea abuzivă a acestui drept. În primul caz, încălcarea normelor care incumbă limitări se circumscrie ilegalității or, abuzul de drept presupune respectarea legii, dar violarea spiritului ei.

În afara situațiilor prezentate mai sus, pe care jurisprudența și doctrina le-a calificat ca fiind o exercitare abuzivă a dreptului la grevă, jurisprudența franceză a identificat un șir de situații în care greva a prezentat un caracter abuziv [15, p. 453], după cum urmează:

- organizarea așa-numitei greve turnante sau în carouri, care au loc atunci când greviștii reduc eficiența muncii prin operații de muncă executate într-un ritm lent sau o parte din salariați încetează succesiv lucrul, astfel încât ceilalți salariați nu au posibilitatea fizică de a lucra. O asemenea situație este abordată de către juristul francez Roger Latournerie în monografia „Le droit français de la greve” [11, p. 132], care consideră că angajatorul este forțat să contribuie financiar la susținerea grevei, deoarece achită plăți salariale greviștilor pentru orele care nu se află în grevă (conform cerințelor legale), dar de facto nu lucrează din cauza celorlalți salariați care fie încetează lucrul, fie reduc eficiența muncii;

- organizarea grevei tromboză, care intervine într-un loc strategic al unității, paralizându-i activitatea și despre care instanțele franceze au notat că prezintă un caracter deosebit de oneros, coroborat cu intenția organizatorilor grevei de a pune în pericol însăși existența și funcționarea unității.

Este elocventă practica legiuitorului american, care a definit și sancționat noțiunea de „practici de muncă neloiale”(unfair labour practice) în National Labour Relations Act În sensul acestor prevederi la Sec. 8. [§ 158.] (b), sunt considerate a fi o practică de muncă neloială atargerea sau încurajarea unui salariat să se angajeze într-o grevă sau să refuze în timpul activității de muncă de a-și realiza conform sarcinile, astfel încât acest refuz sau angajare în

grevă să periclitizeze libera circulație a mărfurilor și a serviciilor. Totodată, în Preambulul Actului respectiv [16], este menționat că anumite practici ale unor organizații de muncă, ale funcționarilor și ale membrilor acestora au intenția sau efectul necesar de a îngreuna sau obstrucționa comerțul prin împiedicarea liberei circulații a mărfurilor inclusiv prin intermediul grevelor sau prin activități concertate care afectează interesul publicului pentru libera circulație a mărfurilor și serviciilor. În temeiul aceluiași act normativ eliminarea unor astfel de practici este o condiție necesară pentru asigurarea drepturilor garantate de actul respective. Respectând acest precept, Curtea Supremă a SUA [17] a hotărât că o grevă de „staționare”, când angajații pur și simplu rămân în fabrică și refuză să lucreze, privând astfel proprietarul de proprietate, nu este protejată de lege. Exemple de abateri grave, în care ar putea face ca angajații implicați să-și piardă dreptul la restabilire în muncă sunt:

- greviștii care împiedică fizic persoanele să intre sau să iasă dintr-o fabrică afectată de grevă;
- greviștii care amenință cu violență împotriva angajaților care nu fac grevă;
- greviștii care atacă verbal sau fizic reprezentanții conducerii.

5. Concluzii

După cum am enunțat mai sus, esența dreptului subiectiv constă în faptul că acesta reprezintă rezultatul unui compromis între interesele individuale și cele generale, astfel că legea protejează doar interesul „conștientizat”, un interes „matur și cu discernământ”, care este identic după natura sa libertății „conștientizate” și intervine doar atunci când titularul ajustează în mod conștient conduita sa atât interesului individual, cât și interesului general. Conduita subiectelor de drept contrară interesului general poate genera răspunderea juridică. La fel, nu este posibilă exercitarea unui drept fără a avea un interes, iar această afirmație este valabilă și atunci când exercitarea este abuzivă. Însă pentru a califica dacă există un abuz de drept din partea titularului dreptului subiectiv, nu vorbim despre interes, ci despre scopul legal sau nelegal al titularului. Mai ales în cazul declanșării grevelor, nu trebuie să confundăm interesul profesional cu caracter economic și social al salariaților cu interesul de a declanșa greva al celor care îi reprezintă pe salariați. Interesul în acest caz poate fi umbrat de rea-credință, or: exercitarea de către subiecții raportului juridic de muncă a drepturilor sale subiective cu rea-credință, fără un scop licit constituie abuz de drept. În asemenea caz lipsa scopului licit este sinonimă cu lipsa motivului sau interesului legitim.

Conflicts of Interest: The author declares no conflict of interest.

References

1. Constituția nr. 1 din 29 iulie 1994. Constituția Republicii Moldova. Republicată: 29-03-2016 în Monitorul Oficial Nr. 78 art. 140.
2. Codul muncii al Republicii Moldova, adoptat prin Legea nr.154 din 28 martie 2003. În: Monitorul Oficial al Republicii Moldova, 2003, nr. 159-162.
3. Codul civil al Republicii Moldova, adoptat prin Legea nr.1107 din 6 iunie 2002. În: Monitorul Oficial al Republicii Moldova, 2002, nr. 82-86
4. Mihai, Gh. *Fundamentele dreptului. Dreptul subiectiv. Izvoare ale drepturilor subiective*. All Beck, București, 2005, 4, p.137.
5. Dimitriu, R. *Legea privind soluționarea conflictelor de muncă. Comentarii și explicații*. C. H. Beck, București, 2007, p.138
6. Legea nr. 1129 din 7 iulie 2000. În: Monitorul Oficial Nr. 130-132 art. 919.
7. Boișteanu, E.; Romandaș N. *Dreptul muncii*. Manual. Tipografia Centrală, Chișinău, 2015, pp. 702-706.
8. Țiclea, A. *Tratat de dreptul muncii*. Universul Juridic, București, 2011, p. 267.

9. Stefanescu, I. Tr. *Tratat teoretic si practic de dreptul muncii*. Universul Juridic, București, 2012, pp.56-57.
10. Belgrădeanu, Ș. Dreptul la grevă și exercitarea lui. *Dreptul* 1990, 6, p.19.
11. Pribac, V. *Abuzul de drept și contractele de muncă*. Wolters Kluwer, București, 2007 pp. 130-137
12. Supiot, A. Revisiter les droits d'action collective. *Droit Social* 2001, 7-8. Diponibil online: https://www.college-de-france.fr/media/alain-supiot/UPL7408028760523467086_revisiter_droit.pdf (accesat la 05.01.2023).
13. Constituția Republicii Italiene. Diponibil online: https://www.senato.it/sites/default/files/media-documents/COST_ROMENO.pdf (accesat la 05.01.2023).
14. Constituția Republicii Franceze, (Preambulul Constituției din 1946). Disponibil online: https://constitutii.files.wordpress.com/2013/02/constitution_roumain.pdf (accesat la 06.01.2023).
15. Cassation social 01.01.1973, Recueil de jurisprudence Dalloz, 1973, Disponibil online: https://www.dalloz.fr/documentation/Document?id=CASS_LIEUVIDE_1973-01-31_7112953#resume, (accesat la 06.01.2023).
16. National labor relations act (NLRA) or the Act; 29 U.S.C. §§ 151-169. Disponibil online: <https://www.nlr.gov/guidance/key-reference-materials/national-labor-relations-act>, (accesat la 06.01.2023).
17. National labor relations board. Disponibil online: <https://www.nlr.gov/strikes>, (accesat la 06.01.2023).

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LEGAL IMPLICATIONS FOR INCOMPLETE CRIMINAL SANCTIONS NORMS IN LIEU OF FINES FOR CORPORATIONS IN SPATIAL PLANNING CRIMES IN INDONESIA

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Abstract. Spatial planning corporate criminal sanctions are criminal sanctions imposed on corporations as stipulated in Article 74 of Law Number 26 of 2007. The criminal sanction can be applied in controlling the planning of the territory so that there is order and the space is protected from violations of the use of the space. However, when looking at the data on zoning violations, this hope is still illusory where existing law has failed to deal with corporate violations. In addition, criminal liability has not reached the beneficiaries of the proceeds of corporate crimes so that the legal objectives are not achieved. The aim of this study is to find out what the legal implications of incomplete criminal sanctions instead of fines are for corporations in land-use offences. This research is a normative legal study with multiple approaches, including statutory approaches, case approaches, historical approaches, comparative approaches, and conceptual approaches. Legal material analysis techniques are performed in perspective. The results of the study show that the legal implication of incomplete criminal penalties instead of fines for corporations in land-use offenses is expressed only by Article 74 para. (1) to the Territorial Planning Law (UUPR) 26/2007 - Criminal sanctions for corporations. This cannot simply be operationalized because there is no regulation on the mode of committing crimes (*straf modus*), there are multiple interpretations that cause confusion. They lead to the non-fulfillment of the legal objectives in the article a quo.

Keywords: *criminal sanctions, corporations, spatial planning, legal implications.*

Rezumat. Pedepsele penale pentru folosirea terenului corporativ se aplică corporațiilor conform prevederilor art. 74 din Legea nr. 26 din 2007 privind amenajarea teritoriului. Sancțiunea penală poate fi aplicată în controlul amenajării teritoriului astfel încât să existe ordine și să fie protejat spațiul de încălcări ale folosirii spațiului. Cu toate acestea, când se analizează datele privind încălcările de zonare, această speranță este încă iluzorie acolo unde legea existentă nu a reușit să se ocupe de încălcările corporative. În plus, răspunderea penală

nu a ajuns la beneficiarii veniturilor din infrațiunile corporative astfel încât obiectivele legale nu sunt atinse. Scopul acestui studiu este de a afla care sunt implicațiile juridice ale sancțiunilor penale incomplete în locul amenzilor pentru corporații în infrațiunile privind folosirea terenurilor. Această cercetare este un studiu juridic normativ cu abordări multiple, inclusiv abordări statutare, abordări de caz, abordări istorice, abordări comparative și abordări conceptuale. Tehnicile de analiză a materialelor juridice sunt realizate în perspectivă. Rezultatele studiului arată că implicarea juridică a pedepselor penale incomplete în locul amenzilor pentru corporații în infrațiunile de folosință a terenurilor este exprimată doar de articolul 74 alin. (1) la Legea amenajării teritoriului (UUPR) 26/2007 - Sancțiuni penale pentru corporații. Acest lucru nu poate fi pur și simplu operaționalizat pentru că nu există o reglementare cu privire la modul de comitere a infrațiunilor (straf modus), există multiple interpretări care provoacă confuzie. Acestea conduc la neîndeplinirea obiectivelor legale din articolul *a quo*.

Cuvinte cheie: *sancțiuni penale, corporații, amenajarea teritoriului, implicații juridice*

1. Introduction

Space as a unified container within the territory of the Unitary State of the Republic of Indonesia which is a gift from God Almighty, includes land space, sea space, air space and space inside the earth, which is intended for the entire Indonesian nation which is not only managed in a sustainable manner, but also must be protected [1]. Sustainable for generations to come and also the creation of harmony between the natural environment and the built environment, especially the physical condition of the territory of the Unitary State of the Republic of Indonesia which is vulnerable to disasters.

The judging from its history to realize the mandate of Article 33 Paragraph (3) and Paragraph (5) [2] in the field of spatial planning, the government has taken steps to make a policy for implementing spatial planning, namely through Law No. 5 of 1960 concerning Basic Agrarian Regulations [3] and Law Number 24 of 1992 concerning Spatial Planning was enacted [4] and replaced by Law Number 26 of 2007 concerning Spatial Planning [5].

The allocation of space with quite diverse cultivation functions includes the functions of residential space, trade and services, offices, service facilities, industry, agriculture, mining, non-green open space, informal sector, warehousing, defense and security, Wastewater Treatment Plant (WWTP), Final Processing Site (TPA), nuclear development, power generation, and/or tourism and mixed functions. The variety of designations or functions of space mentioned above means that the types of violations against spatial functions are very diverse with different impacts, especially if the violations committed by corporations have very broad impacts because land control by corporations is so extensive that it can even control millions of hectares. Therefore violations by corporations seriously endanger the survival of the community and other space users.

