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PREVALENCE AND IMPACT OF CRIMINALIZATION OF CARTEL AGREEMENTS

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Abstract

Purpose – it is appropriate to assess the prevalence of criminalization of cartels in the EU, the legal technique used to define criminal offenses, and to identify the most dangerous (more distorting) cartel arrangements. Also, the ability of Member States to identify and prevent cartel offenses through non-criminal law is to be assessed. Having established the preconditions for the criminalization of cartel offenses, a model of criminalization of violations of competition law can be developed.

Design/methodology/approach – The study applied the teleological method to assess the EU criminalize the cartel objectives and expectations. Document analysis also applies systemic, linguistic, logical, historical and comparative methods.

Findings – Cartel agreements are widely recognized as an economic phenomenon that distorts the economy. It should be noted that the prohibition of cartel agreements actually originates from the original EU founding documents. The European Commission in this respect, points out that: Infringements of EU competition law such as cartels or abuses of dominant market positions cause very serious harm, not only to the economy as a whole but also to particular businesses and consumers. They may suffer harm, for example, because of higher prices or lost profits due to foreclosure from a market.¹ Thus, only fair competition can guarantee consumer rights. It is consumers who are particularly affected by cartel agreements, but their ability to defend their rights is limited and burdensome. It is believed that Directive 2014/104/EU of the European Parliament and of the Council of 26 November 2014 on certain rules governing actions for damages under national law for infringements of the competition law provisions of the

¹ 5 July 2018 European Commission - Press release Antitrust: Commission consults stakeholders on draft guidelines to help national courts estimate the economic harm caused by cartels, Brussels [http://europa.eu/rapid/press-release_IP-18-4369_en.htm]

Member States and of the European Union¹ (‘the Directive’) does not sufficiently safeguard the interests of consumers (per se in the public interest) as regards the specificity and vulnerability of consumers as market players.

Also, it should be noted that cartel agreements may be a manifestation of an existing corruption structure (corruption in the private sector). Ignoring such processes in the state can lead to irreparable damage to both business and public service.

Practical implications – The study will reveal the prevalence and effectiveness of criminal law measures to combat violations of competition law. These data will become the source of further research in this area.

Keywords: criminal responsibility, competition law, cartels, criminalization of cartel, Antitrust law.

Research type: general review.

¹ Official Journal of the European Union, L 349, 5 December 2014 [<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ:L:2014:349:TOC>]

TRANSFORMATIONS OF WORK VALUES OF THE LITHUANIAN SOCIETY IN PERIOD 1990 – 2008

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Abstract

Purpose – to analyze the changes/stability of work values of Lithuanian society in the period of social and political transformations of Lithuania.

Design/methodology/approach – quantitative research. Research based on the data of 2nd (1990)¹, 3rd (1999)² and 4th (2008)³ waves of European Value Survey. Exploratory factor analysis method was used to reduce a list of work values, which were explored, into fewer numbers of factors and these factors were compared between generations. Cronbach’s alpha method was used to measure the internal consistency of extracted factors.

Finding – The research results shows that the understanding of work values in the period of 1990 – 2008 is changing and gradually approaching to understanding of work values classification to instrumental, cognitive and affective types, which is described in the scientific literature⁴. Transformations in social, economic and political context (1990 – the period of planned economy of Soviet Union, 1999 – the period of economic downturn, caused by Russian economic crisis, 2008 – the highest point of economic uplift) had a strong impact on understanding of work values.

Research limitations/implications – The main limitation of this study is that the research is based on the data which were collected at the 2nd (1990), 3rd (1999) and 4th

¹ Listhaug, Ola, et al. European Values Study 1990 (release 2, 2007) - Integrated Dataset [Electronic resource]. Cologne: Zentralarchiv fur Empirische Sozialforschung, 2007. (EVS: European Values Study). Mode of access: Lithuanian Data Archive of HSS.

² Zulehner, Paul M., et al. European Values Study 1999/2000 (release 2, May 2006) - Integrated Dataset [Electronic resource]. Cologne : Zentralarchiv fur Empirische Sozialforschung, 2005. (EVS: European Values Study). Mode of access: Lithuanian Data Archive of HSS.

³ EVS (2010): European Values Study 2008: Lithuania (EVS 2008). GESIS Data Archive, Cologne. ZA4768 Data file Version 1.1.0, doi:10.4232/1.10163

⁴ Elizur, D. (1984). Facets of Work Values: A Structural Analysis of Work Outcomes. *Journal of Applied Psychology*, 69(3), 379–389. DOI: <http://dx.doi.org/10.1037/0021-9010.69.3.379>

(2008) waves of European Value Survey, 5th wave of the survey is already in progress but the data is not available yet.

Practical implications - Taking into account the demographic situation of the country, which means the aging society and emigration trends of younger generations, Lithuanian employers faces the situation, when the diversity of employees' age is growing up. Discourse in the mass media about open or latent conflicts of generations in the working places is popular topic, so the mass media should be considered as an indicator of the problem. Understanding of differences and similarities in work values helps different generations to find mutual understanding in the work place and higher working life quality.

Originality/Value – This study broadens the knowledge about changes of work values in transforming Lithuanian society. European Value Survey is the biggest and the most comprehensive pool of empirical data concerning work values; it covers a period of almost twenty years and illustrates the significance of socio – economical context changes on work values.

Keywords: work values; European Value Survey (EVS) in Lithuania; generational change.

Research type: research paper.

DEVELOPMENT OF CREATIVITY IN TEACHER EDUCATION

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Abstract

Purpose – to reveal the aspects of creativity development in teacher education.

Design/methodology/approach – the method of the research is analysis of research literature. the author reviews that is based on the research findings of both Lithuanian and foreign scholars as well as on the strategic documents underlying the significance of developing creativity in teacher education. The scientific analysis of the study has been done with reference to the existing different definitions of creativity and the respective research in the field about forms of manifestation of creative personality and its education.

Finding – the concept of creativity, its definition and education have been widely discussed in research literature. Creativity is analyzed as a complex and multi-dimensional phenomenon within the context of personality, society and culture, and it is viewed as a systemic phenomenon. Present-day science tends to view creativity as a systemic phenomenon (Sternberg, Lubart, 1996), especially with reference to its wide context, not merely the psychological one; and patterning of creative tasks here is treated as an effective way of developing creativity. Rimkutė-Jankuvienė (2016), while generalizing the research on creativity, states that different directions in the study of creativity appeared due to the fact that researchers from quite different fields got interested in creativity. There have been attempts at designing different instruments to measure creativity, and creativity itself was related to individual abilities, also analyzed as the process and outcome of creation. Supporters of confluent education (Sternberg, 2006; Csikszentmihalyi, 1990; Sternberg, Lubart, 1996; Weisberg, 2006) speak about the interaction of components that can explain and/or influence creativity. Sternberg (2006), while exploring the nature of creativity, claimed that creativity is not an inborn human quality. In his opinion, developing one’s creativity could be a matter of a personal choice of the individual. His Theory of Investment into Creativity claims that everyone can become a creative personality if only they choose to invest time and effort into that. The patterns and styles of thinking, according to Sternberg (2006), are decisive in the choice

of ways and employment of personal qualities in decision-making. According to Beresnevičius (2006), the individual thinking style is also very important as it preconditions the individual’s subconscious worldview and with other individuals. Grakauskaitė-Karkockienė (2010) asserts that development of creativity is an integral part of overall personality development. Rakauskaitė (2014) agrees to the opinion that creativity is not an exceptional feature of only very capable people, it is achievable for every individual as it is the kind of skill that should be developed on a regular basis. Craft (2008), while discussing the situation in the research of creativity, states that creative personalities tend to display different qualities, that is why it is difficult to apply one and the same measure to them. In Valantiejiūtės view (2009), the techniques that encourage creativity can be successfully used by separate individuals. In Sternberg’s view (2006), the factor of environment also plays a significant role in manifestations of creativity. The author believes that some people need creativity-supportive acknowledgement in the form of reward and extra bonus while other people, with a strong inwardly-hidden potential for creativity, badly need outwardly-expressed support and encouragement coming from the environment to be able to reveal their creativity. Thus it could be stated that in terms of creativity-favorable environment in an educational institution, education can play in both directions – for and against in the development of creativity (Ganusauskaitė, Liesionis, 2009; Girdzijauskienė, 2012). In the situation of constant change in the present-day world, the development of creativity appears of utmost importance as learners constantly face newly-emerging phenomena, and the need for life-long education becomes accompanied by the need to learn to think creatively. In the Recommendation issued by the European Parliament and European Council for developing lifelong education skills (2006), it is stated that well-developed general competences not only guarantee the individual’s professional growth but also add to their creativity, personal growth and motivation to further work and learn. The future of present-day society depends on how many creative personalities will be educated that are able to function in the world creatively and suggest unconventional ideas as well as shape new alternatives.

Research limitations/implications – this research provides an approach of on that teacher creativity is the indispensable component of the overall educational process in a broad sense; it is the creative teacher that can educate creativity in the learner. Foreign and Lithuanian researchers point out that present-day institutions of education tend to use a lot of practices that are directed towards reproductive rather than creative approaches towards education. Traditional teaching that had mainly been knowledge transmission-oriented is no longer valid in training teachers for fairly unpredictable future activity while living in the ever-changing world. This is a based on a deep analysis of literature.

Practical implications – the review could be used as a base for the further research.

Originality/Value – on the basis of the study of strategic documents for education and different sources for developing creativity, it is legitimate to assert that systemic education of creativity should find place in the system of education. Ganusauskaitė and

Liesionis (2009) believe that it is of utmost importance for teacher educating institutions to conceptualize the essential value of educating ‘the whole personality’. There is no doubt that creativity is an essentially important quality of the teacher, indispensable for developing creativity in the learner and supporting different forms of its manifestation.

Keywords: creativity, research of creativity, educating creativity, teacher education.

Research type: general review

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INNOVATIONS AS A TRANSFORMATOR OF HUMANS WORKPLACES

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Abstract

Purpose – to analyze the possible consequences of technological change on workplaces.

Design/methodology/approach – literature review.

Findings – There is no consensus about the impact of innovations on workplaces both from theoretical and empirical points of view. One approach (Say, 2009; Schumpeter, 2017) suggests that technological progress leads to process and product innovations that lead to job creation. According to another approach (Wood, 2004; Feldmann, 2013), technological change can increase unemployment. N. Liso and R. Leoncini (2011) state that technological progress provides opportunities to get higher wages for skilled workers due to increased demand, while others (Piva et al., 2006) note that technological change negatively influences skilled and unskilled workers. As C. Alonso-Borrego and D. Collado (2002) noticed, technological change is one of the main sources for the creation and destruction of jobs. Creation and destruction of jobs affects the nature of work, economy, social inequality, and the existence of a middle class (Barnhizer, 2016). J. Schumpeter introduced the concept of creative destruction and D. Barnhizer introduced the concept of destructive destruction. These concepts reflect the idea about the possible consequences of innovations on workplaces.

Research limitations/implications – This research provides a systematic approach toward the possible consequences of technological progress on humans' workplaces. The research is based on an analysis of literature from 1990 to 2018.

Practical implications – The results of the research provide a systematic understanding about the technological changes and their consequences for the society. Empirical studies, based on a different level of analysis and using different exogenous and endogenous variables, provide that the impact of innovations on labor market parameters can be positive or negative. The perception of the consequences of technological changes are useful not only for the society but for companies as well

because people and companies must be ready to face the challenges and to create a culture of innovations in the workplaces together.

Originality/Value – Innovation and its impact on labor market is a topic of great interest because it reveals the tendencies and problems the labor market encounters due to technological change. The deep analysis of scientific literature reflects both positive and negative effects the labor market encounters due to innovations.

Keywords: innovations, workplace, destruction.

Research type: general review.

