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FAITH OF AN ELDERLY PERSON: STRUCTURAL ANALYSIS

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Abstract

Gerontology studies have analyzed successful aging, while paying little attention to the existential needs and concerns of elderly people, including questions about mortality, religiousness, spirituality and meaning of life. This study examines the faith of the elderly from a psychological perspective. Faith is an internal need to search for meaning, purpose and significance, and is typical for all people. It is defined as a dynamic and structured “meaning-making” process, in which different aspects of faith are integrated in the same individual and are focused on the development (Fowler, 1981, Fowler, Streib, & Keller, 2004). Psychological theories and research show that people's ability to create and to find meaning leads to a positive adjustment, but there is a lack of in-depth exploration of faith of elderly people.

Purpose – to discover the structure of faith of an elderly person.

Design/methodology/approach – One person participated in the study. The participant was a man, 78 years of age, Roman Catholic. The material was collected by a semi-structured interview using Faith Development Questionnaire (Fowler et al., 2004). The structural faith analysis was performed according to the Manual for Faith Development Research (Streib & Keller, 2015).

Findings – The person reveals the formation of his identity and the development of personal faith. Structural faith analysis demonstrates that the older man’s faith dominates the traditional faith stage characterized by more abstract thinking, mutual interpersonal perspective, belonging to a group, orientation to interpersonal relationships, narrow social networks, external authorities based on his family, developing autonomous position with authority, no clear worldview of his own, synthesis of conventional attitudes, conformity to religious beliefs and to trusted authorities. The conflicts between his personal faith and social expectations are ignored due to the social fear to be criticized and rejected. The person does not think critically or systematically.

Research limitations/implications – because only one person participated in this case study, the results cannot be generalized to the whole population of the elderly. The

results of this case study may provide new insight into further qualitative research with bigger sample size in order to understand the faith in a broader context and to compare faith of people from different religions or age groups.

Practical implications – the results can be applied to psychological and pastoral work with elderly people. Awareness of personal faith and faith related challenges can help to integrate faith into their lives, to strengthen the identity and to improve adaptation in family and society.

Originality/Value – An innovative research methodology was applied in this study. A qualitative study was performed and the Faith Structure Analysis by Streib and Keller (2015) was applied. An older man’s case was analyzed in order to deeper understand personal faith and its role in old age. It is the first of such studies in Lithuania.

Keywords: faith, structural analysis, meaning-making, elderly.

Research type: case study.

References

- Fowler, J. W. (1981). *Stages of Faith*. San Francisco: *Harper & Row*.
- Fowler, J. W., Streib, H., & Keller, B. (2004). *Manual for Faith Development Research* (3. ed.) Bielefeld: Universität Bielefeld / Research Center for Biographical Studies in Contemporary Religion.
- Streib, H., & Keller, B. (2015). *Manual for Faith Development Research: Short Form*. Bielefeld: Universität Bielefeld / Research Center for Biographical Studies in Contemporary Religion.

BUSINESS DISPUTE MEDIATION AGREEMENTS

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Abstract

Purpose – to analyze agreements to mediate existing and future business disputes, their legal regulation, validity, forms, and objectives

Methodology – in this research paper, theoretical and empirical methods (the linguistic method, the document analysis method, and the systematic analysis method) are applied

Findings – business dispute mediation agreements are like other agreements, but with a specific subject matter (i.e., the parties involved in a business dispute mutually agree on a dispute resolution procedure rather than on the substantive issues of law). There are two types of mediation agreements: those which are concluded before the dispute arises and those which are concluded after the dispute between the parties has arisen. A mediation clause is a separate provision which is included in the main business contract. By including a mediation clause, both parties express their will to settle their future disputes which arise out of or in connection with the present business contract through mediation. A concluded mediation agreement does not prevent parties from initiating judicial proceedings or arbitration

Research limitations – the author of this research paper analyzes business dispute mediation agreements and their legal regulations. She limited her research to the legal provisions which regulate mediation agreement in Lithuania as well as the legal provisions of other civil law countries (e.g., Estonia, Latvia and Poland). The author also analyzes the legal practices of agreements to mediate business disputes in the United States and in the English Courts

Practical implications – this article can be useful for those studying Lithuanian mediation doctrine because there is currently a lack of legal literature on the subject. The findings can be applied in practice by the parties involved in a business dispute, by the contracting business parties if a dispute does not exist, as well as by mediation providers

Originality – this is the first time that an in depth study of business dispute mediation agreements was carried out in Lithuania



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Keywords: business dispute mediation agreements, mediation clause, business contracts, business disputes

Research type: research paper

COMPARATIVE THEORETICAL AND PRACTICAL ASPECTS OF STIPULATED DAMAGES

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Abstract

Purpose – to reveal similarities and differences regarding practical operation and application of liquidated damages and penalty clauses.

Methodology – theoretical methods (analytic, systemic and historical) are applied.

Finding – although liquidated damages and penalty clauses fall under the term of stipulated damages or agreed sums and important common features can be traced down between two, however, the differences cannot be missed out too. Despite the fact that both are set to operate as a certain amount that has to be paid by the debtor in case of contract breach and in this sense carry out compensatory function, liquidated damages in Common Law jurisdictions may also limit the liability of a debtor only to the agreed amount, whereas in most Continental Law jurisdictions such liability restricting impact is uncommon. Penalty clauses in latter jurisdictions are known for encouraging contractual performance, which means that Continental Law courts do not forbid agreeing on sums that exceed damages arising from the breach, on the condition that the difference between penalty clause and damages does not become excessively unreasonable. When analyzing regulation and case law regarding stipulated damages in different legal systems, some degree of convergence is noticeable. Common Law courts become reluctant in voiding penalty clauses when there is commercial justification for the difference between the amounts. So in this sense it can be concluded that encouraging contractual performance with liquidated damages clauses is no longer completely forbidden. In Continental law systems, including Lithuania, main concern regarding penalty clauses is associated with the enhancement of legal certainty in commercial contractual relations. Recent shifts in Austrian and German regulation may serve as an example showing that exclusion of judicial control over penalty clauses, which are set by commercial parties, is not as efficient, as having relatively flexible judicial control mechanism available, which not only allows monitoring excessively unreasonable amounts but also balances the needs of contractual freedom and legal

protection. In the Lithuanian Republic, legal certainty should not be enhanced by completely excluding judicial review over penalty clauses inserted in commercial contracts but by including the aspect of equal bargaining power into one of the penalty clause’s criteria of commercial contractual nature and by making the application of mentioned criteria compulsory.

Research limitations – in this article the research is limited to the analysis of theoretical and practical aspects of liquidated damages and penalty clauses. Main focus regards commercial contractual relations.

Practical implications – the article initiates a discussion on ways of enhancing the legal certainty in commercial contractual relations in Continental Law jurisdictions, including the Lithuanian Republic.

Originality – the question regarding most efficient judicial review that would help to enhance legal certainty associated with stipulated damages is still of high importance because of the difficulty of balancing the needs of the freedom of contract and the weaker parties’ protection. The analysis of regulation, practice and scholarly literature of different countries reveal varying solutions to this problem. However, not every solution should get credit for its effectiveness when considering application under the law of Lithuanian Republic. This insight highlights the need for an analysis that has not been carried out in the Lithuanian doctrine yet.

Keywords: Common Law, Continental Law, liquidated damages, penalty clause.

Research type: general review

PARTICIPATION OF STUDENTS WITH DISABILITIES AT THE UNIVERSITY’S INTERNATIONAL ACTIVITIES

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Abstract

The right to education is universal and must extend to all children, youth, and adults with disabilities. This right is enshrined in the Convention on the Rights of the Child (1989) and addressed in several significant, internationally approved declarations, including the World Declaration for Education for All (1990), the Standard Rules on the Equalization of Opportunities for Persons with Disability (1993), the UNESCO Salamanca Statement and Framework for Action (1994), and the Dakar Framework for Action (2000) (United Nations, 2015). Article 19 of the United Nations Convention on the Rights of Persons with Disabilities sets out the right for everyone with disabilities – including those with mental health issues and intellectual disabilities – to live and be included in the community. According to the provisions of social justice, every person has equal rights for active participation in higher education. This is one of the attributes of the person’s social activity..

The concept “social activity” describes a person’s with disability activity in the open society by creating his or her own way of the life. A person with disability as any other person should be able to use his or her own internal and external environmental resources for this creation, and one of these external environmental resources is higher education (Daugėla, 2008). However, we may note that there are not enough ways to empower students with disabilities not only to study at a university, but also to use additional activities suggested by higher education institutions, one of them are international activities. Intercultural experience, including international mobility activities, interaction and communication with international students and professors is an integral part of higher education. The variety of forms of study programmes, including international ones, are very important for the today's young generation – including people with disabilities - in preparing them to the global work market.

Purpose – the main purpose of this research is to reveal the main challenges for the students with disabilities to participate in international activities at Lithuanian higher education institutions.

Design/methodology/approach – to reach the set aim a survey method has been employed. The data collected by the survey is a part of a whole research based on action research strategy. The descriptive statistics has been used for data analysis of the questionnaire. The questionnaire has been constructed of 3 main blocks/ categories: experiences in participation in international activities before entering the university and during the studies at the university; limitation to participate in international activities at the university; demographical information of the respondent. A target population of research was students with disabilities in Lithuanian state universities. Simple random sampling approach has been used for this study. The online questionnaire has been distributed among the respondents by using support of universities’s departments responsible for coordination of students with disabilities activities at the institutions. The survey was conducted in February – March, 2016. There were 145 respondents participated at the survey from the total number of students with disabilities – 526 . .

Finding – the main challenge for the students with disabilities who want to participate in international activities at foreign universities is to prove to their own external environment – family, peers and university community – their abilities to live and to study in another country, as well as to study in a foreign language. Their main concern is not showing their personal motivation to be internationally active, but demonstrating to the others that he or she can participate in additional activities suggested by higher education institutions. In order to involve students with disabilities into these activities, attitudes and provisions of the whole society as well as the students with disabilities regarding their abilities and motivation should be changed.