Spatial planning violations by corporations have not been fully resolved because, based on Article 74 (1), it can be proven that there are almost no court decisions related to spatial planning crimes committed by corporations. Several cases of spatial planning crimes were found by corporations, but they were not charged with the spatial planning law (UUPR), even if they were charged more with their management [6]. Examples of cases of violations of spatial planning, related to location permits, are more subject to the Corruption Law, criminal bribery of permits, such as the Meikarta case which attracted the attention of the public where there has been a conversion of paddy fields into housing functions. It is clear

that in the Meikarta case it can be charged with the Criminal Article UUPR 26/2007, for example with Article 69 (1) in conjunction with Article 74 (1). However, law enforcers charged him with the Corruption Law as a decision of the panel of judges against Lippo Cikarang (Meikarta) with case number 404 PK/Pid.Sus/2021, charged with Article 5 paragraph (1) letter b Law Number 31 of 1999 [7] as amended with Law Number 20 of 2001 concerning Eradication of Corruption Crimes juncto Article 55 paragraph (1) 1st of the Criminal Code in conjunction with Article 64 paragraph (1) of the Criminal Code [8]. The panel of judges sentenced the President Director of Lippo Cikarang, Bartholomeus Toto, to 2 years in prison and Rp. 150 million, a subsidiary of 1 month in prison, by the panel of judges at the Bandung Corruption Court. Toto was found guilty of giving bribes to former Bekasi Regent Neneng Hasanah Yasin in obtaining a number of permits for the Meikarta project development.

The development of Meikarta is still ongoing and continues to be marketed, as if there were no legal consequences for a court decision to be charged with the crime of bribery for land conversion. This condition can be a negative example in cases of spatial planning violations, where corporations are not deterred from continuing to commit violations. The incomplete regulation of the criminal sanction system for corporations can be understood due to a philosophical problem. Theoretical Problems and Legal Problems. Philosophical problems in the ontological aspect stated that corporate criminal sanctions as formulated in Article 74(1) UUPR 26/2007 in conjunction with Article 17 the work copyright law (UUCK) 11/2020 are part of the arrangement for controlling the use of space which is prioritized to recover losses incurred by convicted corporations, but whether in the a quo article it has reached corporate criminal responsibility so that it can reflect the values that exist in Pancasila and has reflected the constitutional mandate of Article 28 D paragraph 1 of the 1945 Constitution.

The Epistemological Aspect explains that Setting norms for corporate criminal sanctions as formulated in Article 74 (1) UUPR 26/2007 Jo Article 17 UUCK 11/2020 whose method of regulation only formulates the type of sanction and the duration of the sanction. The incomplete regulation of the norms of Article 74 (1) can result in multiple interpretations. Such a formalizing method does not reflect legal certainty which will undermine community justice in the use of space. Thus, whether formulations that do not regulate the modus operandi can reach alternative punishments for corporations. The axiological aspect explains that axiologically fines are criminal sanctions that have been considered the most suitable to be applied to corporations. The regulation on spatial planning fines in UUPR 26/2007 Ps.74 (1) should reflect both the legal objectives and the objectives of spatial planning implementation, namely to create a safe, comfortable, productive and sustainable national territorial space based on the Archipelagic Outlook and National Resilience [9]. Can the incomplete norms of Article 74(1) UUPR be useful because at this time violations are still occurring as data released from the Ministry of Agrarian Affairs and Spatial Planning, in its audit during the period 2015 to 2018, there were at least 6,621 locations where violations were indicated.

Theoretical problem is that when the state criminalizes an act, its existence contains legal threats in the form of sanctions for the violators. This threat is expected to be able to prevent someone from committing the prohibited act. Everyone who commits a crime must be punished according to his guilt and commensurate with his guilt. The absence of regulation on the mode of criminal sanctions for corporate convicts in Article 74 (1) of the Spatial Planning Law, indicates the incompleteness of norms, such arrangements are not in

accordance with the theory of criminal law or the theory of the formation of laws and regulations, especially the principles, systematics and techniques in establishment of good legislation.

Legal Problems, namely the regulation of corporate criminal sanctions in Article 74 of the UUPR regulates harsh sanctions for corporations that violate the use of space, but the article in its body and the explanation of the articles do not regulate how to carry out (Straf Modus) criminal sanctions for corporations, so that general provisions apply Criminal Code Article 103, Supreme Court Regulation PER-028/A/JA/10/2014 and Supreme Court Regulation 13/2016. The Criminal Code and other laws and regulations (for example the Corruption Law, the AML Law, UUTEORISM, the Environment Law), however neither the Criminal Code, supreme court rules (Perma) nor Attorney General's Regulations (Perja) as well as other laws and regulations do not provide for substitution punishment for corporate convicts. Article 74 (1) is not operational, there are no legal remedies that can be followed up for corporate convicts who are unable to pay their fines or corporate convicts who are only able to pay part of their fines.

As an effort to create fair legal certainty, in setting criminal sanctions for corporations Article 74 of Law Number 26 of 2007 concerning Spatial Planning in conjunction with Article 17 of Law Number 11 of 2020 concerning Job Creation which relates to criminal penalties in lieu of fines for convicted corporations [10], then the problem can be formulated, namely how are the legal implications for the Incompleteness of Norms of Criminal Sanctions in lieu of Fines for Corporations in Spatial Planning Crimes in Indonesia at this time.

2. Research Method

This type of research is normative or doctrinal legal research. Doctrinal research is research that provides a systematic explanation of regulations explaining areas of difficulty and possibly predicting future development [11]. Normative or doctrinal legal research is also known as library research or document study because this research is conducted or aimed only at written regulations or other legal materials [12]. This study uses several approaches to obtain comprehensive research results, namely the statutory approach, case approach, historical approach, comparative approach, and conceptual approach. In other words, in this study researchers will see law as a closed system that has comprehensive, all-inclusive and systematic properties [13].

This study uses primary legal materials (consisting of statutes, official records or treatises on making laws and judges' decisions), secondary legal materials (consisting of writings on law in the form of books or journals, research results related to with the scope of research, scientific journals, the internet and reports related to research materials, as well as books related to statutory theory, criminal law theory, and RKUHP 2017 and others), and tertiary legal materials (consisting of legal dictionaries, language dictionaries Indonesia, encyclopedia, and others). The technique of searching primary and secondary legal materials is done by studying literature and internet searching [14]. The analysis technique in this research is carried out from a perspective, namely formulating and proposing guidelines and rules that must be complied with by legal practice and legal dogmatics, and are critical in nature which are then used to solve the problems encountered [15]. Analyzing legal material is carried out by qualifying facts and legal qualifications, generating problems or legal events by looking at the problem index which is examined separately. The analysis technique used is grammatical interpretation or interpretation according to language (Language is required

in law, so language is an important tool for law. To be able to find out the meaning of statutory provisions, statutory provisions are interpreted or explained by describing them according to everyday common language. In here the meaning or meaning of the provisions of the law is explained according to the general everyday language), and Comparative Interpretation (Interpretation by comparison is sought for clarity regarding a law).

3. Results and Discussion

Legal Implications of Incomplete Criminal Sanctions in lieu of Fines for Corporations in Spatial Planning Crimes (Regarding the limitations of spatial planning crimes by corporations)

In the Criminal Code, corporations are not recognized as subjects of criminal law, therefore in special criminal laws that are spread outside the Criminal Code, such as the UUPR, the definition of corporations is important to formulate because in special criminal laws, corporations are recognized as one of the subjects of criminal law. This is very reasonable because criminal law it is a system, in which the General Provisions of Book I of the Criminal Code apply to the Special Provisions, both within the Criminal Code itself and those spread outside the Criminal Code. Because in the General Provisions of Book I of the Criminal Code the corporation is not recognized as one of the subjects of criminal law, special provisions that recognize the corporation as one of the legal subjects must regulate it in its general provisions as a result of these deviations. The legal basis that allows this deviation is Article 103 of the Criminal Code which reads "The provisions of Chapter I to Chapter VIII of this book also apply to acts which by other statutory provisions are punishable by crime, unless otherwise determined by law".

The UUPR does not define the meaning of Corporation as specified in Article 74, both in the body and in the explanation of its articles. In Chapter I General Provisions Article 1 number 33 only formulates the meaning of person namely "Person is an individual and/or corporation". Article 1 number 33 only means that the legal subject in the UUPR is an individual and or a corporation.

The implication of not formulating the meaning of corporation in UUPR will result in multiple interpretations, because according to experts the definition of corporation can be narrow and some are broad in nature as defined by Loqman (1993) [16], that corporations are narrow and some are broad. A corporation in a narrow sense is a group of businesses that have a legal entity. Corporations in a broad sense are corporations that do not have to be legal entities, every group of people whether in the relationship of a trading business or other business can be accounted for. Then according to Fuadi (2001) [17], Corporations with legal entities, for example: PT, Cooperatives and others. Meanwhile, corporations that are not legal entities, for example: companies in the form of firms, ordinary trading businesses (sole proprietorship). Furthermore Soekanto (2000) emphasized that the formulation of this definition is important to avoid confusion in interpretation, which can be one of the factors affecting law enforcement [18].

From the above formulation it is very clear that the corporation referred to in the UUPR is not clear whether it adheres to a broad corporation understanding or a narrow corporation understanding, this will result in legal uncertainty and cause injustice to corporations that commit spatial planning crimes. The provisions in Article 74 (1) UUPR which stipulates that corporations can be punished in spatial planning means that in UUPR corporations can commit criminal acts and can be held accountable. Criminal acts in the UUPR

26/2007 Jo UUCK 11/2020, there are 4 (four) actions that are prohibited or made criminal acts. And all of them are active criminal acts, but the law does not classify whether the prohibited actions are crimes or violations. Then in the formulation almost always includes the element "resulting". which can be interpreted as intentional or negligent so that by examining the formulation of the criminal articles it can be classified as a crime. The legal implications of criminal acts are theoretically the threat of punishment imposed in these criminal acts is heavier than the violation.

Article 61 letter b, UUPR 26/2007 reads "utilizing space in accordance with the spatial utilization permit from the authorized official" but because the 'space utilization permit' has been abolished and changed in UUCK 11/2020 to "utilize space according to spatial planning". From these changes, changes in letter b can be read the same as the obligations in letter a. This change has significance because it determines the formulation of the offense. The obligation in Article 61 letter a is formulated as a material offense in Article 69 by requiring a change in the function of space, while letter b is formulated in Article 70 as a formal offense where the elements of the offense are sufficiently fulfilled, namely the use of space that is "not in accordance with the spatial utilization permit issued by the competent authority". With the amendment to Article 61, the implications for the formulation of criminal sanctions in Articles 70 and 71 must also be changed from formal offenses to material offenses.

Theoretically, material offenses are more serious than formal offenses, as well as crimes that are committed intentionally are more serious than crimes committed due to negligence. Of course, this change will potentially make it difficult to prove and impose sanctions for violations of obligations in spatial planning. Therefore, other efforts are needed to facilitate proof. Article 62 UUPR 26/2007 states that "Everyone who violates the provisions referred to in Article 61 is subject to administrative sanctions." However, UUCK 11/2020 changed Article 62 to "everyone who does not obey the established spatial plan which results in a change in the function of the space as referred to in article 61 is subject to administrative sanctions." If viewed carefully, what UUCK 11/2020 Article 62 actually refers to subject to administrative sanctions is not all of the obligations in Article 61 but specifically refers to Article 61 letter a which must result in a change in the function of space. Administrative sanctions in the provisions of Article 62 overlap with criminal sanctions in Article 70 because it regulates the use of space that does not comply with the spatial layout plan and results in a change in the function of space. Such a formulation becomes ambiguous, does not provide legal certainty whether violations of the obligations of Article 61 letter a will be subject to administrative sanctions or criminal sanctions.

By looking at the formulation in Article 74 Paragraph (1) and the elucidation of the article, it turns out that it does not yet provide firmness regarding the limits for determining if a spatial planning crime is committed by a corporation. Corporate crime refers to Article 69, Article 70 and Article 71 of the UUPR, if the crime in these articles is committed by a corporation. It is not clear whether the corporate crime was committed by people either based on work relations or based on other relationships, acting within the corporate environment either alone or together. The implication of the absence of a limit to determine if a spatial planning crime is committed by a corporation is that it can lead to confusion in interpretation, and ultimately it will have an effect on the application stage which does not provide legal certainty, because criminal acts by corporations should be explained as exemplified in the Corruption Law Number 31 of 1999 in conjunction with Law No. 20 of 2001 can be seen in

Article 20 paragraph (2) which reads as follows: "A corporate crime is committed by a corporation if the crime is committed by people either based on work relations or based on other relationships, acting in an environment the corporation either alone or together".