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INTERSEXUALITY AND PROBLEMS OF LEGAL RECOGNITION

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Abstract

Changes in life of society, freedom of individuals rise new challenges, and one of them is the recognition of a third / non-who or X gender. Gender is no longer just a physical expression, it is a more perceived interpretation. The binary apportionment of gender is no longer so strict, because it leaves the position of a different gender perspective - not as a biological, but social expression, and opens up the requirements for recognizing intersexuality, which, as analyzed in this presentation, is defined as a multidimensional concept, is often equated with hermaphroditism, the third gender, transsexuality and etc. Presentation shows that intersexuality must be determined not by violence but by research and free choice. Here is an overview of the experience of Germany and Australia with a view to implementing the appropriate legal framework in this area.

Purpose of this presentation is to analyze the concept of intersexuality and legal issues by reviewing the experience of Germany and Australia in order to implement proper legal regulation in this area.

Design/methodology/approach – the analysis of scientific literature, the analysis of legal acts, the logical method, generalization, the comparative method.

Finding – The analysis of the concept of intersexuality has shown that this concept needs to be used in the more clear context, separating intersexuality from transsexuality, using the concepts of hermaphroditism and third gender in right way. It looks like there is a lack of correct, clear and specific information to define these concepts.

Research limitations – statistical information was not found about number of intersexuals and their status in Lithuania.

Practical implications – this presentation could be significant for education of society, for understanding the concept of intersexuality, differences from transsexuality, legal problems and making it more clear.

Originality/Value – new topic in Lithuania; was found that the concept of intersexuality should be used in more clear context. The experience of Germany and Australia in this field could be a good example to develop rights of intersexual people in other countries.

Keywords: hermaphrodite, intersexuality, third sex

Research type: general review.

MASS PERSONALIZATION VS. MASS CUSTOMIZATION: FINDING VARIANCE IN SEMANTICAL MEANING AND PRACTICAL IMPLEMENTATION BETWEEN SECTORS

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Abstract

In recent decades, terms, concepts and practical cases of mass service customization or personalization as well as a technology-based attitude to organizational management processes and systems have been combined and used widely both in development of private and public sectors (Jitpaiboon et al., 2013; Deloitte, 2015; Chatzopoulos, 2017; OECD, 2018). To be more specific, it became a dominant element within the content of management at organizations of different levels: a) as a strategic orientation to gain a competitive advantage and a higher level of process excellence in a long term run; b) as a key performance index to evaluate a level of customer satisfaction and value co-creation in a mid term run; c) as a standard to follow in daily management of process, system and employees at operational level (Welborn, 2009; Moon and Lee, 2015; Schlager, 2018). In addition, influence of external factors is also worth mentioning: new ways of correlation among sectors, a raise of global and dynamic tendencies of services and product line automation and digitalization, rapid social changes in the society take a notoriously significant place here (Jitpaiboon et al., 2013; OECD, 2018). All these factors naturally demand a continuous scientific research to discover new ways of aligning best practices and solving both new and old type of problems in the field. Therefore, the research type of conceptual paper is followed throughout this article for a quality evaluation of a current standpoint and practical tendencies in the field of understanding Mass Personalization and Mass Customization, as well as defining possibilities in adapting approaches of value co-creation and technology-based attitude.

Purpose – article aims to observe and analyze current scientific information of Mass Personalization and Mass Customization concepts and trends in their practical implementation as well as to conceptualize an existing misunderstanding between their semantical meanings in practice and to evaluate the influence of value co-creation and technology-based attitude as this lacks appropriate attention in theory.

Design / methodology / approach – in this research the author followed a mixed type of methodologies by using positivism and conceptualism. The first one is related to the method of scoping review, which is used to collect and categorize data of semantical meaning in Mass Personalization and Mass Customization concepts. The second one follows methods of general and comparative scientific literature review and conceptualization of new insights later. Therefore, the design of research might be described as a systematic literature review and information systemization.

Finding – results of the present evaluation of the research subject suggest that mismatches in semantical understanding of analyzed concepts as well as their adoption are very common. In addition, it is noticed that approaches of value co-creation and technology-based attitude and their combination are evaluated separately or partly from the research subject.

Research limitations / implications – the present article has limitations both in theoretical and practical fields. From the perspective of scientific research, it is noticed that in different periods, the focus has been switched exclusively on process standardization or Mass Customization, without conducting a multi-dimensional and holistic research on all 4 stages of service individualization procedure. In addition, there are also limited research carried out in the field of finding differences between semantical meanings of Mass Personalization and Mass Customization concepts as well as their possible combination for different sectors, with a focus on non-manufacturing organizations. Evaluating from the perspective of practical implication and influential factors, it can be stated that insufficient attention is paid to process and customer data flow management transitions to data analytics, Artificial Intelligence (AI), Application Programming Interface (API), Mobile Devices and overall digitalization related capabilities and trends.

Practical implications – results of the research may be applied in practice in different sectors and different type of organizations: a) as a multi-dimensional framework and basis for conducting an internal evaluation of ongoing process status as well as a content of service in relation to Mass Customization or Mass personalization; b) as a theoretical background to set up a direction and content of changes to reach a more customized or personalized service and create an overall more customer-centric approach in an organization; c) as a summary of key points for a better understanding on main differences, requirements, trends of each concept and their practical adoption.

Originality / Value – theoretical analysis created following holistic and multidimensional standpoints not only confirms existing differences between semantical meanings but also reveals possible points of misunderstanding when applied in practical implementation. In parallel, at this point, a combined approach of value co-creation and technology-based attitude produces valuable insights for future research and might serve as a basis for ongoing process evaluation in practice.

Keywords: Mass Customization, Mass Personalization, Digitalization, Co-creation

Research type: Literature review

CYBER RISK INSURANCE – THE EMERGING PART OF NON-LIFE INSURANCE MARKET

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Abstract

Purpose-to clarify the definition and characteristics of cyber risk and cyber insurance. More specifically to identify key parts of cyber insurance contract and analyse nowadays cyber insurance market.

Design/methodology/approach: analyse and study of scientific literature, analyse of statistics databases, data comparison.

Findings: firstly, this research paper provides an explicit definition of a cyber risk and cyber insurance. In general, financial institutions and regulators of insurance market categorize cyber type risks as a part of operational risk because it is related to technology and information assets. Therefore, cyber risk is described as operational risk that affects technology assets, information, databases and other sensitive online storage. According to guidelines provided in Solvency II and Basel II documents, cyber risks can be put into four categories: technology and system failures, unsuccessful internal processes, act of people, external processes. These four categories of potential cyber risks are described particularly in this article. Secondly, the comprehensive cyber insurance market analyses is provided following the article. According to AXA Insurance Solutions company there was 170 insurers offering cyber liability policies in 2017 and about 30 more new carriers joined the market in 2018. According to the Cyber Policy Inc. the number 5 cyber insurance carriers in the market is: AIG; Chubb; Hiscox, Liberty Mutual, HSB. With the beginning of 2019 it is expected from buyers to keep pressuring the insurance companies to deliver even more comprehensive services, more coverage options and potential. In general, cyber insurance market is supposed to remain stable, but the quality of policy language should evolve together with other endorsements to general cyber insurance policy. Thirdly, the general guidelines of underwriting the cyber insurance coverage policy is provided within this paper. In order to implement any form of risk reduction for cyber risk (also including insurance), the company at first should very clearly expose its potential vulnerabilities and weaknesses. Three types of general internal company's

information can be marked out for preparing the cyber insurance coverage background: IT related information; human resources; finance, internal audit, legal issues. For insurance company to better understand the company the general business information is most important part. In order to extent the company’s disclosure to cyber threats and to better prepare the solutions if insurance this business profile information should be conducted very carefully. Prevention is one of the most important factors of a cyber risk insurance policy. Companies that are buying cyber risk insurance may get access to pre-breach assessments, prevented suppliers or cybersecurity information for this purpose.

Research limitations: this research paper concentrates on the European Union insurance market and experience of the insurer located in the EU. Moreover, this field of research is very unstable and the changing very fast together with continuously development of IT services sector. More studies and analyses should be made together with the changing environment of cyber security.

Practical implications: this research paper may serve not only for further studies and scientific discussion. Moreover, it could be useful for the businesses as a valuable tool to better understand what cyber insurance is, how to prepare for implementing cyber security policy in the company.

Keywords: insurance, risk management, business, cyber security, cyber insurance policy, cyber insurance market.

Research type: research paper

THE SIGNIFICANT ROLE OF LEGAL REGULATIONS AND STANDARDISATION IN THE DEVELOPMENT OF TELEMEDICINE IN THE EU

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Abstract

Purpose – The main aim of this article is to analyze and evaluate EU policies and legislation concerning telemedicine. Therefore, the article aims to identify the legal instruments which could be implemented to guarantee the development of telemedicine among the Member States of the EU, which will take place with respect to patient welfare and interoperability of healthcare systems.

Design/methodology/approach – As for its methodology, this research focuses on the EU policies, legislation and a few recent initiatives that were undertaken by Poland and other EU Member States in the area of telemedicine. This research utilizes qualitative research methods. The textual analysis method has been used to examine the content and meaning of legal texts and other documents as well as their structure.

Findings – The phenomenon of telemedicine is an extremely complex issue. This implies that the attempt to provide health services based on such solutions requires a comprehensive approach, taking into account not only the normative material related to the healthcare but also a number of sectoral regulations relating to, for example, personal data protection and cybersecurity rules, patients’ rights, or to the provisions governing electronic commerce. On the other hand, most regulations concerning directly telemedicine occur in the area of *soft law*. Due to this fact, there are significant differences in national regulations. Therefore, institutions involved in the EU legislation should focus on implementing general standards in telemedicine, which would guarantee patient welfare. Finally, the significant challenge is to provide interoperability between telemedicine solutions available around the European Union. This is a *sine qua non* condition for a greater utilization of telemedicine solutions by EU citizens.

Research limitations/implications – The scope of the research covers the examination of the EU policies and legislation on telemedicine. This article does not cover wide and complex research on sectoral regulations relating to, for example,

personal data protection and cybersecurity rules, patient rights, or finally to the provisions governing electronic commerce. It covers the comparative analysis of telemedicine in Poland and only general analyses concerning different countries, e.g. France or the USA.

Practical implications – The findings may give some reference to institutions involved in the EU legislation, especially to the European Commission. Therefore, they can be useful for improving the Member States’ legal frameworks on telemedicine.

Originality/Value – Contrary to the majority of papers on telemedicine, this article does not concentrate on the barriers and challenges for the successful implementation of telemedicine but focuses on solutions. What is more, this research covers the latest regulations and publications. Finally, the article presents the current Polish legislation promoting telemedicine solutions, which may prove an interesting case study for researchers from different countries.

Keywords: telemedicine, telehealth, teleconsultations, healthcare, eHealth, interoperability

Research type: research paper

PERSPECTIVES FOR ELECTRONIC EVIDENCE IN CRIMINAL PROCEEDINGS

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Abstract

Purpose – although the significance of electronic evidence for criminal investigations of any type of criminal offence has been steadily growing for years, respective legal frameworks in all EU Member States was only fragmented. Only in April 2018, the European Commission proposed a Regulation on European Production and Preservation Orders for electronic evidence in criminal matters and a Directive laying down harmonized rules on the appointment of legal representatives for the purpose of gathering evidence in criminal proceedings¹. This general review analyzes a new legal measure in criminal investigation, i. e. cross-border access to electronic evidence.

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

Finding – the new regulation of the electronic evidence in a criminal proceeding and possible interferences, which hinder to use efficiently and smoothly when applying this measure, are disclosed by reviewing them.

Research limitations/implications – the review provides advantages and disadvantages of the electronic evidence in a criminal proceeding and its perspectives in practical application.

Practical implications – electronic data have become increasingly relevant as evidence in criminal investigations. Yet, there are – if any – only fragmented legal frameworks on European or national levels in the Member States of the European Union targeting the specific challenges posed by this unique type of evidence. Thus, there is a need for comprehensive and coherent legislative solutions on different levels. It is expected that insights of this general review will be useful for the practical legislative implementation.

