

Utopía y Praxis Latinoamericana

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Universidad del Zulia, Maracaibo, Venezuela
Facultad de Ciencias Económicas y Sociales
Centro de Estudios Sociológicos y Antropológicos (CESA)



AÑO 24, n°EXTRA 5

INTERLOCUCIONES

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Utopía y Praxis Latinoamericana nace como una respuesta a la situación de conflictividad política que atraviesa actualmente la democracia y la sociedad latinoamericana. Pero también nace como una respuesta comprometida con el análisis filosófico y la interpretación histórica de la cultura y las ciencias sociales frente a la crisis de la Modernidad. Respuesta que procura la creación de nuevos/as actores y escenarios a partir de los cuales se hagan posibles inéditas alternativas para la teoría crítica y el cambio social efectivo. Una respuesta en dos sentidos: la utópica porque todo proyecto existencial auténtico debe enmarcarse y definirse por el universo de sus valoraciones humanas; la práctica porque, a diferencia de la necesaria teoría, implica un tipo de acción cuyo movimiento es capaz de dialectizar la comprensión de la realidad, pero también de transformar a los sujetos que la constituyen. Con lo cual la noción de praxis nos conduce de retorno a la política, a la ética y, hoy día, a la ciencia y a la técnica. Es una respuesta desde América Latina, porque es a partir del ser y pensar latinoamericano que la praxis de nuestro proyecto utópico se hace realizable.

Utopía y Praxis Latinoamericana es una revista periódica, cuatrimestral, arbitrada e indexada a nivel nacional e internacional, editada por la Universidad del Zulia (Maracaibo, Venezuela), adscrita al Centro de Estudios Sociológicos y Antropológicos (CESA) de la Facultad de Ciencias Económicas y Sociales, y financiada por el Consejo de Desarrollo Científico y Humanístico (CONDES) de esta misma Universidad. Las áreas temáticas que definen el perfil de la revista están insertas en las siguientes líneas del pensamiento iberoamericano y latinoamericano: Filosofía Política Latinoamericana, Historia de las Ideas, Epistemología, Teorías y metodologías de las Ciencias Sociales, Antropología social, política y filosófica, Ética y pragmática, Filosofía y diálogo intercultural, Estudios de Género. Las sub-áreas respectivas a cada área general serán definidas por el Comité Editorial, con la ayuda de sus respectivos asesores nacionales e internacionales, a fin de establecer la pertinencia de los trabajos presentados.

Extra-Interlocuciones es la colección de Dosieres temáticos que presenta la revista internacional de Filosofía y Teoría Social *Utopía y Praxis Latinoamericana* a la comunidad internacional de investigadores/as de América Latina y otros continentes, comprometidos con la episteme inter y transdisciplinar del pensamiento crítico, alternativo, emancipador y decolonial. Los perfiles editoriales de esta colección son transversales entre las diversas disciplinas de las ciencias sociales lo que permite abordar cuestiones de relevancia que por su novedad requieren de una difusión entre redes de investigación internacionales. Su objetivo principal es publicar prácticas discursivas cónsonas con otra comprensión de las problemáticas actuales de la filosofía política y las ciencias sociales. A partir de experiencias emergentes que puedan transformar en su praxis las relaciones subjetivas de la convivencia que se desarrolla en el espacio público, el interés y propósito es hominizarse el mundo de vida que sirve de sostenibilidad a la racionalidad del S. XXI. Saberes y epistemes radicalmente cuestionadoras que, en su presente actual y provenir posible, logren desconstruir los "puntos de apoyo" de la política de la Modernidad y generar otras relaciones de alteridad, perspectivas, vértices, encrucijadas y convergencias, que se encuentran implicadas en las dinámicas no lineales de la cultura y la Historia. Hoy día, en la era de la Globalización y las hegemonías tecno científicas, el valor político y trascendencia del sujeto vivo se encuentran en riesgo de fenecer. Las crisis del modo de producción y reproducción de los bienes materiales para satisfacer las contingencias de la vida, reclama la conciencia de un deber ser con suficiente fronesis para reescribir la otra Historia que pueda eliminar la aporía de sus propios fines...

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El acercamiento entre el mundo oriental y occidental es hoy día inminentemente necesario para el desarrollo de cosmovisiones suscitadas en los sujetos de las culturas, abriendo espacios interculturales de relevancia hermenéutica y fortaleciendo plurivisiones de formas de vida que coadyuven a la creación de un mundo más humano. Visto este acercamiento intercultural desde perspectivas de conocimiento interdimensionales, tales como, la educación, sociopolítica y jurídica, ético-filosófica epistémica y pedagógica metodológica, nos lleva a considerar el des-centramiento de puntos de vista que enriquecen la reflexión en el estudio de las ciencias sociales, desde el debate de ideas del ser y hacer de ambos mundos.

No obstante, las divergentes culturas insertas en el denominado mundo occidental (Norte-Sur), reflexionar acerca de las diferencias culturales entre el mundo oriental y occidental es un reto mayor, puesto que al igual que occidente, en oriente las polifonías culturales constituyentes de todo saber humano, confirman una diversa pluralidad en el espacio de alteridad que pasa a ser correlato de aquellos valores compartidos entre las culturas.

El compromiso de investigadores que, desde la diversidad polifónica cultural presentamos en este dossier, nos acerca a conocer esa pluralidad de voces desde la prioridad de estudios en sus agendas de problemas sociopolíticos que, a través de nuestra labor de difusión del conocimiento humanístico, contribuyen a desarrollar procesos educativos interculturales que nos permiten un acercamiento solidario buscando reconocernos. Interactuar a través de ésta labor de difusión del conocimiento que se investiga en las universidades aquí representadas por los autores y autoras de los artículos publicados, nos sitúa en una praxis política de reconocimiento, que nos integra desde nuestras diferencias culturales y nos permiten pensar de otro modo el mundo como pluriverso de valores.

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Complexity of archaeological research and natural scientific studies in identifying the location of Ashlama-Saray, the country palace of the Crimean Khans

*Complejidad de la investigación arqueológica y estudios científicos naturales para identificar la ubicación de
Ashlama-Saray, palacio de los Khans de Crimea*

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ABSTRACT

The article dwells on the results of the search for the archeological site – Ashlama-Saray – the country palace of the Crimean Khans. The palace was built in the second half of the 17th century. At the end of the 18th century, the main buildings of the palace were reconstructed. Currently, the ruins of the palace are not identified on the surface. The location of this monument was determined by a general plan of Bakhchisaray city. During the series of archaeological and natural-scientific works carried out in 2015–2016, this palace was precisely localized in the valley of Ashlama-Dere.

Keywords: Archeological, Ashlama-Saray, Bakhchisaray, Natural-Scientific.

RESUMEN

El artículo se centra en los resultados de la búsqueda del sitio arqueológico - Ashlama-Saray - palacio de los Khans de Crimea. El palacio fue construido en la segunda mitad del siglo XVII. A finales del siglo XVIII, los principales edificios del palacio fueron reconstruidos. Actualmente, las ruinas del palacio no están identificadas en la superficie. La ubicación de este monumento fue determinada por el plan general de la ciudad de Bakhchisaray. Durante la serie de trabajos arqueológicos y científicos naturales llevados a cabo en 2015-2016, este palacio fue localizado precisamente en el valle de Ashlama-Dere.

Palabras clave: Arqueológico, Ashlama-Saray, Bakhchisaray, Natural-Científico.

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INTRODUCTION

In 2015-2016 exploratory archaeological excavations were carried out by the archaeological expedition "Kaffa" of the A.Kh. Khalikov Institute of Archeology of the Academy of Sciences of the Republic of Tatarstan, as part of the state program of the Republic of Tatarstan "Preserving National Identity of the Tatar People (2014–2016)". The aim of that initiative was to identify the location of the country palace of the Crimean khans of Ashlama-Saray in the valley of Ashlama-Dere (Bocharov: 2016).

Currently, the ruins of the Ashlamay-Saray palace are not exposed to the surface. The location of this palace was determined after the analysis of the cartographic source from the end of the 18th century. The palace is marked on the only non-dated plan of the city (Russian State Military Historical Archive). The Ozzi Explorer program enabled combining the cartographic source of the end of the 18th century with the modern maps and satellite images. It was possible to find out what remains of the palace should be found in the southwestern outskirts of Bakhchisaray city under the eastern slopes of the Chufut-Kale mountain in the valley, which today is called Ashlama-Dere, 2.0 km to the east of the end of Basenko Street, Staroselye micro-district, Bakhchisaray city (Baran: 2015, p.31; Akkuzova et al: 2018).

The only written description of the palace buildings was left by the 17th-century Turkish traveler Evliya Çelebi ibn Mehmed Zilli Dervish (Bakhrevsky: 2008, pp.88–90). It can be concluded from the detailed description that the Ashlamay-Saray palace was set up inside a large garden with significant irrigation facilities and consisted of several summer wooden architectural complexes erected in different styles (Kizilov & Prokhorov: 2011, pp.437-452; Kumari & Alexander: 2018).

Another Ottoman manuscript, the author of which is unknown, has the reference to Khan Arslan Gerai (1748–1756, 1767), who made into the Crimean history as a khan-builder, as he was engaged in restoring the country palace of Ashlam-Saray (Negri: 1844, p.392). It is mentioned that the Crimean Khan Kyrym Gerai (1758–1764, 1768–1769), during the first reign, built a new country palace in the valley of Ashlama-Dere (Nepomnyashchii: 2015, pp.113-142). However, most likely, it was a large-scale reconstruction of the old palace complex. Both Christians and Muslims served their duties at the construction site. They were engaged in the delivery of stones, tiles, lime, and other building materials. Khan also forced non-Muslim communities (Greek, Armenian, Karaite) to send daily free of charge from 70 to 300 people to the construction site. (Report of the Russian Resident Nikiforov: 1844, p.377).

In 1783 Prince G.A. Potyomkin-Tavrichesky sent an order (dated October 12, 1783) to Count Otto A. Igelstrom with the recommendation to bring the decaying palace of Ashlama-Saray to its former condition with the preservation of architecture and decor. For this purpose, it was supposed to bring masters that would have been paid corresponding allowance (Korzhenkov et al.: 2017, pp.244-259). The palace complex should be protected, and all the trees in the palace garden must be preserved. The reconstruction of the palace should be carried out in the shortest time possible (Murzakevich: 1881, pp.285–286). But in 1784, due to the beginning of the preparation of the journey of Empress Catherine II to the south of Russia, G.A. Potyomkin-Tavrichesky sent an order (dated May 28, 1784) to Otto A. Igelstrom with instructions to disassemble the Ashlamay-Saray palace and reuse its stones as building material for the construction of the "en route" imperial palace in Ak-Mechet (Simferopol). The soldiers were sent there to deconstruct palace buildings (Murzakevich: 1881, pp.301-302, 303).

Academician P.S. Pallas, who visited Bakhchisaray in 1794, gives a disastrous portrait of Ashlamay-Saray as it was a place of the complete destruction of the palace complex and Khan's garden (Nauka: 1999, p.33; Gavriilyuk: 2014, pp.262-265). In 1928 U.A. Bodaninsky the director of the Bakhchisaray Palace-Museum, initiated archaeological excavations on the territory of the palace complex (Bodaninsky: 1930, p.9). In 1935–1936, this monument was completely destroyed, and the stones (the foundation and walls of the palace) were used in the construction of household facilities of the nursing home, located on the territory of Zyndzhyrly madrasah (Abibullayeva & Seitumerov: 2016, p.19).

2. METHODS

Before the beginning of excavations and ground research in 2015-2016, Archaeological Geophysics Laboratory conducted a comprehensive geophysical (georadar and magnetometric) study of the Ashlama-Saray site (Kazaryan: 2017). The objective is to identify anomalies that may be associated with the remains of the palace complex with the help of magnetometry and ground-penetrating radar (GPR). For the magnetometric study, a POS-2 processor sensor was used in its gradiometric (two-channel) modification. The vertical gradient (2m) of the earth's magnetic field was measured at the site under study. The measured value is the vertical gradient of the Earth's magnetic field, i.e., the difference in the values of the Earth's magnetic field measured simultaneously (synchronously) by the upper and lower sensors and divided by the distance between the sensors above the assumed site (Kançal-Ferrari: 2017, pp.85-123). The distance between the gradiometer sensors is 2 meters; the height of the lower sensor above the daylight surface is 0.2 m. The average magnetic field of this region is 49,000 nT. The research technique is a continuous survey; the time of each physical observation is 1/2 sec. This technique made it possible to record the values of the magnetic field gradient with a satisfying accuracy of ± 0.1 nT / 2m. Within the limits of the land plots, the profiles are located at a distance of 0.5 m, the measurement interval along the profile is about 0.5 m.

The result of the analysis is presented in the form of a magnetic field gradient distribution within the study areas, in different colors. Single-channel 300MHz GPR was used for ground-penetrating radar studies (Bilyayeva & Ersoy: 2008, p.39). The operation principle of the device is the emission and reception of a reflected electromagnetic wave. 300 MHz GPR consists of a transmitting and receiving antennas, a control, and a power unit, as well as a computer control complex. The listed units, except for the computer, are integral elements of the antenna unit. The radar unit was carried on foot. The recording of electromagnetic pulse values for every profile is no more than at every 5 cm, with a rate of system travel being 1 m / s (Akchurina-Muftieva: 2017, pp.108-120; Cota et al: 2017).