Legal Implications of Incomplete Criminal Sanctions in lieu of Fines for Corporations in Spatial Planning Crimes (Towards Corporate Crime Responsibility in Spatial Planning)

In criminal law the principle of legality is the most important basis, the principle of legality is the first and foremost principle in criminal law. In the current Criminal Code, the legality principle is placed in Article 1 or the first article, indicating how crucial this provision is. The principle of legality is often described in the adegium "it is said that there is no action, which can be punished without the regulations that preceded it". The principle of legality in general provides limits to state power, so that the state cannot arbitrarily determine that an act of a citizen is a criminal act so that it can be punished.

In its development the principle of legality is defined in four basic principles, namely: *lex scripta*, *lex certa*, *lex stricta* and *lex praevia*. *Lex scripta* means that the criminal law must be written. *Lex certa* means that the criminal offense formulation must be clear. *Lex stricta* means that the criminal formulation must be interpreted strictly without any analogy. and *lex Praevia*, which means that criminal law cannot be applied retroactively. All of these clauses are very important to remember because they are not only a principle, but already a norm of the Indonesian constitution. The application of the principle of legality is part of non-derogable rights, or rights that cannot be reduced under any circumstances, as stated in Article 28I of the 1945 Constitution which reads that the right not to be prosecuted on the basis of a law that applies retroactively is a human right that cannot be reduced under any circumstances. Article 59 of the Indonesian Criminal Code is influenced by the principle of *societas delinquere non potest* where a legal entity or corporation is considered unable to commit a crime (and as a consequence cannot be held criminally responsible) [19].

The articles that regulate criminal provisions in spatial planning generally begin with the word everyone which refers to the meaning of person. In Article 1 number 33 it is stated that the definition of people is individuals and/or corporations. Similarly, in Chapter XI regarding criminal provisions, there is an article that regulates corporate responsibility, so it can be concluded that people and corporations (legal entities and so on) can become the subject of spatial planning crimes and can be accounted for, so it can be said that criminal responsibility in legislation UUPR adheres to the principle of liability based on fault. So in principle adhering to the principle of fault or the principle of culpability, even though it is not easy to prove that there was an error in spatial planning offenses and an error in the corporation.

Starting from the principle of error, it is as if in criminal liability there is no possibility of absolute liability (strict liability or absolute liability). However, theoretically it is possible to deviate from the principle of error by using the principles/teachings of strict liability or vicarious liability, as has been applied to the Corruption Act. Observing the formulation of spatial planning criminal responsibility has adopted the Common Law legal system, namely the doctrines of *Strick Liability* and *Vicarius Liability* where administrators and corporations can be held accountable for spatial planning violations.

Under the Criminal Code, legislators will refer to corporate officers or commissioners if they are faced with such a situation [20]. However, in the development of the economic, trade, industrial and other fields in the life of Continental European society, especially in the

Netherlands, corporations have become something that can commit crimes and can be accounted for, as the theory of Jan Remelink, Ter Heide and 'T Hart. Likewise in Anglo Saxon countries justify the implementation of the corporate responsibility system with the theory of identification (Direct Corporate Criminal Liability), the doctrine of Vicarious Liability and Strict Liability under the Law (Strict Liability).

Criminal liability in UUPR legislation adheres to the principle of liability based on fault (accountability based on the principle of fault or the principle of culpability). It is not easy to prove that there was a fault in the spatial planning offenses and the corporation's fault. In the formulation of Article 74 Paragraph (1) UUPR "In the event that the crime referred to in Article 69, Article 70, or Article 71 is committed by a corporation, in addition to imprisonment and fines against its management, the punishment that can be imposed on the corporation is in the form of fines with weighting $1/3$ (one third) times the fine as referred to in Article 69, Article 70 or Article 71". So with reference to the above formulation, those who can be held accountable in spatial planning crimes committed by corporations are the management and the corporation. However, criminal responsibility in lieu of fines in Article 74 UUPR has not touched on who should be held responsible. listed as administrator. Based on the formulation of article aquo, the penalty for substituting fines cannot be accounted for.

Legal Implications of Incomplete Criminal Sanctions in lieu of Fines for Corporations in Spatial Planning Crimes (Towards the Implementation of Criminal Sanctions in lieu of Fines for Corporations in Spatial Planning Crimes)

Corporate criminal sanctions for spatial planning violations in substance are for violations as normalized in Article 74 UUPR 26/2007 Jo UUCK 11/2020, subject to fines for corporations that violate the provisions of Article 74. This formulation system is a single track system with the imposition of threats just criminal. Theoretically, the system for formulating criminal threats as a single system is a system for formulating criminal threats that is rigid (imperative). With a system for formulating threats like this, the legal implication is that there is no other choice for judges, judges are only faced with one type of criminal sanction that must be imposed on the defendant. Article 74 of the UUPR lists the longest imprisonment and the most fines, but is not accompanied by sentencing regulations/implementation [21].

Special criminal laws such as the UUPR do not regulate how to carry out fines criminal sanctions both in the torso, explanations and regulations below, the legal implications will apply to the provisions of article 103 of the Criminal Code. Article 30 paragraph 2 of the Criminal Code regulates that if a fine is not paid, that is, a fine will be subject to imprisonment in lieu of a fine. Based on the provisions of Article 31, if the convict does not pay the fine, the convict can undergo a substitute imprisonment without waiting for the deadline for payment of the fine. He always has the authority to free himself from the replacement imprisonment by paying the fine.

Confiscation of certain goods as regulated in article 10 point b number 2 cannot be applied to corporations. This is because in Article 39 of the Criminal Code which regulates confiscation and confiscation, it is expressly stated that:

- 1) Items belonging to the convict which were obtained by means of a crime or which were deliberately used to commit a crime may be confiscated.
- 2) In the case of punishment due to a crime committed unintentionally or due to a violation, a decision of confiscation can also be imposed based on matters specified in the law.

- 3) Confiscation can be carried out against a guilty person who is handed over to the government by a judge, but only for goods that have been confiscated.

The scope of confiscation of goods as regulated in article 39 of the Criminal Code can be categorized as narrow confiscation, because in its current development it is considered insufficient in the context of preventing and eradicating corporate criminal acts. Therefore, the legal implications of this provision cannot be applied to corporations. If a fine is imposed on a person's legal subject, of course it will not cause problems as described above, but this arrangement can only be clearly applied to a person's legal subject, only natural humans. The problem is how about fines imposed on corporate law subjects, some special laws stipulate by seizing corporate assets, the next question is what about corporations that have no assets? UUPR 26/2007 does not regulate this issue so that article 74 does not fulfill the principle of legal certainty in the formation of laws and regulations. So that it can be ascertained that in Article 74 UUPR there are incomplete legal norms or unclear norms.

Can lead to legal uncertainty and open up opportunities for injustice because these norms are not followed by regulations, this of course will lead to multiple interpretations and result in legal uncertainty. Even though the formulation of a norm, in so far as it is concerned with or related to the matter of sentencing (penalties/sanctions) must comply with the principle of "lex stricta, lex certa, and lex scripta", namely the legal principle which emphasizes that a rule of law must be drawn up clearly, firmly, without bias, and strict so that it does not have room for broad, ambiguous, or even multiple interpretations. According to Law Number 12 of 2011 concerning Formation of Legislation Article 5 letter f it states that forming Legislation must be done based on the principle of Forming good Legislation, such as the principle of clarity of formulation. Then in the following provisions of Article 6 it is stated that the material content of Legislation must reflect the principle of legal certainty [22].

Based on the above analysis, it can be concluded that the substance of the corporate criminal sanction system Article 74 (1) UUPR is contrary to the principle of legal certainty and also contrary to the concept of protection and legal certainty as part of the protection of citizens' human rights regulated in Article 28D paragraph (1) and paragraph (3) of the 1945 Constitution. Therefore, in connection with the inability to apply criminal sanctions in lieu of fines for corporations as a result of the incomplete regulation of the norms of Article 74 (1) mentioned above, it is necessary to think about completing the legal norms of Article 74 (1) by first expanding who can be held accountable when the corporation has no assets or has no good intention not to pay and how the criminal sanction system is regulated.

4. Conclusions

The legal implications for the incompleteness of the Norms of Criminal Sanctions in lieu of Fines for Corporations in Spatial Planning Crimes, are: Resulting in criminal sanctions for corporations formulated in article 74 (1) UUPR 26/2007 cannot simply be operationalized because they do not regulate the *staaf mode*; Resulting in multiple interpretations, because it does not formulate the definition of Corporation where according to experts the definition of corporation can be narrow and some are broad; Causing confusion in the application stage because there is no limit to determine if a spatial planning crime is committed by a corporation. Criminal acts by corporations should be explained as exemplified in the Corruption Law. In the investigation and execution of corporate convicts for corporations that are unable or do not have the good will to pay fines, then an in-depth study must be carried out to trace the flow of funds to the beneficiaries. This is intended so that the assets of the

convicted corporation that are placed in the beneficial owner or nominal can be confiscated to replace the fines that are not paid by the convicted corporation, and in carrying out its business the Corporation must obey and participate in maintaining sustainable development, namely, by utilizing space in accordance with the provisions.

Conflicts of Interest: The authors declare no conflict of interest.

References

1. Parsa, I W. *Laporan akhir tim pengkajian hukum tentang penegakan hukum penataan ruang dalam kerangka otonomi daerah*. Jakarta, BPHN- Kementerian Hukum dan Ham RI, 2018, p. 1-5.
2. The 1945 Constitution of the Republic of Indonesia. Available online: <https://jdih.bapeten.go.id/unggah/dokumen/peraturan/116-full.pdf> (accessed on 24 March 2019).
3. Law No. 5 of 1960 on the Basic Regulation of Agrarian Trees, Available online: <https://spi.or.id/wp-content/uploads/2014/11/UNDANG-UNDANG-No-5-Tahun-1960-1.pdf> (accessed on 24 March 2019).
4. Law of the Republic of Indonesia Number 24 of 1992 Concerning Spatial Planning, (LN RI 1992 Number 115, TLN RI 3501). Available online: <https://www.dpr.go.id/dokjdih/document/uu/640.pdf> (accessed on 24 March 2019).
5. Law of the Republic of Indonesia No.26 of 2007 Concerning Spatial Planning (RI 2007 National Examination Number 68, TLNRI 4725). Available online: https://www.gitews.org/tsunami-kit/en/E6/further_resources/national_level/undang_undang/UU%2026-2007_Penataan%20Ruang.pdf (accessed on 24 March 2019).
6. Bawole, G.Y. Penerapan sistem hukum pidana civil law dan common law terhadap penanggulangan kejahatan korporasi. *Lex Crimen* 2014, 3(3), pp. 72-83. Available online: <https://ejournal.unsrat.ac.id/v3/index.php/lexcrimen/article/view/5301/4814> (Accessed on 24 March 2019).
7. Law No. 31 of 1999 concerning the Eradication of Corruption Crimes. Available in https://www.dpr.go.id/dokjdih/document/uu/UU_1999_31.pdf (accessed on 24 March 2019).
8. Law no. 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning Eradication of Corruption Crimes. Available online: <https://jdih.go.id/files/4/2001uu020.pdf> (accessed on 24 March 2019)
9. Susim, S. Pidana Denda Dalam Pemidanaan Serta Prospek Perumusannya Dalam Rancangan KUHP. *Lex Crimen* 2015, 4(1), pp. 225-234. Available online: <https://ejournal.unsrat.ac.id/index.php/lexcrimen/article/view/7018/> (accessed on 31 October 2019).
10. Law of the Republic of Indonesia Number 11 of 2020 concerning Job Creation (LNRI of 2020 No.245, TLN 6573). Available online: <https://uu-ciptakerja.go.id/wp-content/uploads/2020/11/Salinan-UU-Nomor-11-Tahun-2020-tentang-Cipta-Kerja.pdf> (accessed on 31 October 2019).
11. Marzuki, P.M. *Penelitian Hukum*, Jakarta: Kencana Prenada Media Group, 2011, p. 73.
12. Soekanto, S. dan Mamudji, S. *Penelitian Hukum Normatif*, Jakarta: Cetakan ke-8 PT. Raja Grafindo Persada, 2004, p. 18.
13. Ibrahim, J. *Teori & Metodologi Penelitian Hukum Normatif*, Malang: Penerbit Bayumedia Publishing, 2006, p. 27.
14. Rahadjo, S. *Ilmu Hukum*. Bandung: Citra Aditya Bhakti, 2006, p. 38.
15. Abdlatif and Ali, H. Perihal Kaedah Hukum. Bandung: Citra Aditya Bakti, 2010, p.76.
16. Loqman, L. *Delik Politik Di Indonesia*. Jakarta, IND-HILL-CO, 1993, p.34-35.
17. Fuady, M. *Doktrin-Doktrin Modern Dalam Corporate Law dan Eksistensinya Dalam Hukum Indonesia*. Bandung, Citra Aditya Bakti, 2001, p.5.
18. Soekanto, S. *Faktor-faktor Yang Mempengaruhi Penegakan Hukum*. Jakarta, PT Raja Grafindo Persada, 2000, p. 19.
19. Prityatno, D dan Kristian. *Sistem Pertanggungjawaban Pidana Korporasi (Ditinjau dari Teori dan Konsep, Pendapat Para Ahli, Pertimbangan Hakim dan Yurispudensi)*. Jakarta, Prenada Media Group, 2020, p.1.
20. Remmelink, J. *Hukum Pidana; Komentar atas Pasal-pasal Terpenting dari KUHP Belanda dan Padanannya dalam KUHP Indonesia*, Translated by Tristam P. Moeliono, Jakarta, Gramedia Pusaka Utama, 2003, p. 458.
21. Junef, M. Penegakan Hukum Dalam Rangka Penataan ruang Guna Mewujudkan Pembangunan Berkelanjutan. *Jurnal Peneitian Hukum De Jure* 2016, 17(4), p. 373-390. <http://dx.doi.org/10.30641/dejure.2017.V17.373-390>
22. Diskant, E.B. Comparative Corporate Criminal Liability: Exploring the Uniquely American Doctrine Through Comparative Criminal Procedure. *The Yale Law Journal* 2008, pp. 126-172. Available online: https://openyls.law.yale.edu/bitstream/handle/20.500.13051/9766/05_118YaleLJ126_2008_2009_.pdf?sequence=2&isAllowed=y (accessed on 27 May 2021).