¹ < <http://www.ipex.eu/IPEXL-WEB/dossier/document/COM20180225.do>>, <<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2018%3A226%3AFIN>>.

Originality/Value – important steps have been taken at European level over the last years to develop an appropriate legal framework to address the challenges posed by the gathering of e-evidence. This general review raises discussions of that steps.

Keywords: electronic evidence, criminal proceeding.

Research type: general review.

VIDEO SURVEILLANCE AND THE GDPR

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Abstract

Purpose – to present some recommendations that would help organizations to compliance video surveillance under GDPR.

Design/methodology/approach – analysis and synthesis of scientific literature and legal documents, generalization.

Finding – after analyzing the theoretical aspects of video surveillance compliance under GDPR, there were introduced the main recommendations that would reduce the risk of GDPR non-compliance.

Research limitations/implications – The main limitation of this study is that the research is based on scientific literature review.

Practical implications – the present research allows to identify the challenges of GDPR implementation for video surveillance.

Originality/Value – On May 25, 2018, the General Data Protection Regulation or GDPR officially took effect, requiring better protection of personal data across the EU region. In this regard, making video surveillance GDPR compliant has become critical.

Keywords: video surveillance, GDPR,

Research type: general review.

THE LEGAL RESPONSIBILITY FOR THE VIOLATION OF E-WASTE MANAGEMENT IN CONTEMPORARY SOCIETY

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Abstract

Purpose – the field of electrical and electronic equipment waste management has become very relevant over the last decade. The amount of these type of waste is still increasing not only in Lithuania, but in other countries (developed and developing) as well. The improvement of regulation of legal responsibility of the violations of e-waste management in contemporary society is the one way to try to deal with the problem. In the age of technological progress, computing, the contemporary society is changing, therefore it became more cautious, the intellectual activity is evolving, so the legal legislation and legal rules have to be created and implicated taking into account the inevitable change of the thinking and operating of the society. The purpose of this article is to reveal the legal regulation of responsibility for the violation of e-waste management in Lithuania and by analyzing and comparing legal regulations and court practices to provide the solution for improvement of effectiveness and efficiency in this area.

Design/methodology/approach – the paper is based on qualitative document analysis and comparative analysis method by comparing different legislation and its implications as well as court decisions. Scientific literature analysis, legal literature content analysis techniques are used to systematically evaluate legal documents. Qualitative data comparative and summarization methods, will be used during the research to better understand the challenges of the issue.

Finding – the effectiveness of legal responsibility mechanism depends on improvement of legal legislation taking into account the change and evolvement of contemporary society in this age of technology, information and consumption.

Research limitations/implications – to reveal the dysfunctions of legal responsibility and legal legislation in the field of e-waste management, it is necessary to investigate and compare the nature of the offences and how often they are made, what are the measures obtain them and to obviate them in the future, thus The Environmental Protection Agency, The Ministry of Environment of the Republic of Lithuania and The

Environmental Protection Department under the Ministry of Environment as well as the internet and Official Statistic Portal does not provide this information, so available are only those cases, which are appealed in the court.

Practical implications – the comparative analysis provides a background on further discussions concerning legal responsibility for violation of e-waste management legislation.

Originality/Value – not many scientific research was made in the field of analysis of electrical and electronic equipment management. There is still a lack of academic insights into the issues of effectiveness of responsibility mechanism for the offences of WEEE. The paper provides insights into the liability and responsibility of such waste use, disposal, production, distribution and selling and points out the solutions for legal regulation improvement in this area will be provided.

Keywords: e-waste management, legal responsibility, contemporary society.

Research type: general review.

THE ASPECTS OF COOPERATION OF SOCIAL BUSINESS ORGANIZATIONS IN LOCAL COMMUNITIES: CASE STUDY ANALYSIS

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Abstract

Purpose – Social entrepreneurship is recognized as one of the ways to solve social problems in rural areas. It is also known that social entrepreneurship plays an important role in local communities as it increases the welfare of the local community, the social capital and solves the issues of exclusion. In addition, it helps to raise the employment rates by offering jobs to those who are experiencing difficulties in the labor market. Communities have been increasingly taking initiatives to solve these issues by themselves. However, there is a lack of research on how social business works and what social impact it has on the development of local communities, thus, it is important to reveal the aspects of social business organization cooperation and to identify the social impact on local community.

Design/methodology/approach – analysis of scientific literature, interview with organization leaders, analysis and interpretation of the research results.

Findings – Although scientists point out that the social enterprises, operating in rural areas, are able to innovate and address social problems, it should be noted that they face greater challenges than urban social entrepreneurs: lack of infrastructure, lack of financial resources, lack of human resources, etc. The study revealed that the cooperation of social business with local community organizations, operating in the same field, is very close. Furthermore, they share common goals: education, events, celebrations, joint projects; The cooperation of social business with local community organizations is characterized by mutual trust, open communication, determination for joint actions, sharing ideas, resources. These organizations cooperate to create a positive social impact on the local community. The following social impact was identified: increased community activity, increased employment of local children; increased visibility of a town name; revived local traditions, customs; increased number of visitors in the area.

Research limitations/implications – This paper focuses on a case study of community-based social business in Lithuania. Sasnava community is examined as an example of cooperation of social business with local community in rural region of Lithuania. The research is limited to Sasnava community, therefore, it should be extended to include other Lithuanian communities in the future.

Practical implications – It should be emphasized that the cooperation of social business with local authorities and business organizations is insufficient despite the fact that it could help raise financial resources, gain better understanding of the needs of customers and communities, thus, increasing the social impact of social business on the community. Therefore, more attention is needed to develop the cross-sectoral cooperation in the local area. These insights reflect the practical implication of the study.

Originality/Value – The study confirmed the importance of social business cooperation with local community organizations to achieve the common social goals in the local community.

Keywords: social impact, social enterprises, cooperation

Research type: case study.

“DIFFERENT SPEED” OR UNIFIED EU? ANSWER FROM THE POINT OF VIEW OF INSTITUTIONALISM THEORY

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Abstract

Purpose. The ongoing processes of European integration are confronted with the challenge of "different speed" EU. Union is often divided into "eurozone" - central and peripheral countries or old and new Europe. However, it is forgotten and ignored that "speeds" mean differences. Such heterogeneity can lead to a pessimistic EU scenario where European countries move at different speeds and do not always pursue the same goal. On the one hand, there is a presumption that the EU Member States must continue to seek solidarity through the development of a common administrative model and, on the other hand, the growth of sovereign powers. The question arises as to whether reforms carried out by EU Member States contribute to the overall integration of Member States in the field of institutionalism.

Design/methodology/approach. Thus, it is through the functioning of institutes that economic phenomena and processes are analyzed with the help of institutionalism theory. Based on this theory, institutions define the rules of public gaming or human-made constraints that shape their interactions. In general, the representatives of the theory of institutionalism pay much attention to the analysis of the economic behavior and political motives of individuals. A multi-faceted approach has made institutionalist interpretations one of the most important tools for theoretical perspectives and organizational research. Institutionalism is the conventional theoretical wisdom of EU studies.

Finding. EU integration has attracted particular attention since its origins as a result of the political and economic union of the Member States. Recognizing the administrative convergence of EU Member States as one of the key factors for achieving common goals and criteria, the challenges of a rapidly expanding organization have been overcome by several means over several decades. However, in the recent decade of the EU, with the global economic crisis, the Brexit talks, the Hungarian and Polish

Eurosceptic political forces, the difficult-to-manage migration problem have hit Europe hard and have led many to thinking about the future of a united Europe.

Research limitations/implications. Institutionalism helps to explain separate and different phenomena of European integration. However, institutionalism cannot explain long-term transformation of EU integration processes. What is more, viewpoint article is short article which focus on some of the key challenges, issues or developments in natural products research. This article is "opinion" style article, which gives the author's perspective on a particular issue, backed up by the literature.

Practical implications. Idea of EU as single federal state showed that there are too much of differences in the same union. EU integration may be initiated by agreements among governments, international institutions, once established, take on a political life of their own, and the rule-making authority delegated to them by states collectively binds and bounds governments by locking in patterns of collective behavior and ratcheting supranationality. Institutionalism approaches (sociological, historical, rational choice and discursive) help to explain different phenomena that have been occurring in the experience of EU integration.

Originality/Value. There is a lack of research in scientific literature that examines and evaluates the importance of increasing administrative complexity and public administration fragmentation processes in EU Member States. It is clear that such diversity only complicates intergovernmental cooperation between countries, but there is a lack of scientific insight into what aspects of sovereign change in public service contribute to the strengthening of the EU and which weaken it. The assessment of change in public governance is also determined by the aspect of belonging to "central" and "peripheral" EU countries. The main argument of the critics of the "different speed" European model concerns the inequality of the states of such a union, the non-member countries of the EU will have much less chance of defining the details of their rules, and the pace and conditions of European unification will almost entirely be controlled by nuclear states. In this case EU would become even more fragmented in the future.

Keywords: European Union, European integration, Institutionalism, Unified EU, Different speed EU.

Research type: viewpoint.

SOCIAL TRANSFORMATIONS OF PAKISTAN UNDER KASHMIR DISPUTE

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Abstract

Kashmir dispute is the most important burning issue between India and Pakistan as they have fought three major wars and two conflicts since 1947. Kashmir dispute arises when British India was separated into Pakistan and India on 15th August 1947 under the Indian Independence Act 1947. Independent Indian States could accede either to Pakistan or India as on 26th October 1947, Hari Singh signed treaty of accession with the Indian Government while the Governor General of India: Mountbatten remarked that after clearance from insurgency, plebiscite would take place in the state and the people of Kashmir would decide either to go with Pakistan or India. During war of Kashmir in 1947, India went to United Nations (UN) and asked for mediation, UN passed resolution on 20th January 1948 to assist peaceful resolution of Kashmir Dispute as another resolution was passed on 21st April 1948 for organization of plebiscite in Kashmir. India holds 43% of the region, Pakistan holds 37% and remaining 19% area is controlled by China. Dispute of Kashmir is required to be resolved through mediation under UN resolutions.

Purpose – This research is an analysis of Kashmir Dispute under the light of historical perspective, law passed by British Parliament and United Nation Resolutions to clarify the Kashmir Dispute and recommend its solution under the light of United Nation Resolution.

Design/methodology/approach – This study is routed in qualitative method of research to analyze Kashmir Dispute under the light of relevant law passed by British Parliament, historical perspective, and resolutions passed by United Nations.

Finding – This study would help people of the world to understand the Kashmir Dispute, its Historical Perspective, relevant laws and resolutions passed by United Nations. Kashmir Dispute should have been resolved under United Nations and plebiscite should have held in Kashmir as fate of Kashmir should be decided by Kashmiris

themselves. Pakistan and India have fought three major wars and various small conflicts due to Kashmir Dispute which is required to be resolved for peace in South Asia.

Research limitations/implications – This study is an analysis of Kashmir Dispute under Historical Perspective, Laws passed by British Parliament, and United Nation Resolutions. This research does not go into detailed analysis of Pakistan and India wars, other major issues with Pakistan and India as this research sticks into Kashmir Dispute between Pakistan and India, and its possible solution.

Practical implications – This study aims to point out and wipe out misconceptions about Kashmir Dispute while clarifying the issue, analyzing important relevant laws, United Nations resolutions and come up with a possible solution of Kashmir Dispute.

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

Keywords: Kashmir, Pakistan, India, China, United Nations.

Research type: This study is general review of Kashmir Dispute, its historical perspective, relevant laws passed by British Parliament, United Nation Resolutions and wars between Pakistan and India.

RELIGIOUS FAITH OF OLDER ADULTS IN THEIR LIFE PERSPECTIVE

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Abstract

Purpose is to reveal the religious faith of older people in their lives.