3. RESULTS

The choice of location and configuration of geophysical survey sites depended on the availability of open spaces in the territory presumably occupied by the palace. The surface of the selected areas was flattened out, but it required additional preparation (cutting down the area overgrown with trees and some bushes). The sections of magnetometry were marked with a compass aligned to magnetic north: section No.1 - (30 x 50 m), No. 2 (18 x 50 m). A dirt road passes through these plots of land. The total area of the magnetometric study is 2400 square meters. The studies were carried out with a network of passages' profiles with the rate of 0.5m, registering of magnetic field values along the profile was carried out no less than every 0.5m. The surveying began at the southeast corner of every section. There were made 10747 physical observations. The accuracy of measuring the magnetic field gradient is ± 0.1 nT / 2m. The result of magnetometric studies is presented in the form of a magnetic field distribution within the boundaries of the sites under study. Magnetometry allowed recording certain structures in areas No. 1 and No. 2 (Khrapunov & Khrapunova: 2013, p.166).

4. CONCLUSION

After processing the obtained data, radarograms showed the distribution of the electromagnetic pulse for every GPR profile. They were combined into layer-by-layer maps (planigraphic sections scaled for different calculated depths of analysis). Layered maps are given in the order of their penetrating the surface of the study consistently, to the calculated depth. The dielectric permeability of soil was not determined at the time of the study. Because of the high moisture of soil, there was introduced a tabulated value of epsilon – 20. It is

difficult to interconnect the relative depth of the layered maps to a physical depth. It can be assumed that the lower layered maps are given in the range of true physical depths up to 1m from the surface.

Further archaeological research will help to bind them to the true depths more accurately. GPR recorded remnants of structures at a depth of electromagnetic pulse penetration. Within the land plots, below the surface, there were identified several structures.

According to the results of geophysical studies and its office processing, there were identified areas where archaeological exploration could be as effective as possible. In 2015 - 2016, there were made nine pits (dimensions 1,00 x 2,00 m) and one excavation (dimensions 4,00 x 4,00 m) on the territory presumably occupied by Ashlama-Saray, the country palace of the Crimean khans. The total area of the exploratory excavations was 34 square meters. m. The depth of cultural layers ranged from 0.86 to 1.62 m. In the process of archaeological research, there were obtained data confirming written information about the complete disassembly of the majority of the palace buildings at the end of the 18th century for further usage of its stones as building material (Bocharov: 2016, p.227). The research allowed identifying the presence of archaeological, cultural strata, and archaeological finds of the 17th – 18th centuries in the studied area.

A substantial archeological collection consisting of processed limestone stones of the building arch, fragments of Western European glass vessels, fragments of water pipes, and original roof tiles covered with green glaze used as the roof of the palace decorative pavilions was obtained (Fisher: 2014). At a depth of 0.5m from the level of the daylight surface, a pavement of one of the palace courtyards, made of limestone tiles was revealed. For the first time, there were archaeologically recorded traces of the plowed up land (Bocharov: 2017, p.169), which was a part of the agro-technical activities carried out before planting a late medieval garden within the palace complex.

Archaeological studies confirmed the accuracy of the localization of Ashlama-Saray, the country palace of the Crimean khans, in the studied area.

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Developing a digital learning environment as a condition of digital citizenship

Desarrollo de un entorno de aprendizaje digital como condición para una ciudadanía digital

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ABSTRACT

The purpose of the following article is to address the issue of civic education in digital culture. In countries with a small volume of local media education initiatives, analyzing evolving communication culture is essential. This communication culture analysis indicates the need for a new social contract for the university that falls within the scope of consumer logic. The results indicate that effective social interaction, within and outside the university, is possible through the profound influence of new media on educational practices and daily life.

Keywords: digital culture, social interaction, transforming communicative culture, university.

RESUMEN

El propósito del siguiente artículo es abordar el tema de la educación cívica en la cultura digital. En países con un pequeño volumen de iniciativas locales de educación en medios, es esencial analizar la evolución de la cultura de la comunicación. Este análisis de la cultura de comunicación indica la necesidad de un nuevo contrato social para la universidad que se encuentre dentro del alcance de la lógica del consumidor. Los resultados indican que la interacción social efectiva dentro y fuera de la universidad es posible a través de la profunda influencia de los nuevos medios en las prácticas educativas y la vida cotidiana.

Palabras clave: Cultura comunicativa transformadora, cultura digital, interacción social, universidad.

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INTRODUCTION

Relevant problems of modern higher education are associated with a number of transformations that are a consequence of the process of total digitalization of interaction with information, which creates unprecedented opportunities and risks (Molnar G: 2015, pp. 213-217; Khazieva: 2018, pp. 347-353; ZUNIGA et al.: 2018; Booth: 2010, Kurmanali et al: 2018, Rasooli & Abedini: 2017, Khosravipour et al: 2018). In the broadest sense, digitalization can be understood as a set of technical and technological factors that relieve a person from the determinism of imperfection of knowledge organs, geographical distances, etc.

The live experience of modernity does not allow sharing the fantastic ideas about improving human memory with computer chips, raising the overall level of intellectual development with the help of the digitalization of the reflection process itself in general, what is being discussed in particular in the British TV series "The Black Mirror". However, the active development of cyber prosthetics does not allow us labeling these ideas as the naïve ones.

The perception of digital experience as a practice of negation of the whole previous tradition emerged as a social construct when in the 1980s such a direction as cyberpunk appeared. Blind following the technology became the new sense, the idea of civilization, when K. Marx's thesis from "The Eighteenth Brumaire of Louis Napoleon" was updated: "The tradition of all the dead generations weighs like a nightmare on the brains of the living" (Marx: 1992, pp. 143-249). The era of digital history begins when digital artifacts become somewhat capable of reflecting the basic semantic milestones of human life.

2.METHODS

The works of the American researcher D. Batts, who studies various media education strategies were of conceptual significance for this paper, as well as the articles by the American theorist M. Prensky (in particular, his concepts "digital aborigines", "digital migrants", "digital wisdom") which allowed gaining understanding of the changes that a modern university must undergo (Masterman: 1996, pp. 61-75).

The authors also used the hermeneutic method in the analysis of works, devoted to the study of media education, the method of ascending from the abstract to the concrete in the description of changes in the sphere of the social formation of students. The dialectical method was used in the course of considering the contradictions inherent to the new-media culture.

3.RESULTS

En una segunda etapa del trabajo, para el grupo de competencias definidas, se aplicó el mismo cuestionario utilizado.

Indeed, in the twenty-first-century media education is becoming a peculiar trend, similar in perception to the myth of the existence of a cure for all diseases, the only way to overcome the next crisis of higher education. It should be noted that the development of media education is directly proportional to the economic development of the country. According to the researcher Toliver (Toliver: 2011, pp. 59-81), such countries as Australia, Great Britain, Canada, countries of Scandinavia, France and Switzerland are characterized by a high level of media education development. Here, the study of media is present in school programs as a mandatory module. D. Batts mentions Russia among the countries that are characterized by a small amount of public and state initiatives in the development of media education programs. Nevertheless, we believe that today, the problems of effective social interaction inside and outside the university, mediated by the deep penetration of new media in educational practices and everyday life, are relevant for all countries across the globe.

The use of social networks for educational purposes acts as a kind of advertising for the university. The extensive treatment of information makes the university attractive to applicants who choose in favor of the institution that is most active in the media space. Also, the presence of university residents in social networks creates a specific community and increases the emotional involvement of students in university life (Altbach: 2016). This creates the possibility of feedback between the administration and students/teachers, who can obtain the necessary information without formal delays. The introduction of networking (the term stems from the English noun Net and a verb to work) as a practice of creating a personal dating network, for effective resolution of educational and professional tasks using social networks as a tool for sharing experiences, leads to the fact that the teacher, placing the content on his public account, organically continues the content of his educational courses.

The need for instructing university students on how to use the modern (digital) information resources effectively should be accompanied by the formation of such personal competency as their responsible use in open communication space. In the new-media culture, the equal right of every citizen to speak and to be heard becomes a reality. However, the new forms of socialization, inherent to the digital space, immanently contain such a feature as the emergence of digital locations, i.e. limited, autonomous communication spaces, in which the modern subject realizes one's activity and finds the ways of self-expression that are comfortable for him. At the same time, he gets detached from responsibility for the reflexive, critical perception of the content that is produced in a more open, heterogeneous digital environment, where widespread social processes often accumulate.

A similar trend fixes the conscious avoidance of participation in a joint discussion of socially significant problems by a subject, which, in turn, makes it challenging to promote the values of digital citizenship. A person's access to the Internet space triggers his selective nature, allowing him to satisfy an individual cognitive request. In this situation, the personal cognitive system is configured to work with information on demand, which exacerbates individualization, immersion in digital locations, and "getting stuck" in them. As a result, reflexive abilities to check and evaluate heterogeneous, unpredictable information are blocked. In turn, this imposes serious restrictions on the formation of the joint social experience of a democratic nature and the creation of digital citizenship.

Changes experienced both by the modern individual and by society as a whole, imply a revision of the value bases of everyday life and cognitive search. In the practice of higher education, as it was noted by the American theorist F. Altbach, the influence of information technologies is combined with the process of globalization and therefore if universities try to ignore economic and social trends, they lose all their significance and find themselves at the "death line" (Davis: 2003, pp. 207-234).

The insufficient level of harmonization of digital technologies and resources with the traditional format of the organization of higher education today is combined with the changes in the field of interaction between students and teachers. Of course, the interaction between students and teachers directly in the classroom at the university or the site of the university electronic resource forum is of fundamental importance for the successful process of mastering the educational course (Mazer et al.: 2009, pp. 175-183). This type of academic interaction is perceived as an integral part of the modern educational process; however, along with this formalized aspect of the learning process, interaction occurs within social networks as well. Social networks, such as V Kontakte, Facebook, Instagram, Snapchat, etc. and instant messengers (messaging applications) have changed not only the educational strategy but also the academic communication landscape. Together with the connection to friends, students are connected to teachers, which, according to some researchers, can affect the mutual perception of students and teachers (Anderson: 1992, pp. 453-469).

The problem of rethinking hierarchical relations between students and teachers turned out to be at the center of a debate about maintaining the teacher's role as an intellectual development agent, and therefore, in some cases, informal interactions in social networks between the two parties to the educational process

were banned. For example, in Ireland, "Today, there are over 90,000 registered teachers in Ireland, serving education at primary, post-primary and further education levels. With almost 4,000 schools involving close to a million pupils/students, the contribution which the teaching profession makes to society is profound" (Liu: 2010, pp. 101-114). However, the more significant the academic distance between students and teachers, the more difficult it is to implement problem discussions. These problems, as some theorists rightly point out, can contribute to a decrease in motivation and interest in the educational course. This is most clearly expressed in the distance learning format (Donaldson: 2010).

It should be noted that the more actively a modern university develops as a modern educational subject capable of competing with media agents of education, the more academic content is transferred to the podcast format (from the iPod, the name of Apple's portable media players by Apple and the English verb to broadcast) video lectures, online seminars, science blogs, etc. The need to revise the academic barriers is predetermined by the development of a remote format for the provision of educational services. As the American researcher McLoughlin notes, thanks to gadgets with access to the Net, the space for joint interaction has expanded (McLoughlin: 2012).

According to Kasavin (Kasavin: 2010) social networks have the positive potential for adapting educational materials for educational purposes. Here it is necessary to note the relevance of the concept of the Soviet psychologist L.S. Vygotsky, according to which the creation of new knowledge is associated with social interaction with others. Successful learning depends on the emergence of consistency: "We construct the world not individually in our minds, but jointly in conversation, agreements, social practices" (Vygotsky: 2008). The priority task of learning becomes that the student has acquired the ability to obtain knowledge and use it, and not to "swallow the ready-made food that the teacher provides him with".

Multiculturalism and informational heterogeneity are absolute values of modern society. However, their value is often leveled, because they lead to social particularity, limit, and even undermine civil participation in the discussion, resolution of human and social problems and issues. In a globalizing society, the dangers and risks of fragmented network communication are exacerbated.

It is necessary to take into account the fact that the new (digital) format of socialization can strengthen the existing social ties, make them more productive and help to create the new ones. In this situation, it is important that the user does not lock himself on a particular social group of like-minded people and thus does not isolate himself from the generally significant social problems that constitute the matrix of public interest.

Educational conditions may help to reduce the risks of digital isolation and authorization of the subject in the network space, ensuring the evolution of digital interactions up to the state of digital citizenship.

First of all, the concept of horizontal, interactive knowledge circulation, which can act as a platform for closer and diverse connections with the public social sphere, should underlie the educational practice. A way to counter the hazards of limited use of social networks is to spread knowledge about a broad social reality that enriches students' worldview and professional experience.

The organization of the educational process should include various forms of network activity (for example, discussion on the content of blogs, news portals). This makes it possible to get acquainted with various models of social interactions, identities, ways of perceiving, and evaluating events that are contained in media discourses.

CONCLUSIONS

Digital locations, like a prison, isolate a subject from a vast, heterogeneous information environment, which he perceives as an alien, incomprehensible one, far from his immediate interests and intentions. The digital revolution, which caused fundamental transformations in the ways of working with information and

communication, and opened up new cognitive possibilities, can turn into cognitive reduction if the Internet becomes a space of predetermined, purely selective, comfortable navigation.

Encouraging and ensuring freedom in a democratic society, respect for the individual choice of a subject must coexist with public initiatives and educational measures, aimed at restricting individual activity in the selection of digital content. Individual selection of information can negatively affect the quality of social network interactions, limiting the outputs to information of public importance, containing relevant public inquiries and interests.

The unexpected and unplanned encounters with the news and materials that were not selected initially did initially not come to the attention of the subject in the course of individual selective navigation, are essential for shaping the experience of democratic practices. Such "meetings" immerse a person in the space of diverse points of view, in the field of problems and issues that contribute to the mastery of human knowledge and the formation of citizenship.