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LEGAL PROTECTION FOR ADOPTED CHILDREN IN INDONESIA THROUGH COURT DETERMINATION

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Abstract. Anyone can adopt a child. In Indonesia this can be done if the child to be taken meets the requirements, this of course must be in accordance with applicable laws. However, legal protection in child adoption varies in each region according to customary law that applies in an area. The purpose of this study is to analyze whether a court order can provide legal protection for adopted children. This research is normative legal research with legal data. The results of the study show that the child adoption procedure in Indonesia actually fulfills the principle of legal certainty in accordance with Indonesian law. Laws on adoption include the Law of the Republic of Indonesia No. 23 of 2002, Law of the Republic of Indonesia No.23 of 2006, and Government Regulation Number 54 of 2007.

Keywords: *adopt a child, legal protection, customary law, Indonesia, Indonesian law.*

Rezumat. Oricine poate adopta un copil. În Indonezia, acest lucru se poate face dacă copilul care urmează să fie luat îndeplinește cerințele, acest lucru, desigur, trebuie să fie în conformitate cu legile aplicabile. Cu toate acestea, protecția juridică în adopția de copii variază în fiecare regiune în funcție de dreptul cutumiar care se aplică într-o zonă. Scopul acestui studiu este de a analiza dacă o hotărâre judecătorească poate oferi protecție juridică copiilor adoptați. Această cercetare este o cercetare juridică normativă cu date juridice. Rezultatele studiului arată că procedura de adopție a copiilor din Indonezia îndeplinește de fapt principiul securității juridice în conformitate cu legislația indoneziană. Legile privind adopția includ Legea Republicii Indonezia nr. 23 din 2002, Legea Republicii Indonezia nr. 23 din 2006 și Regulamentul Guvernului numărul 54 din 2007.

Cuvinte cheie: *adoptarea unui copil, protecție juridică, drept cutumiar, Indonezia, dreptul indonezian.*

1. Introduction

Unsupportive national economic conditions greatly affect family economic conditions and have an impact on the level of welfare of Indonesian children. The reality that we encounter everyday in society is that there are still many children who live in unfavorable

conditions, where there are many street children, neglected children, orphans and children with disabilities with their various complex problems that require handling, coaching, and protection, both from the government and society. The government has committed to provide protection for children by passing Law Number 23 of 2002 concerning Child Protection [1]. All forms of efforts to protect, fulfill children's rights, maintain children's welfare have been regulated in the law. Parents who have sufficient finances can adopt children, this is an effort to deal with child problems that occur in society. Abandoned children, children born to poor families, or children whose status is unclear are objects of child custody. Adoption of children must be in accordance with local customs and applicable laws [2].

Lately there have been a lot of irregularities in the adoption of children. This happens due to a process that is not in accordance with the law, not following the correct procedure, there is falsification of data, the purpose of adopting a child who should be cared for properly is even being traded and even taken by his organs for personal gain. This has been very detrimental to children and has deprived children of rights. Children should be protected and raised properly and lovingly like biological children [3]. For this reason, it is necessary to regulate the adoption of children, both those carried out by the Government and by the community, which are set forth in the form of a Government Regulation. In fact, the government makes it easier for the community, and also provides legal certainty to the community, with the existence of legal pluralism that is recognized in society, namely by the promulgation of Government Regulation Number 54 of 2007 concerning Implementation of Child Adoption. In Article 19 of Government Regulation Number 54 of 2007 Concerning the Implementation of Child Adoption, it is stated that, "Customary adoption is carried out in accordance with the procedures in force in the community concerned."

The government recognizes the existence of customary law, this is manifested in legislation, namely Article 19 of Government Regulation Number 54 of 2007 concerning Implementation of Child Adoption. In Article 8 of Government Regulation Number 54 of 2007 Concerning the Implementation of Child Adoption, the adoption of children between Indonesian citizens as referred to in Article 7 letter a, includes the adoption of children based on custom in a certain area; and adoption of children based on statutory regulations [4]. Considerations for Government Regulation Number 54 of 2007 concerning Implementation of Child Adoption, formed as follows: Children are part of the younger generation, successors to the aspirations of the nation's struggle and human resources for national development [5]. To realize quality Indonesian human resources, guidance from an early age is needed which takes place continuously for the survival, growth and physical, mental and social development of children.

This Government Regulation can be used as a guideline in implementing child adoption which includes general provisions, types of adoption, conditions for adoption, procedures for adoption, guidance in implementing adoption, supervising implementation of adoption and reporting. The enactment of this Government Regulation is also intended so that child adoption is carried out in accordance with statutory provisions so as to prevent deviations from occurring which in the end can protect and improve the child's welfare for the future and the best interests of the child.

Fulfilling the needs of a developing community, in this case adoption, as stipulated in the Staatsblad of 1917 No. 129 Junto Year 1924 No.557, and in its development Law and public awareness in the practice of adoption carried out by indigenous peoples and Chinese people is often carried out with a notary deed and can have legal force when followed by a

further process to obtain its validity when submitting an application to the District Court to obtain a Court order [6]. Practices carried out by indigenous peoples and descendants of Chinese as a form of deviation from the provisions of the 1917 Staatsblad No. 129 Junto Staatsblad Year 1924 No. 557. This is due to the Circular of the Supreme Court of the Republic of Indonesia No. 6 of 1983 and the birth certificate process at the Civil Registry Office [7].

Regarding adoption according to Indonesian customary law, it is based more on blood ties and procedures according to customary law and local community habits, for example in Java, people prefer to adopt children from their own families. Adoption of children who are good and provide legal certainty is actually carried out in accordance with positive law. Adoption has been regulated in Law of the Republic of Indonesia No. 23 of 2002 concerning Child Protection, Law of the Republic of Indonesia No. 23 of 2006 Population Administration [8], and Government Regulation of the Republic of Indonesia No. 54 of 2007 concerning Adoption of Children [9].

Indonesian people who adopt children usually enter the name of the adopted child as their biological child. This is a real criminal act. It is ironic if the adoptive parents of this child are subject to Article 278 of the Criminal Code, because they are accused of falsely confessing a child by the child's extended family. Article 278 of the Criminal Code states, "Whoever recognizes a child as his own according to the provisions of the Civil Code, even though he knows that he is not the father of the child, is threatened with confessing a false child with a maximum imprisonment of three years. On the contrary, the child's biological parents can be accused of violating Article 77 of the Law of the Republic of Indonesia No. 23 of 2002 concerning Child Protection by the extended family of the adoptive father, Any person who deliberately commits acts of child neglect. Article 77 Law of the Republic of Indonesia No. 23 of 2002 concerning Child Protection.

Adoption of children in Indonesia as a customary law institution is not uniform both in terms of motivation and the procedure for adopting them. There is no unified way of implementing child adoption in the Malang community, so the legal status of child adoption varies according to the applicable customary law of each region. There are various ways that are carried out by the community, some through the courts, based on the provisions of Islamic law, but most of them are carried out according to custom, therefore, the issue of adoption is a problem for the people and the government of Indonesia. The provisions are different, so it is appropriate if there is a way to bridge the gap, so that the adopted child can be properly cared for and his future can be guaranteed, especially with regard to the legal position of adoption. This confession of a fake child actually violates the principle of legal certainty, because the implementation of child adoption does not have written evidence and triggers conflicts in the future. Based on the background above, this research will discuss whether a court order can provide legal protection for adopted children?

2. Legislative Regulations on Adoption of Children in Indonesia

Adoption of children (adoption) has been regulated in the Law of the Republic of Indonesia no. 23 of 2002 concerning Child Protection, Law of the Republic of Indonesia No. 23 of 2006 Population Administration, and Government Regulation of the Republic of Indonesia No. 54 of 2007 concerning Adoption of Children. Judging from the right of human life, in general, they are never satisfied with what they feel and experience, so that various efforts are made to fulfill satisfaction. In the case of ownership of a subsidiary, this is done by adopting an "ADOPTION" child.

In customs that develop in a society with various customs and civilization systems, there are many ways to adopt children or adopt children. Judging from daily life, adoption is mostly based on blood ties, so that the continuation of the family's life depends on it, as for these assets. It also depends on whether the child in question is based on blood ties or not. Likewise, the position of the child in society is still influenced by certain legal treatment and considerations. Customary law, in fact this adoption or artificial family has been known and carried out in various places on the surface of this earth both in primitive societies and in modern or advanced societies. It is for this reason that it is not surprising that recently parents have been worried about their young children, especially in big cities, because there have been many cases of theft of children to be sold abroad, as a result, these children were legally adopted by foreigners [10].

In Indonesia as an archipelagic country there is a diversity of laws that differ from one region to another in accordance with differences in customs and customary law, as stated by Van Vollen Hoven in Indonesia there are 19 customary law environments (Recht Tskring) while each recht tskring also has and consists of several legal institutions (Recht Gouw). There are several differences in each of the customary law areas in Indonesia regarding the issue of the status of adopted children, this is in accordance with the diversity of the Indonesian nation which is reflected in the form of the symbol of the Indonesian State which has a diversity in diversity.

The existence of adoption agencies in Indonesia as a legal institution is still not in sync, because it still involves the issue of legal certainty. This inconsistency is very clear if we study the provisions regarding the existence of the adoption agency itself in the legal sources that apply in Indonesia, both western law which originates from the provisions contained in the *burgelijk wetboek* (BW) and customary law that applies in the community. Indonesia as well as Islamic law which is a logical consequence of Indonesian society where the absolute majority is Muslim. The three legal systems stated above, do not appear to have an equation that provides legal certainty regarding child adoption as a form of child welfare implementation that aims to provide optimal protection. Optimizing the existence of legal certainty for adoption aims to prevent fraud from occurring which can eliminate the original purpose of providing welfare services for children as subjects whose rights should be protected in accordance with the principle of child protection.