Research limitations/ implications – the online questionnaire has been distributed to all possible respondents – students with disabilities in Lithuanian state universities. As the target group was students with disabilities, the questionnaire was anonymous because of the sensitivity of the group. Therefore, it was impossible to find and question the students who didn’t fill in the questionnaires the first time.

Practical implications – the findings of the present study could be used by Lithuanian universities in organising various international activities for the students with disabilities. These findings provide insights that can help involve students with disabilities into these activities.

Originality/Value – other researchers have touched on the subject of the challenges that disabled students might face in Lithuanian universities, however, research, focused on the challenges that these students face when trying to engage in international activities in Lithuanian universities was not conducted before.

Keywords: students with disabilities, international activities, higher education.

Research type: research paper

References

Convention on the Rights of Persons with Disabilities (adopted on 13 December 2006 during the sixty-first session of the General Assembly by resolution A/RES/61/106).

Daugėla, M. 2008. *Studentai turintys negalę, aukštosiose mokyklose. Rekomendacijos administratoriams ir dėstytojams*. Šiauliai: ŠU leidykla.

The Flagship on Education for All and the Right to education for Persons with Disabilities: Towards Inclusion. UN, Division for Social Policy and Development Disability. 2015 [accessed 2016-05-01]. <gopher:// www.un.org/development/desa/disabilities/issues.html#data>

REGULATORY FUNCTION OF THE TAX LAW: METHODOLOGICAL ORIGINS AND SPECIFIC FEATURES

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Abstract

It is common to think that the primary function of the tax law are fiscal which means that tax laws should be effective to collect budgetary income. Modern economics and modern tax law admit that tax law also has regulatory function which can be effectively used to regulate behavior. Every tax norm has strong regulatory impact which cannot be omitted. The regulatory function of the tax law is completely independent and cannot be originated from the fiscal function of the tax law. Tax laws can be very effective regulator and the fiscal function of the tax law is completely unnecessary for regulative purposes. The regulatory function and the regulatory impact of the tax norms are completely different from the regulatory function and regulatory impact of traditional “command and control” legal norms. In this research author analyzes the methodological origins and specific features of the regulatory function and the regulatory impact of the tax norms. As it is opposite to traditional “command and control” legal norms, tax norms can regulate behavior without setting any prohibitions or restrictions to taxpayers. That means that the regulatory function of the tax law are based on specific economically based self regulation mechanism which can be even more effective than traditional legal regulation based on sanctions and restrictions.

Purpose – the main purpose of this research is to define and analyze the regulatory function of the tax law. Also in this research is analyzed specific features and methodological origins of the regulatory function of the tax law. The article focuses on the analysis of the features of the regulatory tax function and its regulatory impact. The features of the regulatory function of the tax law are analyzed in comparison with legal regulation based on the methodology of traditional positivism. Also the article focuses on the strong economical content of tax norm’s regulatory function.

Design/methodology/approach – The features of the regulatory function of the tax law are analyzed in comparison with legal regulation based on the methodology of traditional positivism. Logical-legal analysis method is the dominant method used in this

research. Also in this research are used historical analysis, comparative analysis and linguistic analysis methods.

Finding – tax law has a very strong independent regulatory function which can be used to change behavior. Every tax norm has strong regulatory impact which cannot be omitted. Regulatory impact of tax law differs from the regulatory impact of the traditional “command and control” legal norms. Tax norms as regulatory tools can be very effective in social areas where dominates strong economic content, such as financial and banking sector, business and etc.

Research limitations/implications – in this research is analyzed legal behavioral impact of simplified tax norms. Tax norms analyzed in this research can be defined as legal norm which sets obligation to pay tax. In this research tax norms are analyzed only in legal view. The economic impact of tax law is not the object of this research.

Practical implications – the findings of this research can be used to improve quality of existing legal regulation. This research creates methodological basis of regulative tax law which can be used not only to improve existing tax laws but also to strengthen regulatory impact of traditional “command and control” legal norms.

Originality/Value – The problems analyzed in this research are new and were not analyzed before in national or international studies. In this research the regulatory function of the tax law and the regulatory behavioral impact of tax law is analyzed in legal point of view. There are only incomplete studies on tax law economic impact on social behavior. There are no similar studies and researches on the behavioral effects of tax law.

Keywords: tax law, corrective taxation, tax regulation, regulative function of tax law.

Research type: research paper.

HIGHER EDUCATION SERVICE CONCEPTION AND PROPERTIES

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Abstract

Article deals with specification of higher education services. The conception as well as the properties of higher education services are analysed. Higher education services are specific and differ from the other types of services as well as education services. In order to identify all properties of higher education services it is necessary to analyse both general properties of services and specific properties of education services, vocational training services and higher education services. All these properties of higher education services are analysed and summarised in this article. A survey of the relevant literature is provided in this study.

Purpose – to analyse higher education service conception and main properties systematically: to review the diversity of conceptions of service, education service, higher education service involving the main properties of each service category; to present the list of properties of higher education services which includes both generic and specific properties of higher education services.

Design/methodology/approach – the study is performed using the following methods: systemic analysis, review and generalization of scientific literature and legal regulation.

Finding – higher education is an economic category equivalent to the service, which is characterized not only by service generic properties, but also by specific properties inherent to education, vocational training and higher education services. The general list of properties of higher education services consists of 45 characteristics that reveal the complexity of higher education services, uniqueness and specificity. However this list is not exhaustive. Properties of higher education services are necessary phenomenon which helps better understand the nature of higher education and assist in other research areas of higher education.

Research limitations/implications – this study is based on review of the newest scientific literature and legal acts of the Republic of Lithuania, which are regulating the research object.

Practical implications – properties of higher education services assist in other research areas of higher education. Understanding and assessment of the properties of higher education services affect better quality of research in such research areas as higher education funding model development, higher education service pricing, higher education finance management, higher education service quality assessment and improvement, and etc.

Originality/Value – the structured list of higher education services properties is presented, according to the generic properties, inherent to all types of services and specific properties, inherent to education, vocational training and higher education services.

Keywords: higher education service, education service, service, properties of higher education services.

Research type: literature review.

BLACKLISTING DUE TO POOR PAST PERFORMANCE IN LITHUANIAN PUBLIC PROCUREMENT

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Abstract

Purpose – to analyse the main rules of blacklisting due to poor past performance in Lithuanian public procurement.

Design/methodology/approach – document analysis, comparison, generalization.

Finding – Blacklisting due to poor past performance in Lithuanian public procurement comes from the directive of European Union (2014/24), which came into effect in April 2016. It is designed to prevent corruption and protect from economic operators who do not perform public contracts properly. Blacklisting is introduced as a step-forward in Lithuanian public procurement. However, this new institution must be used wisely and no party can abuse the applicable rules. To ensure the proper implementation of blacklisting the Public Procurement Office and Lithuanian courts should prevent both economic operators and contracting authorities from abusing the newly introduced rules of blacklisting.

Research limitations/implications – Blacklisting due to poor past performance is a new institution in Lithuanian public procurement and therefore it is still unknown how exactly it will function. Moreover, the new version of the Law on Public Procurement has not been adopted yet at the time the publication is being prepared, leaving it unclear how Lithuania will regulate the new institution. Finally, there are many situations where the Law on Public Procurement and EU directives are not detailed enough to answer some practical questions arising from the new legal regulation. The findings of this research paper may differ from the real practice, but this should be understandable.

Practical implications – Blacklisting due to poor past performance in public procurement is particularly important to all economic operators participating in public procurement. No economic operator wishes to be blacklisted from participation in public procurement procedures in Lithuania for three years. Contracting authorities are also very interested in the new institution of public procurement and are concerned about

how the new legal regulation of blacklisting due to poor past performance will function in practice.

Originality/Value – Blacklisting due to poor past performance in public procurement is a completely new institution in Lithuania and so far there has been no scientific analysis of its functioning. The present research may have central importance in the future development of blacklisting in Lithuanian public procurement.

Keywords: public procurement, blacklisting, public contracts, contracting authority.

Research type: research paper

CIVIL SOCIETY’S STRUGGLE AGAINST INDUSTRIAL WATER POLLUTION, THE CASE OF DONG NAI RIVER, VIETNAM

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Abstract

Since the initiation of economic renovation in 1986, Vietnam has attained remarkable achievements in economic and political field. It is, however, facing environmental degradation. Civil society has emerged as a new actor to contribute in environmental government. However, civil society’s participations are limited under authoritarian regime in Vietnam so the aim of this study was therefore carried out with specific objective of answering the question of: “what is the space for maneuver of civil society and their influence against industrial water pollution, the case of Dong Nai River, Vietnam?”

Purpose – To address this objective, the research’s aims not only found out civil society’s actions against industrial water pollution, but also explored which factors influence their action under one party rule in Vietnam. In grappling with directions, hypotheses will be test: (i) both conflicts and negotiations with government and companies are civil society’s means to deal with water pollution; (ii) civil society actors’ actions are influenced by government’s interventions, and network of civil society as well as the position of members of civil society groups in higher education and government offices

Design/methodology/approach – These were brought out by using qualitative methods: in-depth interview and observation. The research was addressed on the basis of case studies by comparing between two companies: one foreign and one state owned company. The study interviewed 150 people included: farmers, officers of farmer association, lawyers, journalists and local officials.

Finding – Results indicate that civil society networks that were constituted by farmers, lawyers, journalists in informal ways changed from passive to active actions through conflicting and negotiating process with government and companies. Furthermore, the study also indicates that members of civil society actors in higher

education and government offices can facilitate their actions to manipulate the situation though they are controlled by government.

Research limitations/implications – There has been growing interest in the diversity of citizen action to environmental protection but information on the factors that influence civil society action’s effectiveness is not known

Practical implications – Developing a better understanding of civil society actions can contribute in clarifying the controversial discussion of civil society in Vietnam.

Keywords: civil society actions, industrial pollution, factors

Research type: research paper

PREVALENCE AND FAMILIAL PREDICTORS OF SUICIDAL BEHAVIOUR AMONG ADOLESCENTS IN LITHUANIA

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Abstract

In the past decades Lithuania has been experiencing a very high suicide rate among young people and there are scarce data on the role of the family in shaping the suicidal behavior of these people.