Methodology is a qualitative study that has involved seven older people. Data was collected in qualitative semi-structured interviews using *Faith Development Interview* (Streib & Keller, 2015), questions about sociodemographic characteristics of participants, observation and diary of the researcher. It was analyzed by narrative analysis (Braun & Clarke, 2006).

Findings. The origins of religious faith were formed in childhood, but had different tendencies of expression in the course of life; a stable or wavy religious faith, manifested as hidden or discovered.

Research limitations / implications are the low number of participants. For this reason, the results of the study cannot be summarized for a larger population of the elderly, but provide insights for further research. It is expedient to conduct longitudinal studies that reveal how religious faith develops in the course of life.

Practical implications. A valuable specialist in various fields working with these individuals in the institutions of social services, long-term care, and education, in associations for senior people and alliances. The findings of the study are adapted and integrated into consulting, psychotherapy and psychosocial and spiritual interventions of the elderly.

Originality. The presented perspectives of elderly people reflect the culture of Eastern Europe and Lithuania, where in the context of historical events and Catholic tradition were the older persons and their religious faith have formed. There is a lack of such religious faith in historical and cultural environment of Lithuania.

Keywords: religious faith, elderly, life course

Research type: case study

SOCIAL RESILIENCE ASSESSMENT FRAMEWORK IN THE CONTEXT OF ORGANIZATIONS OPERATING IN RURAL AREAS: CONCEPTUAL REVIEW

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Abstract

The article analyses the social resilience factors that influence the activity of organizations operating in rural regions. The conception of social resilience is becoming increasingly significant in the modern society for creating risk management factors in organizations. The article presents an analysis of social resilience, determines the theoretical principles and empirical results based on which the social resilience factors are planned.

Purpose – to identify the key factors in evaluating rural region organizations’ social resilience through theoretical analysis.

Design/methodology/approach – systematic and logical analysis of organizational social resilience. In order to conceptually define the factors of organizational social resilience, a scientific literature analysis was carried out.

Finding – Scientific literature analysis allowed to identify key factors in evaluating rural region organizations’ social resilience. A model for evaluating organizational social resilience factors was prepared.

Research limitations/implications – The constraint of the article is low attention given to economic resilience factors which literature describes as important in connection with social resilience.

Practical implications – The results of this research can be useful in strengthening social resilience in rural organizations.

Originality/Value – On the basis of the research results, the author of the article developed a model of social resistance assessment of organizations.

Keywords: social resilience, organizations, factors, region.

Research type: literature review.

PSYCHOLOGICAL WELLBEING AND ITS RELATIONSHIP TO ACADEMIC ACHIEVEMENT OF LITHUANIAN STUDENTS

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Abstract

Purpose – to analyze the role of student psychological wellbeing in predicting their academic achievement.

Design/methodology/approach. The qualitative study was conducted in order to examine the relationships between students’ psychological wellbeing and academic achievement. A total sample of 107 students (78 females, 29 males) from Lithuanian universities participated in this study. Data were collected via web-based survey and subsequently downloaded into SPSS statistical software for analysis. Ryff’s Psychological Well-Being Scale (1989) and Academic Achievement Scale (Anderson, Guan, Koc, 2016) were utilized to evaluate the constructs.

Findings. The results of the study revealed a significant positive relationship between student academic achievement and their psychological wellbeing. It was found that academic achievement was considerably associated with all aspects of wellbeing, such as self-acceptance, autonomy, environmental mastery, purpose in life, personal growth and positive relations. Furthermore, the multiple regression analysis has revealed a predictive role of psychological wellbeing for students’ academic achievement. Specifically, environmental mastery and self-acceptance were significant predictors of academic achievement.

Research limitations/implications. This research has some key implications. Firstly, the research contributes to the existing literature on the topic by providing empirical evidence of the relationship between students’ wellbeing and academic achievement. Secondly, our findings reveal that higher level of psychological wellbeing manifests in higher academic achievement indicating the importance of psychological state of students while studying. However, the results of this study need to be considered in the light of several limitations. The study data were cross-sectional. Longitudinal approach would be beneficial with a view to find out the causality between study variables. Furthermore, a self-report questionnaire was used in the study to measure academic achievement.

Practical implications. The results of this study are relevant for higher education institutions demonstrating that the devotion of resources to fostering students’ psychological wellbeing can be a worthwhile investment. The duty of higher education institutions is to develop students’ knowledge, skills and abilities in order to adapt successfully to the turbulent and competitive labour market. Thus, positive university experience manifesting in high level of psychological wellbeing and academic achievement may significantly contribute to creating a strong psychological basement for starting a successful career. For these reasons, higher education establishments must pay attention to promoting student wellbeing. Students should have a possibility to find support, information and advice in academic settings, such as wellbeing and mental health services.

Originality/Value. This research expands the existing literature on students wellbeing in the Lithuanian context by revealing its relationship with academic adjustment.

Keywords: academic achievement, psychological wellbeing, students.

Research type: research paper

GENERATION Y VS. GENERATION Z REPRESENTATIVES AS JOB SEEKERS IN LATVIA

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Abstract

Purpose – the scientific review contains peculiarities and comparison of the generation Y and Z representatives as job seekers in Latvia that would help identify some similarities and differences to consider when recruiting and selecting HR.

Design/methodology/approach – the author reviews available quantitative and qualitative data collected as a result of the surveys of students in Latvia that reflect particularities of generation Y and Z representatives from Latvia as job seekers.

Finding – there are differences between generation Y and Z representatives as job seeker in Latvia that are based on the motivation factors and values of the different generation representatives. For example, when choosing an employer for generation Y representatives from Latvia it is important what kind of organisation it is, if it offers advancement opportunities, and what kind of working environment it has (Stariņeca, 2017). For generation Z representatives from Latvia – if the organisation provides flexible schedule, professional advancement opportunities, growth opportunities, and if the company carries out publicly important duties (Vecumniece, 2019). Generation Z representatives prefer checking information from social networks (Vecumniece, 2019), while generation Y representatives prefer to use personal contacts (friends, family members etc.) as the main source when searching for a new job (Stariņeca, 2017).

Research limitations/implications – the review is based on the small number (two) of the research data on generation Y and Z in Latvia as an object of Human Resource Management. Some of the surveys reviewed are limited e.g. to collect data some researchers used convenience samples. Respondents who participated in the surveys rather work or like to work in public/business administration, management, and economics.

Practical implications – the review could be used as a base for the further research on generation Z representatives as job seekers considering their motivation on the

workplace. This kind of research can help to solve the challenges connected to motivation and attraction of generation Z representatives.

Originality/Value – the review is focused on the peculiarities of two youngest generations of job seekers in the labor market of Latvia.

Keywords: Generation Y, generation Z, HR recruitment and selection.

Research type: general review.

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ECONOMIC SOVEREIGNTY OF THE EU MEMBER STATES AND THE EU’S COMMON CUSTOMS POLICY: PROBLEMATIC LEGAL ASPECTS OF THE RELATIONSHIP

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Abstract

Purpose – The purpose of the article is to assess the problematic question – whether the existing new provisions of the substantive European Union (EU) law (applicable since 2016 according to the Union Customs Code (UCC)), which defines the instruments of the EU’s Common Customs Policy, leaves the possibility for the EU Member States to exercise their economic sovereignty over the regulation of customs duties (as the main instruments for the regulation and how the scope of their competencies can be defined (on the basis of practical examples of legal cases/disputes, mainly focusing on the situation in the Republic of Lithuania).

Design/methodology/approach – to achieve the goal mentioned above, the author used logical - analytical method (analysis and synthesis), systematic, comparative, historical methods and, particularly, the method of thematic analysis. For this reason, the author analyses both the theoretical sources of the legal doctrine and the formal relevant legal regulations of national and EU law (in the first chapter of the article and its subchapters) as well as the legal (judicial) practice of the Court of Justice of the EU (CJEU) and the national courts in the Member States, namely, the Republic of Lithuania (i.e. the Supreme Administrative Court of Lithuania) in cases related to the legality of customs duties administration practices which existed or exists on the national level (in the second chapter of the article). To investigate the research question (for a detailed thematic analysis) the author has selected judicial cases related to the period following the adoption of the Union Customs Code (since 2013), other cases were analysed only if they were essential to disclose the historical context of the research problem.

Finding – the application of the EU Common Customs Tariff (as an integral part of the Common Customs Policy), the uniform rules of customs origin and customs valuation of goods imported into the EU from the third countries (which were enshrined in the Community Customs Code (1992) and subsequently later in the Union Customs Code

(2013)) does not diminish the ability of an individual EU Member State to exert significant sovereign influence on the regulation of international trade. The independence of individual EU Member States in regulating economic trade relations relevant to the functioning of the internal market of the EU is also reflected in the fact that EU customs law, although, quite detailed and partially codified (at the supranational level), can also be a product of sovereign national legislation. For this reason, we can clearly define the areas where the national sources of legislation are applied (the areas left to the priority of national law) such as the organization of national customs administrations, their functions, powers, competencies of officials, peculiarities of their career system. In this way, the creation of a single EU customs administration system remains a significant challenge for the future, especially by since individual differences remain in the national customs administration practices (even after the adoption of the UCC).

Research limitations/implications – the research presented in this article is mostly related to the practice and practical examples involving one particular EU Member State (the Republic of Lithuania), the practical situation which exists in the other Member States is analysed only to the extent that it was reflected in the cases pending in the CJEU (Court of Justice) since 2013. Therefore, complex analysis involving the other EU Member States and their national practices remains an essential area of the future studies and is not fully covered by this article and the research presented in it.

Practical implications – based on the results of the research in the article the author provides the practical recommendations how to reconcile the provisions of national laws (in the EU Member States, i.e. the Republic of Lithuania), which reflects the national interests in the area of international trade regulation with the significant general strategic aim of the UCC to ensure that all customs administrations in the EU (its Member States) should work as one. The article also suggests certain possible areas of the UCC and EU customs law which needs to be improved to ensure the more efficient and uniform system of administration of customs duties in the EU.

Originality/Value – the problem of the national competencies and sovereign rights of the EU Member States in the area of the Common Commercial Policy and the Common Customs Policy (as an integral part of it) remains an essential topic in the doctrine of the EU law, especially after the legal transformations which were introduced since the adoption of the TFEU (Treaty of Lisbon) and the UCC and which have been designed to increase further integration in this area and to create a more uniform legal framework (by expanding the competency of the EU and its institutions). Therefore, similar problems were already assessed by such authors as T. Lyons (2018), C. Barnard (2016), K. Limbach (2015), Saida el Boudouhi (2015), P. Craig and G. De Burca (2015), J. Hojnik (2012), E. Traversa and others. However, on the national level (in the national legal doctrine, i.e. in the Republic of Lithuania) such issues were considered only in historical context (after the entry of the Republic of Lithuania into the EU), see V. Novikevičius (2004) or were only fragmentary mentioned (without any links to the existing practical situation on the national level) in the more fundamental studies of A. Laurinavičius

(2014) and A. Medelienė as well as B. Sudavičius (2011). Therefore, this article seeks to fill this gap in the legal doctrine and to provide an analysis of the current situation in this area (considering recent developments in EU legislation).

Keywords: sovereignty, customs duties, Union Customs Code, EU Customs policy, national customs administrations, EU Member States, EU customs law.

Research type: research paper.

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THE COMPARISON OF WASTE SORTING BEHAVIOR AND NOT WASTE-SORTING BEHAVIOR IN EUROPEAN UNION AND ITS DETERMINING FACTORS, INCLUDING THE CULTURAL FACTORS

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Abstract

Waste generation is still an uncontrolled and increasing problem. Generation of waste increase with population expansion, the growth of production and consumption, the high demand for new products, and improved living standards. On the global level, waste has increased ten-fold over the past century and is expected to double by 2025 (Zelenika et al., 2018). Recycling is a plausible path and is one of the most effective methods used to reduce wastes and the promotion of recycling can to find a solution of the issues of limited landfill space, environmental pollution, reducing the waste, and natural resource depletion (Zhang et al., 2017). However, the inclusion of individuals and the increase of participation rates in the recycling process is a serious challenge in waste management still.