A form of abuse that can function as adoption, as a means of protection, is used as a cover for profit or for the sake of unilateral interests and sees the child no longer as a subject whose interests must be protected, becoming a weak silent object. For this reason, serious handling is needed so that the issue of adoption is not used as an opportunity for parties seeking their own benefits, so in the case of adoption there should be a provision or definite legal rules regarding adoption. Adoption based on customary law has received a legal umbrella, namely in Article 19 of Government Regulation Number 54 of 2007 concerning Implementation of Adoption. Article 19 of Government Regulation Number 54 of 2007 Concerning the Implementation of Child Adoption, above is a manifestation that the government recognizes the existence of customary law.

Customary law is a law that is recognized in this country. The development of customary law during the Daendels era suffered the same fate as in previous times, namely being subordinated to European law. Except for civil law. Including civil law and commercial law, Requirements for adoption according to customary law, adoption according to customary law and its legal consequences in the future” that adoption is an attempt to take non-

hereditary children with the intention of caring for and treating them as their own children. There are many ways to adopt a child according to customary law, especially in Indonesia, which has a variety of adoptions. Based on the description above, it can be concluded that the conditions for adoption are the consent of the parents themselves to the adoptive parents through traditional ceremonies in each village and the approval of the two family members of those who adopt and are appointed. The purpose of adopting a child is basically:

- a) To maintain offspring and as the survival of those who adopt children. It is also hoped that in the future when the adoptive parents are no longer able to work, the child is expected to be able to look after and provide a living until the adoptive parents pass away.
- b) To maintain a family environment.
- c) To increase peace and happiness in household life, because of course people who do not have children in the family feel anxious and less peaceful and lonely in their household.
- d) To strengthen the kinship with the parents of the adopted child.
- e) There is a belief that because of adoption the child will then have his own child in this case which is called a provocation child.
- f) Because of their compassion, they want to help their children whose lives are deprived and neglected.
- g) To get bachelors, who can help their parents work at home.

3. Position of children in customary law

The existence of adopted children in the midst of indigenous peoples who are carried out by certain families, seems to be quite an interesting phenomenon to be discussed in today's scientific repertoire. Children are a mandate from God Almighty, which is given so that they can be cared for physically and mentally by the family. Parents have hope as a successor to their children. Marriage is a legal way to have children. On the other hand, the purpose of having children is to continue the lineage and continue the preservation of wealth. There is a certain pride if the people who are bound in marriage have children or descendants. However, the goals and expectations of children are not always in accordance with the hopes and dreams of parents. Many couples find it difficult to have children, so they consider adopting children.

Adoption of children by certain families ultimately has consequences that may occur in the future. The existence of adopted children in a family allows for high emotional ties, which no longer separate one from another. Thus, when the time comes, the adopted child can be counted as a person who is entitled to the assets of the adoptive parents after death. This is the result intended to occur later. In connection with the problems in this paper, that the existence of the adopted child mentioned above has a position on inheritance [11].

According to Javanese custom, adoption does not break legal or kinship ties with the biological parents. Adopted children in Javanese customary law have the same position as biological children regarding inheritance, namely getting a share of the inheritance because they are considered their own offspring by the adoptive parents, but the distribution of inheritance is in accordance with the wishes of the adoptive parents. An adopted child who has a legal status who still gets his inheritance if the adopted child has been recognized by the local High Court and from the customary law of the local community where everything at the time of adopting the adopted child has the right to inherit the adoptive family or it is not in accordance with the agreement with the adoptive parents.

4. Legal Protection for Adopted Children Based on Court Orders

The importance of legal certainty for adoption agencies, according to Muderis Zaini, stated that currently there are still conflicting provisions governing the issue of adoption or adoption, so in reality it often causes difficulties. Provisions regarding adoption, things that must be regulated include: who can adopt, who can be adopted, what are the motives/purposes of adopting, how is the procedure and the issue of whether or not the adoption can be canceled [12]. In addition to definite rules, which do not cause difficulties in implementation, legal pluralism in adoption must be eliminated, is the opinion of the author. Determination is a court decision on an application case (voluntary), for example determination in cases of dispensation of marriage, marriage license, guardian adhal, polygamy, guardianship, itsbat nikah, and so on. The stipulation is a jurisdictional voluntaria which means it is not a real trial because in stipulation there is only the petitioner and there is no legal opponent. In determining, the judge does not use the word "to judge", but simply uses the word "to determine".

Generally, the process in court is aimed at obtaining a judge's decision that has permanent legal force and a good decision where the judge's decision is in accordance with the values of justice and cannot be changed anymore. The existence of this decision made both parties to the litigation force both parties to comply with the decision issued by the judge. If they don't obey it, it can be enforced by the help of state tools. Guidelines for District Courts on child adoption in Indonesia:

- a. Based on the laws and regulations in force in Indonesia, the legitimacy of a child adoption (adoption) is not based on a deed of adoption made by a Notary, but based on:
 - 1) Determination of the District Court, in the event that child adoption occurs between Indonesian Citizens (Domestic Adoption).
 - 2) Decision of the District Court, in the case of children adopted by Indonesian Citizens with the status of Foreign Citizens, or in the case of children adopted by Foreign Citizens with the status of Indonesian Citizens (Inter Country Adoption).
- b. Adoption of children (adoption) has been regulated in the Law no. 23 of 2002 concerning Child Protection, Law No. 23 of 2006 Population Administration, and Government Regulation No. 54 of 2007 concerning Adoption of Children.

In Law no. 23 of 2002 concerning Child Protection in Chapter V The status of adopted children is discussed from article 27 to article 29 [8]. It should be explained that Law no. 23 of 2002 concerning Child Protection is a law and regulation that regulates all aspects related to child protection in general in which the dignity and dignity of the child is attached as a whole human being [13]. There is an interesting legal problem in this research, namely that there are still notaries who make adoption certificates. The authority of a notary in the notary office law can state, Article 15 Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of a Notary [14].

Article 15 paragraph (1) Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of Notary Public, states that: Notaries have the authority to make authentic deeds regarding all actions, agreements and stipulations required by laws and regulations invitation and/or desired by interested parties to be stated in an authentic Deed [15]. Based on these rules, if the party wishing to have an adoptee is the prospective adoptive parents and the child's biological parents, the notary has the authority to make the adoption certificate. It should be underlined here, an adoptie deed may be made,

if it meets the conditions for child adoption according to Article 13 of Government Regulation Number 54 of 2007 concerning Implementation of Child Adoption.

Provisions on child adoption according to Article 13 letter m Government Regulation Number 54 of 2007 concerning Implementation of Child Adoption above Prospective adoptive parents must meet the requirements to obtain permission from the Minister and/or the head of a social agency. The Social Agency referred to is the Social Service. From the provisions above, it can be concluded that the legal issue in this study is that the adoption deed made by a notary is not in accordance with Article 13 letter m of Government Regulation Number 54 of 2007 concerning Implementation of Child Adoption. Apart from the above legal issues, child adoption in Indonesia so far uses local customs. Usually, factors or backgrounds are adopted by Javanese people who are already entrenched, namely:

- a) the desire to have children, for couples who do not have children;
- b) hope and belief will get a child after raising a child or as a "bait";
- c) still want to add a different type of child from the child you already have;
- d) as compassion for abandoned children, poor, orphans and so on.

Regarding adoption according to Indonesian customary law, it is based more on blood ties and procedures according to customary law and local community habits, for example in Java, people prefer to adopt children from their own families.

5. Adoption Laws in the United States and the Netherlands

In the United States, the procedure for adopting a child is carried out by first the prospective adoptive parents submit an application for adoption which is addressed directly to the Adoption Agency or the child's parents directly, and must be approved by a judge. However, if the person making the application for adoption is not from their own family, they must go through the Adoption Agency. The judge is tasked with conducting an investigation of the applicant or prospective adoptive parents. Investigations are carried out by ensuring the stability of the marriage, whether the prospective adoptive parents are able to properly care for the prospective adopted child (in this regard, the adopted child is given time to live with the prospective adoptive parents who wish to adopt him within a certain period of time according to the approval of the judge), even in certain countries requires the prospective adoptive parents to have the same religion as the prospective adopted child.[16]

The Netherlands, the law on adoption is contained in the provisions of article 344k sub.f. Burgerlijk Wetboek where the article describes the procedure for adopting children as follows, before adopting a child, the prospective adoptive parent must be the guardian of the prospective adopted child. This aims to protect all the interests of prospective adopted children. Looking at the methods applied in America and the Netherlands, it can be concluded that in the case of adoption, the active role of the government is needed which is responsible for protecting the interests of the children, especially prospective adopted children. Indonesia itself adopts children already involving the government's active role, this is related to the welfare of prospective adopted children, do not let children be adopted by parents who are not right, because it is very detrimental to children and deprives children of their rights to get protection and happiness in life as stated in the law law no. 11 of 2009 concerning social welfare, especially the article in the provisions of article 1 paragraph (1) [17].

Adoption of a child if it is not carried out according to legal procedures will cause several consequences, including the following

- There is a misunderstanding between what is lawful and what is unlawful. For example, having an adopted child make her a mahram where she cannot marry

someone she should or should be able to marry, and she can also see other people's nakedness that should be forbidden for her to see.

- Disruption of family relationships and their rights. This allows for the disruption of family rights and obligations that have been defined in Islam. Legal consequences that result in the legal relationship between the child and the biological parents being completely broken and a new legal relationship with the adoptive parents arising, in the case of guardianship, for example for an adopted daughter who is Muslim, if she is about to marry, only her biological parents can become the guardians of the marriage or his blood relatives and adoptive parents are not allowed to be his marriage guardian.
- Adoption of an adopted child into a family of adoptive parents can lead to animosity between the offspring in the family. For example, in the case of inheritance, the adopted child should not receive an inheritance, instead he becomes an heir who can cover the portion that should be received by other heirs who are entitled to receive it.

Such adoption usually occurs in prospective adoptive parents who do not want to be bothered with the bureaucracy in Indonesia. According to the author, another legal consequence that can arise if the adoption is carried out without a court decision is that there is no legal relationship between the adoptive parents and the adopted child because there is no valid evidence that the adoption was carried out according to the applicable regulations. Another consequence that can arise is that between the rights and obligations of each party, between the adoptive parents and their adopted children cannot be sued. The point here is that the rights and obligations between children and parents do not exist because there is no valid legal document that regulates the rights and obligations of adoptive parents and also their adopted children, so this cannot be challenged in court when a case or situation arises. the parties in this case the adoptive parents and adopted children.

6. Conclusions

The procedure for adopting children must be in accordance with applicable legal norms, this is with the intention of providing legal protection if in the future there is a problem that conflicts with the legal principles of child care. In Indonesia, it has been stipulated in Law no. 23 of 2002 concerning Child Protection, Law of the Republic of Indonesia No. 23 of 2006 Population Administration, and Article 13 Government Regulation of the Republic of Indonesia No. 54 of 2007 concerning Adoption of Children. Determination of guardianship by taking into account the article of Government Regulation Number 54 of 2007 concerning Implementation of Child Adoption. This provision provides legal certainty for adopted children in Indonesia. The legislation aims to provide protection and well-being of children in the fields of education, health, eligibility in life and affection. The government is committed to providing clarity on the legal status of adopted children through registration of adoptions which has been manifested in the issuance of excerpts of deed of adoption registration as proof of legality for an adopted child.

Adoption of a child without a court decision can result in adverse legal consequences for both the adopted child and the adoptive parents. Legal consequences that can arise, for example, disruption of the relationship of adopted children with other family members in terms of inheritance or the rights and obligations of each as regulated in the law. With the court's decision on the adoption of this child, the adopted child gets legal certainty which is

very important in terms of his status as a new family member in his adoptive parents' family environment.

Conflicts of Interest: The authors declare no conflict of interest.