Purpose – This study investigated the prevalence of suicidal ideation and attempts and their association with a range of familial factors in a representative sample of Lithuanian adolescents.

Methods – Study subjects (N=3572) were adolescents aged 13- and 15-years attending schools in Lithuania. The present study utilizes the data gathered by the school-based, cross-sectional, anonymous survey conducted in 2014 (April – May) in Lithuania according to the methodology of World Health Organization collaborative cross-national HBSC study [1-4]. A standard HBSC international questionnaire was translated into Lithuanian and used anonymously to obtain information about suicidal behavior (stopped doing activities, considered suicide, planned suicide, attempted suicide) and family life (family structure, quality of communication in family, parental monitoring and bonding, parenting style, family time, etc.). Logistic regression was used to assess association between suicidal behaviors and familial variables.

Findings – Forty three percent's of surveyed adolescents reported presence of emotions that stopped doing activities during the last 12 months, 23.8% seriously considered attempting suicide, 13.7% made a suicide plan, 13.2% attempted suicide and 4.1% needed treatment because of a suicide attempt in the previous year. Adolescents from non-intact families reported more suicidal ideation (OR ranged from 1.32 to 1.35) and more suicide attempts (OR=1.70). Among adolescents from intact families the increased risk for some forms of suicidal behaviour was associated with low satisfaction in family relationships, low father's and mother's emotional support, low mother's monitoring, low school-related parental support, authoritarian-repressive father's parenting style and permissive-neglectful mother's parenting style, while rare family

time together and rare electronic media communication with parents decreased the risk. The risk for suicide attempts treated by a doctor or a nurse was significantly associated with gender (the risk was much less for girls (OR=0.33) than for boys), and age (the risk was much higher for 15-year-olds (OR=1.75 ,CL 1.18-2.59) than for 13-year-olds), as well as with one familial variable defined as family time together (the risk was much less for adolescents who reported less often activities together with their family (OR=0.47). The risk for suicide attempts treated by a doctor or a nurse was higher for boys and 15-year-olds, but less for adolescents who reported less frequent activities together with their family.

Conclusions – Higher prevalence of suicidal ideation and attempts among adolescents of Lithuania is associated with a non-intact family structure and weaker family functioning. It is essential to consider family life practices in planning intervention programs for prevention of suicides among adolescents.

Research limitations/implications – This study has a number of strengths. A large, nationally representative non-clinical sample and high participation rate in the survey could be considered as the strengths of primary importance of the current study. It is also important that our research was a part of the cross-national collaborative HBSC study. The application of standardized methods including the HBSC questionnaire, which was developed by international experts, is another advantage of this study. As with all cross-sectional studies, the HBSC is based on respondent self-report that can be affected by recall bias and social desirability. The HBSC questionnaire survey, as well as other similar studies carried on adolescents health behavior, presents an example of very sensitive and personal issues for investigation such as suicide attempts. To cope with this source of a potential bias of self-reporting, special attempts were made by the researchers to ensure anonymity and confidentiality.

Practical implications – The current study suggests that it is essential to consider family life practices in planning intervention programs for prevention of suicides among adolescents. Unfortunately, Lithuania has not yet implemented many nation-wide policies or guidelines regarding suicide prevention in young population.

Originality/Value – Knowledge on the familial predictors of suicidal behavior in adolescents is necessary to provide the evidence basis for future intervention development aimed at reducing suicide rates among young people.

Keywords: Suicidal behaviour, Adolescents, Family, Parent-child relationships.

Research type: research paper

References

- HBSC. Health Behaviour in School-aged Children: World Health Organization collaborative cross-national survey. 2015. Available at: <http://www.hbsc.org>. Accessed on 20 Oct 2015.
- Currie C, Zanotti C, Morgan A, Currie D, de Looze M, Roberts C, et al. (eds.) Social determinants of health and well-being among young people. Health Behaviour in School-aged Children (HBSC) Study: International Report from the 2009/2010 Survey. 2012. Copenhagen: World Health Organization Regional Office for Europe. (Health Policy for Children and Adolescents, No. 6).



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Roberts C, Freeman J, Samdal O, Schnohr CW, de Looze ME, Nic Gabhainn S, et al. The Health Behaviour in School-aged Children (HBSC) study: methodological developments and current tensions. 2009. *International Journal of Public Health*; 54 - 2:140-150.

Griebler R, Molcho M, Samdal O, Inchley J, Dür W, Currie C (eds.). *Health Behaviour in School-aged Children: a World Health Organization Cross-National Study. Research Protocol for the 2009/2010 Survey*. 2009. Vienna: LBIHPR & Edinburgh: CAHRU.

ACCESS TO CULTURE IN THE WORK OF THE COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

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Abstract

Purpose – The purpose of this research paper is to summarize the works of the Committee on Economic, Social and Cultural Rights (ICESC) so as to provide a reflection on the analytical framework around the complex issue of the right to access to culture, especially the content of state obligations to respect, protect, and fulfill this right.

Design/methodology/approach – Article is divided into three major parts. The first part explains the notion of cultural rights and its place in the protection of human rights, with the special accent given to the Covenant on Economic, Social and Cultural Rights. The second part, focuses on the works of ICESC mainly its General Comment no. 21. Research is conducted through careful analysis and examination of ICESC main recommendations and clarifications in order to decode current shape of access to culture understood as human right. This method is supplemented by literature review. Final evaluation sets implications of these works for the policy making in the sphere of culture.

Findings – Access to culture is one of the constituting elements of the right of everyone to take part in cultural rights. According to ICESC, it consists of effective and concrete opportunities for individuals and communities to enjoy culture fully, within physical and financial reach for all in both urban and rural areas, without discrimination. It also includes the right of everyone in association with others or as a community to seek, receive, and share information on all manifestations of culture in the language of the person’s choice, to know and understand his or her own culture and that of others through education and information. Access to culture (as well as other cultural rights) highly depend on the realization of other human rights mainly freedom of expression, freedom of association, freedom of religion. ICESC states that the element of cultural rights is necessary for contemporary understanding and safeguarding of different human rights and that it helps to deal with the challenges imposed by continuously transformed world.

Research limitations/implications – Analysis covers only one component of the right to take part in cultural life – access to culture. Main focus is given to the works of ICESCR expressed in its general comments and concluding observations. Article does not reflect on regional and national systems of human rights protection for the sole purpose of determining the universal standard proposed by ICESCR.

Practical implications – States are challenged by processes of globalization which lead to social transformation within their population. Increasing migration resulting in multiculturalism raises the expectations for providing society with solutions for such problems as cultural adaptation and understanding. Rights to access to culture is one of these solutions, proposal of legal nature which reminds that state policy should be based on legal grounds expressed *inter alia* in international treaties in the sphere of human rights.

Originality/Value – Research on cultural rights generally remains in the shadow of studies on economic and social rights. Therefore, the emphasis of the article is given to the contemporary importance and place of cultural rights in a debate on the European identity, migration crisis and other effects of globalization.

Keywords: cultural rights, access to culture, international covenant on economic social and cultural rights.

Research type: research paper

HEALTH CARE EXPENDITURE IN THE CONTEXT OF AN AGING POPULATION

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Abstract

Purpose – Population aging has recently become one of the most analyzed issues which interests national or regional institutions or researchers from the various fields of science. Great emphasis is paid to the assessment of the negative effects of aging and searching possible solutions. Population aging is associated with such impact areas as the increases in spending on pensions, health care, changes in the labor market, economic growth deceleration, etc. The main purpose of this theoretical study is to analyze the dynamics of health care expenditures in the context of an aging population.

Design/methodology/approach – Research is based on the scientific literature and statistical data analysis, comparative analysis. At the first part author concentrates into demographic indicators that show the tendency of population ageing and compare such indicators in different countries. At the second part an attention is paid to statistical data analysis which shows a dynamics of health care expenditures. The paper also discusses limitations of existing analysis of relationships between health costs and an aging population which are identified in the scientific literature, for example evaluated variable selection and others.

Findings – The analysis of the scientific literature shows that the increase in health care spending is associated with aging population and is considered as one of the consequences of this phenomenon (Felder, 2013). It is assumed that the increasing number of older persons as appropriate affect the demand for healthcare. However, the analysis of different insights shows some contradictions. Although some researchers emphasize the negative impact of aging on health care expenditure, while others do not find significant relationships between these variables. For example Jäger & Schmidt (2015) states that increases by 1 percent of the number of older persons leads from 0.88 to 1.74 percent reduction in public investment while Gray et al., (2003) state that by analyzing health care cost more important role goes to proximity to death not to persons age.

Research limitations/implications – This work in nature is theoretical analysis of the scientific literature, which allows the identification of certain insights. However, in order to evaluate in detail the relations between health expenditures and aging it is required a detailed statistical analysis of the data.

Practical implications – Collected and systematized information may be used for the organization of further research. Conclusions received during the investigation in the future may be used in the formulation of recommendations which would help to reduce the negative consequences of population aging in the health care field.

Originality/Value – Author structures information, which is found in the scientific literature. This allows a comparison of the different author’s positions and allows providing new insights into the analyzed topic.

Keywords: health care investment, public investment, population aging.

Research type: literature review.

References

- Felder, S. (2013). *Managing the healthcare system. CESifo DICE Report* (Vol. 1).
- Gray, A., Lubitz, J., Cai, L., Kramarow, E., Lentzner, H., Yang, Z., ... Gerontol, J. B. (2003). Population Ageing and Health Care Expenditure. *Ageing Horizons*, (2), 15–20.
- Jäger, P., & Schmidt, T. (2015). The political economy of public investment when population is aging: A panel cointegration analysis. *European Journal of Political Economy*, 43, 145–158.

SOCIETAL CULTURE – IMPLICATIONS ON EVERYDAY LIFE: COMPARISON OF ICELAND AND LITHUANIA

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Abstract

Purpose – The purpose of the research was to investigate two cultures, Iceland and Lithuania, using Hofstede’s VSM08 model and to describe the implication of the research findings to everyday life and work environment, using Hofstede’s guidelines.