Purpose - to compare the behavior of waste sorters and not waste-sorting in European Union and its determining factors including the cultural factors.

Design/methodology/approach. The comparison analysis between characteristics of respondents who not waste-sorting behavior and waste sorting behavior in the EU analyzed the survey “Attitudes of Europeans towards waste management and resource efficiency” which was conducted by Eurobarometer. The detailed interview methods and confidence intervals are presented in a report by the European Commission (EC, 2014). The not waste-sorting behavior were estimated by answering the question: “Do you sort the following types of waste?” “I don’t sort any waste”. The residual segment of respondents was attributed to sorting behavior respondents. In this study analyzed the

not waste-sorting behavior and reduce and reuse behavior. Reduce behavior was estimated referring to answers about whether they performed at least one reducing behavior (e.g., I get broken appliances repaired before buying new ones). When analysing the behavior of reuse, we used the answer to the question, for example: "I bought none of these mention products second-hand" and so on. Applying the chi-square test, the differences between sorters' and not waste-sorting behavior reducing and reusing behavior were analyzed. To assess the influence of cultural dimensions on not waste-sorting behavior, six cultural dimensions of Hofstede's (2011) were used and the relationship between the values of cultural dimensions and non-sorting behavior was rated applied the Spearman correlation coefficient. To assess the influence of the tools which convince to separate waste (e.g. more and better waste recycling and composting facilities in one's area) on to compare the level of use of these tools between sorter and non-sorter respondents across all EU countries, considering panel data, a t-test was used.

Finding. From six cultural dimensions, only power distance, uncertainty avoidance and indulgence had significant effects on not waste-sorting behavior. The respondents of not waste-sorting behavior were at a lower economic level compared to respondents of waste sorter (except the purchase of second-hand goods) linked to performing reduce and reuse behavior. The effective of different tools which convince to separating waste differed between respondent of sorters and not waste-sorting behavior as well: to the respondents who sorting waste is important the trust level of waste management, while respondents of not waste-sorting behavior the convenience level is important. Analysing the knowledge about waste efficiency on sorting behavior, we found that only attitudes about resource efficiency significantly differed between sorter and not waste-sorting behavior respondents. Meanwhile, the knowledge level that too much waste is generate and I generate too much waste insignificantly differed between this group.

Research limitations/implications. This work was based on a Eurobarometer survey carried out five years ago. Progress has been made over this period in developing waste sorting infrastructure and increasing public environmental education. Thus, the data presented in this work could do not accurately reflect today's situation in the EU. Likewise, there is a likely that the answers of respondents were false.

Practical implications. This study has significant implications for waste policy in purpose by which to promote more sorting behavior in EU countries. This study was found that the not waste-sorting behavior significance depended on the level of economic development (in the riches country more individuals were linked to sorting waste). The enhancement of responsibility is the most important factor in seeking waste reduction for the whole of Europe. The same tools make differently effect for sorting behavior and non-sorting behavior. The least preferred tools which could convince one to separate waste were increased tariffs if the waste was not separated correctly and more information about where and how to separate waste. So, to promote sorting behavior, it is not enough to inform people that we have a lot of waste. Referring to Hofstede's six cultural dimensions, only power distance and uncertainty avoidance positively and significantly influenced the level of not waste-sorting behavior. Meanwhile, the level of indulgence had

a significant and negative effect on non-sorting behavior. So, to trigger sorting behavior, is not enough to enhance the responsibility level of environmental issues and to highlight that the sorting behavior are fashionable, but also to consider the circumstances and cultural dimensions of separate EU countries is necessary.

Originality/Value. In this study analyzed the respondent characteristics of not waste-sorting behavior and we performed the comparison analysis of waste reduction and reuse behavior and tools which can promote waste sorting between waste sorting and not waste-sorting behavior respondents in the all EU. This study is original because to the best of our knowledge, in the literature, this topic has not yet been analyzed. Also, of our knowledge, there is no research analysing waste separation encompassing all EU members. The researchers rather extensively analyzed how cultural dimensions influenced the purchase and consumption of green products (Ritter et al., 2015), meanwhile, to the best of our knowledge, there is a lack of studies where cultural aspects are included in exploring sorting behavior. Therefore, this study will fill this gap and enrich the cross-cultural analysis of environmentally friendly behavior. Up to now, the greatest attention was paid to the economic incentives, convenience factors, and information or knowledge. However, in these studies, the respondents who did not sort waste at all were not considered. In this paper, we analyzed and compared the preferences of these tools between waste sorting and not waste-sorting behavior respondents and that's it helped to identify the most preferable tools which could contribute to trigger promotion of more sorting behavior in EU countries. So, this study should contribute to understanding what factors drive not waste-sorting behavior, and how to promote sorting behavior including cross-cultural analysis.

Keywords: waste management; European Union; cross-cultural analysis; environmental knowledge; sorting behaviour; economic development.

Research type: research paper.

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DAMAGE CLAIMS FOR IMPROPER PRISON CONDITIONS: THE JURISPRUDENCE OF THE SUPREME ADMINISTRATIVE COURT OF LITHUANIA FROM THE PERSPECTIVE OF THE CONVENTION FOR THE PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

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Abstract

Purpose - article aims to analyse case law of the Supreme administrative court of Lithuania (hereinafter - Supreme administrative court) regarding claims of improper detention conditions from the perspective of Convention for the Protection of Human Rights and Fundamental Freedoms (hereinafter - ECHR). Thus, this article provides an analysis of criteria applied by the European Court of Human Rights (hereinafter - ECtHR) for determining the existence of an infringement of article 3 of ECHR, prohibiting torture and inhuman or degrading treatment and case law of the Supreme administrative court concerning improper detention conditions in light of the case law of ECtHR. Finally, the author of this article studies criteria for awarding effective remedy.

Design/methodology/approach - linguistic, historical, analytic, systematic, comparative methods are applied in the research.

Findings - Even though Supreme administrative court extensively relies on the case law of ECtHR, usually it finds that national legal regulation is infringed and does not constitute an infringement of ECHR. ECtHR constitutes an infringement on a case by case basis, taking into account the cumulative effect of detention conditions. In cases of an infringement Supreme administrative court may award monetary compensation or constitute that finding of infringement is in itself a just satisfaction. Supreme administrative court considers a time the victim spent subjected to improper conditions, the entirety of infringements, the level of suffering, the intention for harm of the institution, the economic situation in the country relevant criteria for determining an effective remedy. Supreme administrative court usually concludes that finding of infringement is just satisfaction in cases of minor infringements. Nevertheless, case law regarding lack of privacy using sanitary facilities is still not consistent as in some cases

Supreme administrative court awards monetary compensation while in other cases Supreme administrative court refuses to award monetary compensation considering that finding of infringement is just satisfaction. However, analysis of the jurisprudence of ECtHR reveals that even though administrative courts of Lithuania find that detention conditions were not adequate and thus infringe rights protected by ECHR or national law, remedies granted by the courts are not always sufficient - on some occasions the remedies granted by ECtHR for the same infringements are far higher than those granted by national courts. ECtHR stipulates that under the principle of subsidiarity states parties of ECHR are primarily responsible for ensuring ECHR rights. Nevertheless, institutions or national courts need to find an infringement of ECHR and award remedy which would be similar to remedy which would be awarded by ECtHR in a similar case. Nonetheless, ECtHR many times concluded that remedies granted by Supreme administrative court are not sufficient. On the other hand, for the remedy itself, it is difficult to provide a clear standard, what could be considered as an adequate award as it determined by individual circumstances.

Research limitations/implications - research is limited to the analysis of the jurisprudence of the Supreme administrative court and ECtHR. Thus, the practice of other courts and bodies of other human rights treaties is not analysed. This research is not intended to be an in-depth analysis of Lithuanian legal regulation of detention conditions since the aim of this article is to examine jurisprudence of the Supreme administrative court from the perspective of ECtHR case law and provide analysis in what cases remedies granted by Supreme administrative court are not sufficient.

Practical implications - the results of the research reveal the criteria applicable in the jurisprudence of the Supreme administrative court for finding infringement of article 3 of ECHR and standards for awarding effective remedy.

Originality/Value - researchers of the Law institute of Lithuania researched detention conditions (Bieliūnienė, 2014; Wolfgan, 2017; Sakalauskas, 2015). However, research of the Law institute of Lithuania is limited to the national and international standards for conditions of detention. Thus, researchers did not analyse jurisprudence regarding the awards in cases of improper detention conditions. Since there is no research concerning the alignment between remedies granted by ECtHR and the Supreme administrative court, this article would be valuable for both legal practitioners and victims of infringement.

Keywords: detention conditions, torture, inhuman or degrading treatment or punishment, European Convention on Human Rights, subsidiarity, effective remedy, non-pecuniary damage, principle of subsidiarity.

Research type: research paper.

CROSSING METACOGNITIVE AWARENESS AT UNIVERSITY STUDIES: AN EMPHASIS ON BELIEFS

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Abstract

Purpose – Initially, this cross-cultural comparison paper aimed to give a comprehensive account of both lecturers and learners' beliefs about learners' subcomponents level of metacognitive awareness. Additionally, it looked at investigating lecturers' justifications for assigned students' level of metacognitive awareness.

Design/methodology/approach – Two instruments were applied. Firstly, a researcher-created questionnaire was developed to collect data from 20 Lecturers to analyze trends in the lecturers' beliefs about their students' metacognitive awareness. Secondly, Schraw and Dennison's (1994) metacognitive awareness inventory was completed by 755 students to assess their metacognitive awareness. Mixed methods research combined with quantitative and qualitative methods was appropriate for this study. The quantitative data was collected from the Likert scale parts of the researcher-made questionnaire for the lecturers and whole parts of the questionnaire for the students. Both descriptive and inferential analysis were done. The lecturers' written responses to the open-ended questions were analyzed applying deductive qualitative content analysis using an iterative approach. It was a recursive process in which the data were reviewed to determine the major themes in the written responses by the researcher and 3 raters.

Finding – By comparing and contrasting the lecturers and the students' beliefs about the students' subcomponents levels of metacognitive awareness, we realized that both Iranian and Lithuanian lecturers' and Iranian student's beliefs regarding the sequence of knowledge of regulation subcomponents from the strongest to the weakest were the same (Declarative, Procedural and conditional) while Lithuanian students believed that they had a higher level of declarative knowledge and a lower knowledge in procedural subcomponents. By comparing the Lithuanian and Iranian lecturers' beliefs with their students' beliefs, we can realize that both of them considered monitoring and debugging weaker than planning and evaluation. Both Lithuanian lecturers and

Lithuanian students considered the level of metacognitive awareness as medium. Furthermore, among the three detected key themes categorized by 3 raters through deductive content analysis from lecturers' responses for the reasons for determined students' level of metacognitive awareness, "students' characteristics" was considered as the main reason for both groups.

Research limitations/implications – The first limitation is the use of questionnaires where various methods such as think aloud or interview can be applied as well. Another limitation is that the number of lecturers was limited which can influence the generalizability of findings. Finally, the sample size for both groups of lectures and learners was randomly selected from Tehran and Vilnius which is not appropriate for overgeneralizing to other cities.

Practical implications – It not only contribute to both lecturer and student development of metacognitive awareness but also guides the design and implementation of future metacognitive awareness programs for lecturers. The findings can increase lecturers' pedagogical knowledge which is associated with their practices

Originality/Value – Despite the fact that learner metacognitive awareness at university studies is gaining momentum as an educational phenomenon, there is very little simultaneous and comprehensive research globally on assessing students' beliefs and identifying those of lecturers about the students' subcomponents level of metacognitive awareness. Therefore, the research is new and unique since no research has compared and contrasted lecturers' and students beliefs about the topic in both contexts of study.