Reference

1. Law of the Republic of Indonesia No. 23 of 2002 concerning Child Protection. Available online: <https://jdih.go.id/files/4/2002uu023.pdf> (accessed on 23 March 2021).
2. Hadikusuma, H. *Pengantar Ilmu Hukum Adat Indonesia*. Bandung, Mandar Maju, 2003, p. 15.
3. Government Regulation Number 54 of 2007 Concerning Implementation of Child Adoption. Available online: https://jdih.kempppa.go.id/peraturan/PP_NO_54_2007.pdf (accessed on 25 March 2021).
4. Rahardjo, S. *Sisi-sisi Lain dari Hukum Di Indoensia*. Jakarta, PT Kompas Media Nusantara, 2003, p. 27.
5. Saputra, H.; Jaya, M.; Maryam, S. Kedudukan dan peranan hukum adat dalam Penyelesaian konflik. *Jurnal Politik dan Pemerintah Daerah* 2019, 1(1), pp. 17-29. DOI: <https://doi.org/10.36355/jppd.v1i1.2>
6. Siregar, B. Modernisasi Dan Perembangan Kesadaran Hukum Masyarakat. *Jurnal Hukum & Pembangunan* 1977, 7(6), pp. 445-461. DOI:10.21143/jhp.vol7.no6.734
7. Circular Letter of the Supreme Court of the Republic of Indonesia No. 6 of 1983 and the birth certificate process at the Civil Registry Office. Available online <https://jdih.mahkamahagung.go.id/legal-product/sema-nomor-6-tahun-1983/detail> (accessed on 25 April 2021).
8. Law of the Republic of Indonesia No. 23 of 2006 concerning Population Administration. Available online: https://www.dpr.go.id/dokjdih/document/uu/UU_2006_23.pdf (accessed on 23 March 2021).
9. Wiranata, G.A.B. *Hukum Adat Indonesia, Perkembangan dari Masa Ke Masa*. Jakarta, Citra Aditya Bakti, 2005, p. 113.
10. Sudaryatmi, S. Peranan Hukum Adat Dalam Pembangunan Hukum Nasional Di Era Globalisasi. *Masalah-masalah Hukum* 2012, 41(4), pp. 572-578. DOI: 10.14710/mmh.41.4.2012.572-578
11. Syahbandir, M. Kedudukan Hukum Adat dalam Sistem Hukum. *KANUN: Jurnal Ilmu Hukum* 2010, 12(1), pp. 1-13. Available online: <https://jurnal.unsyiah.ac.id/kanun/article/view/6285/5176> (accessed on 16 March 2022).
12. Benda-Beckmann, K.V. *Pluralisme Hukum, Sebuah Sketsa Genealogis dan Perdebatan Teoritis*. Jakarta, HUMA, 2005, pp. 19-38. Available online: <https://publikasi.huma.or.id/pub/102-pluralisme-hukum--sebuah-pendekatan-interdisipliner.pdf> (accessed on 16 March 2022).
13. Sari, N.Y.; Cahyaningsih, D.T. Perbandingan Perlindungan Hukum Anak Angkat Setelah Pengangkatan Anak Melalui Penetapan Pengadilan Negeri Dan Pengadilan Agama. *Privat Law* 2018, 6(2), pp. 265-270. DOI: <https://doi.org/10.20961/privat.v6i2.25610>
14. Law of the Republic of Indonesia No. 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of Notary. Available online: <https://www.kemhan.go.id/ppid/wp-content/uploads/sites/2/2016/11/UU-2-Tahun-2014.pdf> (accessed on 23 March 2021).
15. Arliman, L. Hukum Adat Di Indonesia Dalam Pandangan Para Ahli Dan Konsep Pemberlakuannya di Indonesia. *JS: Jurnal Selat* 2018, 5(2), pp. 177-190. DOI: <https://doi.org/10.31629/selat.v5i2.320>
16. Pandika, R. *Hukum Pengangkatan Anak*. Jakarta, Sinar Grafika, 2012, p. 7.
17. Law of The Republic of Indonesia No. 11 of 2009 on social welfare. Available online: <https://luk.staff.ugm.ac.id/atur/sehat/UU-11-2009KesejahteraanSosial.pdf> (accessed on 17 February 2023).

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PRINCIPLES OF LAW ENFORCEMENT ACTIVITY BY PUBLIC AUTHORITIES

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Abstract. Both the purpose of research and the study presented in the article are focused on one of the main factors, which influence, at all stages, the efficiency and social value of law enforcement activity. This factor would be the observance of principles of law enforcement activity by public authorities, which, up to present, did not get adequate coverage in either legislation or doctrinal research. It is stated that “general principles of law mean a set of guiding ideas, which, without having the precise and exact character of the regulations of positive law, guide the application of law and its evolution”. The referential framework of the given study is determined by the essence towards which the development of the activity of law enforcement must be oriented, their destination being the ensuring of legal, fair, and impartial law enforcement. The analysis and study demonstrated that the aforementioned principles are intended to influence the regulation not only for those who apply the law, but for the lawmaker, as well. In conclusion, a multispectral and systematic approach in the field implies a research based on the theoretical importance of the principles of the law enforcement activity that resides in their contribution to the work of creating the law as well as the efficiency of the activity of legal norms applying by the public authorities.

Keywords: *the application of legal norms, principles of law, public authorities, efficiency, legal norms, the ideology of law, objective.*

Rezumat. Atât scopul cercetării cât și studiul prezentat în articol sunt axate pe unul din factorii principali ce influențiază, la toate etapele, eficiența și valoarea socială a activității de aplicare a dreptului. Acest factor ar fi respectarea principiilor activității de aplicare a dreptului de către autoritățile publice, care, până în prezent, nu și-au găsit o reflectare corespunzătoare atât în legislație, cât și în cercetările doctrinare. Se menționează că prin „principii generale ale dreptului se înțelege un ansamblu de idei directe care, fără a avea caracterul precis și concret al normelor de drept pozitiv, orientează aplicarea dreptului și evoluția lui”. Cadrul referențial al studiului dat este determinat de esența spre care trebuie să fie orientată dezvoltarea activității de aplicare a dreptului, destinația lor regăsindu-se în garantul activității de aplicare juridică legală, echitabilă și imparțială. Analiza și studiul realizat demonstrează că principiile în cauză sunt destinate să acorde o influență asupra reglementării nu numai la cei care aplică dreptul, dar și asupra creatorului actelor normativ-juridice. În concluzie, o abordare multispectrală și sistematică în domeniu presupune o

cercetare bazată pe importanța teoretică a principiilor activității aplicării dreptului ce rezidă din aportul acestora la opera de creare a dreptului cât și eficientizarea activității de aplicare a normelor juridice de către organele autorităților publice.

Cuvinte-cheie: *aplicarea normelor juridice, principiile dreptului, autoritățile publice ale statului, eficiența, norme juridice, ideologia dreptului, obiective.*

1. Introduction

It is obvious that while enforcing the law, the public authorities have the obligation to adhere to the provisions of the law to make sure that everyone – citizens alongside public authorities, all adhere to the legal norms. In this process, the action of the one called to enforce a certain law is fully successful if it is also determined by the “spirit” of this law, which can be deciphered and understood only if the requirements of the principles of law are met [1]. The principles of law enforcement activity by public authorities outline the most essential aspects of this activity, but also of the structure and the functioning of the system of agencies, which have been granted such competence.

Special obligations, in this sense, are placed upon the judge, who more often and in more difficult situations when compared to other public authorities, has to apply the law both in its letter and its spirit. The judge has the duty to apply the law and to do justice by ensuring the legality and legitimacy of the rendered rulings. The role of general, branch and inter-branch principles of law in courts’ activity has always been emphasized in legal literature [2]. According to objectives, principles of law enforcement activity represent the second component of the chain of legal categories. If objectives determine the destination of the legislative branch of state power, then the aforementioned principles show how the former ones must be realized. Along with the positive values, such an approach also highlights its own shortcomings. Compared to concrete legal norms governing various fields of social relations, the principles are characterized by increased stability and can remain intact for a long time, expressing the essence of both the law enforcement activity by public authorities and the policy pursued by state. However, this aspect is not given the necessary attention in all normative acts.

The purpose of the study consists in complex analysis of the principles underlying the law enforcement activity by the public authorities of the state. The scientific problem proposed for solution consists in determining the classification categories of the principles of the law enforcement activity, a fact that points towards the structural and competence modernization in the field, contributing to its organizational and functional efficiency.

It is very important to study the principles and especially their classification categories, which influence the aims and objectives of public authorities; to establish the reasons and circumstances which that substantially diminish the efficiency of the drawn up application acts; to evaluate from a qualitative standpoint the activity of the state apparatus; to establish citizens level of trust towards state power, in general, and especially, towards public authorities.

2. Conceptual and literature review

„The general principles of law represent a factor of stability, adaptation and integration within the legal order, and from the standpoint of legal technique, they fill the gap, correct excesses and anomalies in the process of interpretation and application of law. Thus, the general principles of law are not only an “armor” of legal thinking, but are also a result of numerous normative texts, an expression of “the spirit of the law”, while not going

beyond positive law” [3]. The principles of law enforcement activity by public authorities are ideas, provisions, indications, initial orientations and determinants, which form an organizational and logical basis.

Experience has proven and still proves that general, branch, and inter-branch principles of law have an exceptional role in the process of realization of legal norms. It is known that, often enough, public opinion, human communities, or even citizens acting on their own have demanded and continue to demand eliminating acts of corruption, not favoring anyone during law enforcement activity as no one is above the law. However, failure to abide by the legal norm will keep the aforementioned negative phenomena in the society, and even more so, illegality will be favored and the general inefficiency of the law will become a certainty [4].

Along with a thorough and well-thought regulation of the principles of law enforcement activity by public authorities, the corresponding normative acts require a legislative reflection of the acting priority of those norms containing principles of law enforcement activity over any other norms contained in the law. Thus, in cases when discrepancies, contradictions, or legislative gaps are found, public authorities will be allowed to act pursuant to the principles of law enforcement activity, and citizens will be given a clearer perception of their personal rights and freedoms, as well as the power to demand their observance by public authorities. “Therefore, the practical utility of knowing the principles is that we find, with their help, the guidelines for the entire legal system, which can only gain in the result, as now the lawmaker’s and practitioner’s activity is guided” [5]. In legal literature, there are different criteria for classifying the principles of law. Thus, we can highlight the fundamental, inter-branch, and branch principles of law enforcement activity. Regarding the field of law enforcement, both as a form of law realization and as an activity and process, it is explored via the principles of law enforcement phenomenon by several authors, including T. Triboi, who enumerates the following principles which describe the given phenomenon: the principle of promptness, objectivity, opportunity, legality, equity and justice, as well as unity in the process of law enforcement [6]. It is worth mentioning that the author does not carry out an in-depth research of the application of law since the aforementioned principles may characterize a law enforcement activity, and by no means a form of realization of law. A broader vision in this regard was presented by Boris Negru, who describes the ideology of law enforcement as the totality of ideas, opinions, concepts, principles, requirements which show how the legal norms should be applied. Ideology determines the values which must be achieved in the process of application of law. In simple words, ideology includes principles that must be realized, the most important of which are:

1. Promptness of law enforcement – which implies rapidity in the process of law enforcement and is an effective condition when fighting wrongdoings and protecting people’s legitimate interests, while strictly observing deadlines set by the lawmaker. At the same time, the author stresses that promptness has nothing to do with superficially solving certain cases.

2. Objectivity of law enforcement – which implies impartiality and objectiveness, the rendered decision being based on criteria that do not depend on the subject applying the law, but rather on motivated and real facts.

3. Opportunity of law enforcement – which implies the investigation of the state of affairs’ specifics at the time of issuing the application act, etc.

4. Legality of law enforcement – which ensures the adherence of the subject applying the law to the letter and spirit of the law, compliance with the limits of competence by the

public authorities, strict compliance with the procedure established by law, as well as elaboration and limitation of law-appliance corresponding to the examined case.

5. Equity and justice in the process of law enforcement – equity brings to the fore the problem of existence of pre-existing fundamental prescriptions, detached from nature or from an order, whose objective is to bring security to social life. It implies adjusting the decision taken during the process of law enforcement to the real state of affairs. Justice is the ideal general state of society, achievable by ensuring the observance of citizens' rights and legitimate interests.

6. Unity in the process of law enforcement – which is characterized by rendering similar decisions for similar cases [7].

3. Results and Discussion

Regarding the law enforcement activity by public authorities, in the light of the aforesaid, it would make sense, for instance, to classify the principles of law enforcement activity into general-legal principles, principles of institutional organization and principles of operation. When classifying the principles, it must be taken into account that some of them form the foundation of positive law, while others contribute to the establishment of legal technique in different branches of law.