Design/methodology/approach – Quantitative research was conducted. Hofstede’s cultural dimension model was used for research. Value Survey Model (version VSM08) questionnaire was employed. Data collection was implemented in 2015. Online survey was used to collect data about societal cultural dimensions from the people employed in business sector. Questionnaire was distributed in cooperation with the Council of Small and Medium-sized Businesses - SVV, which comprises about 47 business associations. SVV sent an invitation to all of its partner associations, encouraging them to distribute the online questionnaire among their members. Two weeks later, SVV sent a reminder to their partners. In addition, the research team sent emails to and contacted by the phone all 47 business associations in order to encourage them to distribute the questionnaire among their members. 129 responses were used. Descriptive analysis of the study sample indicated representativeness of respondents in regard to their diversity (gender, education level, job level and other socio-demographic characteristics).

Findings – Societal cultures in Iceland and Lithuania share similarities in Masculinity vs. Femininity, Power distance, Long term vs. Short term orientation, Individualism vs. Collectivism dimensions. However, countries differ significantly in Monumentalism, Indulgence vs. Restraint, and Uncertainty Avoidance, with Iceland being Indulgent, and Lithuania scoring high in Monumentalism and Uncertainty Avoidance. Differences in societal cultural values have implications on certain field of everyday life in both countries. Those implications will be discussed.

Research limitations/implications – Research provides data from two countries that have been “overlooked” in big scale global research e.g. GLOBE. The present study is limited by the fact that all of the respondents were people working in the private sector.

Systematic random sampling (Tashakkori & Teddlie, 2003) strategy was employed in data collection process.

Practical implications – The present research allows to identify the differences in home, school, private life and work in both countries. The results are useful as a cultural awareness tool, when conducting business between the two countries, it provides an empirical basis for the adaptation of management practices.

Originality/Value – The research has been conducted in two small countries that have been “overlooked” in many major cross-cultural research (e.g. GLOBE). The literature review indicated that the empirical evidence about the societal culture in Iceland and Lithuania is scarce. No prior research in the countries have been conducted using the VSM08 research instrument.

Keywords: societal culture, Hofstede, Iceland, Lithuania.

Research type: research paper.

REASONS, TRENDS AND IMPLICATIONS OF CHINA’S CAPITAL EXPORT

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Abstract

Purpose – The size, economic importance, geo-political rivalry and recent initiatives and actions of China in the sphere of global economy – announcement of The Silk Road Economic Belt and the 21st-century Maritime Silk Road initiative, establishment of Asian Infrastructure Investment Bank, as well as China’s financial engagements with African and Latin American countries diminish the importance of the Washington consensus and make some authors to speculate about the raise of new form of capitalism – Sino-capitalism. Such activity as well as acquisitions or attempts to acquire major companies in Europe, Australia and North America raises concerns about the intentions of Chinese companies and involvement of Chinese state in such operations. As a result some of the transactions were blocked by the governments on the grounds of national security or were viewed with a high suspicion.

The purpose of this general review is to evaluate what are the reasons for such activity of Chinese companies and the state, what are the trends of outward capital export and assess implications of such activities for the capital importing states from the general conceptual framework of international investment law.

Design/methodology/approach – Due to restrictions on expatriation of foreign currency from China, China’s capital export goes mainly through State Owned Enterprises or state itself. Thus only the biggest transactions involving major projects and state owned enterprises are taken into account. On the one hand it does not allow to evaluate capital export of thriving small-sized private sector, on the other – it allows to grasp the rationale behind outward capital flows of the Chinese government.

Findings – Preliminary analysis of the reasons and trends of flows of capital export of China indicates that China as a developmental state seeks to gain better access to foreign markets for locally produced goods, acquire access to natural resources and obtain technology for local champions. That falls under the policy goals enshrine in ‘Going out’ strategy and allows to explain rationale behind the Silk Road Economic Belt

and the 21st-century Maritime Silk Road initiative and creation of Asian Infrastructure Investment Bank.

Research limitations/implications – author does not speak or read Chinese. Moreover, due to the nature of Chinese form of government, there is no database or publicly available official data regarding particular transactions pertaining to China’s capital export. Therefore, the analysis is based on data mostly from research institutes, public announcements during visits of China’s leaders in foreign countries and publications in the press.

Practical implications – notwithstanding to the increasing inflows of China’s capital in developed as well as developing economies, there is no discussion or analysis of its underlying reasons. Understanding the reasons and trends of China’s capital export demystifies China’s actions and allows to depoliticize assessment of particular transactions from the point of view of international investment law.

Originality/Value – China’s outward capital flows and rationale behind it is usually analyzed in the field of political economy. This general review is undertaken from the point of view of international investment law, which gives an interdisciplinary dimension to this phenomenon.

Keywords: capital export, outward capital flow, People’s Republic of China, international investment law, ‘Going Out’ policy, One Road, One Belt initiative.

Research type: general review

EUROPEAN UNION COMPANY – NEW POSSIBILITIES OR NEW PROBLEMS?

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Abstract

From the very beginning, discussion about implementation into European Company Law completely new structures – *Societas Europaea* had been taken by almost everyone. Unfortunately, differences between EU members and their expectation was completely different. That was a reason why, up till today this issue has been dropped by almost each country. Even more interesting is a fact that for UE members company traditions was so strong that implementation of monetary union was easier than imposing European Company. For a long time European Commission had one purpose – to sustain feel of unity into European union citizens. Rapprochement ideas, traditions was the best tool to implement European Company and thereby to intensify cooperation between EU members. Difficult history of this institution is brilliant example of essential problems which clearly comes from different history, tradition etc. This presentation will be trying to explain the most significant issues that makes European integration as difficult as it actually is.

Purpose – To explain problems which has a place all the time in European Union structures and their main reasons. **Design/ methodology:** To analyze this problem is required to get to know European Directives, European Parliament research paper and history of European integration.

Findings – Construction of European Union company (*Societas Europaea*) which was considered since the beginning of European Union but her implementation has a place recently. Why it took so long? Why monetary union was easier to implement than European Union Company?

Research limitation – This presentation is focused on benefits which will be brought by this new structure and problems of implementation. Why this idea had to wait almost 40 years to be implemented?

Principal implications – New type of company which has been implemented by European Parliament is the essential problem which should be discussed by those actors who has an opportunity to act as part of this new construction.

Practical implications –Complete understanding of this new structure will help all actors, who are involved into European Union market, to developed theirs companies. European Commission underline that this model of company will provide new tools to make EU market less complicated and cheaper than is has a place now.

Originality/ Value – Harmonization of European company law is the new issue which could be very useful as much as complicated. The main point of my presentation is to underline the most imported issues which impose European Parliament to implement this specific construction into European company law.

Keywords: European company law, European law, Harmonization

Research type: general research

15-M MOVEMENT IN SPAIN: FROM STREETS TO SCIENCE

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Abstract

Purpose – With the Spanish economic crisis that began in 2008 country started to face its new everyday life marked by high rates of unemployment (25 pct. in 2012, INE), decreasing economy and increasing taxes, cuts on education and health care, corruption in business and politics. Massive protests and strikes occupied streets of Spain because citizens were unsatisfied with current situation. Back then 15-M Movement (also called Anti-austerity or Indignants Movement) seemed as just one of thousands other demonstrations around Spain but it actually was so big and significant that today scientists called it a part of country’s revolution. On 5th of May, 2011, around 8 million Spaniards went to the streets to show their rejection of unemployment, welfare cuts, corrupted politicians, banks, etc. (RTVE, 2011). Not only 15-M movement received international media covered but also it became an important topic for scholars of different areas, when they tried to understand the roots of this movement and its impact on Spanish society. Therefore, the purpose of this paper is to review what have already been done in the context of scientific analysis of 15-M Movement in Spain.

Design/methodology/approach – This paper is based on literature review related to 15-M Movement in Spain and briefly introduces to the content of previously made scientific researches.

Findings – The review of different scientific papers gave a possibility to notice a big variety of research lines around 15-M Movement. First of all, scholars analyse the birth of this movement and relate it with social networks because the very first idea of taking the streets started actually on *Facebook* and *Twitter*. The analysis of 15-M and its start in social media helps to understand how mobilization of people can reach a real change in politics and social life. There are also investigations that discuss young people political activism and participation in this movement as they were very active on social platforms. An interesting insight of this review reveals that some of the people who participated in 15-M Movement and later established political party *Podemos* are scientists themselves. For this reason a group of investigations are *in-situ* type and explains 15-M from the

inside. The literature review showed that Anti-austerity Movement is also closely related to feminist organizations in Spain. Finally, it is important to mention that not only Spanish scientists analyse 15-M Movement, but also this topic is popular among foreign scholars worldwide.

Research limitations/implications – Literature review summarizes previous investigations and findings and is a part of a bigger investigation that can be implemented in the future.

Practical implications – This review can be a good manual for people from other countries, like Lithuania, where 15-M Movement and changes in Spanish were not discussed widely. The knowledge about 15-M Movement is necessary to analyse contemporary Spanish society in European context. As in 2016 mentioned movement turns already 5 years, now it is a perfect time to see if Spanish society has achieved desired changes.

Originality/Value – Undoubtedly 15-M Movement is important in Spanish and Europe context when talking about recent changes in social and political lives. Scientists tried to understand it and analyse from different perspectives. This literature review for the first time shows what a big variety of topics were investigated around the significant movement.

Keywords: 15-M, social movement, Spanish politics, economic crisis

Research type: literature review

References

Instituto Nacional de estadística - INE, (n.d.). *Economically Active Population Survey (EAPS)*. Retrieved from http://www.ine.es/prensa/epa_tabla.htm.

RTVE (2011). *Public Affairs statistic about Spanish protests*. Retrieved from <http://www.rtve.es/noticias/20110806/mas-seis-millones-espanoles-han-participado-movimiento-15m/452598.shtml>.

NIKKEI COMMUNITY IN BRAZIL: IDENTITY FORMATION AND INTEGRATION CHALLENGES

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Abstract

Purpose – to analyze the evolution of identity formation in the Japanese ethnic minority group and their integration challenges in the Brazilian society.