Keywords: Metacognitive awareness, Regulation of cognition, Beliefs, University Studies, Iranians, Lithuanians

Research type: Research paper

CHALLENGES OF DEFINING THE CRIMINAL OFFENCE OF TRADING IN INFLUENCE

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Abstract

Purpose. The aim of this research is to reveal the issues related to the implementation of the requirement of the Article 12 of the Council of Europe Criminal Law Convention on Corruption (hereinafter – the Convention) to criminalize trading in influence in national criminal laws.

Design/methodology/approach. This analysis is based both on theoretical (logical-analytical, comparative, systematic) and empirical methods (analysis of the evaluation and compliance reports published by the Group of States against Corruption (hereinafter – GRECO) and Lithuania and other countries’ criminal laws).

Findings. Preliminary results of this research show that Lithuania implemented all the recommendations related to the criminalization of trading in influence provided by GRECO. Also, the majority of states carried out the same actions as Lithuania. In accordance with GRECO recommendations, they transferred the elements of this crime provided in the Article 12 of the Convention into their national regulations. Until the period of GRECO evaluation the majority of states regulated the question of trading in influence differently.

The comparative study also reveals that a significant number of the states did not provide examples of case law regarding trading in influence. This factor further makes difficulties to justify the position that the entirety of applicable norms of the criminal law properly implements the international obligations. Therefore, an assumption is made that the easiest, although doubtful if the most appropriate, way to implement the international norms is chosen, i.e. to carry out the implementation in the manner recommended by the experts of GRECO.

Only few states have not criminalized trading in influence in line with the provision of the Convention.

Research limitations/implications. This research attempts to provide answers to the following questions: how trading in influence is defined in the Convention and how states define or try to define trading in influence in their criminal laws. This analysis examines

how countries are struggling to implement the requirement to criminalize trading in influence, to provide a definition of this activity in the criminal law. The research attempts to reveal the main challenges of defining trading in influence as a criminal offence. It does not include the topic of penalties for trading in influence. The empirical analysis is limited to the states' criminal laws and the evaluation and compliance reports of the third evaluation round published by GRECO.

Practical implications. In particular, the study should be relevant to the scholars analyzing corruption offences. The results of the empirical research may be useful in further research on trading in influence. Also, it could be material for the judges, prosecutors, pre-trial investigation officers.

Originality/Value. So far in the Lithuanian legal science the topic of trading in influence has been very little examined. All studies are only about trading in influence as a crime in the criminal law of Lithuania. Also, the implementation of the aforementioned requirement of the Convention is only mentioned but not thoroughly analyzed in the Lithuanian legal science. Some authors from foreign states have written about GRECO evaluations and the implementation of recommendations. However, there is no particular analysis on the question of trading in influence in these studies. Therefore, the broader, complex and comparative analysis of this topic is not only necessary but also new and useful.

Keywords: Criminal Law Convention on Corruption, trading in influence, criminalization, the Group of States against Corruption, evaluations.

Research type: research paper.

CULTURE, ADVERTISING AND THE PLAY WITH ‘RELIGION’

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Abstract

Purpose – The primary purpose of this article is to identify theoretical fundamentals that can be used in research in the context of culture and advertising research. An additional aim is to identify future research directions for advertising building theory in relation to religion.

Design/methodology/approach- A conceptual framework is grounded in the literatures review. As few cross-cultural studies have been absorbed, the theories and their presentation will likely progress in the future.

Finding – There is choice, for moving advertising strategy onwards from the religious advertising and its influence in our culture to one in which the focus is on exchange of values beyond self-interest.

Research limitations/implications – Since this article is only a primary attempt to develop an understanding of advertising approach to social and cultural trends in society, which provide a strong stimulus for the further conceptual development of the symbolic religious consumption concept and valuation of its use and usefulness in the real world.

Practical implications – The proposed conceptual framework provides marketing strategists with a template for a radically different approach to advertising management and a new glance into religion, which offers the potential for enduring customer loyalty.

Originality/Value — This paper contributes a new perspective on advertising and religion in it.

Keywords: Advertising, consumerism, culture, religion, religious economy, market theology.

Research type: general review.

JURISDICTION IN MATTERS OF SUCCESSION ON THE BASIS OF REGULATION (EU) NO 650/2012

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Abstract

Purpose – The aim of this presentation is to show the importance of EU Regulation in matters of succession and its consequences on legal position of EU citizens. Owing to above the speech will be present the different kind of jurisdiction, depending of the connector. On the top of that, the presentation will concern the issue of international civil procedure introduced by Polish code and its relation to EU Regulation.

Design/methodology/approach – The speech is based on the legal-comparative and legal-historical methods of law research. The chosen methods provide a complete picture of the situation, which should be consider from the Member States perspective as well as from EU ones.

Finding – Todays reality encourage people to travel or move to another country and the European Union Treaty treats freedom of movement as one of the protected rights. Over the time, this possibility has evolved into a difficulty. Lack of unified succession procedure meant that each Member States has its own regulation regarding to the succession. As an outcome of above, foreign people, especially successors met a great difficulty to obtain their inheritance. Hence, the unification of procedure should facilitate it, but it also brought new practical problems and questions, which are resulted using the state law.

Research limitations/implications –For the purpose of this paper, the core of research has been limited to the issue of jurisdiction in Regulation (EU) no 650/2012 and its juxtaposition with jurisdiction in matters succession in polish civil procedure code and Regulation (EU) 1215/2015 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters. For the purpose of this speech, the issues regarding to recognition and enforcement of judgments on the territory of European Union have not been included.

Practical implications – Establishing the proper jurisdiction in matters of succession will help successors in resolving those cases in more efficiently and effectively way.

Additionally, this issue will provide more stable principles of inheritance in cases with a foreign element.

Originality/Value – The issue of European successor law is not popular agenda and the problems concerning the jurisdiction for cases is extremally invisible for the doctrine. In the light of the foregoing the is a need to develop this aspect of law and introduced them to the wider public.

Keywords: European Law, European procedure law, jurisdiction, succession law.

Research type: research paper.

CHINA'S ONE BELT ONE ROAD INITIATIVE AND THE EU'S FDI SCREENING REGIME: SCOPE, EU'S ATTITUDE AND IMPACT

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Abstract

Purpose – the purpose of this paper is to provide a general review of One Belt One Road initiative, the changing attitude of Europe towards China's FDI and its recently adopted Regulation (EU) 2019/452 of the European Parliament and of the Council of 19 March 2019 establishing a framework for the screening of foreign direct investments into the Union.

Design/methodology/approach – this analysis is based on material gathered from academic papers and other publications, media reports, as well as data from official sources and independent research centres. Systematic analysis, generalisation, secondary data analysis, as well as linguistic methods were used in this research paper.

Finding – as Peoples' Republic of China (China) became one of the most important trade and investment partners of the EU, its rapid growth in economic and political influence and use of development policies, such as OBOR initiative, made the EU to start regarding China as 'economic competitor' and 'strategic rival'. As around half of the EU members do not have investment screening mechanisms, the EU decided to adopt regulation for this matter – the Framework Regulation. It will become applicable from 11 October 2020 and will allow the EU and its Member States to raise concerns about effect of China's FDI on national security and public policy grounds and provides framework for screening of FDI's. Moreover, as the Framework Regulation establishes the list of projects of Union interest, which includes Trans-European Networks for Transport, whereas OBOR initiative is aiming at connecting China and Europe through land and sea route infrastructure, the European Commission will have an instrument to express its opinion regarding Chinese FDI, which are connected to OBOR initiative and related to transport infrastructure. Although such opinion will not binding, the member state will not be able to simply ignore but will have to provide explanation to the Commission if its opinion was not followed.

Research limitations/implications – there are several research limitations: firstly, there is a lack of comprehensive information on implementation of OBOR initiative, as even the official webpage of Belt and Road does not provide such information; secondly the Framework Regulation will become applicable from 11 October 2020. As the latest data indicates a substantial decrease of China’s investment in EU (in 2017 and 2018), until 2020 the flows of China’s capital under OBOR initiative might still significantly change. Moreover, without the real practice of the Commission or EU Member States in the use of Framework Regulation regarding the China’s FDI, this analysis serves as an early and theoretical assessment of potential impact of such investment screening on projects under China’s OBOR initiative. Finally, this general review paper does not seek to analyse problematic aspects of the Framework Regulation or procedural issues on implementation of screening mechanisms.

Practical implications – as the OBOR initiative is broad in scope and vague in terms, this analysis allows to better understand its contents, China’s rising importance in field of EU FDI and provides introduction into the Framework Regulation, indicating its potential use by the EU or member states in regards to China’s FDI related to OBOR initiative.

Originality/Value – this analysis provides explanation on changing EU-China economic policy and serves as a sound starting point for further research on China’s investments in Europe, OBOR initiative or the impact of Framework Regulation to China’s FDI.

Keywords: China, EU, OBOR, BRI, FDI, investment screening, Regulation 2019/452.

Research type: general review

CONTRACTING-OUT CASE MANAGEMENT TO ENABLE YOUNG THIRD COUNTRY IMMIGRANT EMPLOYMENT-RELATED TRANSITION AND THE ROLE OF PUBLIC EMPLOYMENT SERVICES AND PRIVATE EMPLOYMENT SERVICE AGENCY: THE CASE OF CZECH REPUBLIC

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Abstract

Purpose - To look at contracting-out for case management (job search assistance, counselling) service implementation through public and private employment service agencies in Czech Republic enabling young third country immigrant employment-related transition from unemployment to all types of employment

Design/Methodology/approach – The qualitative case study was to understand the role of Local Public Employment Service (PES) and Private Employment Service agencies in contracting-out for case management service delivery to enable young third country immigrant employment-related transition from welfare to work. Drawing on official employment-related legislative documents and scholastic text, data were collected. Data were analysed using document and thematic qualitative content analysis techniques.

Finding – Research has shown that contracting for welfare service delivery is a major trend of Public Employment Service privatisation reforms, given the enthusiasm to outsourcing (in general) with competitive multiple independent non-state service providers, assuming that private agencies are better off to meet consumers need and less bureaucratic in the implementation process. Yet, private enterprise may have too strong incentives to cut costs, which can impair their quality on services provision to hard-core unemployed (Bartlett and Le Grand 1993) people. Similarly, local government units faced challenges with costly administrative ways to negotiate and manage private contracts for taxpayer`s money due to the lack of information (Gesine 2016; Gilbert 2004: 120) and conflicting strategies to fulfil their tasks. The findings show the role of open information, delegation of authority as cooperate governance, and monitoring to guide ethical value and accountability. This is crucial to manage taxpayer`s money in time where countries are still facing financial crisis with gross domestic product deficit.

Research limitations/implications – The findings of this investigation have shown that managing of taxpayer`s money through contracting-out for welfare implementation is a complex policy measure. Since the study is exclusively from a single case-oriented approach, the investigation focused only to the socio-political phenomenon in Czech Republic that is insufficiently generalized to explain the phenomenon in countries not included in the study leading to low external validity. Moreover, this study focuses mainly on young third country immigrant employment-related transition from welfare to work in Czech Republic. Thus, irregular and undocumented third country immigrants are not part of this study.

Analysing research findings with the lens of contracting-out model, assumes that human beings actions are rational bounded with self-interest and opportunism. Using principal-agent theory in contracting-out case management study allows the investigation to specify tasks as well as how controlling and monitoring over private agencies and bonding mechanism serve as prerequisite for principal`s (PES) managerial duty to enable young third country immigrant`s from welfare to work.

Practical implications - By exploring Contracting-out for case management study, the process widen current understanding how corporate partnership seek officials (principal) and employment agencies (agent) opportunity to agree and improve young third country immigrants` situations. Also, the researcher hopes this research contribution would stimulate further study in active policy measure implementation and governance. In addition, it is vital that the outcome of this research offers other observation and approach of the researcher about the implementation and governance of activation policy measures to enable young third country immigrant`s employment-related transition. Hence, the most important contribution is not the achievement, but to enable pathways for further study in third country national`s research.