Attracting as many interested parties as possible to the educational process, using the knowledge of others through digital space, encouraging student activity for interactions, creating collaborations ultimately leads to the development of active network citizenship. Civic education in digital culture is an attempt to adopt a new technological environment for communications that open people to each other, help to discover new horizons and areas of civic participation, and realize wide social interests.

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Formation of the bilingual personality of a child in the family: philosophical reflection *Formación de la personalidad bilingüe de un niño en la familia: reflexión filosófica*

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ABSTRACT

The present paper discusses the formation of a bilingual environment that builds the child's personality in the family space. The authors substantiate the thesis that, in modern conditions of linguistic diversity and intensive mutual influence of various languages, the command of several languages is an essential condition for the development of thought and a guarantee for dialogue in the space of different ethnic groups. The criteria for conceiving a thought in a language is the ability to formulate sentences or texts directly in a given language, as opposed to a translation of a statement, previously constructed in another language.

Keywords: Bilingualism, bilingual personality of the child, family, thought development.

RESUMEN

El presente documento discute la formación de un entorno bilingüe que construye la personalidad del niño en el espacio familiar. Los autores corroboran la tesis de que, en condiciones modernas de diversidad lingüística e influencia mutua intensiva de varios idiomas, el dominio de varios idiomas es una condición esencial para el desarrollo del pensamiento y una garantía para el diálogo en el espacio de diferentes grupos étnicos. Concebir un pensamiento en un idioma es la capacidad de formular oraciones o textos directamente en un idioma dado, en lugar de una traducción de un enunciado, previamente construido en otro idioma.

Palabras clave: Bilingüismo, desarrollo del pensamiento, familia, personalidad bilingüe del niño.

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INTRODUCTION

The modern world of global innovations, having extensive as well as intensive impact, challenges individuals to solve a multitude of tasks in various spheres of public life, including the aspect of multicultural social communities and multilingual space. In this regard, the creation of conditions to develop global communication between cultures and countries, establish inter-ethnic relations, form the culture of inter-ethnic interaction, and maintain ethnic tolerance can only be stipulated by the unique means of communication – the language.

In modern conditions of linguistic diversity and intensive mutual influence of different languages, knowledge of several languages is an essential requirement and a guarantee for a dialogue in the space of different ethnic groups.

A fresh perspective on the problems of bilingualism from the viewpoint of family socialization within a family as well as attitudes of a modern family to language learning and preservation allowed to formulate the research objective as defining the role of the family informing bilingual thinking of the personality of a child.

METHODS

In 2018 we conducted comprehensive sociological research using quantitative and qualitative methodology:

- A representative survey of the population in one of the Russian regions – the Republic of Tatarstan (n = 1241 people).
- In-depth narrative interviews with representatives of various generations of residents (n=20).

RESULTS

Language is one of the most fundamental foundations of culture and human existence; it is inherently an object of philosophical reflection. Ancient philosophers Socrates, Plato, and Aristotle expressed their views on the language.

One of the most essential aspects of human existence in a multi-ethnic environment is the problem of understanding. The understanding phenomenon is directly related to the discourse of philosophical hermeneutics. Without analyzing the essence of understanding, it is impossible to judge human nature and the possibilities of personal adaptation and socialization.

The hermeneutic approach in the study of bilingual perspective is crucial, specifically when determining the role of the family as an environment for the formation of bilingual thinking. In the process of second language acquisition, changes occur in the structure of a child's consciousness, which are associated with the need for the coexistence of two language systems. An interaction occurs, and sometimes interference of various linguistic systems, their combination, and correlation in terms of presentation and understanding of the semantic content can be observed.

In current conditions, the factors contributing to the need for mastering foreign languages include globalization, various types of migration, multiculturalism, inter-ethnic marriages – a variety of processes making it more typical for people to stay or reside in the areas where a foreign language is spoken.

J. Hamers and M. Blanc use the term “individual bilingualism” or “bilingualism” which denotes the psychological state of an individual who has access to more than one language code as a means of social communication (Hamers et al.: 2000). F. Grosjean considers the phenomenon of bilingualism from the perspective of the sphere of each language used by a bilingual person. He believes that it is meaningless to evaluate bilinguals by their level of language proficiency or by their “balance” in the individual’s mind, since bilinguals usually use their languages with different goals and in different spheres of life: in their family, at

work, in friendly informal communication. Such spheres of language use are denoted as "domains" by Grosjean who formulates the principle of complementarity of the languages spoken by one person (Grosjean: 2010).

O. García and A. Lin consider two ways for explaining the language interaction of a bilingual personality: the first is based on the assumption that two different language systems coexist in the mind of bilinguals, to which the speakers can alternately turn; the second option assumes the existence of one integrated linguistic system in the consciousness of an individual, and in this case researchers are most interested in dynamic mental processes associated with the use of a language (García: 2017).

Many philosophers accept the impossibility of the existence of thought without it being expressed in the language as an axiom. This idea was actively developed by representatives of the analytical movement in the philosophy of the twentieth century, which was mainstream in the field of philosophical studies of language. The leader of the movement, Bertrand Russell, considered the link between the act of thought and its verbal form as essential. Russell argued that language serves not only to express thoughts but also to make thoughts possible because without language they could not exist. He believed the main functions of the language to be the expression of a person's own thoughts and emotions, on the one hand, and, interpersonal communication, on the other. Assuming the existence of the simplest thoughts without being formed into words, Russell did not doubt that all quite complex thoughts require words (Russell: 2009; Reyazi & Aghaei: 2017).

Applying this fundamental philosophical proposition to define the methodological basis for recognizing an individual as a bilingual, we should, first of all, come to the conclusion that the criterion of bilingualism should not be sought in the ability to speak the second language per se, but in the ability of a person to generate thoughts in a given language. The criterion for the ability to think in a language is the ability to formulate sentences or texts directly in a given language, as opposed to a translation of a statement, previously constructed in another language.

According to the philosopher, there are certain mental processes that can be carried out only by means of language, namely, processes of understanding and implication, and the only function of signs of the language is to induce such processes (Bandstra: 2002, pp. 297-308).

British philosopher G. Ryle examines the relationship between thinking and language in detail. He analyzes the algorithm on how a small child learns to think: firstly, the child learns to speak the language out loud and only then learns to think in the language keeping silent. Acquiring the ability to speak silently to oneself — that is, to think — requires a certain amount of time and effort, and a necessary condition for mastering this ability is that a person first learns to speak out loud reasonably and understand other people speaking (Ryle: 2009)

Thus, we can say that the philosophical approach to the problem of language and understanding includes a range of problems affecting the impact of bilingualism on personality formation. If we proceed from the fact that thinking is operating concepts, then the wealth and versatility of people's thinking, formed in the bilingual environment, are undeniable. This fact is explained on the basis of the thesis that language and thinking are one whole. Accordingly, variability and ambiguity of the language should lead to the variability of thinking. If bilingualism contributes to the versatility of thinking, then it is obvious that the bilingual environment requires an active formation. In this case, the family acts as the first and most important source of such a formation (Murzinova et al: 2018).

A variety of processes occurring between the family and its social environment influence and form certain behavior patterns of the representatives of different generations in the family in terms of language acquisition.

Culture of inter-ethnic dialogue and ethnic diversity, formed in the polyethnic region of Russia – Tatarstan, create a favorable environment for learning the languages of the peoples living in it. According to the results of a mass survey, the linguistic identity of the population of Tatarstan is as follows:

- more than half of the inhabitants of the Republic (52%) call Russian as their native language;
- about half of the respondents (46.4%) consider Tatar as their native language;
- a significant proportion of the non-Russian population of the Republic (68.5%) noted that, in addition to the native language, they have a command of Russian;
- a minor share of the respondents mentioned their command of the Tatar language as a second language (14.4%) (Maximova: 2018).

The Tatar language competence is considered necessary and useful in mono-ethnic Russian families of our informants: "There are 4 people in my family: parents, me and my younger brother, who is 11 years old. All family members are Russian by nationality. Despite the Russian nationality, there is basic Tatar language knowledge, which is enough to support a conversation"(male, 20 years old).

Representatives of inter-ethnic marriages hold the same opinion when answering the question of whether they would like their children to have good Tatar language skills. The informant, Russian by nationality, who lives with her husband, whose nationality is Tatar, believes that their son should have a command of the Tatar language: "I would like, yes. After all, he is Tatar, it turns out, after his father. I would like that he would know, understand and communicate in the Tatar language as far as we live in Tatarstan, after all" (female, 37 years old).

Representatives of the Tatar ethnos highly estimate the role of the Russian language as a language of inter-ethnic communication, a language capable of discovering unique possibilities of life success. An informant is a man, Tatar by nationality; since his childhood, he spoke the Tatar language in the family, and he emphasizes the significance and role of the Russian language he learned in school, which helped him to realize all the life plans of professional development: "It helped me, yes. In my career, in almost everything, and in getting a higher education, but also later, when working as a teacher".(male, 56 years old).

The position regarding the learning of languages of other ethnic groups is upheld by informants who support a respectful attitude to the people living next to them.

A number of factors affect a person's conscious decision to learn a language. One of the determining factors for the formation of bilingualism and multilingualism is the degree to which the social institution of the family is involved in this process (Moghadam et al.: 2019, pp. 24-30).

Thus, the formation of language competence largely depends on the conditions that can be provided by the family, performing an educational function.

The families of our informants implement different models of language education, which are very different in their modes and, as it seems, effectiveness. For example, one group of families provides children with complete autonomy and freedom in making decisions to study languages, including native ones. The group acts in accordance with the following principle: "if you want to, you can learn a language, but if you don't want to, do not learn it", "... having a desire to learn, they'll learn it": "... if they have eagerness, I won't be against it; basically, that is their decision, let them decide for themselves: if they want to – let them learn a language, if they don't want to – allow them not to learn ...".(male, 45 years old)(Sheikh & Emadian: 2019, pp.15-21).

Presumably, this situation can be stipulated by the fact that at present some parents, in their desire to follow the trends of modern educational concepts and demonstrate a high level of their "democracy" in relation to the younger generation, completely forget about the need to fully implement the educational function as well as about the responsibility for the content of the educational process (Ferretti: 2019, pp.1-7).

It is indisputable that the eagerness to absorb and master languages cannot be imposed artificially. However, the optimal organization of language teaching in a family, including a mother tongue, implies the presence of permanent language exposure as well as purposefulness and consistency, a certain degree of perseverance on the part of parents and diligence on the part of learners. Only in this case a result can be obtained in the form of defined linguistic competences – a person's ability to have a command of several languages at such a qualitative level that would allow him or her to exercise interpersonal and professional

communication freely (Pakdel & Ashrafi: 2019) This point of view is also shared by some informants: "Children might need to be forced, because if they are given the right to choose, all of them will refuse, they need a minimum load, and if they are given such a choice, then children will naturally refuse, many of them will refuse". (female, 38 years old). Such statements unite the second group of families, which, in contrast to the first one, aspires to fully realize its parental, educational resource and insists on learning the native language. As informants believe, it is more preferable in this case to have an option of early second language acquisition in combination with family and pre-school educational institutions.

The ability to acquire new knowledge by making efforts, the activation of motivation mechanisms to learn languages, i.e. the creation of conditions for mastering languages in the family space and educational institutions – all these factors contribute to the formation of a bilingual and multilingual personality (Martins et al.:2019).

Although the decision on second language acquisition seems to be the priority right of each family, it would be wrong to impose those duties only on the educational institution dealing with language teaching. Indeed, when defining education as a process of influencing children by parents and other family members in order to achieve the desired results, one should not forget about the need and strength of this constant impact. Moreover, our informants are convinced that in the process of a bilingual and even multilingual personality formation the leading role is attributed only to the family, and, in their opinion, it is the family micro-community where the linguistic basis is formed: "You can preserve the language only in the family, it is definite. Schools have nothing to do with it. It depends on many factors. Of course, the family will contribute more to preserve the Tatar language ... and why should I rely on someone, teachers ..."(male, 56 years old).

No matter how fundamentally opposing the opinions of informants are, no matter how the representatives of different generations of the family express various points of view on ways and means of linguistic competences mastering, it is only a complex approach that makes it possible to ensure the formation of a linguistic identity and a system of tolerant inter-ethnic interactions. The main principle of this approach is a systematic approach to master languages, which is implemented through the interaction of family, education, and society. In this case, their simultaneous action will not be summed up, but multiplied, yielding an effective result.

In the modern world, language mastering transforms into a continuous process that requires the participation of various social institutions, several generations of the modern family, multiple completion of the language resource of a person in order to solve emerging practical problems in the space of modern multilingual interaction. Therefore, the use of the multifaceted potential of the family which provides an immersion into the language environment, the formation of motivational attitudes to master languages, including the native language, can qualitatively change the language skills while maintaining interest in the cultural and linguistic values of the native ethnic group.

CONCLUSION

It can be agreed upon the conclusions of a number of philosophers that there is a direct link between the child's mastery of the language and the formation of the child's thinking. It is possible to use these theoretical positions as criteria for explaining the linguistic mechanism, which is characteristic of bilinguals. When a person who acquires a second or subsequent language develops the ability to express a thought by correctly making up a sentence in that language, regardless of their first language, it becomes possible to talk about bilingualism. Thus, when mastering two languages spoken in the society that surrounds the child, the function of thought formation is most fully realized, which, in turn, means that the language starts to be used by a person in its main purpose. In our opinion, this is the criterion frontier for second language acquisition at an early age in the family environment, which allows speaking about the actual beginning of bilingualism.

Knowledge of two languages and two linguocultures creates a full picture of a person's own culture, enriches their knowledge of the world, broadens the horizons of their worldview, and generally contributes to the full development of the personality. It leads to the conclusion that it is necessary to form bilingualism and to study this phenomenon in depth from the philosophical perspective.