Design/methodology/approach – According to various foreign authors, the article explores the collision of such contrasting cultures and the attempt to coexist in the same space, and how this can help to anticipate integration challenges and help in the formation of expert and of people in general opinion on this topic.

Findings – This presentation will allow us to reach the conclusion that regardless of the current positive preconception from one to the other, remain existing the understanding of „we“ and „they“, that because of some of reasons such as the desire of the Japanese-Brazilian community remain separate maintaining their status, also because of the positive discrimination of the majority and, finally, because of the different physical characteristics which are evident.

Research limitations/implications – To reach the conclusion that regardless of the current positive preconception from one to the other, remain existing the understanding of „we“ and „they“.

Practical implications – In the face of one of the largest refugee crises in Europe, analyze the collision of such contrasting cultures and the attempt to coexist in the same space can help to anticipate integration challenges and help in the formation of expert and of people in general opinion on this topic.

Originality/Value – Nikkei community is one of the largest ethnic minority groups in Brazil and the largest Japanese community outside of Japan.

Keywords: Identity formation, integration, stereotypes, assimilation, immigration.

Research type: research paper.

SOCIAL TRANSFORMATION OF PAKISTAN UNDER THE CONSTITUTION OF 1973

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Abstract

The Objectives Resolution was passed from the Constituent Assembly of Pakistan under the leadership of the first Prime Minister of Pakistan *Liaquat* Ali Khan in 1949 which has been made the preamble of the Constitution of Pakistan 1973. The first Constitution of Pakistan was enforced in 1956 and was abrogated in 1958 and the second Constitution of Pakistan was promulgated in 1962 and abrogated in 1969. The current Constitution of Pakistan was enacted and promulgated in 1973. It has validated all actions of the ruler *Yahya* Khan and *Zulfiqar* Ali Bhutto from 21st March 1969 till the enforcement of the Constitution in 1973 and later on the actions of General Zia ul Haq and Pervez Musharaf as well. The present Pakistan belongs to different people, who are different in language and there are some cultural differences as well, but majority belongs to the religion of Islam that is why the present constitution states that the Islam is the state religion of Pakistan. Initially, the constitution worked a little well and it seemed that it is working in favour of the nation at large, but later on the ruling elite made several amendments in it for their benefits rather than making it beneficial for the people of Pakistan at large. It is the voice of the people of Pakistan that the current Constitution of Pakistan 1973 should be amended according to the will of the people of Pakistan at large and for their benefits and the fairly elected government should eradicate those later amendments which are giving benefits to the ruling elite only.

Purpose – This research is the social study of Pakistan under the Constitution of Pakistan 1973 to examine the current Constitution of Pakistan and analyse the current social system of Pakistan and to suggest changes in the current Constitution of Pakistan 1973 for the betterment of the social justice in Pakistan.

Design/methodology/approach – This study is routed in qualitative method to examine the current Constitution of Pakistan 1973 and analyse the existing social system under the current Constitution of Pakistan and to find and fix hurdles in the better social legal system under the current Constitution of Pakistan.

Findings – This study will help the honest political parties and competent legislators to understand the barriers in the upbringing of the people of Pakistan under the current Constitution of Pakistan and recommend useful changes in the current Constitution of Pakistan for a better social transformed society.

Research limitations/implications – This study is the examination of the current Constitution of Pakistan and an analysis of the social system of Pakistan under it and it will not go into the deep details of every aspect of life rather focusing on the sociology of Pakistan under the current Constitution of Pakistan, its bad effects and what changes are required in it for a better social transformed society.

Practical implications – This study will point out deficiencies in the current social legal system under the current Constitution of Pakistan and recommend changes in the current constitution of Pakistan to the legislature to do so for the benefits of the people of Pakistan.

Originality/Value – This study is the unique work on the topic and there are not many articles written on related topics and this research will be conducted keeping in mind the principles of piracy and illegal methods of doing research.

Keywords: The Constitution of Pakistan-1973, the Objectives Resolution, fundamental rights, the Federal and the Provincial Governments of Pakistan. The Judiciary of Pakistan.

Research type: general review

MEN AND WOMEN SUCCESS FACTORS IN THE CONTEXT OF ENTREPRENEURSHIP

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Abstract

Purpose – to explore the men's and women's skills and abilities as success factors in the context of entrepreneurship and to analyze the difference between those factors.

Design/methodology/approach – it is reviewed by the literature on this subject and exposed the main results of the qualitative analysis, supported by conducting structured survey of men and women (76 respondents) from different socio-economic and business profiles. The objectives of this work are specified as to analyze what factors are presented by men and women in the context of entrepreneurship and to learn the factors that encourage entrepreneurship.

Findings –theoretical analysis of men's and women's success factors as well as the results of the quantitative research showed that self-confidence (68%), determination (49%) and charisma (47%) help to achieve good results for women the most. 7 out of 10 respondents believe that self-confidence is the most important success factor for men. More than half of respondents said that women entrepreneurs are open to change. 8 out of 10 respondents believe that men entrepreneurs tend to take risks.

Research limitations/implications – the research is limited to questioning respondents in Lithuania and the respondents are connected with entrepreneurship.

Practical implications – the paper analyzed men's and women's success factors in the context of entrepreneurship, which is quite a new area for scientific research in Lithuania. The outcome of this study could be used by policy makers and other

businesses for providing quality training which can help educate skills and abilities to become more successful.

Originality/Value –this research defines what are the aspects that influence the entrepreneurship of women and men. Researches on entrepreneurship from a gender perspective reveal significant differences between the motives and business opportunities: men often point out that women are distinguished by intellect, ambition, but also reliable. Women are more inclined to believe that they are empathetic and creative. Women often say that men can be distinguished by ambition, but men themselves tend to be more exclusive factors – reliability, determination, intelligence, honesty, creativity and organizational skills.

Keywords (3-5): entrepreneurship, gender differences, success factors.

Research type: research paper

DEVELOPMENT OF SOCIO-EDUCATIONAL SERVICES IN MOLĖTAI DISTRICT. POSSIBILITIES AND PROSPECTS

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Abstract

Purpose – to analyze and assess the possibilities to improve the development of socio-educational services in Molėtai District.

Methodology – the following research methods were applied in paper. Theoretical – analysis of scientific and methodological literature, study of legal acts of the Republic of Lithuania. Empirical – questionnaire survey, in-depth interview. Statistical – statistical quantitative analysis and generalization of collected data. Data analysis was carried by using EXCEL.

Findings – the initial hypothesis that organization and provision of socio-educational services is not effective in Molėtai District was raised. This hypothesis almost did not confirm. The network of socio-educational services is well developed in Molėtai District. The reviews of majority of customers are good or very good. NGOs, providing services to disabled ones, are very active. The majority of socio-educational services are provided to all groups of socially disadvantaged people, except temporary accommodation home and crisis centre.

Research implications – analyzes and evaluates the provision and organization of socio-educational services, their quality and effectiveness in Molėtai region, indicates their flaws as well as provides solution options. Work improvement suggestions for social institutions are presented in accordance with research results.

Originality – over the past few years Molėtai district municipality studies have been performed. During the rapid economic and social change, it is necessary to carry out new studies, to re-evaluate and improve the provision of social services and the organization.

Keywords: social services, socio-educational services, administration, development, Molėtai District, welfare state, customers, social worker.

Research type: research paper.

FAILURE TO MEET THE DEMAND AS INFRINGEMENT OF ARTICLES 106(1) AND 102 TFEU: THE PROBLEM OF CAUSAL LINK

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Abstract

Purpose – this paper aims to analyse application of Article 106(1) in conjunction with Article 102 of Treaty of the Functioning of the European Union (TFEU) with respect to situations, when undertakings having statutory monopoly rights fail to satisfy demand/needs of their customers. In particular, this research paper aims to determine what kind of causal link needs to be established between State actions and failure to meet the demand by the holder of statutory monopoly.

Design/methodology/approach – theoretical methods (analytic and systematic) as well as case law analysis has been applied in the research.

Findings – there are two legal tests supported by case practice. Commission takes the position that the State and the holder of monopoly rights are jointly liable for the failure to meet the demand. Hence infringement may be found in all cases, when there is clear demand on the market which remains unsatisfied. On its turn, European Court of Justice (ECJ) considers that infringement can be found only in such cases, when failure to meet the demand results from the State actions only. This paper suggests that a joint liability test is more adequate for finding the infringement, and the most recent practice of EU courts seems to support this view.

Research limitations/implications – findings presented in this paper are based on the analysis of case law of European Court of Justice and European Commission, which is admittedly rather scarce. Respectively, findings presented in this paper reflect the *status quo* of the case law and doctrine, however some developments can be expected in the nearest future.

Practical implications – the selection of the causal link theory, which should be applied in failure to meet the demand cases, has direct impact on the burden of proof falling on the claimant. Having decided to apply direct causal link test, practical possibilities to prove the infringement would be limited to very extreme cases of failure to

meet the demand. On the contrary, application of the joint liability test entitles to prove infringement rather easily – such infringement can be found in all cases when the customer has demand for some services and such demand is left unsatisfied by the holder of monopoly rights.

Originality/Value – legal doctrine analyse the causal link in Article 106(1) and 102 TFEU cases, however the doctrine lacks analysis of the causal link problem, particularly in failure to meet the demand cases, which are quite specific. The latter problem was addressed to some extent by Monti, Manaridou, and Kersting. However their analysis touched upon only certain issues of causal link and does not take into account developments in the most recent case practice.

Keywords: failure to meet the demand, statutory monopoly, exclusive rights, causal link.

Research type: research paper.

FAILURE TO MEET THE DEMAND AS INFRINGEMENT OF ARTICLES 106(1) AND 102 TFEU: THE NOTION OF FAILURE TO THE MEET THE DEMAND

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Abstract

Purpose – this paper analyse application of Article 106(1) and Article 102 of Treaty of the Functioning of the European Union (TFEU) with respect to situations, when statutory monopolies fail to satisfy demand of their customers. This research paper is specifically devoted to the notion of “*failure to meet the demand*” aiming to identify specific features of failure, which entitle to invoke State liability under Article 106(1) and 102 TFEU.