Originality/Value – This research is considering the distinctiveness of third country national`s heterogeneous group`s sub-category as a focused group to enrich the real community and foster social cohesion. There is still little rigorous empirical evidence to justify the delivery of case management services in several CEE countries and there are needs to fill this knowledge gap. This study enriches this line of qualitative research and concentrates in particular on the group of young third country immigrants among the heterogeneous groups of third country nationals

Keywords: Case Management, Contracting-out, Czech Republic, (un)employment, Young third country nationals.

Research type: research paper

SURVEILLANCE IN CONTEMPORARY SOCIETY: SOCIAL MEDIA AND THE EYE OF POWER

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Abstract

People have long been concerned about surveillance and self-surveillance. The Ancient Greek gods gazing down from the Olympus Mountain or the monotheistic god of the Judeo-Christian religions were all understood as all-seeing. With the society changing and being more and more secularized surveillance gained new forms indirectly incited by the old ones, at least in part.

Bentham, who lived from the mid-18th to the beginning of the 19th century, was an English law theorist, philosopher and active reform initiator, who is best known as the pioneer of utilitarianism. As an utilitarianist, Bentham was concerned with maximum benefit, reached with minimum effort. By seeking to optimize the efficiency of prisons and other surveillance institutions, he pursued to change surveillance into self-surveillance. If in an ordinary prison the inmate feels surveilled only when the guard passes by, then in a panopticon style prison the inmate feels surveilled all the time. To achieve it Bentham utilized a strict architectural solution – the panopticon must consist of a ring-form building with an observatory-tower in the middle. Each cell's walls, that are towards the inside and the outside of the ring, are transparent, therefore the light from the tower in the middle of the ring, would light through each cell. Whereas the walls between the cells are not transparent, thus they don't see each other. (Bentham, 1995),

In the twentieth century Bentham's panopticon project was re-discovered. A real sensation became the French philosopher Micheal Foucault's book “Discipline and Punish: The Birth of the Prison” (Foucault, 1998), in which the conception of the panopticism is presented. It provided a big influence for visibility research. Foucault comes back the Bentham's panopticon idea not to discuss the architectural idea, but to argue about the surveillance mechanism that are engraved into our society. For him panopticon isn't a building anymore. It's all of society's framework, where individuals each moment implement their own subjugation. Foucault uses Bentham's panopticon prison conception as a metaphor to unveil the society's body filled with power.

Thom Mathiesen in his influential media research paper “The Viewer Society: Michel Foucault’s Panopticon Revisited” draws attention to the fact that Foucault doesn’t mention television or other forms of mass media when he talks about surveillance in the modern society. In his opinion, it isn’t irrelevant. According to him, that would fundamentally change Foucault’s conception of the modern society, as well as the important surveillance element. Mathiesen thinks, that time that Foucault indicates as the shift towards a panoptical society, not accidentally coincides with the rapid grow of mass media: “The total time span of this development - the past 150 to 200 years - coincides most remarkably with the period of the modern growth of panopticism. Increasingly, the few have been able to see the many, but also increasingly, the many have been enabled to see the few [Synopticon concept] - to see the VIPs, the reporters, the stars, almost a new class in the public sphere.” (Mathiesen, 1997).

With the advancement of technology, the rapid availability of personal computers, the development of the Internet, the massive spread of social networks, surveillance and self-surveillance mechanisms have changed again and are changing still. In this paper we are thinking, what kind of transformation it is.

Purpose – The purpose of the research is to reflect on the nature of surveillance, gaze and power in the modern society.

Design/methodology/approach – analysis and comparison of scientific literature, analysis of social media (Facebook, Instagram, Twitter) content.

Finding – The gaze of the algorithm has nothing to do with conscious, not like the gaze of god or humans. It only records, profiles, observes even not understanding what it’s observing. Although the gaze of the algorithm with its absolute non-body, resembles the idea of the gaze of god more than the gaze of human, however, still, behind the contemporary gaze of the algorithm can lie the well-hidden gaze of the human.

We live the most intensely surveilled century, as humanity has ever experienced, however despite it, we care the least about this surveillance. One of the main reasons for it, we could say that the implied surveillor hasn’t got any moral values, prejudice and self-consciousness. Still, with these rapid developments, the situation can change irreversibly. We underestimate the power of the gaze of the algorithm, providing bigger possibilities to be visible. In the change of government or unexpectedly improved AI, the intertwined surveillance network could totally abolish our feeling of anonymity in a scale never seen before.

Research limitations/implications – this research is based on analysis of surveillance in social media. For future investigation it would be necessary to do a bigger research and include schemes of CCTV surveillance, especially mass surveillance in nowadays China and facial recognition system, which they use.

Practical implications – the research reveals what kind of surveillance format the social networks empower. And what kind of future threats potentially hinds behind it. This can be applied not only by researchers and communication specialist working with big data streams, but also the consumers of social networks, in order to protect their

privacy and information. Also, the research is useful for experts and politicians, working with future cybernetic and data security strategies.

Originality/Value – Most the researchers working in this field, who talk about social networks using Mathiesen’s Synopticon concept, do not discuss the panoptical potential of the social networks or are inclined to move to the post-panoptical viewpoint. Discussing the powers of surveillance active in the social networks, not only the synoptic, but also the panoptic aspect as well as the interaction between the two models is discussed. The research emphasizes not only the surveillance between humans, but also the algorithmic surveillance. Also, the research discusses the reason, why in these times surveillance is widely spread as ever before; underlines the supposed disinterest of the algorithm and the absolute non-body, which provides the consumer with the spectacle of anonymity, and the potential future threats that comes with it.

Keywords: Surveillance, Foucault, Panopticon, Synopticon, Bentham, Mathiesen, Social Media.

Research type: research paper.

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THE TAX CHALLENGES OF THE DIGITALIZATION OF THE ECONOMY AND THE SEARCH FOR GLOBAL TAX FAIRNESS

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Abstract

The phenomenon of the digitalization of the economy is essentially characterized by the dematerialization, also described by the expression ‘scale without mass’. The development of business activities without any physical presence in a given jurisdiction where companies create value for its products or from where enterprises derive a significant income, imposes challenges on ‘where’ and ‘how’ to tax these new digitalized business models. Therefore, the article points out that these challenges are mainly connected with the need to tackle the consequent grow of opportunities for aggressive tax planning in cross-border activities, with the raise of ‘stateless income’ and the need to discuss the (re)allocation of taxing rights among ‘source’ and ‘residence’ jurisdictions. The thoughts presented seek to contribute to the aim of achieving global tax fairness and to optimize the social welfare of the global community.

Purpose – The paper aims to highlight the tax challenges of the digitalization of the economy – to fight tax avoidance measures (aggressive tax planning), on the one hand, and to discuss the need for the reallocation of taxing rights at an international level. With that understanding, it is the purpose of the paper to present the guidelines for a ‘consensus-based solution’ to be adopted by the international community as a multilateral measure to deal with the emphasized challenges, in order to provide ground for a more effective global tax fairness.

Methodology – In order to structure the research, the paper adopts a comparative method of analysis. The considerations depart from the Reports drafted by the OECD on the Tax Challenges of the Digitalization of the Economy – mainly connected with the Task Force from BEPS Action 1. Secondly, the findings and political choices represented at these reports, as well as from other international documents, should serve as a basis for the considerations made upon the main proposals. Finally, the paper should present

an original idea for a solution to the challenges detected, considering the strengths and weaknesses of the main proposals today in discussion.

Finding – The paper found that the social and economic transformations brought by the digitalization of the economy resulted in an increase at the general number of cases of aggressive tax planning (tax avoidance) and also tax evasion, ultimately leading to a considerable decrease in the tax collection of most countries and the raise in the amounts of ‘stateless income’. Moreover, the paper also found that, in order for there to be a global tax fairness, it is needed to rethink where to allocate the taxing rights of digital activities, balancing both source and residence taxation. Therefore, the paper concluded that there is the need for a multilateral ‘consensus-based solution’, politically viable, respecting the so-called ‘Ottawa Framework’ and within the limits already in place at the OECD BEPS Inclusive Framework.

Research limitations/implications – The research aims to provide guidelines for a ‘consensus-based solution’ to the issue. Nevertheless, it is not part of the scope of this paper to provide for the detailed technicalities of the above-mentioned solution. This would be a second step for the implementation of the adopted strategy and would also require another specific research.

Practical implications – This paper is aimed to have a practical impact at the contemporary rounds of discussions about the tax challenges of the digitalization of the economy, especially in connection with the international effort that must culminate in the presentation, by the OECD until the end of 2020, of a detailed ‘consensus-based solution’ to be internationally implemented.

Originality/Value – The paper represents the original contribution of the author, expressed by the proposed solution. This originality is limited only by the assumption that any solution which aim to be practically applicable in a short to mid-term, should take into account the existing international framework. Therefore, the paper does not provide for a revolutionary solution, on the other hand, it presents that changes are urgent and must be implemented, but with the usage of the already available tools. This is necessary for the existence of a ‘consensus-based solution’.

Keywords: Digital Economy; Taxation; Global Tax Fairness; Consensus-Based Solution.

Research type: viewpoint.

THE TRANSFORMATIVE LEARNING NARRATIVES OF PRACTITIONERS WORKING WITH REFUGEES

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Abstract

Purpose – This paper analyzes the key concepts of transformative learning and narrative in the context of social work with refugees and discusses, how these concepts could be used to explore the experiences of practitioners working with refugees. A critical analysis of literature and research studies in relation to the concepts of transformative learning and narrative and the current political and social context led to the development of recommendations for further research and methodological choices for exploring the phenomena of interest.

Design/methodology/approach – This paper is based on the conceptual analysis. Firstly, it aims to discuss the importance of exploring the experiences of practitioners working with refugees in the current social and political context. It analyses and discusses the concepts of transformative learning and narrative and their application in literature and research studies. The paper discusses, the interrelationship between the concepts of transformative learning and narratives and how these concepts could be applied together to get better understanding of complex learning experiences of practitioners working with refugees.

Findings – The experiences of people working with refugees on voluntary or paid basis in various resettlement and integration programs might be diverse and complex. Therefore, it is important to explore such experiences of learning and changes of “self”, which practitioners might experience in their practice. Transformative learning theory is useful for researching such complex, emic experiences of practitioners. The analysis and critical discussion of the concepts of transformative learning and narrative and their application in literature and research studies revealed various interpretations and theories used to explain them. The concept of transformative learning used as change of identity proposed by Illeris (2014) is holistic and not limited to the change of individual consciousness, therefore, it might be useful to explore holistic learning experiences of practitioners. The conceptualization of transformative learning as Third space might also

be useful to explain transformative learning in the context of work with culturally diverse people, balancing ‘in-between’ refugees and the state. The narrative analysis could be a suitable methodology for analyzing transformative learning. However, it is important clearly define, what is meant by the concept of narrative and what narrative approach is used. Transformative learning narratives might be captured and analyzed as constructs created in relationships in a specific time and context and the small story approach can be combined with biographical and contextual approaches to explore the transformative learning experiences.

Research limitations/implications – The research is based on theoretical conceptual analysis and is not presenting any empirical data. The most of selected and analyzed literature sources are from English speaking countries.

Practical implications – The topic is related to a practical problem and social work practice with refugees. The study might be useful for justifying and making practical methodological choices.

Originality/Value – There is a lack of studies exploring transformative learning narratives of practitioners working with refugees. The topic is relevant and important in the current political and social context.

Keywords: transformative learning; narrative; work with refugees

Research type: conceptual paper

CIRCULAR ECONOMY – ONE OF THE MOST IMPORTANT CHALLENGES FOR THE EUROPEAN UNION

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Abstract

Purpose – The main aim of this article was to analyze and evaluate EU legislation concerning the concept of circular economy. Throughout the paper the author presents the main aims and challenges pertaining to the implementation, by the member states, of the directives implementing the concept of circular economy into the EU legal system by discussing the legislative steps necessary to take within the next years, on the basis of Polish waste management system.