The general principles of law enforcement activity are the following:

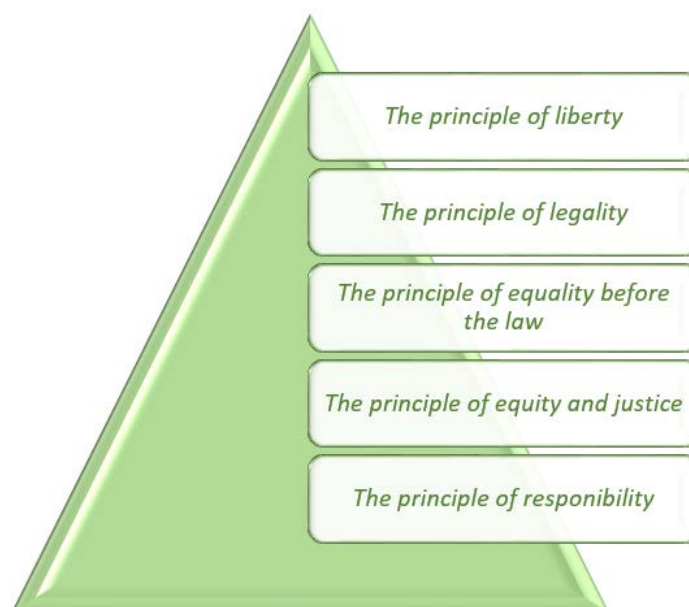


Figure 1. General principles of law enforcement activity.

a) **The principle of liberty.** The fundamental idea of the law is liberty. Article 3 of the Universal Declaration of Human Rights states: “Everyone has the right to life, liberty and security of person” [8]. Liberty, as a fundamental principle of law, implies elaboration of such legal norms that ensure self-fulfillment for all people based on their own choices in relations with other members of the community and in the given social environment; application of law by authorized state agencies to ensure that everyone is protected in one’s free manifestations and actions, for as long as liberty of others is also ensured. Clearly, during the processes of creating law and law-appliance, it becomes necessary to correlate the liberty of an individual with the liberty of others keeping in mind that, in human society, *liberties coexist*, and this coexistence is based on “some fair laws”, whose provisions facilitate and

ensure the manifestations and free actions of everyone, in a natural relation with the manifestations and free actions of others.

b) **Principle of legality** implies the obligation of public authorities, local public administration, civil servants, citizens and their associations to adhere to the provisions of the Constitution and legislation of the Republic of Moldova, which establishes the exact way of training public authorities, states their duties and correlation in exercising their prerogatives. In general terms, legality requires two sides: a) existence of fair and scientifically approved legal regulations (content side); b) their enforcement since the existence alone of even the most perfect laws will not be suffice (professional side) [9]. The principle and requirements of legality cover all stages of law enforcement activity. Any subject of law enforcement has the obligation to draw up law enforcement acts within the limits of one's legal capacity and to not allow other subjects to carry out any illegal actions; to strictly comply with the norms governing the order (procedure) of examining the case and drawing up the law enforcement act; to make a fair legal assessment and to conclude it with a decision that would correspond to the letter and spirit of the law.

Special obligations, in this sense, are placed upon the judge, who more often and in more difficult situations when compared to other public authorities, has to apply the law both in its letter and its spirit. The judge has the duty to apply the law and to do justice, to perform "the act of righteousness", by ensuring the legality and legitimacy of the rendered rulings.

c) **Principle of equality before the law** implies equality of rights, freedoms and obligations, lack of privileges in claiming of rights for certain social categories and certain subjects, regardless of origin, financial status or position held, race, nationality, sex, language, religion, domicile, etc. It is worth mentioning the distinction made between equality of rights and equality before the law. There is a difference in terminology, which can be confusing. A true equality of rights, most certainly, implies the possibility of legislature control. Without control over the constitutionality of laws, equality before them is inefficient.

d) **Principle of equity and justice**, being a general-legal and social principle, legal literature has emphasized the necessity of knowing and promoting the requirements and commands of the principle of equity both in the process of creating law and in law enforcement, noting that under this principle, situations of favoritism, when pursuant to legal regulation certain individuals are favored to the disadvantage of others, must be eliminated. Impartiality and objectivity must be fundamental rules for the judge, but also for all public and social authorities empowered to apply the legal norm. Justice, as an institution of law enforcement, aims to establish justness, treats people by excluding any subjectivism and demonstrating impartiality [10]. In all fields where law is applied, we are dealing mainly with restrictions rather than with the protection of individual freedoms, all for the sake of social solidarity, whose objective is to ensure common well-being.

People called "to make the law" and "to apply the law" must know and take into account the needs and aspirations of the members of society, while not disregarding their status. Equity's requirements towards law enforcement activity mean that the law enforcer is aware of the importance of the accuracy of decision from the standpoint of society's and state's interests. The equity of law enforcement activity implies the correspondence of the taken decision with the moral convictions of society in general. However, the most important side of the principle of equity would, of course, be the impartiality of the subject applying the law, objective attitude towards the circumstances of the case, the subjects involved, and the final decision.

e) **The principle of responsibility.** When exploring the notion of responsibility, in case of assuming it for the results of social action, it is acknowledged that social action is the direct environment for manifestation of responsibility, on the one hand, and on the other hand, that liberty is a fundamental condition of responsibility. Being closely linked to human activity, responsibility appears as a correlation with the normative system. The principle of responsibility refers both to the addressees and to the subjects of law enforcement, such as civil servants, who elaborate concrete enforcement documentation. The latter are responsible for illegal actions and decisions, which violate the rights, freedoms and legal interests of the people; for acts of corruption committed in the activity of law enforcement; for the formal-superficial attitude in issuing law enforcement documentation. In other words, “responsibility becomes an intrinsic aspect of social conduct, being a decisive factor in adhering to the provisions of legal norms and protecting social values actively and consciously” [11].

While studying law enforcement activity by public authorities, we also enumerate and characterize the **principles of institutional organization**, which have a pronounced axiological expression in the field, Figure 2.

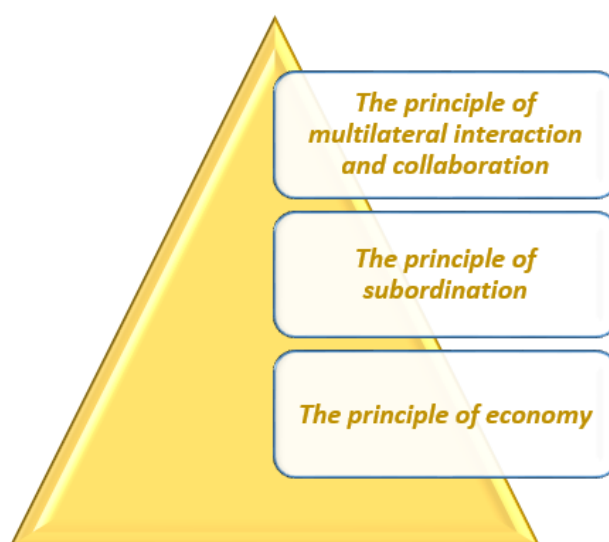


Figure 2. Principles of institutional organization.

a) **The principle of multilateral interaction and collaboration.** It is often difficult for public authorities involved in the application of legal norms to issue a legal, well-founded and objective decision individually. The system of public services in a state is determined by a centralized, autonomous or subordinate regime. As a result, “with regards to organization and functioning of the public administration, from a historical point of view, two systems of administrative organization have emerged: centralized and decentralized” [12]. This includes the interaction, or, in other words, the detailed process, oriented towards establishing the links between state agencies for the elaboration of the efficient mechanism of joined actions, for achieving the objectives contained in the legal norm. The efficiency of the law enforcement activity depends, namely, on the level of scrupulousness of the normative-legal regulation, the productivity of the collaboration mechanism and the interaction of law enforcement agencies.

b) **The principle of subordination.** This principle implies a subordination of inferior agencies to the superior ones, resulting from the unity of the system of state agencies, where the hierarchical levels of authority, typical for each level of agencies, must be clearly defined in the legislation.

c) **The principle of economy** determines the objective-professional assessment of not only material resources, but also of human, spiritual, psychological ones, of work, time, etc. This principle can be explored via a double approach: *the first approach* – when forming public authorities, the interdependence and interconnection of their internal structures is taken into account; *the second approach* – the economy of the entire law enforcement activity during all its stages is being presumed. At the same time, this principle affects not only the public authorities or the activity of law enforcement, but also the legal rules which are yet to be applied. This is why a legal norm is considered optimal only when its result is efficient, useful, and meets economy standards [13].

The legal principles of operation of law enforcement activity by public authorities can be considered the following, Figure 3.

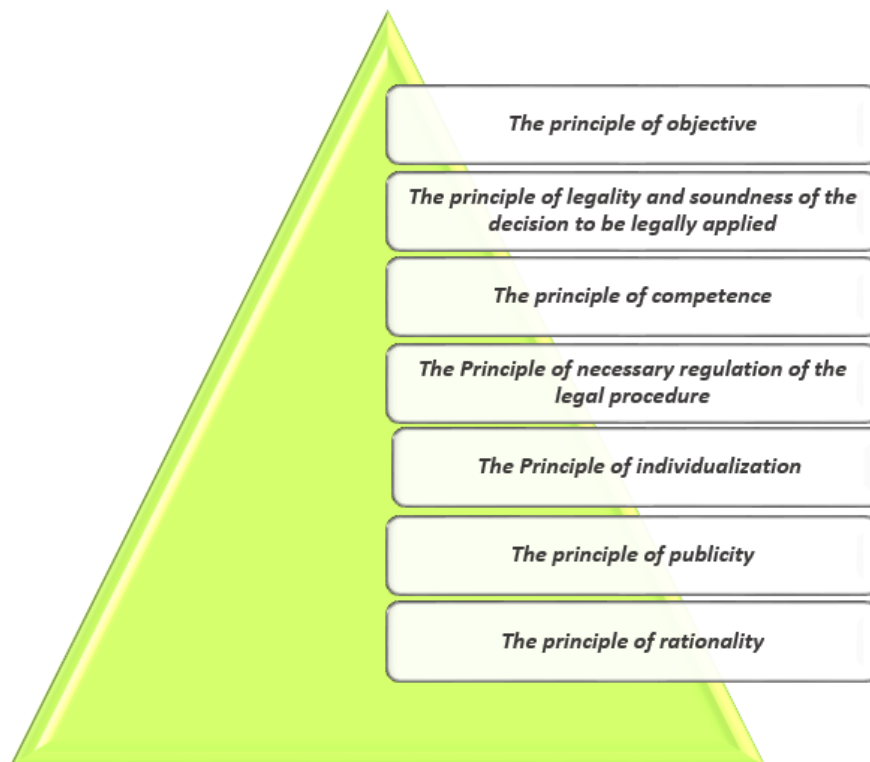


Figure 3. Principles of operation of law enforcement activity by public authorities.

a) **The principle of objective**, multilateral, complete *investigation* of a certain case implies the necessity of a thorough, exhaustive, and non-contradictory study of all case materials, and, at the same time, an objective, fair, and impartial assessment by the subject applying the law given the circumstances of the case. The activity of law enforcement is considered objective if the taken decision is based on criteria that do not depend on the will of the subject applying the law, but on undisputable, real facts and arguments.

b) **The principle of legality and soundness of the decision to be legally applied.** The legality and soundness are two concepts in a relation of reciprocity, which, at the same time, have their own meaning. The legitimate character defines the adherence of law enforcement activity to the normative provisions; this holds true not only for the decisions taken during this activity, but also for the execution of these decisions and of other actions taken by the subject applying the legal rules. The reasoned characteristic, however, refers only to the decisions, and explains their correctness and conformity with the objective factors included in the case, such as evidence, testimonies. The principle of soundness directs the subjects of

law enforcement activity towards the elucidation and analysis of all the circumstances, as well as the establishment of a logical connection between the circumstances of the case and the final decision to further be applied. Unjustified facts, as well as evidence obtained by violating procedural rules cannot be taken into account and must be rejected by the subject who applies the law. Violation or non-compliance with the principle of soundness leads to declaring the issued document of application null and void.

c) **The principle of competence.** Competence means the legal capacity of a public authority or a natural or legal person to deal with a particular matter. In procedural law, competence is defined as the legal authority of a court to examine certain claims, disputes or cases [14]. Every public authority has its own competence, namely, the totality of rights and freedoms which determine its place in a given system. If a concrete life situation is examined by a public authority which does not possess the required powers or competence, then the decision taken by this public authority will also be illegal.