Design/methodology/approach – theoretical analytical and systematic methods had been applied in the research.

Findings – for more than two decades European Commission and European Court of Justice (ECJ) applied different legal tests in determining failure to meet the demand in Article 106(1) and 102 TFEU cases. In the early case practice ECJ took conservative approach and was ready to invoke failure to meet the demand in rather extreme cases of failure. At the same time Commission stood for more stringent legal test. It was ready to invoke infringement whenever factual circumstances suggested that some demand leaves unsatisfied by the holder of statutory monopoly. *Slovenska posta* case seems to reconcile these two different approaches admitting that failure to meet the demand require simple failure to meet specific demand of customers.

Research limitations/implications – as the doctrine is mostly silent on the notion of failure to meet the demand, this research is mostly based on the analysis of case law, which is rather scarce at the present stage of development of the law. Respectively, findings presented in this paper reflect *status quo* of the case law and doctrine, however some developments could be expected in the future.

Practical implications – absence of clear understanding, what particular actions could be considered as failure to meet the demand for the purpose of Article 106(1) and 102 TFEU, implicate great legal uncertainty. Analysis provided in this paper enables to

understand and interpret decisions adopted by the Commission and ECJ within two decades. Such analysis also enable to list down parameters, which should be employed considering whether customer may invoke infringement of Article 106(1) and 102 TFEU in case holder of statutory monopoly fails to meet his personal interests.

Originality/Value – it is widely accepted in the legal doctrine that failure to meet the demand could result in infringement of Article 106(1) and 102 TFEU. Nevertheless, in this regard doctrine mostly refers to *Hofner* test developed by ECJ claiming that infringement shall result from “*manifest failure to meet the demand*”. Nevertheless, legal doctrine does not analyse in detail, how to determine such failure. Such analysis is provided in this research paper.

Keywords: failure to meet the demand, statutory monopoly, exclusive rights, Article 106(1) TFEU.

Research type: research paper

CRIMINAL LIABILITY FOR INFRINGEMENTS OF WELL-KNOWN TRADEMARKS RIGHTS: THE DEMAND AND POSSIBILITIES

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Abstract

Purpose – to examine the demand for the infringements of Well-Known Trademarks rights criminalization and to examine the possibilities to protect the Well-Known Trademark rights by criminal measures without infringement of criminal law principle *nullum crimen sine lege* (“no crime without law”) and other defendant rights.

On the one hand, the TRIPS¹ agreement foresees the need to apply criminal liability for counterfeit trademarks related only to the registered trademarks. On the other hand, not registered, but the Well-Known Trademarks (product) counterfeit causes a threat and violates criminal codes stored values in states usually more than registered trademarks, because they are usually more prevalent, recognized and appreciated, and they are more trusted.

It is particularly important to protect the market from the counterfeit specialized food market products for people with allergies (products without lactose, gluten, etc.), with specific diseases (diabetes, etc.). Also, there is a lot of risk in children goods as counterfeited children goods; toys often contain unauthorized or even toxic substances. When we are talking about the registered trademarks, regardless of their prevalence and merchantability in society, these trademarks are protected by the criminal law. Trademark registration is objectively determined circumstance. However, when it comes to a non-registered trademark, there are legal barriers related to the rights of a defendant in a criminal procedure by the criminal law measures. As a Well-Known Trademark is recognized exclusively by a court decision, it results in an inability to check whether a particular use of a Trademark is criminal until the national court’s (administrative unit) decision.

Methodology – The article is written applying the teleological, systemic, linguistic, logical, historical and comparative methods.

¹ Agreement on Trade-Related Aspects of Intellectual Property Rights, Apr. 15, 1994, Marrakesh Agreement Establishing the World Trade Organization, Annex 1C, UNTS. 299, 33 ILM 1197 (1994)

Findings – As it is known, there are regional (EU), international (Madrid system) and national registrations of trademarks. Depending on the regulation states, the trademark owner's activity and other factors situations appear which lead to where Well-Known Trademarks are not registered in particular countries. It provides the access to the use of the public Well-Known Trademarks, to get income out of them, to deceive consumers and could even endanger them. In states, of course, where the counterfeited goods are realized illegal income increases. This illegal income is successfully hidden from the public authorities and is actualized in the illegal market. This income is used for financing: Racketeering, Human Smuggling, Money Laundering/ Illegal Money Transfer Service, Illegal Gambling, Loan-Sharking, Narcotics Trafficking, Prostitution, Weapon Trafficking, Contract Killing, Document Forgery Services.¹ Harmonized and efficient intellectual property protection system is necessary in order to change these visible negative trends.

Research implications – By doing this study, the criminal measures to protect the Well-Known Trademark will be found without any prejudice to the rights of a defendant in a criminal procedure or it will be concluded that it is currently impossible.

Practical implications – The results of the research could be used to the fight against counterfeits, especially Well-Known Trademark, and for the further researches in this legal area.

Originality – Despite of the spread of counterfeits and their huge damage in various areas, this research topic is not very common. In Lithuania, Trademark Protection criminal liability issues were examined by both dr. Nevera A. and dr. Klimkevičiūtė D. in the article „Criminal aspects of infringement of trademark rights”; as well as the author of the Master thesis „The Problems of Interpretation and Application of the Offence for the Use of Another’s Trademark or Service Mark (Article 204 of the Criminal Code)”. It was written about some relevant aspects of the topic analysed in the copyright context: Geiger, Ch. „Criminal Enforcement of Intellectual Property: A Handbook of Contemporary Research, Adam, A. What is "commercial scale"? A critical analysis of the WTO panel decision in WT/DS362/R.; Sugden P., How long is a piece of string? The meaning of “commercial scale” in copyright piracy; Nevera, A. „Problems of the Criminal Liability for the Infringements of Intellectual Property Rights: National and International Aspects“; Kiškis, M., Šulija, G. „Criminal Liability for the Infringements of Intellectual Property Rights in European States“.

Keywords: Well-Known Trademarks, counterfeiting, criminal enforcement, intellectual property.

Research type: general review

¹ Matthies, C., et al. Film Piracy, Organized Crime, and Terrorism. RAND Corporation, 2009, p. 13 (xiii)

APPLICATION OF SOFT LAW INSTRUMENTS IN INTERNATIONAL ECONOMIC LAW: INSIGHTS ON LITHUANIAN PRACTICE ON THE LEGAL REGULATION OF CUSTOMS DUTIES

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Abstract

Purpose – the main aim of this article is to describe the legal status and purpose of soft law sources in international economic law (international customs law, regulating the taxation of international trade) and their relationship with the rules of the European Union (hereinafter - EU) and national customs law.

Design/methodology/approach – analysis of relevant issues is based both on theoretical (analysis and synthesis, systematic, comparative) and, in particular, empirical methods (statistical analysis of data, analysis of documents, generalization of professional experience, in particular – practice of the courts of Lithuanian Republic in disputes with customs authorities as well as the practice of the CJEU. The article consists of an introduction, four chapters and conclusions.

Findings – the results of the research points out that currently the national courts of Lithuania, as an EU Member State, aren't fully following the constantly evolving jurisprudence of the CJEU, in particular, on issues of soft law sources applicable to the tariff classification of goods, customs valuation and their relationship with the EU customs legislation (EU Combined Nomenclature, Community Customs Code).

Research limitations/implications – the analysis is limited to a certain period of time (yrs. 2010 – 2015) and is based on the practice of the Lithuanian Supreme Administrative Court in cases related to the activities of customs authorities and taxation with customs duties in Lithuania as well as the practice of the CJEU, concerning the *tariff classification of goods*.

Practical implications – as it can be seen from the practice of national (Lithuanian) cases, related to the tariff classification of goods and their customs valuation, there are various obstacles to the efficient functioning of relevant soft law sources in coherence with the EU practice, formulated by the CJEU. These obstacles and problems includes accessibility to the certain soft law sources (HSEs) on the national level, incorrect

recognition of their legal value in national judicial proceedings and, in certain cases, granting the direct effect to the WTO soft law sources, while such feature is generally not recognized by the CJEU. This implies the need to modify and adjust the rules of national law, in particular, the Law on Customs of the Republic of Lithuania.

Originality/Value – general questions on the status of soft law sources in the field of international economic law are considered quite widely in the legal doctrine by foreign authors (Lux, 2007; Weerth, 2007; Schaffer, Pollack, 2010; Wolfgang, Kafeero, 2014). However, the national legal doctrine (in Lithuania) examines only the general issues on application of soft law sources, recognizing the importance of the formally legally non-binding legislation, whose purpose is to ensure the uniform application of customs legislation (Medelienė, Sudavičius, 2011). On the other hand, the practical application of these sources of law (the analysis of specific examples of the national case law) is not assessed, described and / or compared to the analogous CJEU practice.

Keywords: international economic law, soft law, customs law, tariff classification of goods, Harmonized System Explanatory Notes (HSEs), World Customs Organization (WCO).

Research type: research paper.

FORMS OF PUBLIC PARTICIPATION IN THE CONTEXT OF SMART SOCIETY

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Abstract

Purpose – according to literature review to point out forms and main principles of effective public participation in the context of smart society.

Design –in this research, theoretical methods are applied. Article consists of three main parts: in the first part, the concepts of public governance and smart society are presented; the second part includes analysis of public participation forms and engagement of citizens and other interest groups; in the third part, the main aspects of effective public participation in the context of smart society are presented.

Findings – according to the literature, effective public participation is not only when citizens and their interest groups (e.g. NGOs) have opportunity for participation and are involved by official bodies, but also when they have resources and skills to participate. Also, when citizens and NGOs see evidence that their views have been considered, they are motivated to participate, that is why sometimes non-formal cooperation and feedback are of the same importance to their participation activity, as the chosen forms of their involvement and legal environment.