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The history pages of orthodox pilgrimage: from worship to pilgrim tourism

Las páginas de historia de la peregrinación ortodoxa: de la adoración al turismo peregrino

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ABSTRACT

The article deals with the history of the pilgrimage development in pre-revolutionary and post-Soviet Russia. The content of the concepts "pilgrimage" and "religious tourism" in modern literature is under definition. The article considers specifically the motivation of religious tourists and the possibility of their church going through pilgrimage. The article also analyzes travels made by pilgrims, both with the support of religious organizations and travel companies, taking into account modern legal and economic requirements, for which this type of tourism is regarded as a type of business activity with the possible participation of religious associations.

Keywords: Church, Pilgrimage, History, Religious Tourism.

RESUMEN

El artículo aborda la historia del desarrollo de la peregrinación en la Rusia pre-revolucionaria y post soviética. El contenido de los conceptos "peregrinación" y "turismo religioso" en la literatura moderna está bajo definición. El artículo considera específicamente la motivación de los turistas religiosos y la posibilidad de que su iglesia pase por la peregrinación. Analiza también, los viajes realizados por los peregrinos tanto con el apoyo de organizaciones religiosas como con el de las compañías de viajes, teniendo en cuenta los requisitos legales y económicos modernos, por lo que este tipo de turismo se considera como un tipo de actividad empresarial.

Palabras clave: Iglesia, Historia, Peregrinación, Turismo Religioso.

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INTRODUCTION

Pilgrimage - walking or traveling to holy places with clearly defined spiritual goals. The essence of the pilgrimage involves the voluntary rejection of the usual way of life, which symbolizes a person's willingness to sacrifice in the name of spiritual values. Pilgrimage is a spiritual feat, where the main goal is to visit church services and relics, to pray and communicate, to work and collect donations for the restoration and development of a monastery or a temple.

In ancient Rus, "walking" to the Holy Land was carried out already in the first centuries after the adoption of Christianity. Princess Olga, who was baptized in Constantinople and worshiped the holy relics of Tsar Grad, became the first famous Russian pilgrim. Literary works in the form of travel notes, reports, or memoirs that described the journeys of the Russian people to the countries of the Orthodox East appeared later. Abbot Daniel, who described his pilgrimage to the relics of Ecumenical Orthodoxy, became the ancestor of the genre of walking in ancient Russian literature (Raj, & Griffin: 2015). With the course of time, pilgrimages also began to be carried out to the holy places of Russia, to the Kyiv-Pechersk Lavra, the Solovetsky Monastery, Optina Pustyn, and others. Pilgrimages expanded the horizons of the Russian people, visibly accustomed them to the treasures of history and spiritual culture, contributed to the spiritual unity and strengthening the moral potential of the people (Yakunin: 2016).

1. MATERIAL AND METHODS

This investigation is based on the study of a significant body of sources and literature. The literature and sources highlighting this problem can be divided into three groups. The first group unites the work studying the history of the Russian Orthodox Church (ROC) as a whole and in its separate periods, especially periods of repression and persecution of the church. (Golubinskiy: 2002; Ángel, & Escobar: 2009; Roslof: 2002; Papkova: 2011; Husband: 2000) The second group includes the studies devoted to various aspects of pilgrimage and pilgrim tourism that has arisen alongside with it during the last decade. (Torbakov: 2014; Ellis: 1988; Gabdrakhmanov: 2016) The third group is Internet resources, first of all, advertising publications, inviting to make a pilgrimage organization by travel agencies, which made it possible to analyze tourist offers. The article uses the narrative, comparative and systemic methods, as well as the problem-chronological approach.

2. RESULTS

Traditions of pilgrimage in Russia finally develop in the XVII-XVIII centuries. Many of them are still mandatory. This is a compulsory blessing received by a pilgrim before traveling. It implies specific dates for a pilgrim trip, observance of special rules for visiting holy monasteries, participation in worship services, including the procession, etc. The term "pilgrims" was used in Russia to designate people who went to worship Eastern Christian relics. Those who went to the relics of the Russian land were called "wanderers", "worshippers". In everyday popular speech, the word "worshippers" was the most common. In Russia in the XIX - early XX century, the word "worshiper" was widely used. It clearly shows the meaning of pilgrimage, which lies precisely in the religious worship of holy places. (Bideci & Albayrak: 2016)

The following indicates the degree of pilgrimage development. From the 17th century, Kazan Virgin Monastery, founded in 1579 at the place of invention of the Mother of God icon, miraculously saved during a fire, which significantly burnt out part of Kazan becomes the center of the Volga Orthodox pilgrimage. Numerous religious processions on the feasts of the Kazan Icon of the Mother of God gathered thousands of believers from different parts of Russia. Before the revolution, more than 80% of those who came to Kazan were pilgrims of the Virgin Mother monastery (Gabdrakhmanov: 2016, pp. 88-90). Even after the loss of the

icon in 1904, the number of pilgrims decreased slightly. Believers still walked to worship the place of the Apparition of the Most Holy Mother of God.

After the Bolsheviks came to power, the mass pilgrimage was out of the question. The anti-religious policy meant the targeted destruction of Orthodox holy sites, including Kazan Virgin Monastery. Pilgrimage organizations were destroyed. The restoration of the pilgrimage institution begins only in the 1990s. Since the ROC's pilgrim organizations did not exist at that time, travel companies, which introduced an element of commercialization, began to deal with travel arrangements. Therefore, Russia began to develop religious tourism, a popular trend by that time in many regions of the world.

As a rule, representatives of the tourist industry did not have a clear understanding of the nature of the pilgrimage, as well as the experience of organizing pilgrim trips. As a result, conflicts often arose between the organizers and the pilgrims. The Department of External Church Relations of the Moscow Patriarchy had to settle them repeatedly. As a result, the Holy Synod of the Russian Orthodox Church decided to begin work on the revival of pilgrimage to foreign and Russian holy sites (Yakunin: 2016). Then, a number of dioceses and monasteries established pilgrimage services, hospice houses and hotels of pilgrimage class began to emerge. Along with church organizations, Orthodox public organizations, including the Orthodox Society "Radonezh", the International Foundation for the Unity of Orthodox Peoples, etc., became involved in the organization of pilgrimages. Nevertheless, travel companies did not stop to organize travel arrangements, shifting the emphasis on the development of religious tourism - the creation of cultural and educational tours with a clearly defined religious component.

There are two directions in which the organization of religious tours is carried out: travels that are religiously motivated with a peripheral cognitive dominant and travels that are motivated cognitively with a peripheral religious dominant (Hughes: 2016). Both types of travel have obvious religious content, i.e. they can be considered equally as categories of religious tourism, although they are considerably distinguished from each other. In the second case, tourists are mainly interested in excursions with visits to monasteries, temples, museums, and exhibitions with Orthodox themes. Moreover, these tourists may not be adherents of the religion, the sites of which they visit, or they may be atheists.

Pilgrim is a deeply religious person with an already established system of values. However, the traveler in the field of religious tourism does not yet possess these virtues. His motivation is much wider, it is based on cognitive rationale, and questions of faith do not always dominate here. The socio-psychological base of pilgrim tourism is narrower than that of religion. Tours, visits to museums, the level of comfort during a trip for pilgrims are secondary or generally of little interest. The main thing for pilgrims is the worship of an Orthodox relic, but not a tour of the historical sights of a religious building. They take a meaningful part in worship and ceremonies and worship the holy relics. Commercial travel agencies cannot or do not consider it necessary to observe these conditions when organizing a tourist trip. The purpose of religious tourism is the production and sale in the market of tourist services and goods of a specific nature. The participants of this process are accommodation facilities, catering enterprises, transport companies, excursion bureaus, etc.

Researchers of religious tourism note similar changes in the portrait of a modern pilgrim. This is a middle-aged man, more demanding of the conditions in which the pilgrimage takes place (Santos: 2019). Hieromonk Nicodemus (Kolesnikov) notes that in the early 1990s the main thing was to leave for pilgrimage. Today many have become more demanding of the conditions of stay in the pilgrimage. As a result, the pilgrimage hotels of different levels of comfort are used and constructed. There appear various "pilgrim" tour packages. Thus, the "Universitetskaya" Hotel, with icons in the rooms, a church on one of the floors and a Lenten menu, has become the base for the formation of the Pilgrimage Center of the Moscow Patriarchate. A 4-star hotel for pilgrims is open in the St. Daniel Monastery (Griffin & Raj: 2017).

Studying pilgrimage programs organized with the blessing of the Russian Orthodox Church suggests that certain changes are taking place in them. According to the traditional Orthodox canons, a trip of more than 10 days was considered a pilgrimage. Proposals for the commission of a modern pilgrimage, including those

made with the blessing of the hierarchy, as a rule, provide a period of two to five days. This is explained, first of all, by the accelerated pace of people's lives.

In addition, in the part of the programs, there is a certain "worldly" component. This concerns the organization of tours for pilgrims. Tours are conducted by representatives of the church or people who have received a blessing for that. However, they tell about the history and the architecture of a religious site, its historical and natural features. Even the pilgrimage to Mount Athos in Greece offers an organized program with a guide. In addition to tours, a number of monasteries (for example, Nikolo-Solbinsky), provide a playground for pilgrims with children and hold workshops on traditional monastic activities (El-Gohary: 2017). These and other phenomena allow us to speak about certain changes in the pilgrim tourism.

At present, there is a clear tendency in Russia to misunderstand the difference between a pilgrimage and regular tourist trips. This misunderstanding is typical of many travelers as well as travel organizers.

The analysis of Internet sites offering tours, called "pilgrimage" tours, suggests that it is often not a pilgrimage, as such, but trips within the framework of religious tourism with a predominance of the cognitive component. Among the organizers of such trips are many travel companies that do not have the blessing of the ROC. Often travel agencies offer "pilgrimage" trips, during which tourists visit holy sites belonging to different faiths (visits to temples, monasteries, mosques, pagan places of worship). There are also proposals for conducting "Orthodox tours" and pilgrimage-tours. The organizers of such tours quite often call themselves "pilgrim services," but often there is no mentioning that they received blessings from the ROC for organizing pilgrim tours (DeAscaniis & Cantoni: 2016).

CONCLUSION

Some pilgrimage services, along with a traditional pilgrimage, organize tours for non-church or church-going people who wants to learn the spiritual culture and history of their country. The details of such tours mainly focuses on the excursion, educational part of the program and in the accommodation of travelers, wich are in hotels and hostels not in monasteries. Often these trips play a missionary role, contributing to the conversion of their members into true faith. Hence the question, if they are pilgrimages in the traditional meaning of the word.

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Human nature and nature of power

Naturaleza humana y naturaleza del poder

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ABSTRACT

The resource to the phenomena of human nature and power nature is dictated in a way by the belief that there is much more than only correlation and proportionality between them: these are two forms of sociality. Power still carries out a crucial function in society: it helps a person orient himself in life and defend off all metamorphoses and distortions of power. The ontological status of two phenomena is possible when true sociality is achieved, that is what we call humanity. The main methods used in writing this article are the method of historical and logical unity and the method of comparative analysis.

Keywords: Human Nature, Nature of Power, Philosophy, Relations of Power.

RESUMEN

El recurso a los fenómenos de la naturaleza humana está dictado en cierto modo por la creencia de que hay mucho más que solo correlación y proporcionalidad entre ellos: estas son dos formas de socialidad. El poder aún cumple una función crucial en la sociedad: ayuda a una persona a orientarse en la vida y a defenderse de todas las metamorfosis. El estado ontológico de dos fenómenos es posible cuando se logra la verdadera socialidad, lo que llamamos humanidad. Los principales métodos utilizados para escribir el artículo son el método histórico, la unidad lógica y el método de análisis comparativo.

Palabras clave: Filosofía, Naturaleza del Poder, Naturaleza Humana, Relaciones de Poder.

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INTRODUCTION

The study of human nature is connected with the search for historical-philosophical and socio-historical premises that tell us convincingly about the need to consider that the nature of power already existed in the writings of Plato and Aristotle. One can rightly argue that the correlation between man and power is not only random, but it is also a systematic vision of developed forms of sociality. But the understanding of "power" (its varieties) basically adds up to political power. The general meaning of all definitions comes to a "specific management tool used to achieve set goals" (Foreman: 2018). It is quite understandable that all definitions concentrate primarily on the political equivalent of power, while power is understood much more broadly as possession, submission, influence, etc. This is important in the understanding of the raised problem: the nature of mastery, possession, submission, impact, etc. aimed at people, social groups, classes. The literature also points out to other aspects: "The main thing in understanding power ... is not its socio-psychological aspect (of course, it is important per se) but its actual social essence" (Lasswell: 2017).

According to Aristotle and Plato, power and politics are almost two identical hypostases of ancient social life. The syncretism of these two phenomena determines the conventionality of dividing the subject under our consideration into human nature and the nature of power. This was determined by history that the government initially needed a restriction imposed on the state. But the state also gained its power over man. Thus, the problem of "holding the balance", which R. Guardini writes about, arises with the emergence of the phenomenon of power, it is inherent in the very power (Maxcy: 2003, pp. 51-89). What will become a serious problem (a rationalistic aspect of power) for the New Age and a tragedy for the 20th century has its origins in antiquity.

The formation of man, citizen becomes possible only in the conditions of the state, the exercise of power. The historical types of Paideia contain the meaning of the unity of the creation of state and man. The correlation, proportionality of the nature of power and the nature of man is an expression of the problem of the unified nature of man and power. But we are interested not just in human nature, but in the aspect of man's choice and mastery of his own nature, or rather, the non-obviousness of our being ready to choose and master our own nature (Ibragimova: 2016).