Design/methodology/approach – Methodologically the present research focused on the legislation of European Union and some recent initiatives that had been undertaken by Poland and other EU Member States in the area of waste management.

Findings – Practical implementation of circular economy into the legal order of EU member state law remains one of the most fundamental, albeit complex challenges posed to the domestic legislators. A number of wide-ranging but extremely meticulous and well-thought actions are necessary for implementing the ambitious provisions of the amended directives regulating the waste management framework on the Community level. Worth mentioning have been, for example, solutions limiting the generation of waste, introducing improved systems for selective collection, and finally allowing wider-ranging reuse of the generated waste in subsequent manufacturing processes. The huge amount of the necessary changes will indubitably lead to the necessity of deep changes to the approach towards the waste management model, equally by the public administration bodies, the businesses and entities within the branch of waste management, as well as common citizens. Thus only such comprehensive approach shall actually provide implementation of the concept of circular economy in everyday life of the Europeans.

Research limitations/implications – The present paper has presented the main problem areas concerning the implementation of circular economy based on the Polish legal system. It is neither a wide nor a comprehensive analysis of the necessary modifications to all the normative acts; however, it is an attempt to encapsulate globally the main problem areas, which all of the member states implementing circular economy to their respective legal orders have to face.

Practical implications – Establishment of effective waste management system via implementation of circular economy concept within the next years remains a challenge for all of

the European Union member states. Therefore the discussions within the present paper are added value due to presenting problem areas for the implementation of new Community regulations and due to discussing prospective legislative solutions within the abovementioned area.

Originality/Value – The present paper is an innovative attempt to encapsulate the main problem areas and to find the key challenges posed to the Community member states implementing the concept of circular economy. Throughout the paper, the author attempts to present the directions of the desired and necessary legislative changes for the implementation. Taking into consideration the current relevance and relative novelty of this research area this publication represents a substantive added value and might be a starting point for further, more comprehensive research.

Keywords: circular economy, waste management, recycling

Research type: research paper.

RHETORICAL TRANSFORMATIONS IN CONTEMPORARY SOCIETY

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Abstract

The object of this article is to present the main features of classical rhetoric and to reveal transformations of it, applying Aristotele's theory of categories of persuasion as the main method of analysis and assesment of public speeches. Theory of virtues of eloquence, associated with *pathos*, an appeal to audience emotions, is an important technique for every public speaker in order to deliver correct, clear, well reasoned and expressive public speech. Although huge variety of theories of rhetoric have been developed and modified during centuries, the fundamental ones remain unchanged. This has not, however, reduced the significance of public speaking quite on the contrary public speaking has become a daily activity of everyone's life. Therefore, classical rhetorical canons defined by ethics, is an important approach to every modern public speaker. In conclusion, ethical and effective eloquence is the key to leadership, encouraging younger members of society be equally responsible in preservation of values and solution of global challenges.

Purpose – the purpose of this article was to present the main features of classical rhetoric and to reveal transformations thereof, focusing, in particular, on Aristotle's theory of categories of persuasion, an important technique of rhetoric applied in every leader's public discourse.

Design/methodology/approach – the paper is based on research, scientific literature analysis and comparative analysis of different types of public speeches from ancient times to the present day.

Findings – the final thesis of this article states that although the requirements for public speech have been modified throughout history, the ability to reach rhetorical

persuasion depends on the capacity to speak under the canons of classical rhetoric. Moreover, the most effective communication strategy is based on the synthesis of logos, ethos and pathos categories and their application in public discourse.

Practical implications – the paper reveals several practical implications important for leadership development in the contemporary world. Ethical and effective eloquence is the key to leadership, encouraging young members of contemporary society to be equally responsible for preserving common values and overcoming global issues. Modern day speakers’ public discourse demonstrates an obvious tendency of opposition in speaking and acting processes. This situation is conditioned by an obvious lack of synthesis of logos, ethos and pathos categories in daily rhetoric activities. Although it is common to speak eloquently and convincingly, spoken words do not always match the actions taken, particularly, in political discourse. Therefore, rhetoric values, such as *res non verba* taken from Antiquity, the cradle of European culture, ought to be included in education and development system of future leaders.

Research limitations/implications – the list of speakers selected for the scope of this research differ in terms of their intentions, purposes, types of speeches, i.e. some of them are informative, while others are emotional or appealing. The difference in structure and type of public speeches makes the analysis limited. Moreover, an additional factor of distinct variables has to be taken in consideration during the analysis of public discourse, namely, historical period, culture, age, religion, gender and occupation, and, last but not least, the circumstances of a public speech which can have a negative impact on the evaluation of work making the research superficial and incomplete.

Originality/Value – within a huge variety of rhetoric theories and conventions some of them have been modified over time, although the fundamental ones remain unchanged to this day. This has not, however, reduced the significance of public speaking quite on the contrary public speaking has become a daily activity of everyone’s life. Therefore, the Aristotle’s theory of rhetorical categories is an important approach to every modern speaker and the most effective strategy leading to rhetorical persuasion. Moreover, the dissemination of rhetoric science is promoted by a significant growth in importance and implications of communication throughout the world. Stylistics, structural poetics, text linguistics, logic, advertising theory, pedagogy, psychology and other sciences are also based on research of classical rhetoric’s traditions and transformations. By comparison, in the context of cultural integration eloquence and ability to communicate has become particularly important in social, political, educational or entrepreneurship activities.

Keywords: rhetoric, rhetorical transformations, public speeches, public discourse, Aristotle’s categories of logos, ethos and pathos, rhetorical persuasion, virtues of eloquence.

Research type: general review.

NATIONALISM IN THE CONTEXT OF POLITICS OF CHANGE IN SPAIN

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Abstract

Purpose – to discuss and disclose the role of nationalism in Spanish politics of change.

Design/methodology/approach – The main research objective and tasks have influenced the selection of qualitative methods, firstly explaining the sociocultural situation in Spain, as well as historical context. Theoretical background of nationalism and comparative approach is used to discover and explain certain types of nationalism in Spanish politics of change.

Finding – Podemos party as a representative of politics of change, clearly expresses the intention to cherish country’s multicultural and multilingual reality in the socio-political situation after the 15-M. “Spain is a nation of nations” – a phrase, that was made popular by the leader of Podemos, Pablo Iglesias. Analysis of the recent socio-political situation in Spain show that Podemos intended to agree with Socialists (PSOE party) to develop a plural national state, where each national region could develop their government under an equal and cooperative manner. However, the far-right party VOX brought a completely opposite nationalist approach, which bans the Catalan independence movement and any thoughts of cultural diversity. Therefore, nationalism is now starting to occupy a central position in Spanish politics of change.

Research limitations/implications – The study could be broadened in the future, taking into consideration more political parties of Spain and their approach towards nationalism.

Originality/Value – This article analyses the newest political issues in Spain through a unique approach to political changes in the country. The given research results can be a great addition to the future investigations on recent political changes in Spain.

Keywords: nationalism, politics of change, Spanish politics

Research type: research paper

THE INFLUENCE OF STAKEHOLDERS ON ORGANISATION MANAGEMENT: THEORETICAL POINT OF VIEW

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Abstract

In recent decades, there are active scientific discussions on the topic of stakeholder management of organisations. Scientists state that pressure from various stakeholders can be experienced in organisation management: employees, shareholders, suppliers, customers, community, mass media, etc. Therefore organisations incorrectly prepare strategic responses and there is a change in their functioning principles and provisions. Stakeholders determine insufficient efficiency of organisation management activities. Various conceptions can be noticed in the evolution of management practice, i.e. practice landmarks in which risk management or shift from loss is emphasized. But there is little analysis of the possibilities of collaboration with stakeholders. The purpose of assessment of the changed provisions of management paradigm today is the renewed analysis and assessment of the influence of stakeholders on organisation management. In other words, systematic methodologies and models are created the solutions of which would correspond to the needs of management practice.

Purpose –The purpose of this article is to analyse and assess the influence of stakeholders on organisation management. On purpose of reaching this objective, the following tasks are raised: generalisation of theoretical aspects of the conception of stakeholders, assessment of the influence of external environment on organisation management, definition of the influence of stakeholders on organisation management.

Methodology – the theoretical methods (comparative, analytical and systemic).

Finding – the conception of stakeholders in scientific literature is based on the most universal conception provided by R. E. Freeman. So far, conceptual main point of stakeholders is being developed, i.e. the influence of individuals on organisation or the influence on organisation objectives. In every modern business organisation, one can find stakeholders which can be both inside and outside the organisation. But the interests are not always related with the objectives of the whole organisation. Management theorists analyse the changing environment of organisation management as they acknowledge the

importance of the influence of stakeholders. Today, stakeholders have great and significant influence on organisation management. It is quite a complex and dynamic construct which comes out through the interrelation of correlating parties and should be facilitating organisation management. But by researches, performed by the scientists, show that organisations experience the pressure of stakeholders. Main determining factors are power and operation of stakeholders. Both strategic organisation management and objective organisation provision formation and implementation are influenced. Their influence is assessed contradictorily as there is a risk for organisational on-going processes and successful activity. Often stakeholders expect certain benefit, better collaboration possibilities or possibilities of using organisational resources. One can most often observe the cases of collaboration, strikes, boycotts, voting and judicial processes. Stakeholders can express themselves as especially aggressive, which most often negatively affect the activity of organisation and activity results or are passive. Also, they are characterised by the features of power, legitimacy and topicality. Such features of stakeholders are changing, i.e. in one or another moment they can lose them or, on the contrary, gain them. Successful management of organisations is determined by the analysis of stakeholders, i.e. identification. The analysis of stakeholders is like a tool which guarantees the satisfaction of stakeholders’ interests and needs, coordination and implementation with business organisations. Identification guarantees successful process of organisation management, strengthens the positive influence of stakeholders. In other words, the control of internal relations of stakeholders, development of possibilities, sharing of objectives and conflicts is necessary on purpose of achieving mutual harmony. In the organisation context, stakeholders are analysed on the basis of interrelations. The relations of organisation and stakeholders are often based on the context of mutual benefit and loss as well as rights and duties.

Research implications – the list of resources, used for comparative analysis, is not final.

Originality – it was revealed that organisation management is based on the implementation of the objectives and needs of stakeholders. The activity of modern organisations is being regularly influenced by various technological, social and economic market changes. On purpose of adapting to changing market needs, organisations analyse the surrounding factors and assess their present state. Such organisations aim at knowing the users, look for the possibilities of attracting new customers and determine competitors. In other words, they react to all changes happening in the external environment of organisation. Environmental factors especially influence the stability of organisation and further growth. Therefore it can be stated that the interrelation of organisation with external environment is a very important management factor.

Key words – organisation management, organisation, management, stakeholders.

Research type – general review.

IS THE WORK–LIFE BALANCE A FEMININE CHALLENGE?

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Abstract

Purpose – to find out how women overcome the challenges they face organizing the work-life balance.

Design/methodology/approach – analysis and synthesis of scientific literature and legal documents, analysis of statistical data, interview.

Findings – women overcome the challenges of work-life balance quite easily. Interviewed women stated that even having small children women are able to reach career highs if they have the help from their relatives and support from the boss. By the way, interviewed women realized that maternity leave helped them to rethink the goals of the life and make cardinal changes to start a new business.

Practical implications – Maternity leave helps women to start a new activity which can be an additional one or a new start of future business.

Originality/Value – the focus was on the age of the first time mothers, maternity leave and pay rules in different European Union countries; the interview was organized with women from Lithuania, United Kingdom, Ireland, Denmark and Norway.

Keywords: work-life balance, maternity/motherhood, career and motherhood.

Research type: general review.

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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.



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