According to analysed principles of smart society (lifelong learning, collaboration, effectiveness, participation, citizenship, technologies usage, etc.), forms of public participation should be oriented to e-tools and the principles of open data governance. So, one of the goals of public governance bodies should be to strengthen mutual cooperation and to empower citizens and their interest groups, forming their abilities to participate through digital technologies (such as social media, interactive websites and others).

Research limitations - the research is limited to a literature review of the public participation in the context of smart society, since no empirical researches have been conducted.

Practical implications – a smart society is a new area for the scientific research. The identified principles of an effective public participation in the context of smart society can be followed by the public governance bodies to create a friendly environment to improve resources and skills of citizens or their interest groups in participating in the procedures of public governance.

Originality/Value – in scientific literature, authors usually emphasize the role of citizens and NGOs in the context of co-production. Meanwhile, the principles of effective participation in co-creation or co-governance are described obscurely, only defying main ideas of their participation in public governance. In this article, public participation is analysed in the context of smart society, seeking to identify principles of effective empowerment of citizens and their interest groups.

Keywords: NGOs, public governance, public participation, a smart society

Research type: literature review.

THE POLISH CONSTITUTIONAL TRIBUNAL – POSITIVE OR NEGATIVE LEGISLATOR?

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Abstract

Purpose – the purpose of this article is to show the evaluation of the Hans Kelsen’s conception of a constitutional court as a negative legislator on the example of the Polish Constitutional Tribunal and to analyze its actions in the constitutional review of statutes in the context of allegations of encroaching by the Tribunal the powers of the legislature.

Design/methodology/approach – in the research theoretical methods (analytic, systemic and historical) are applied. Article consists of three parts. The first explains origins of the term “negative legislator” and its main characteristics according to Kelsen’s conception. Second illustrates some of the tools used by the Polish Constitutional Tribunal in constitutional review of statutes. In the third part is given an attempt to answer the question if methods evolved by the Tribunal and their consequences allows to recognize it as a legislative body, equal to a legislator.

Findings – although the role of constitutional courts has significantly changed since the time when Hans Kelsen created his conception of constitutional justice, it is possible to affirm as general principle that constitutional courts, including the Polish Constitutional Tribunal, are still considered negative legislator. Constitutional courts are for sure not positive legislators in the sense that they are not able to consider, propound or create *ex novo* provisions of their own conception or to introduce reforms for statutes conceived of by a legislator. They play more the role of legislative assistant taking necessary measures to ensure the consistency of a legal system.

Research limitations/implications – the research is limited to one aspect of activity of the Polish Constitutional Tribunal which is declaration of unconstitutionality of statutes without taking into consideration its others activities.

Practical implications – the article attempts to identify factors, which affect the change in understanding the role of the constitutional justice. It underlines that there cannot be put an equal sign between actions of a legislator and of those of a

constitutional court even if they have the same effect – elimination of norms from a legal system.

Originality/Value – many authors understands the modern activity of a constitutional court as a negation of Kelsen’s conception tenets and try to see it as an attempt of taking over legislator’s prerogatives. This article focuses on explaining why actions taken by the Polish Constitutional Tribunal should not be considered as a departure from concept of “negative legislator” but as its natural development in order fulfill its main task – to ensure the consistency of a legal system.

Keywords: constitutional court, Hans Kelsen, negative legislator,

Research type: research paper

INTERACTION BETWEEN CJEU AND ECtHR: EU LAW PERSPECTIVE

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Abstract

There has been several landmark events over the last decades that gave rise to the complex relationship between Court of Justice of European Union (CJEU) and European Court of Human Rights (ECtHR). The most notorious of them – Opinion 2/94 on Accession by the Community to the European Convention for the Protection of Human Rights and Fundamental Freedoms, Opinion 2/13 on Accession by the Union to the European Convention for the Protection of Human Rights and Fundamental Freedoms, Bosphorus decision of ECtHR. On the one hand, both of the courts are committed to the goal of effective human rights protection. On the other hand, despite the desirable goal certain manifestations of jurisdictional struggle can be witnessed among CJEU’s arguments. Moreover, it even seems that CJEU protects its jurisdiction by putting it ahead of the effective human rights protection. Consequently, partly because of CJEU’s protective approach EU’s accession to the European Convention of Human Rights and Fundamental Freedoms (ECHR) was precluded.

Purpose of this research is to identify the main arguments motivating CJEU to protect its jurisdiction from the interference of ECtHR.

Design/methodology/approach – document analysis method was mainly used for the research presentation for the purposes of data collection. The collected data was processed using synthesis and comparative methods.

Findings – when viewed from the EU law perspective, preservation of the exclusive jurisdiction of CJEU to interpret EU law may be considered as a more important objective than human rights protection is. Therefore, the rejection of ECtHR right to assess the actions of EU institutions in the light of ECHR could be easily justified by CJEU in two different opinions concerning EU accession to ECHR agreements.

Research limitations/implications – although CJEU has consistently promoted human rights protection and even referred to the case law of ECtHR in its own decisions, in accordance with the case-law of CJEU even the purposes of greater protection of

human rights may not justify impediments to CJEU’s jurisdiction with regard to the interpretation and application of EU law.

Practical implications – due to the rigid approach of CJEU concerning limitations to its jurisdiction, EU will not be able to accede to the ECHR for indefinite period of time.

Originality/Value – only the first attempts to analyze and perceive CJEU’s Opinion 2/13 were made last year across the world. The present research is to a large extent related to this opinion whereas it provides EU-law-oriented analysis of the CJEU’s arguments enumerated therein. Considering the paramount importance of the Opinion 2/13 it is worth to have more detailed glance that could explain the choices that were made by the CJEU.

Keywords: jurisdictional conflicts, Opinion 2/13, human rights protection in EU

Research type: viewpoint

THE EUROPEAN INVESTIGATION ORDER: ACHIEVEMENTS AND CHALLENGES

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Abstract

Purpose – to analyze a new legal measure for international cooperation, i.e. the European Investigation Order, and the prospects.

Design/methodology/approach – the document analysis, comparative and critical approach.

Findings – regulation of the European Investigation Order and possible interferences, which hinder to cooperate efficiently and smoothly when applying this measure, are disclosed by reviewing them.

Research limitations/implications – the review provides a comprehensive view of the European Investigation Order, the perspective of boundaries in its practical application. Thus, it is easier to single out its advantages and disadvantages.

Practical implications – it is expected that insights, provided by research, will be useful for the adoption of Directive 2014/41 / EU (European Investigation Order).

Originality/Value – Although Directive 2014/41 / EU is already approved, it raises many questions regarding the European Investigation Order application. Thus, this research is original on its insights and observations.

Keywords: European Investigation Order, international cooperation, mutual recognition.

Research type: general review.

PUBLIC ADMINISTRATION HUMAN RESOURCE RECRUITMENT AND SELECTION TOWARDS EXPLORATION OF THE POTENTIAL EMPLOYEES

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Abstract

Purpose – There is no doubt that the public and private sector organizations have different visions and purposes. In addition, their internal activities might differ, as well as their personnel values and the habits of employees. Therefore, it is important to explore the characteristics and values of the potential employees. The objective of the current study is the identification of aspects that are important considering a new employer for current students of the tertiary education institutions of Latvia, who are studying Public Administration (PA).

Design/methodology/approach –the author developed and conducted the survey to reach the objective of the study. The survey sample size is 24, the sample includes students, who are enrolled in a university PA study program in Latvia. The aspects that the study participants rated were grouped according to the employer branding elements, principles of social responsibility, and Sustainability Index evaluation areas. The research is descriptive by design.

Findings – There are only Master’s PA and other relevant study programs provided by the tertiary education institutions in Latvia. Only three universities had students enrolled by academic year 2015/2016 (two of them are considered for the study) besides one university that provides online study program that was not considered within this research. The majority of the students are up to 25 years old employed females. Good employer brand has been defined as an important factor considering applying for the vacant position, however, organizations social responsibility got quite the same importance level on average as a positive employer brand. Considering a new employer, the students from the sample, who represent the certain group of the current and potential public administration employees, are also paying their attention on the respect of human rights and the rule for law as well as ethical behavior. The majority of the respondents emphasized organizations offers for employees, advancement opportunities

and working environment as extremely important employer brand elements. The respondents' current and potential employers probably need to develop their provided work environment as well as improve other their employer brand components to attract and/or retain them. Considering on the new employer, the respondents might be selfish and concentrate on safe and respectful working conditions as well as other opportunities provided by employers for the employees emphasizing advancement opportunities.

Research limitations/implications – as size of the study population is small, the size of research sample is equal to the size of the study population. Number of collected questionnaires suitable for the analysis is even smaller, therefore the study results are suitable only for the general overview of the case.

Practical implications – the results of the study could be a base for the public administration organizations' personnel management practitioners' human resource recruitment, selection and retention activities implementation as they provide relevant data to consider for the further relationship development with the relevant stakeholders.

Originality/Value – this study provides additional knowledge on the human resource recruitment and selection concept emphasizes modern human resource management development tendencies.

Keywords: public administration, job seekers, human resource recruitment and selection.

Research type: research paper.

IDENTIFICATION OF THE SCOPE OF EXPECTED CHANGES IN NATIONAL STRATEGY DOCUMENTS: CASE STUDY OF LITHUANIA INNOVATION STRATEGY 2010-2020

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Abstract

Purpose – The article deals with the problems of identifying the future that is decoded in national strategic documents. Due to complexity of their writing process often public sector strategies include abstract and vague goals and objectives. They represent different, sometimes conflicting interpretations and do not indicate precisely desired changes in future. In order to understand what kind of future is presented in strategic document, the document should be analyzed through lens of different perceptions.

Design/methodology/approach – The main research problem is the multiplicity and ambiguity of public strategic documents, in this particular study case – "Lithuanian Innovation Strategy 2010-2020". The article attempts to identify the scope of desired changes in "Lithuanian Innovation Strategy 2010-2020 by using method – Causal layered analysis (supported by narrative foresight).

Research limitations/implications – The Causal layered analysis has its own drawbacks. During implementation of this method there is a need to identify and create idealistic definitions of problems and solutions for each perceptual layer in order to be able to assign tasks and objectives of the strategy to the proper layer. Preparation of those idealistic definitions depends on the procedure, by which those layers are described. Therefore, in order to have a higher degree of objectivity, those layers have to be identified at least by the several experts in that field.