The nature of man and the nature of power are reflected in various philosophical concepts. One of the most audacious views of the 20th century is the concept of M. Foucault, who, however, did not hide his skeptical attitude to the ideas of human nature. The reason for this is the insufficient theoretical status of the designated phenomenon. However, M. Foucault views power as a universal fundamental phenomenon that permeates all levels of social life in which a person seeks self-fulfillment. Power, relations of power are objective, but still vulnerable to the actions of subjects. And unlike ancient understanding, these structures are not always desirable for society, sometimes leveled against man. Loyalty to relations of power does not always coincide with the ideals of the person as a citizen. Of course, for M. Foucault, the concept of the nature of power seems more convincing and justified than human nature.

1. MATERIAL AND METHODS

The method of historical and logical unity was used in the article to realize the historical nature of the categories of human nature and the nature of power. The subject of the study was considered in historical dynamics, starting with the philosophical teachings of antiquity, delving into some subsequent stages in order to understand the prerequisites for the formation of categories. Using this method made it possible to fixate on the relationship of categories and the specific nature of modern interaction. The method of comparative analysis was relevant for this paper since the subject of research was immediately defined. A comparison of the two phenomena was made in order to identify common ontological foundations during which the general nature of the emergence of power and self-fulfillment of man through the relations of power was determined.

At the same time, this method was partially realized as segmentation, and, specifically, human nature was considered not only as a holistic object but also as a separate problem block. For example, the paper raised the question of the ambiguity of not only human nature but also the ambiguity of the very possibility of man's mastering his own nature.

2. RESULTS

What is the place of philosophy in the relationship between man, society and power? Can man come to what can be called an unbiased look at his nature and the nature of power without the admixture of the influence of power structures (through ideologies of different kinds) through philosophy?

On the one hand, philosophy often appears as an area to be free from ideological prejudices, and from the prejudices of "common sense", which ideology often hides under. B. Russell writes about this key feature in his work *The Problems of Philosophy*: the philosophical view of the world ceases to divide it into "friends and enemies" and clears the view from the veil of prejudice and biased opinions (Smith: 2015). Such a narrative of philosophy can also be found in the text of A. Bergson's speech to the students of Clermont-Ferrand Lyceum entitled *Courtesy: a philosophy being purified of human passions is a source of genuine politeness as mutual respect and understanding* (Ciment: 2015). This idea can be extended to the problem of man's knowledge of himself and to the knowledge of the nature of power: philosophy, being out from human passions, philosophy allows a person to look at himself and power from the point of view of a disinterested subject. An example of the opposite: a libertarian or an anarchist will look very differently at the problem of power than a proponent of authoritarianism (the former will take an extremely negative view of it, and the latter – on the contrary, see it as a guarantor of preserving the true essence of man and society).

And the point is not only the differentness of these views but for the purposes pursued by them: these goals do not allow the possibility of changing one's point of view or even doubting it. If we set ourselves philosophical tasks (clarification of certain positions, their foundations and, most importantly, comprehension of the truth), and not political ones (related to increasing the degree of influence of our ideology on others), then we will have to be ready, even if only temporarily, abandon the idea of the absolute truth and necessity of our political attitudes, or, in the words of phenomenology, "take them off the table" or conduct a "phenomenological reduction", which E. Husserl considered to be as a necessary step just to make science and philosophy the most unbiased and objective in its foundations (Husserl: 2013). Or, in the words of the concept of the same name, to be "intellectually virtuous" also implies a desire for objectivity, respect for the opinions of opponents, reasonable firmness in upholding one's interests, as well as the ability to abandon one's point of view if circumstances so require (Barris: 2018). Through such a "purification" of our view, we will theoretically be able to reach a greater degree of communication between representatives of different points of view on these issues and thereby begin to work together to clarify the nature of man and the nature of power (Horvath: 2018).

In the course of this kind of research, the question inevitably arises of the practical feasibility of realizing such an "unbiased" view of something, of trying to see the very essence of the phenomenon under consideration. However, the issue is highly contentious in the question of the nature of power and the nature of man since these entities have become woven together not only with each other but also with the political, social and economic conditions surrounding the person. For example, from the point of view of antipsychiatry (which, in turn, has grown on the basis of Marxism and existentialism), the family plays a key role in formulating certain ideological principles of a person (Vlasova: 2014). That is, man from his birth is included in the system of relations of power and is influenced by certain ideological principles, which, in the future, will somehow prevent him from looking at the world (especially the social one) objectively: either he will accept them or accept categorically opposite views as a protest against them.

However, even in the case of the given example of antipsychiatry, it would be quite appropriate to ask

whether its view of the family, as well as the problem of relations of power, is unbiased? Or is it dictated by the principles of Marxist ideology, in the framework of which, the attitude to the institution of the family is very negative? The same applies to assess the balance of relations of power and human nature: from the point of view of antipsychiatrists, schizophrenia is a person's reaction to these balance (the contradictions between his true nature and relations of power in society) and the way out of this system of relations of power. However, this idea is based on the conviction of the fundamental difference between human nature and relations of power: madmen are the few ones who saw the light and for whom this abyss was an eye-opener. However, the proponents of traditionalism or meritocracy would not agree with such a judgment of relations of power. At the same time, both of them are clearly biased in their beliefs, and this bias will be very difficult to overcome. Moreover, even if the very assessment of the influence of the family and the environment of the child on his or her views (negative or positive) is disputed, this influence cannot be denied, especially in the matter of cognizing the nature of man and the nature of power.

That is, on the one hand, we cannot be impartial: these issues about the nature of man and the nature of power are for everyone personally, and we all live within the framework of a kind of relations of power, as well as surrounded by people who, like us, in essence, represent a realized and realizing concept of a person (in his work *Existentialism is Humanism*, Sartre writes about the special responsibility of a person to others for choosing this concept) (Sartre: 2007). Some concepts seem unacceptable to us, and in this case, power seems to us to be a blessing that can help us eliminate these concepts inappropriate for us (for example, "political perfectionists" insist on this). Or vice versa, we want to protect our own concept of man from encroachment from the outside. And then power (families, states, traditions, capital, etc.) will be in our opinion a true incarnation of evil, oppression, etc.

But, at the same time, there is a definite way out of this situation, namely, V.V. Bibikhin in his work *The World* offers us (Bibikhin: 1995), namely, the acceptance of the fact that in society there will always be different (and sometimes even fundamentally different) in relation to us. According to V.V. Bibikhin, for example, this otherness is the key to the strength of society, since societies of the same, from his point of view, are short-lived. In the context of the problem of cognizing the nature of man and the nature of power, we must come to terms with the fact that there are those who do not share our point of view on these issues. And the one who defends or condemns relations of power is not an "enemy" for us, but only the one who can enrich our point of view and contribute to a greater clarification of these difficult issues.

CONCLUSION

The task of differentiating the phenomena of human nature and nature of power, as well as searching for common ontological foundations, was realized only as a project of methodological understanding. This was partly due to the straightforward, and therefore the categorical (clear) designation of the subject of study. This is not a situation of dilemma, but of unity. The attempts to understand the nature of power have led us to recognize the existence of many definitions, which suggests an analogy with the definition of man or human nature. But in the case of the latter, a contradiction is emphasized: on the one hand, the existence of different interpretations of this phenomenon, on the other hand, a syncretic existence with the nature of power. According to the concept of M. Foucault, relations of power permeate the life of society, creating a completely natural situation of control over all aspects of life: "the peculiarity of modern power is that it is a "disciplinary power" that depersonalizes a person and turns him into an object of study and the impact of disciplines – criminology, psychiatry, medicine, social sciences" (Wilson: 2012).

But a certain select problem of human nature continues to be the subject of discussion: "Our concept of human nature, of course, is limited (it is partially determined socially), it is limited by our own peculiar vices and the scopes of the mental culture in which we live". M. Foucault prefers political relations in society, while N. Chomsky, being much more optimistic about human nature, defines two major tasks:

There are two intellectual tasks: the task that I have already mentioned is to try to develop a certain vision of future fair society, to create a humanitarian theory of society, based, if possible, on a solid idea of the essence of human nature. That is the first task. The second task is to clearly understand the nature of power, oppression, intimidation, and destruction in our own society (Foucault: 2002, p. 384).

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Language identity and its context policies *Identidad del lenguaje y sus políticas de contexto*

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ABSTRACT

Formation of the civil nation is the most important task for any state which is related to all-civil identity. Russia faces serious ethnocultural problems connected to the formation of both linguistic identity and civil identity. At the theoretical level, this research investigates the question of important factors of balanced language policy in the multinational states and the preservation of language identity. The linguistic dimension of globalization takes into account the constructive language policy with regard to languages of national minorities and destructive forms of language interaction caused by economic and political dependence on more developed states.

Keywords: Identification, Language Identity, Language Policy, Nationality.

RESUMEN

La formación de la nación civil es la tarea más importante para cualquier estado relacionado con la identidad totalmente civil. Rusia enfrenta serios problemas etnoculturales relacionados con la formación de la identidad lingüística y la identidad civil. A nivel teórico, este trabajo investiga la cuestión de los factores importantes de una política lingüística equilibrada en los estados multinacionales y la preservación de la identidad lingüística. La dimensión lingüística de la globalización tiene en cuenta la política lingüística constructiva con respecto a las lenguas de las minorías nacionales y las formas destructivas de interacción lingüística causadas por la economía y la política.

Palabras clave: Identificación, Identidad Lingüística, Política Lingüística, Nacionalidad.

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INTRODUCTION

The research problem is connected with the theory of identity development in the context of interaction and development and transformation studies of several types of identity (linguistic, ethnic, regional and civil). These areas of research are perspective. They are interdisciplinary and impact on areas of science such as sociology, linguistics, political science, and psychology (Norton: 2016).

The definition of the notion "identity" refers to the psychological phenomenon coming from the theory of E. Erickson: "A personal identity is based on two simultaneous observations: the perception of self-sameness and continuity of one's existence in time and space and the perception of the fact that others recognize one's sameness and continuity" (Erickson: 2006, p. 342). The basic premise of this definition is that identity is produced in human's awareness during the process of accumulation of social experience, expressing through speech. It is necessary to mention that the concept of "identity" is the effectiveness and the concept of "identification" is the processualization.

1. MATERIAL AND METHODS

At the theoretical level, this research investigates the question of important factors of balanced language policy and identity: to define advantages and disadvantages of state strategies in the field of language policy of the multinational states based on the comparative analysis of world experience. At the practical level, this study includes recommendations to State authorities of Russia and members of the Russian Federation in the field of improving national and language policy. The research topic is formulated in both linguistic-theoretical and political-practical relations and is mainly related to the Republic of Tatarstan (Ricento: 2015).

The current research is based on the fundamental research of domestic and foreign authors who investigate the problems of language identity and language policy, ethnic and civil identity, civil and state or national-state identity (L.I. Naumenko, A. A. Belik, L. M. Drobizheva, I. V. Malygina, M. A. Marusenko, S. V. Ryzhova, E.H. Erikson, MarkBassin, Catriona Kelly, etc.). Within the humanities and social sciences, the problem of interethnic interactions and conflicts is studied quite fully through the image of the "other" in the formation of national identities on the basis of historical material in the works of researchers I. Neumann, B. Anderson, E. Said, H. Bhabha. This research is aimed at both the inductive analysis of linguistic identity and the deductive analysis of different types of a modern person's identity, living in a multinational state, and their combination in the dynamic conditions, blurring of borders and structural mixing of communities and social groups (Spolsky: 2004).

2. RESULTS

Language is considered as one of the main factors of (ethnic) identity as language occupies one of the leading places in an ethnic group or people. In the mid-19th century, M. Lazarus and G. Steinthal developed the famous theory "psychology of peoples" in which the fundamental place was held by "national spirit", manifesting primarily in language, and then in manners and customs, constitutions and actions, traditions and chants. Over the years, the comprehension of between language and ethnic group or nation has changed. It was mainly due to political events. As a result of all the changes in recent decades, according to some researchers (A.I.Dontsov, T.G.Stefanenko, Zh.T.Utalieva), more and more attention is paid not much to the real language used by all group members, but to the symbolic role in forming a sense of community with the group, and at the same time a differentiated sense of separation compared to other groups (Tsui,Tollefson: 2017).

Language is both a connecting and distinguishing factor between groups. Language, in fact, is the core of group identity. On the one hand, language use influences the formation of group identity, and on the other

hand, group identity influences the language use and the orientation for them (Sachdev & Bourhis: 1990). The problem of the relationship between language and identity (ethnic/national) is one of the most relevant in the modern world and is becoming an increasingly important category of humanitarian science: it reflects the most important processes of man and society's self-determination, determines the ability to self-preservation and maintenance of own integrity in the modern conditions of globalization. J. Edwards emphasizes that language is the main "marker" of group identity (in the case of national identity is key) (Edwards: 2009). It seems that group members form their common (ethnic) identity through the choice of a language. It is noted that social, political and economic changes in society impact the choice of personal language identity at the moment of history (Pavlenko & Blackledge: 2004). A language is an effective tool for mobilizing and rallying individual members of society into ethnic groups.

Throughout the 20th century, political leaders of the Russian Empire, the USSR, and then the Russian Federation followed diametrically different approaches to the issue of languages. In recent years, there is the purposeful movement of the Russian Federal Center towards a certain unified concept of language policy in order to form a common civil identity. Unfortunately, this process is ambiguous.

Language policy in Russia was not developing in the same direction and rather resembled a pendulum. If at the beginning of the 20th century the government of the Russian Empire carried out a radical policy of Russification in different areas (Miller: 2000), after 1917, language policy was adopted a diametrically opposite character. Lenin's language policy assumed that each region had the opportunity to use and develop a language or languages in accordance with the ethnic peculiarities of the region's population. According to the researcher V. M. Alpatov:

Such policy, of course, was a reaction to the assimilatory tsarist policy, which provoked protest among many people. It stemmed from spread ideas in the country about the necessity to build a rational and scientific basis of a new society that takes into account the interests of ordinary people (Alpatov: 2013, pp. 11-22).