Thus, the legal category of competence determines the right and, at the same time, the obligation of law enforcement agencies in a certain direction or in a negative sense it serves as a limitation, which establishes the fields of implication of each agency [15].

d) **Principle of necessary regulation of the legal procedure** determines the relation between subjects and public authorities who are competent to act in the field of law enforcement. The law enforcement activity is carried out in a certain manner, taking into account all the rules and procedures established by law, which cause the specification of the activity of subjects applying these norms. In some cases, the rules and procedures mediate all stages of the law enforcement activity, in other cases – only the most essential actions of both the subjects applying the rule of law and persons involved in the process of law enforcement. It is worth mentioning that in practice the correlation of legal-material and procedural norms is not always optimal. Sometimes a detailed procedural regulation serves as an obstacle during law enforcement, and other times the lack of procedural norms can lead to abuse by law enforcement officials, civil servants, whose decision influences the realization of subjective rights and legal obligations of the subjects.

e) **Principle of individualization.** This principle relies on certain social-legal factors: the individuality of the person – one's originality and unique features; the specific characteristics of each examined case; personal responsibility of each one only for oneself; acceptance of application of legal liability measures. All of the enumerated factors determine the characteristics and level of social danger of the subject of the deed – a participant in the concrete legal relation, the circumstances of committing the deed, as well as the personality of the subject determining the individualization of the law enforcement act.

f) **The principle of publicity** implies the publicity of both the newly approved legal regulations and the stages determined by the legislation of the law enforcement activity, access and subordination of state institutions and civil servants to society. The application of the principle is not uniform, depending on the belonging of legal norms to be applied to one branch of law or another since the principle of publicity is oriented in its application to avoid affecting certain interests and rights of given subjects. In these conditions, this principle has a limited realization. The accessibility of information regarding all the institutions, the stages of the law enforcement activity by public authorities are oriented towards establishing a social control of the community and avoiding possible abuses. The process of doing justice has always attracted and interested the members of society, this interest being mutual and useful. The lawmaker complies with the publicity requirements of the court hearing to prove

that in any situation when there is a violation of the provisions of the legislation, the perpetrator is tried under legal conditions. For the realization of this principle, the law provides the possibility of allowing representatives of the media or other persons to make photo, audio, and video recordings [16]. The principle of publicity also implies that members of society are ensured access to complex information on the activity of the public authorities and maintaining of close ties between the society and the power. Public authorities, pursuant to their competence, are obliged to ensure citizens' access to correct information on public affairs and on issues of personal interest (except in cases when the right to information interferes with measures of citizens' protection or national security).

g) **The principle of rationality** implies the independence under the law of the law enforcer, which depends on one's subjective qualities. Article 27 of the Code of Criminal Procedure states: "The judge and the person carrying out a criminal investigation shall assess evidence according to their own convictions formed after examining all the evidence managed. No evidence shall have a pre-established force of argument" [17]. The principle of rationality, in the activity of law enforcement, means choosing the optimal variant for realization of legal provisions in certain social relations, as well as adherence to certain conditions for the application of a given normative act. Any legal norm is formulated in such a way as it would allow various decisions to be taken on its basis. This fact gives the law enforcer the possibility to act at his own diligence in choosing the variant of the appropriate regulation of the given legal norm. Thus, the principle of rationality excludes and prohibits the formal attitude of law enforcers towards the examined case [18].

4. Conclusions

Based on the study findings and the study presented, we conclude that the analyzed principles of law enforcement activity are in a reciprocal or interdependent relation, where, by disregarding one of these principles, the efficiency will significantly decrease, or the action of other principles will become impossible. Therefore, adhering to the aforementioned principles is a fundamental condition of the entire activity of law enforcement, which is carried out by public authorities who have competence to apply legal norms, and this activity includes an official procedure resulting in drawing up of application acts, which serve as foundation for the emergence of legal relations, an issue which requires broader considerations.

The opinions of scientists agree that law is an imperfect matter that has imperfections or gaps that reduce its quality and cause damage to human rights. In such situations, in order to avoid or to reduce the risks of affecting the judicial act, recourse is made to the interpretation and application of the general principles of law but also the principles of the activity of applying legal norms where they are imperfect or do not exist. However, this phenomenon not being an immutable one because it evaluates together with the legal changes determined by the social-economic mutations that have occurred. Innovation ensures the permanent transformation of law according to new social requirements, a fact that allows us to admit the emergence of new categories of principles of law enforcement activity and much broader classifications than those presented in the content of the scientific article.

Therefore, in our opinion, the degree of efficiency of the law enforcement activity is determined: by the achievement of the goals that were the basis for the creation of legal norms and the compliance of the principles of law when issuing enforcement acts.

Through this work it was demonstrated that a multispectral and systematic approach in the field implies a research based on the theoretical importance of the principles of the law enforcement activity that resides in their contribution to the work of creating the law as well as the efficiency of the activity of legal norms applying by the public authorities. As a result, without a well-organized mechanism of the process of realization of legal provisions, neither legality, nor public order, nor any legal conduct of the subjects of legal relations can be achieved. Moreover, the very normative essence of legal regulation is questioned if there is a decrease in the quality of legal regulation, and especially of the law enforcement process.

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Reference

1. Manțuc, E.; Negru, A. Factorii care determină eficiența activității de aplicare a dreptului de către organele autorităților publice. *Revista Națională de Drept* 2011, 5, pp. 16-21.
2. Negru, A. Aprecieri de esență ale principiului consolidării justiției. *Legea și Viața* 2012, 11, pp. 20-26.
3. Craiovan, I. *Tratat elementar de teorie generală a dreptului*. ALL, Bucharest, Romania, 2001, 209 p.
4. Popescu, S. *Teoria generală a dreptului*. Lumina Lex, Bucharest, Romania, 2000, 366 p.
5. Motică, R.; Mihaș, Gh.I. *Teoria generală a dreptului*. ALL Beck, Bucharest, Romania, 2001, 280 p.
6. Triboi, T. Principiile aplicării dreptului. În: *Anale științifice ale Academiei „Ștefan cel Mare” a Ministerului Afacerilor Interne al Republicii Moldova*. Științe socioumane, Chisinau, Republic of Moldova, 2010, 260 p.
7. Negru, B.; Negru, A. *Teoria generală a statului și dreptului*. Tipografia Centrală, Chisinau, Republic of Moldova, 2017, 632 p.
8. Declarația Universală a Drepturilor Omului, adoptată la 10 decembrie 1948 de Adunarea Generală a ONU. Available online: https://www.ohchr.org/sites/default/files/UDHR/Documents/UDHR_Translations/rum.pdf (accessed on 10 January 2023).
9. Osoianu, T.; Orîndaș, V. *Procedura penală (partea generală)*. *Curs universitar*. Tipografia Orhei, Chisinau, Republic of Moldova, 2004, 256 p.
10. Voicu, C. *Teoria generală a dreptului*. Lumina Lex, Bucharest, Romania, 2002, 408 p.
11. Vonica, R.P. *Introducere generală în drept*. Lumina Lex, Bucharest, Romania, 2000, 600 p.
12. Orlov, M. Belecchiu, Ș. *Dreptul administrativ*. Academia "Ștefan cel Mare". "Elena-V.I.", Chisinau, Republic of Moldova, 2005, 270 p.
13. Barac, L. *Elemente de teorie a dreptului*. All Beck, Bucharest, Romania, 2001, 288 p.
14. Ceterchi, I. Craiovan, I. *Introducerea în teoria generală a dreptului*. ALL, Bucharest, Romania, 186 p.
15. Păvăleanu, V. *Drept procesual penal. Partea generală*. Lumina Lex, Bucharest, Romania, 200, 520 p.
16. Botezatu, R. *Comentariu Codului de procedură penală*. Cartier, Chisinau, Republic of Moldova, 2005, 768 p.
17. Codul de Procedură Penală al Republicii Moldova. Nr. 122-XV din 14.03.2003. În: *Monitorul Oficial al Republicii Moldova*, 07.06.2003, nr. 104 – 110/447.
18. Postovan, D. Rolul culturii generale, în special al culturii juridice, în dezvoltarea societății. *Revista Națională de Drept* 2007, 12, pp.50-52.

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Review of the monograph

“Challenges and trends in the development of gluten-free products”

carried out by Rodica Siminiuc, Doctor of Philosophy, Assistant Professor at the Department of Food and Nutrition and Dinu Țurcanu, university lecturer, PhD student, specialty 253.04 Food safety Technical University of Moldova

Recenzia monografiei

„Provocări și tendințe în dezvoltarea produselor fără gluten”

realizată de Rodica Siminiuc, doctor în științe tehnice, conferențiar universitar al Departamentului Alimentație și Nutriție, Universitatea Tehnică a Moldovei și Dinu Țurcanu, lector universitar, doctorand, specialitatea 253.04 Securitatea produselor alimentare, Universitatea Tehnică a Moldovei

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Prevalența crescândă a afecțiunilor asociate consumului de gluten, impactul acestora asupra sănătății publice și a securității alimentare continuă să-i preocupe pe oamenii de știință și să constituie adevărate provocări pentru specialiștii din domeniul alimentar.

Monografia *Provocări și tendințe în dezvoltarea produselor fără gluten* reflectă rezultatele unor investigații teoretice și practice bine documentate, realizate în cadrul Universității Tehnice a Moldovei, inclusiv prin proiecte de cercetare. Studiul abordează un subiect specific, extrem de actual și de important pentru securitatea alimentară, în special în Republica Moldova. Întrucât singurul tratament pentru boala celiacă, acceptat unanim de comunitatea medicală, îl reprezintă terapia nutrițională, bazată pe o dietă riguroasă fără gluten, soluția ideală a acestor probleme ar fi dezvoltarea de produse fără gluten, cu caracteristici nutriționale și senzoriale similare produselor clasice. În această ordine de idei, proiectarea produselor de panificație fără gluten mai rămâne un subiect vulnerabil – atât din punct de vedere nutrițional, cât și tehnologic, deoarece diferă semnificativ de produsele standard din făină de grâu, prezentând, de obicei, caracteristici inferioare. Lipsa unei matrice proteice rezistente, capabile să se extindă și să rețină gaze, condiționează formarea aluaturilor slabe, cu permeabilitate ridicată la dioxid de carbon și dificultăți mari de menținere a structurii, ceea ce conduce la reducerea volumului la coacere. Prin urmare, se impun cercetări aprofundate, formule riguroase, tehnologii avansate și strategii bine gândite pentru dezvoltarea produselor fără gluten și asigurarea securității alimentare a persoanelor cu afecțiuni asociate consumului de gluten.

Autorii au reușit să elucideze un spectru relevant de aspecte ale dezvoltării produselor fără gluten – de la motivele pentru care unii oameni sunt constrânși sau aleg să evite glutenul, până la tehnologiile aplicate și ingredientele folosite în procesul de producție. Au fost reflectate rezultatele valorificării făinii de soriz (*Sorghum Oryzoidum*) prin dezvoltarea maielei cu floră spontană și posibilitatea aplicării acesteia în fabricarea produselor tradiționale artisanale – a cozonacilor. Un alt subiect de interes, cercetat de autori, este valorificarea ierburilor spontane comestibile din Republica Moldova, ale căror componente și proprietăți ar putea fi aplicate în proiectarea de noi produse recomandate persoanelor cu regimuri alimentare speciale (regimuri în hipoglicemie, regimuri fără gluten etc.) sau folosite pentru îmbunătățirea acestor regimuri.

Această importantă Monografie științifică reprezintă, fără îndoială, un studiu valoros și un instrument indispensabil în căutarea soluțiilor pentru dezvoltarea produselor fără gluten, capabil să trezească și să satisfacă curiozitatea intelectuală a cercetătorilor din domeniul științei alimentare, a dieteticienilor, nutriționiștilor, a tinerilor profesioniști din industria respectivă. În plus, aceasta va constitui o sursă de informații prețioase pentru oricine este interesat de inovații în sfera produselor alimentare și în modul în care știința și industria alimentară poate răspunde nevoilor nutriționale și de sănătate ale consumatorilor.

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