Findings – Analysis of Lithuanian Innovation Strategy for 2010-2020 showed that the Causal layered analysis can be used to identify scope of expected changes. This method of analysis overcomes the ambiguity of public strategy documents by attaching goals and tasks to different layers of perception. Such breakdown of the goals into different layers of perception enables research to evaluate and measure the scope of envisioned changes.

Practical implications – The Causal layered analysis gives an instrument for the examination of political documents that are aimed at the future. It gives a theoretical structure, which can decode political documents and give insights about the scope of expected changes.

Originality/Value – This research gives not only insights about the scope of desired changes that are anticipated in objectives and tasks of Innovation strategy of Lithuania, but it is one of the first attempts to use Causal layered analysis in Lithuanian context.

Keywords: Causal layered analysis; innovation strategy; strategic documents; goal ambiguity.

Research type: case study.

DATA SOURCES FOR THE ANALYSIS OF THE RELATIONSHIP BETWEEN COUNTRY’S FINANCIAL STABILITY AND SECTORAL DEBTS

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Abstract

Purpose – to present some methodological aspects of the analysis of the relationship between country’s financial stability and indebtedness of institutional sectors in the European Union (EU). In particular, we propose suitable data sources for indicators which could be used in empirical research (both dependent and independent variables).

Design/methodology/approach – a review of the scientific literature and publications of the most influential organizations in researching and defining policies for financial stability management.

Findings – key organizations in the field of financial stability analysis were identified. These organizations are the following: the European Central Bank (ECB) and the Eurostat, International Monetary Fund (IMF), the Organization for Economic Cooperation and Development (OECD). The information provided by these organizations was compared in order to find the most suitable source for the indicators which could be later used for empirical analysis.

European Commission, together with ECB and Eurostat, initiated a grouping of economic subjects with similar behavior into the following institutional sectors: households, non-financial corporations, financial corporations and government. These organizations, together with national institutions, provide data on indebtedness levels of institutional sectors. These debt indicators can be used as explanatory variables in empirical analysis. The earliest available data are available since 1998, but availability varies depending on the country. The data on the debt and GDP ratios are also available which may be a better choice for analysis since the output of the EU countries varies a lot.

Considering dependent variables, it was noticed that the best source of information would be the Financial Soundness Indicators counted by IMF, as the methodology is globally approved and all EU countries provide such information. FSI were designed to

measure financial stability globally and can provide convenient cross-country comparisons. ECB and Eurostat does not distinguish financial stability indicators, so it would be better to focus on IMF's Financial Soundness Indicators as predicted variables.

Research limitations/implications – in the scope of this research only possible data sources were identified. It remains to be seen if the collected data would be useful for empirical research and what result can be generated from it.

Practical implications – data sources for the analysis of the relationship between financial stability and indebtedness of institutional sectors were identified. It allows to further proceed with the empirical analysis and description of the relationship. Data collection in most cases is a great challenge for analysis of financial stability, so the audience of the conference may benefit from the presented ideas about data sources.

Originality/Value – analysis of the relationship between debts of institutional sectors and financial stability raises rather unique research problems and empirical modeling could contribute to better safeguarding of financial stability. Relevant data make crucial part of the correct and efficient model therefore defining the sources of the data are very important part of the extensive research.

Keywords: financial stability, institutional sectors, debt.

Research type: literature review

SOCIAL ENTERPRISES: DOES THE LEGAL FORM MATTER?

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Abstract

Purpose. The purpose of this paper is to try to answer the question what the main legal approaches to facilitate the creation of social enterprises are? What kind of advantages or disadvantages do these models have?

Design/methodology/approach. The present study focuses on the analytical review of the legal acts and previous insights of researchers. This paper employs the philosophical doctrine of realism. In the social world objects have varying probabilities of coming into existence and causing new objects, which connect into identifiable structures. We investigate the social world in its context, which counts as evidence, concepts, measures, etc. The present study also uses qualitative research methods, such as textual analysis, comparative method, and generalization.

Findings. The main scenarios in creating the legal framework for social enterprises are either the adaptation of existing legal forms or the creation of new legal forms taking into account the specific features of social enterprises. Some law makers react by creating the so called social enterprise legal status, or legal qualification. However, the ultimate European legal form of social enterprise is particularly difficult to develop considering very different traditions of the development of social entrepreneurship in different countries.

Research limitations/implications. This is a general review of the EU legislation regulating this area, and of social entrepreneurship legal regulation in the selected EU Member States and the USA, which possibly could stimulate further research and discussion.

Practical implications. This research will contribute to the deeper understanding of the legislation in this area and more defined legal categories and positioning of social entrepreneurship in the legal systems of the EU Member States. The results of the present research can be useful in improving the national legal framework on social entrepreneurship, which is clearly insufficient in today's stage of rapid popularization of social entrepreneurship in Lithuania.

Originality/Value. The present study looks for the legal preconditions of social entrepreneurship in the EU legislation and uses the comparative method to identify and examine the most common legal framework for social enterprises in the EU Member States.

Keywords: social enterprise; law; corporate form; certification.

Research type: general review.

SOCIAL TRANSFORMATIONS IMPACT ON TRANSFER OF KNOW-HOW BETWEEN LECTURERS AND STUDENTS: CAUSES AND POSSIBILITIES

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Abstract

Purpose. The identification of the main study patterns which can be used as the tools for improving effectiveness of know-how transfer between lecturers and students from the viewpoint of social transformations influenced by the changes in computer based media and internet technologies.

Design/methodology/approach. Participants of this study are represented by students of Lithuanian Maritime Academy which were studied in the studies programmes of port and shipping management, port and shipping finances, maritime transport logistics technologies. The main method used is the phenomenological research and content analysis. Participants wrote a review about their expectations during studies from the viewpoint of know-how transfer possibilities in the context of communication based on e-learning environment usage.

Findings. Integrated and specialized continuous tasks were applied to study of such modules as information technologies and systems, economic statistics, mathematic modelling by using of virtual learning environment. The problem-solving methods were applied for the implementation of interdisciplinary relations with the requirements to publish tasks' outcomes in the journal and/or to prepare oral presentation for the conference. The phenomenological content analysis were applied for the aim to assess the applied methods and technologies in study process from the viewpoint of know-how transfer between lecturers and students.

Research limitations/implications. The participant's samples are oriented to the maritime sector, but the adopted study patterns can be assessed by extending of research samples by territorial and sectorial criteria in the future researches.

Practical implications. It is suggested that the results of the research would be useful for the development of studies programmes, strategies and would help to create modern study process in higher education based on effective know-how transfer between

lecturers and students. Implementations on descriptive study patterns would be useful for designing of interdisciplinary study models.

Originality/Value. The conception of applying specialized study patterns is modern original methodology for improving efficiency of know-how transfer between lecturers and students and it can be adopted to all subjects in the studies programme.

Keywords: study patterns, know-how transferring, communication.

Research type: research paper

TOWARDS CIRCULAR ECONOMY: ANALYSIS OF INDICATORS IN THE CONTEXT OF SUSTAINABLE DEVELOPMENT

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Abstract

Purpose – Circular economy is quite new approach in European Union in dealing with main global challenges. Circular economy evaluation system should show results that could be used by decision makers: it could be used at national, local or enterprise level. This paper analyzes how circular economy evaluation systems reflect basic circular economy principals and sustainable development components.

Design/methodology/approach – analysis based on assessment whether circular economy evaluation systems do or do not include indicators of basic circular economy principles and sustainable development components.

Findings – at micro and meso levels circular economy evaluation systems do not include social component indicators of sustainable development approach, even there are some systems that even do not include all basic circular economy principles. At macro level there are two evaluation systems that covers both circular economy principles and sustainable development component, but statistical data availability should be analyzed in further studies.

Research limitations/implications – In European Union circular economy evaluation systems and their methodology are still developing. In Eastern Asia these evaluation systems are broadly implemented but there is a risk, that not all circular economy evaluations systems are analyzed, because of language barrier: not all Asian evaluation systems are translated into English. The analysis does not go into deep details of circular economy evaluation systems methodology.

Practical implications – the findings of the research can be used in further studies and also applied by national authorities to determine actions that could be funded in order to develop more complex circular economy evaluation system that could give more holistic approach.

Originality/Value – Analysis is important and valuable as circular economy evaluation systems are not analyzed by researches in a context of sustainable

development. This approach to evaluation systems could lead to new and more complex evaluations systems, that could give information for decisions makers on further strategy formation.

Keywords: circular economy, sustainable development, circular economy evaluation systems.

Research type (choose one): research paper

THE IMPORTANCE OF RESPONSIBLE PRODUCTION AND CONSUMPTION TO OVERCOME THE PLASTIC PARADOX

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Abstract

Purpose – to reveal the importance of responsible production and consumption to overcome the plastic paradox.

Design/methodology/approach – analysis and synthesis of scientific literature, comparative analysis of good practices in different countries.

Findings – The business and society should take care not only for “today” but for “tomorrow” too. As a result, both business and society need to be encouraged or even forced to behave socially responsible more actively to contribute to overcoming plastic paradox in the world. The aspiration of socially responsible production and consumption is still increasing in Lithuania.

Practical implications – it is necessary to learn the good practices of other countries in order to encourage the business and society to behave socially responsible in the processes of production and consumption and in this way to contribute to the overcoming the plastic paradox in the world.

Originality/Value – the importance of responsible production and consumption is disclosed. Only actively acting responsible business and society can contribute to overcome the plastic paradox.

Keywords: responsible production and consumption, business, society, plastic paradox.

Research type: case study

“Social Transformations in Contemporary Society 2016” (STICS 2016),
International Scientific Conference for Young Researchers, Abstract book.
2-3 June, 2016, Vilnius-Net, p. 72.
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Is world really changing as fast as we think? Or is it event changing at all? Social transformations is a delicate topic for researchers. We invited young researchers to look at processes which cause social transformations (or prove the static of societal tradition) in their country and share their findings.

Texts are not edited

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