The Soviet Government in the first decades of its rule established conditions for language development among ethnic minorities. However, the early Soviet experiment with language policy quickly stopped. At the beginning of the 30s, I. Stalin followed the continuity of "Lenin's case," in practice, the Russian language regained a dominant position in the entire territory of the USSR again. Socio-political processes in the late 20th century significantly influenced people's social life in general and man in particular. The pendulum swung in the other direction during the era of "Perestroika" and in the first years after the collapse of the USSR. Then, in the conditions of re-ethnization, ethnicity acquired special importance, but some values (moral, ideological, etc.), orientations and life positions were lost (Barkhuizen: 2016).

In 2017 the Federal Center decided to transfer the study of regional languages at schools on a voluntary basis. The question about the study of native languages caused a significant response among the population of national republics. A.G. Bolshakov pointed out that "Mass character is explained by the fact that almost all parents who have children of school age were involved in campaigns "for" and "against". However, if other relatives of pupils (grandparents, etc.) are added to the number of these parents as well as school administrations and teachers, it turns out a significant part of the population of Tatarstan with an "active position" (Bolshakov: 2018, pp. 78-85). It is possible to establish a parallel with the 20th century, as the reform of school language education of 2017 partially copies the reform of 1958 done in the USSR. In the Soviet Republics, all parents had the right to choose between the national school and the Russian school for their children's education. According to researchers, this measure reduced the number of language students in the Union Republics and parents chose a language that would provide a better future for their children in certain conditions (Alpatov: 2000). Learning the Russian language for successful passing the Unified State Examination and entering a more prestigious University is a significant factor for strengthening the Russian language position in school education, regardless of the region. Moreover, it is necessary to say that

awareness of the danger about the disappearance of minority languages in Russia and the growing demands for changes in language policy led to an aggravation of the situation around the development problems, study and use of languages in the constituent territories (Marusenko: 2017). It put at the core of identity loss as well and, as a consequence, disappearance of minority peoples, small groups, ethnic, religious and cultural minorities. Awareness of social responsibility for the future of the native language, for the fate of peoples, increasing personal motivation in learning and use of the native language and culture are the basis of self-organization of indigenous peoples and the manifestation of self-identification. This is due to the fact that it is quite difficult to find forms and ways of implementing language policy, satisfying all political factors and social groups.

Belonging to a particular ethnic community are studied with the help of two concepts in science: Tajfel and Turner's theory of social identity (Tajfel, Turner: 1985); and Berry's model of two identity dimensions (Berry: 1992). Tajfel and Turner put forward social identity and a general psychological principle which is associated with the differentiation of categorized groups. In search of a positive social identity and individual or group strives to define a sense of identity, to stand apart from others and to assert its independence. Based on the theory of social identity, Giles and Johnson examine the language role in interethnic relations and develop the concept of ethnolinguistic viability (Giles, Johnson: 1987). The status of language, some demographic characteristics, institutional support and other factors impacting the group's preservation of its own language as a viable means of communication are analyzed in this concept. This concept can be considered within the framework based on problems of identity and linguistic identity as an objective reality related to the search for ways to analyze national consciousness.

National self-consciousness is understood not only as national self-determination (identification) but as ideas about people (stereotypes) as well, its origin, historical past, language, culture, including traditions, norms of behavior, customs, art and what we can refer to the image of "we" (Drobizheva: 1991, pp. 26-38).

Ethnic feelings and the desire to preserve identity are rooted in the historical peoples' consciousness. The language system is a product of the historical development of the ethnos and is closely related to genesis and history. Based on the discussion mentioned above, language identity is understood as one of the varieties' social identities connected with ethnic and cultural identity as a whole.

One of the identity aspects deserving of special attention is the role of Tatar and Russian languages in the Tatarstan Republic. Many Tatar-speaking citizens proudly defend the learning Russian language as well as Russian-speaking citizens, and they associate it not with the ethnic origin or language practice, but with citizenship. However, public discourse shows very different opinions about the influence of identity choice on the language practice of society. While supporting a free use of the Russian language, most Tatar people wish to promote the development of their national language, which they perceive not only as of the language of the State apparatus but as a national attribute as well (Derwin, & Jackson: 2018).

This posed a dilemma of language policy in Russia. The dominant position of the Russian language is an incentive for the mass inhabitant of the regional ethnic groups to refuse from the regional language learning in favor of Russian language learning. This statement is true for large industrial urban centers as there is no necessity to know the regional language for comfortable everyday communication. Since the Unified Russian State Exam is obligatory for entering the leading universities of Russia, motivation for learning the Russian language is increasing. Is not it better to spend energy on Russian language learning for the successful passing of the exam and not to spend time and effort on regional language learning, which has a limited range of users? This shows some degree of motivation of large cities' residents in the national republics of Russia.

The problem of identity is connected with the identification process (Ashrapova: 2018). Any form of identity (linguistic, ethnic, and civil) can overlap in Russian, but the peoples of language minorities in the Russian Federation do not mix them, and identities are represented differently due to the fact that people identify

themselves primarily by language and culture. There is an understanding that it is necessary to learn Russian and foreign languages. Minority languages remain a lower priority. Although minority peoples identify themselves with the people through language, identification comes out through the ethnic component rather than through the linguistic component. But this does not reveal the degree of language proficiency, that is, identity is determined primarily by the language preference rather than its real use. Many researchers believe that a language plays an important role in national and ethnic differentiation, as there is the influence of some community's spiritual existence, a sense of mutual complementarity and difference from other nations and ethnic groups.

CONCLUSION

The question of preserving the native language for each nation is preserving identity and traditions (Ashrapova: 2015). Nowadays in the Republic of Tatarstan, Tatars are a group for which the mastery of the Russian language facilitates the perception of the second culture and the knowledge of conflict-free interaction with members. In addition, it has no risk of losing the language and culture, in other words, it is a risk of assimilation.

The complex overlap of languages and identities, the demands of ethnic groups for the realization of their group rights, attempts to provide state legislation into uniformity of the globalization processes and the aspirations of national states to protect their sovereignty through the mechanisms of identity formation are the factors in strengthening of linguistic contradictions, leading to conflicts at different levels.

At the beginning of 2019, the current language situation in the Russian Federation is unstable. The solution of the dilemmas requires a significant revision of the language policy in Russia. In our view, the biggest challenge is that Russia, as a great state, is characterized by spatial heterogeneity, therefore it is impossible to develop a unified language policy program. Consequently, it will be a difficult road ahead to develop a concept that would take into account the interests of all sides, for instance, the Federal Centre and various ethnic groups.

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Marxism in the modern world: social-philosophical analysis *El marxismo en el mundo moderno: análisis socio-filosófico*

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ABSTRACT

The paper concentrates on resolving the question: is it possible today to be guided by Marxism as an instrument of social transformation, is this teaching capable of contributing to social advancement? Facts are a stubborn thing: Marxism in its completeness is refuted. But the fact of the collapse of the attempts to put Marxism into practice is not a completely convincing argument against the social doctrine of Marx. The question, ultimately, goes back to the problem of the subjective factor of the moral, theoretical, and political maturity of those who turn Marxism in actual practice.

Keywords: Marxism as a Dogma, Marxism as a Practice, Marxism and Revisionism, The Social Philosophy of Marxism.

RESUMEN

El documento se concentra en resolver la pregunta: ¿es posible hoy ser guiado por el marxismo como instrumento de transformación social? ¿es esta enseñanza capaz de contribuir al avance social? Los hechos son obstinados: el marxismo en su integridad es refutado. Pero el hecho del colapso de los intentos de poner en práctica el marxismo no es un argumento completamente convincente contra la doctrina social de Marx. La cuestión, en última instancia, se remonta al problema del factor subjetivo de la madurez moral, teórica y política, de quienes transforman el marxismo en la práctica real.

Palabras clave: El marxismo Como Dogma, El Marxismo Como Práctica, El Marxismo y El Revisionismo, La filosofía social Del marxismo.

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INTRODUCTION

In the work *Three Sources and Three Components of Marxism*, V.I. Lenin states about the omnipotence of Marxism, which he proves by fidelity to it (Lenin: 1973). There is an absolute conviction of the author and his supporters in the correctness of Marx's teachings in this statement, which allowed them to make the socialist revolution in Russia. Nevertheless, attempts to refute Marxism have never stopped (its social component is a case in point). They especially intensified after the disintegration of the Soviet Union and the entire socialist community. The situation of the Communists today, to put it mildly, is unenviable. Their electorate which has considerably thinned and greatly aged does not allow them to go into the offensive. In the arena of the political struggle of Europe, Asia, America, and even Russia, the voice of the Communists is practically inaudible. They are not only in ideological and political defense but, more important for our study is that they are in theoretical defense (today, perhaps, the figure of S. Zhizhek keeps somewhat aloof; he, with all the critical attitude to Marx, does not cease to see the force of his teachings (Zhizhek: 2009; Zhizhek: 2019). It is reasonable that some doubts are cast upon the validity and omnipotence of Marxism and, therefore, the more urgent is the need to ask again and again the question of how much it is justified.

1. MATERIAL AND METHODS

For a reasoned demonstration of their standpoints the authors used, first of all, the method of the ascent from the general through the special to the unitary and the method of logical and historical unity (AS: 2016). Their use allows (as the authors believe), on the one hand, to get away from the schematization and dogmatization of the socio-philosophical representations of Marxism, and on the other, to see its capabilities in the mirror of modern realities.

To settle doubts, we believe that it is essential to consistently answer at least the following questions: what does the correctness of Marxism mean? How to understand its "omnipotence"?

Since the authors begin their research with a quote, the explicitation of the meaning that V. I. Lenin himself intended in this expression would be logical. The first quite obvious conclusion to which a close reading of the whole work and the quoted phrase in the context of the rest of the text of Leninist work leads is that the correctness of Marxism is meant its adequacy to social realities. In other words, Marxism (in the opinion of the author of the utterance) is not an overactive imagination of its author, it is an ideal reflection of material reality (Demmerling: 2017). An analysis of contemporary bourgeois social relations based on the highest achievements of human thought in explaining the course of social development in the person of classical German philosophy, English political economy and French socialism allowed Marx to draw a fundamental conclusion about the historically transient nature of capitalism.

Moreover, the contradiction between productive forces and production relations as the driving spring of social change (ultimately) in any socio-economic formation, with the inevitability and necessity, will require, in his opinion, the transformation of capitalism into communism. The essence of the matter is that under capitalism, the increasing social capital personified in capitalism is increasingly opposing the producers of this capital – the working class as an alien, enslaving force. Expressing the increasing socialization of production, social capital comes into conflict with the power of private owners – capitalists. From the point of view of Marxism, this contradiction can only be resolved by the revolutionary transformation of the conditions of production into universal, collective, own conditions of production. And, which is fundamentally important, this transformation "... is determined by the development of productive forces under capitalist production and the way this development is accomplished" (Marx: 1987).

2. RESULTS

Since the founders of Marxism lived and worked, capitalism has undergone such bizarre metamorphoses that it seems to be outdated as a way of reproducing social relations. Nevertheless, it is not only the main way of social being in the modern world, but also remains unchanged in its essence: the growing social capital personified in the capitalist, as in ancient times, is opposed to those who create it. Many interrelated indicators prove this statement. An integrating indicator demonstrating this fact is, to a large extent, the growing financial and economic stratification of the world's population: for example, in Russia, 1% of the richest people in the country own 56% of its wealth, in the USA, 1% of this population belongs to 38% of the wealth of the state, in Germany – 32%, in Canada – 26%, France – 22%, etc. On a global scale, 1% of its richest people over the 15 years of the 21st century have equalized their well-being with the total well-being of the rest of the Earth's population (Experts have recognized inequality in Russia comparable to 1905; Davies, & Sandström: 2008; Zinchenko: 2015). An unambiguous conclusion follows from this – Marxism adequately reflects the nature of capitalism and, therefore, as a social doctrine, it is true in principle. It is in this regard that the position of Marxism is unshakable.

One more thing to bear in mind: a) since it never aspired and does not strive for such a correspondence with the reality that religious teachings claim (they, by their status, aspire to an absolutely exhaustive explanation of being), so any attempts to correct/supplement it must be treated accordingly; b) from here the assertion about the omnipotence of Marxism takes on concrete outlines – it is valid where social relations are governed by the contradiction between the social character of labor and the private capitalist appropriation of its results. In addition, none of the doctrines, however adequate to reality, is automatically realized. Even when the theory takes hold of the minds of billions of people, there is no mirror coincidence between it and social reality itself, since the theory is turned by people into practice. And, therefore, the question of who and where, when and how is based on Marxism in order to influence social processes is quite natural (Lichtheim: 2015).

In principle, the answer to this question was given by the founders of Marxism as follows: a) the proletarian movement should be led by the Communist Party b) the party is structurally divided into leadership (party leaders) and party masses (ordinary party members); c) inner-party life is built on the principles of democracy, camaraderie, criticism, and self-criticism (Marx: 1969). Compliance with the provisions of the last paragraph in real time and space was difficult and, often, was very dramatic. There was practically no time in the history of the international communist movement when the thought of R. Michels about the “iron law of the oligarchy” which negated the principles of democratic governance of inner-party life, was not confirmed (Michels: 1991). And, as a result, the practice of communist transformations mainly demonstrated two mutually exclusive approaches to solving this problem: dogmatic and subjective-voluntaristic. The first approach required a mechanical, uncritical attitude to Marxism as a guide to action, chastising, arguing that one was correct by quoting certain provisions from the works of the classics of Marxism, and any attempt to creatively use it was declared revisionism, renegade (Kitching: 2015).

Perhaps the only exception concerned the leaders of the party, and even then during their lifetime, since after death, their contribution to the theory and practice of socialism, as a rule, was subjected to revision and obstruction. The embodiment of literalism (if you will – Marxist fundamentalism) in the history of the USSR was the theory of proletarian culture, political and legal infringement, and even the persecution of citizens of non-proletarian and peasant origin, rejection of the new economic policy (NEP proposed in exchange for the policy of military communism), Stalinism, and even practice of naming people (Exchange: 2019).

The manifestations of the second approach in the practice of Soviet socialism are vividly demonstrated by the activities of party leaders: almost every new leader of the CPSU (this applies, in fact, to any Communist Party) was regarded as the coming of Christ to Earth – his figure was deified. However, just as in the first case, as long as he held power. Perhaps only V. I. Lenin, whose personality scale is so unique that the appearance of such is unlikely, managed to adhere to Marxism, creatively applying it in practice. And, since

the collective leadership of social transformations is essentially a fiction, the question arises as to the possibility of being guided by the spirit and letter of Marxism (Blyukher: 2018).

CONCLUSION

The social theory of Marxism is based on the recognition of the contradiction between the social nature of production and the private capitalist way of appropriating the results of labor as such to require the rejection of capitalism by communism. In other words, all other contradictions of the bourgeois socio-economic formation are sequent. According to the authors' well-reasoned opinion, this social project is still adequate to the social conditions of life, therefore, it is true and relevant. It also follows that all other methods of solving (non-Marxist social projects) of this contradiction are pseudo-solutions because they do not eliminate the main thing – the exploitation of man by man (Rigauer: 2000).

However, the success of the implementation of the Marxist social project in such dependence on the maturity (moral, theoretical, political, strong-willed) of the performers that a return to the practice of communism in the foreseeable future, in our opinion, is not expected. The reason is, first of all, the features of modern civilization among which the most important, in our opinion, are the following: a) material values not only dominate spiritual ones in it – worship of them has become the meaning of people's existence; it is a society of social training in consumption, i.e. an almost completely new and specific way of socialization (Baudrillard: 1998); b) the possibility of purposeful management of information flows and, thereby, endarkening people by the media has reached unprecedented proportions: today one is ahead who wins the struggle for the minds of people (Marx: 1970; Khaziev et al.: 2015; Khazieva et al.: 2017).

Anyway, when we discuss the foreseeable communist perspective, we proceed (voluntarily or involuntarily) from recognizing the existing social conditions of life as sustainable so that we tend to consider them practically eternal. However, one ought to bear in mind that the development of society is carried out not only linearly, but also synergistically. In addition, the reasons for the planetary scale may demand it as a universal need, making it impossible at least in a single country.

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Prolegomenon to the ontology of neoclassical philosophy *Prolegómenos a la ontología de la filosofía neoclásica*

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ABSTRACT

The situation into which modern philosophy falls today is fundamentally different. Conceptual changes and shifts in modern philosophical science concern not only the revision of the reality but also the explanation of new categories and principles. This paper aims to reveal the main content, reflective models and the potential of neoclassical philosophy in the context of the formation of a new ontology. For the objective to be achieved, the following tasks must be performed: to determine the modern type of determinism, to identify the fundamental principle of neoclassical philosophy, and also to determine its main category.

Keywords: Dialectics, Metaphysics, Ontology, Philosophy.

RESUMEN

La situación en la que cae la filosofía moderna hoy es fundamentalmente diferente. Los cambios sociales y conceptuales en la ciencia filosófica moderna se refieren no solo a la revisión de la realidad, sino también a la explicación de nuevas categorías y principios. Este artículo tiene como objetivo revelar el contenido principal de los modelos reflexivos y el potencial de la filosofía neoclásica en el contexto de la formación de una nueva ontología. Para lograr el objetivo, se deben realizar las siguientes tareas: determinar el tipo moderno de determinismo e identificar el principio fundamental de la filosofía neoclásica para determinar su categoría principal.

Palabras clave: Dialéctica, Filosofía, Metafísica, Ontología.

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INTRODUCTION

The postmodern form of philosophizing not only articulated apocalyptic intentions in the philosophical horizon through the explanation of “death of the autr”, “death of the subject”, “death of God”, peculiarly having continued the religious concept of the Apocalypse (Kosyakova: 2018, p. 400), etc., but also set doubt the very existence of philosophy, not only as an area of spiritual and practical activity, but also a worldview matrix through the methodological framework of “death of philosophy”. Despite the clearly negative intentions of post-structuralism that were apprehended by many researchers, it is nevertheless worth noting that the very post-structuralist paradigm was a kind of historical “response” to the “rational fascism” (P. Feyerabend) of the previous era, in which the representatives of post-modern philosophy traced epistemological beginnings of the First and Second World Wars. The conceptualization of radical humanism in the works by poststructuralists, despite its importance for the formation of theoretical justification for the culture of the new era, gave rise to a dialectical opposite, turning “rational fascism”, according to P. Feyerabend into “irrational fascism”.

The epistemological foundations of the post-structuralist paradigm have also fundamentally changed the approach to philosophy and philosophical work, in accordance with its internal correlations between methodological settings. And if the classical philosophy of the modern era preceding poststructuralism was wrapped in a scientific form, then thanks to postmodernists’ ability, philosophy turned out to be reduced to the literary genre, with all the aspects and forms of expression characteristic of it. After-postmodernism, as a late (modern) stage in the development of postmodern philosophy, closes the hermeneutic circle of post-structuralist rhetoric in the context of the classical attitudes of the philosophy of the postmodern era, articulating the general methodological setting - “death of the subject”, as the “crisis of the subject” and the need for its “resurrection” through various variations within the post-structuralist discourse itself. There, the cognitive circle of poststructuralism closed on its basis, making itself, once open postmodern discourse, enclosed.

1. MATERIAL AND METHODS

Despite the fact that in modern Russian philosophy, the main reflective and methodological vector of studies of the fundamental foundations and various fluctuations is poststructuralism and after-postmodernism, with their inherent methodological settings of anti-system, paralogy, irrationalism and general post-apocalypticism, in modern philosophical discourse a new request for the formulation and development of a new philosophical system begins to form.

2. RESULTS

The development of civilization cannot be grounded and ontologically associated only with the development of philosophy. Philosophy is always a reflective return to an era, its mirror, in which processes and phenomena acquire not only the status of speculative categories and concepts but also serve as the basis for constructing a universal explanatory model that combines the essential elements of a picture of the world. Classical philosophies explicate a world view in a concrete historical period of formation and development in logic consistent with time itself, with all its ontological characteristics.

The classical picture of the world was characterized by the presence of rigid causal relationships, a generating linear nature, which led to the identification of cause and effect, total retro-predictability and predictability (Demitrievskaya: 1994). As a vivid example of an enclosed predetermined picture of the world, one can cite a schematic representation of being from the manuscript book of the 12th century *Thorney Computus*. In the center of the universe there is a man, which is indicated by the first four letters agglutinating

into the words "ADAM", which also symbolize the geographical sides of the world. The diagram shows the four main elements – Terra, Aqua, Aer, Ignis, zodiac signs, wind directions and moon cycles and various stages of human aging.

Despite the epistemological gap between the eras of Antiquity, the Middle Ages and the New Age, there is no need to talk about the fundamental differences between these pictures of the universe, since each of them is rigidly determined by the Absolute, expressed in the Cosmos, the will of the Gods, the figure of the demiurge, the Christian God, the figure of Jesus Christ. The picture of the world, proposed by scientists and philosophers of the New Age, does not fundamentally differ from previous variations since the figure of the Absolute in the form of God is still present, but it has a different role that is most consistent with the stagyrite *primum mobile* than the religious God.

The world, presented and proved as a complex and ingenious mechanical system within the framework of general mechanistic logic, could not be the beginning of itself, and could not function without the first impulse. The doctrine of mechanistic creationism, of course, represented the very world to be more complex and complete in comparison with Antiquity and the Middle Ages, rationally comprehended and predictable, but still could not exclude in the ontological sense the mystical figure of the Absolute. This was the next step, but in that time period, the knowledge of philosophy and science did not allow for this. In a certain sense, mechanism and mechanistic intentions in philosophical doctrines were also intrinsic to brilliant dialectic G.V.F. Hegel and K. Marx, F. Engels and the entire Frankfurt school.

Postmodern philosophy rather vividly responded to ontological issues, which was clearly expressed in classical philosophy, although it did not have a built-up post-structuralist conceptual ontology, which is determined by the internal structure and epistemological principles of postmodern reflection itself. In the framework of the dialectical approach to the historical process, it is simple enough to imagine poststructuralism to be the antithesis of the previous era. Post-structuralist philosophy is characterized by a semiotic explication of the objective reality *per se*, its extrapolation in a cultural, artistic, hyperbolic and metaphorical sense. J. Derrida articulates being as something transcendently signified, which deprives the very existence of its existential status. In general, poststructuralism decisively destroys any approach to the problem of being through its concepts and methodological guidelines of "empty sign" (R. Barthes), "onto-theo-teleo-phallo-phono-logocentrism" and the "metaphysics of absence" (J. Derrida). The elimination of ontological principles, the destruction of the horizons of objective reality, was designated by the being of every man.

The radical humanism of poststructuralism, in the manner peculiar to it, radicalized the figure of "human", indicating a new "anthropological turn". Metaphorically post-structuralist conditional "ontology" and "picture of the world" can be compared with a broken mirror, which the very person peers into. He fails not only to notice the whole picture in these fragments, but also observes in them only his distorted, not-top-to-bottom reflection. This gives rise to a new turgor of creative energy, total freedom, but already limited by the framework and conditions of irrationalism, any rationalism could be recognized as retrograde. Thesis and antithesis, according to dialectics, in their unity and struggle give rise to synthesis. The result of this synthesis is a neoclassical picture of the world which underlies the ontology of neoclassical philosophy.

The neoclassical philosophical picture of the world is not based on the principle of the ontological gap between the old and the new, thereby delimiting itself from previous eras, their ideas, and attitudes, which was characteristic of previous philosophical models. The epistemological formation of the neoclassical picture of the world is based on the synthesis of the entire heritage of the past, as well as modern achievements in the field of natural science. The Gordian knot of articulation of a new epistemological matrix appears to be a synergistic approach, as a more developed form of dialectics. One of the immanent principles of the neoclassical philosophical picture of the world is a conscious rejection of the rational and irrational "fascism", both in the ontological and anthropological aspects. There is a "dis symbolization of the Absolute" (Krasnov: 2017, pp. 734-738), a full realization of the uniqueness and oneness of a person – the total

objectification of “unhappy consciousness” (Hegel: 1913), but on the scale of the whole being.

Being itself within the framework of a neoclassical cognitive strategy does not seem finite and predetermined, open or closed. Being itself, represented as a complex, unified system, where all the elements of an inorganic and living nature (from the vacuum level to the mega level; from the molecular to the biosphere level) are in a constant and inextricable relation to each other. The issue of “closeness” and “openness” of both the whole picture of the world in a theoretical and epistemological mode, therefore, of all being and of individual elements of being from infinitesimal to infinitely great, is solved by neoclassical philosophies as follows.

Being itself is described as a system of “open-closed” type. First of all, we note that from the methodological viewpoint, the postulation of a system of such an antinomic nature means the rejection of one-vector / one-dimensional thinking, which was characteristic of classical West European metaphysics, as well as the philosophy of poststructuralism. The theoretical potential of the categorical link of “openness” and “closedness” is seen, first of all, in the fact that each element of being is articulated as individually existing, in all its integrity, uniqueness and interconnection with other elements. Each phenomenon of the universe is simultaneously “closed” and “open”.

A new model of thinking is being conceptually formed: any phenomenon, essence, phenomenon is simultaneously “open” to each other, in the aspect that they are all in constant and continuous “interaction – relation” with each other, but at the same time, preserving their temporally unstable integrity in the process of movement and development, constant formation in one way or another, are articulated as “closed”. The cognition of being as the dominant methodological installation of the philosophy and metaphysics of the new time acquires a truly philosophical significance, but not in cognition that appeals to the total emancipation of the mind and its dictate, but in understanding the very causality of being, determination (O’boyle & McDonough: 2015)

The preceding types of determinism in the history of philosophy and natural science were determined by the prevailing picture of the world, the cognitive potential of science itself, and the belief in the inexhaustible power of reason. A consistent criticism of such an ideology was first discovered in the metaphysics of I. Kant. The poststructuralist type of determinism is conditional since any theoretical and logical “rigidity” of the speculative construct contradicted the fundamental foundations of the philosophy of the postmodern era, but the development of poststructuralists in this area found its application in neoclassical philosophy: “... recognizing the existence of “determination sites” (plateau) in the general course of “indeterminate process”, this lays some foundation for the theory ... of the modern neoclassical type ...” (Menchikov: 2014, pp. 10-17).

Poststructuralism in the logic of its eternal contradiction with classical philosophy began the development of immanent determinism. At the heart of the neoclassical type of determinism, several modal attitudes are revealed – fractality of being and realism. The concept of fractal and fractality as a universal property of nature came to the philosophical theoretical and methodological tools from the works by French mathematician B. Mandelbrot (Mandelbrot: 2002), who proved the possibility of extrapolating the fractal theory not only to the objects of nature and natural processes, but also to socio-economic phenomena (Mandelbrot: 2005). Fractality, as a fundamental principle and ontological property of all elements of being, extends the understanding of the emergent properties of the entire whole system. Mandelbrot set, a fractal is revealed in the ontology of neoclassical philosophy in the context of understanding the self-similarity of a part to the common whole.

Here you can see that the general features of the theory of fractality are combined with holistic tendencies in classical ontologies (Aristotle, G. Hegel, K. Marx, F. Engels, J. Smarts, J. Haldane, E. Husserl and others), and get further development within the framework of neoclassical philosophy. Note that fractality, as a general cognitive principle, also allows for taking a different look at the existential human nature of a person, for example, in the field of creative realization, in which a person in the process of creation objectifies his self into an object-subject of his creative work (MacGregor:2015).

Today, within the framework of the theory of fractality, several general approaches are found within the framework of which an understanding of the mechanism of internal interaction, the correlation of the very fractals is being developed: "... autopoiesis" (the phenomenon of the reproduction of life inherent in being); "clinamen" (the phenomenon of deviation of atoms from its vertical line by nothing outside, the phenomenon of self-motion at the micro-level); "anthropic principle" (accidental indispensable presence of a human phenomenon)." Fractality allows one to think of being itself as a self-conscious, rational, objectified, infinite, uncreated whole. In this vector of thinking, one can find an interpretation of the ancient **νοῦς**, to which Anaxagoras, according to Aristotle, "attributes both qualities: cognition and movement" (Eksmo: 2015, 448).

A realistic "turn" in understanding the neoclassical type of determinism overcomes the antinomic oppositions of transcendence and immanentism, governed by the principle of self-organization of being, as an independent self-moving single system, conditioned by the very synergetic picture of the world, in which the binary ontological opposition of "external" and "internal" is also destroyed. The properties of which can be (only conditionally) attributed to finite objectified temporally stable (but relatively stable) phenomena, in which, like the whole being, self-propulsion is inherent (Menchikov: 2016, pp.14-16). And if we refuse the omnipotent power of the mind in respect of the methodological aspect, thereby avoiding super-rationalistic intentions, then we are forced to admit that being is "necessary-random".

A methodological nerve of the synergetic picture of the world lies in this ontological link "necessity-randomness", because by introducing the properties of being "necessary-random", we find it in conjunction with other concepts of synergetics – fluctuation, attractor, bifurcation, nonlinearity, dissipation. Metaphorically this property of being can be expressed in this way: everything random is necessary, everything necessary is random, after the manner of the famous Hegelian expression "Everything real is rational, everything rational is real" (Hegel: 2007, p. 464). Otherwise, we refuse self-determination to beingness itself and again find ourselves in the methodological impasse between transcendentalism and immanentism. So, the human genesis in being is "necessary and random" at the same time. P. Teilhard de Chardin, aphoristically remarked that "Man entered the world silently" (Chardin: 1965, p. 296).

The existence of man in the world was not a shock to the world itself. Man has always been a natural part of the universe, he is not the crown of Creation but has his own uniqueness like every element of being. All elements of being are in a relationship, which we have mentioned several times, their mutual mediation and co-existence cannot but cause various changes in each other. Being, as noted by M. Heidegger, appeals to man, and man, even by the fact of his observation of individual elements of the universe, influences them. This is evidenced by the anthropic principle, developed until recently, mainly in cosmology by A.L. Zelmanov, G.M. Ildis, B. Carter. The fundamental thesis of the anthropic principle in its strong formulation reads: "Observers are necessary for gaining the Universe of being" (Wheeler: 1977, pp. 27-43).

The very fact of the importance of the observer is shown by quantum physics – the Einstein-Podolsky-Rosen Paradox (EPR). It is connected with the experiments in understanding the mechanism of wave-particle dualism. The essence of the paradox itself is outlined as follows: the screen is bombarded with elementary particles through a plate with a slit. Without observing the very elementary particles, an interference pattern formed on the screen, i.e. particles behaved like waves, but when observing the passage of the particles themselves through the gap, the particles themselves behaved as single isolated elements.

One of the most common theories in physics explaining such a strange phenomenon that does not fit into the classical determination laws of natural science is the Copenhagen interpretation by N. Bohr and V. Heisenberg. The EPR paradox which challenged the truth of quantum mechanics but was ultimately refuted by J. S. Bell's theorem. For our study, this observation is enough to suggest that the observer himself is fundamentally important for life, and even the fact of simple contemplation, observation of individual elements of the universe is sufficient to influence the whole system. Thus, a person within the framework of neoclassical philosophical reflection is "...an involved observer. The involvement of the observer is manifested in the observer's being inseparable from the observed. Since man is a creation and extraction of

the same post-existent being, then being, in fact, observes itself through man" (Menchikov: 2016, pp. 14-19).

CONCLUSION

Man is ontologically important not only for himself but also for beings. From this perspective, the clarification of the new ontological status of a person raises the question of his "thinking" as a unique and complex system. And, if we represent uniqueness as a qualitative characteristic into the very being of a person, his ontological significance and importance but at the same time recognize him as an equal element of being, answering his "call" (M. Heidegger), then the existential side of human beings becomes fundamentally important in the framework of neoclassical philosophy. But along with the existential dimension, another question arises – the identification of the nature of life as a fundamental category of the neoclassical ontology (Loux & Crisp: 2017).

As the main prolegomenon to identify the essence of the phenomenon of life, of the living, it should be noted, first of all, that thinking in the context of binary oppositions is "animate-inanimate", although it is attractive in its recognizability and simplicity of methodology and thinking, however, it is not true for neoclassical philosophy. Being as a complex constantly transforming the system, within the framework of which an uncountable number of interactions occurs at each moment of time, the "animate" and "inanimate" are temporally unstable and transforming into "their different" phenomena. Rigid determinative thinking can lead either to biological pan determinism or to religious creationism.

The essence of the animate is that "... the signs of the animate show that the animate is eternal (tantamount to being), but exists in its various levels, forms and conditions: from a minimized living or seemingly dichotomous approach to an absolutely unfolding living – of man" (Krasnov: 2017, pp. 734-738). Thus, the very being appears before us in the form of a constant transition from the living and nonliving states, while pointing out more and more to the central nerve of the whole ontology of neoclassical philosophy – the problem of life not only in its ontological, essential dimension, but also as an existential problem. Until the 20th century, the existential angle of philosophical reflection had not been so clearly expressed. Of course, the source of the very idea of existentialism in philosophy was the theme of "unhappy consciousness" by G. Hegel, articulated first by him in "The Phenomenology of the Spirit" (Hegel: 1913, p. 376).

This topic is relevant to this day. L. Heide did not indisputably but quite convincingly suggested that the theme of G. Hegel's unhappy consciousness directly correlated with the Hegelian idea of "death of God" (Heide), implying a complete loss of illusory, transitory ideals, a new openness of human consciousness to the world and society, in which it, comprehending its loneliness, must take responsibility for itself. This topic is directly connected with a new form of objectification of the phenomenon of unhappy consciousness, and not within the framework of the social, but on the scale of all being. The existential dimension, once inherent only to man, is revealed as inherent in all being. This is in keeping with the fundamental ontology of M. Heidegger, in which the German philosopher directly pointed out that the theme of existence and being are inextricably linked: "man is a pastor (shepherd) of being" and "man is the gleam of being" (Heidegger: 2003, p. 503). And if we consider a person to be equal to all being, the existential dimension, firstly, becomes the universal property of the whole universe, secondly, existential needs are understood as the force that drives a person, and thirdly, the universality of existentialism and the themes of the living and anthropic principle in the respect of theoretical aspect give rise to the change in the fundamental question of philosophy: the ratio of being and nonexistence (Barrow: 2007).

Modern technologies are at such a level that they can destroy the planet in a matter of minutes. The global problems of our time are also not the fruit of speculative thinking, but every day they are gaining more and more piercing and terrifying forms and scales. Therefore, a person who is conscious of himself, identifying

himself with the entirety of being, must assume responsibility and solve not only existential problems of a personal nature but the problems of being itself, the source of which, among other things, is human life.

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Genesis problem of philosophical thought in spanish historiography *Problema de génesis del pensamiento filosófico en la historiografía española*

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ABSTRACT

The paper concentrates the reader's attention to the origin and development of the Spanish historic-philosophical tradition. The paper introduces the names of outstanding researchers and their direct mentors in the suggested scientific area who gave a certain impulse for investigating a philosophical thought in Spain. Special attention is paid to the main academic centers that contributed greatly to the Spanish history theory of philosophy and rational thought as a science, revealing their characteristic features. Finally, the paper centers around a challenging dilemma for the Spanish intellectual elite whether to protect the idea of national philosophical thought or to deny it.

Keywords: history of philosophy, philosophy and literature, Spanish Historiography, Spanish philosophical thought.

RESUMEN

La formación de la nación civil es la tarea más importante para cualquier estado relacionado con la identidad totalmente civil. Rusia enfrenta serios problemas etnoculturales relacionados con la formación de la identidad lingüística y la identidad civil. A nivel teórico, este trabajo investiga la cuestión de los factores importantes de una política lingüística equilibrada en los estados multinacionales y la preservación de la identidad lingüística. La dimensión lingüística de la globalización tiene en cuenta la política lingüística constructiva con respecto a las lenguas de las minorías nacionales y las formas destructivas de interacción lingüística causadas por la economía y la política.

Palabras clave: Identificación, Identidad Lingüística, Política Lingüística, Nacionalidad.

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INTRODUCTION

The words of the title of the article manifest the appeal formulated by the outstanding Spanish thinker M. Menéndez Pelayo. It stands to reason that the problem of origin and genesis of the philosophical thought of Spain is still relevant. However, Russian studies on it are still lacking. Analyzing the history of the Spanish philosophy, the Russian Hispanists find debatable a question of its existence. O.V. Zhuravlev, omitting the unambiguous answer to it, nevertheless points out several characteristics of the phenomenon. He notes the application complexity of the definition "philosophy" in relation to the Spanish thought and emphasizes the "fundamental value" of both a literary and general cultural context for its formation. A.V. Sokolov and L.E. Yakovlev claimed that "the philosophy is understood in Spain not as a science, but as the special way of responsible asking about meaning of life and the truth of each person penetrating all areas of spiritual culture" (Sokolov, & Yakovleva: 2003, pp. 34-52). S.G. Semyonova argues throughout the idea that "... thinking in images, then thinking in concepts has always been characteristic of the Spanish culture. At all times the function of philosophizing belonged to Art" therefore "in this regard it is possible to speak about some substitution of philosophy for literature" (Semyonova: 2005).

Considering characteristics of the Spanish philosophical tradition, the Russian researchers mark out the following features:

- Influence of Catholicism caused the development of the Spanish thought throughout the most part of its history (Zhuravlev: 1992; Sokolov, & Yakovleva);
- "Continuity of the world and the human, personality, and existence – from Unamuno's existentialism to the Spanish Marxism" (Yakovleva: 2011, pp. 313-324);
- "Substitution of philosophy for literature": "... in Spain, the country almost without secular philosophy, was at all times literature took on the function of philosophizing" (G.S. Semyonova) (Semyonova: 2005).

The marked differences could be settled owing to further studying of viewpoints and tendencies in historiographical tradition of Spain. The article aims to analyze the views of the Spanish intellectuals on the process of philosophical thought formation in their country.

1. MATERIAL AND METHODS

Research main objective is to present the main tendencies in studying the Renaissance in Spain, the following approaches have been applied: system analysis approach, comparative and retrospective analysis. Simultaneously, the authors based the research on the following principles:

1. The principle of historicism (taking into account the historical context when studying the phenomenon);
2. The principle of objectivity (consideration of a phenomenon within its complexity and discrepancy);
3. The principle of integrity (each phenomenon is regarded as a system of the interconnected elements)

2. RESULTS

In the Spanish science, the history of philosophical thought has been widely investigated. There is a number of works devoted to this question, among them the most known are J.L. Abellán, J.A. Maravall, G. Fraile, G. Díaz Diaz, A. Guy.

1. Modern science has differently identified the appearance of Spanish philosophy. H. Saña Halcón (the author of the monograph "Historia de la filosofía española") carries up the beginning of philosophical tradition of the Spanish people to the Roman Conquest and gives such names as Seneca, Trakhano, Marko Valerio

Marcial, Marko Anneo Lucano among the first Iberian philosophers, diachronically tracing the development of the Spanish philosophical thought through centuries, up to the present (Saña Halcón: 2007). A similar chronological sequence can be met on pages of the monograph of another famous researcher, M. Mendez Bejarano (Méndez Bejarano: 2014).

2. A number of researchers refer to the emergence of the philosophical tradition in Spain to the end of the XIX-th century, with its first representatives belonging to the generation of '98. The ancestor of history of philosophy of Spain among the representatives of this group is considered to be M. Menéndez Pelayo, recognizing this defender of the Spanish national tradition.

3. Finally, there is a point of view denying the existence of the Spanish philosophical thought, giving a priority in this question to European philosophers.

The issue of the place of the Spanish philosophy in a universal panorama had not been raised up to the 19th century. Nevertheless, it became an important issue for discussion in its second half and developed into a polemic. One group of scientists denied the existence of philosophical tradition in Spain (Antonio Perez) while another one supported the opposite idea. (M. Menendes Pelayo). This question was actively discussed in the scientific community of Spain and today is still relevant.

In the literature, several theories have been proposed to explain the existence of philosophy in Spain as a science, considering it either in positive or in a negative way. Those who deny the fact of the existence of the Spanish philosophy put forward various arguments: the existence of confessional absolutism that averted Spain from the European rationalistic movement; lack of national philosophy at large; a number of philosophers reduce the Spanish thought to scholasticism. The Influence of the Catholic church on all spheres of life resulting in that the Spanish philosophical thought differs in its commitment to the scholastic doctrine and Thomas Aquinas and Francisco Suarez's ideas. Consequently, it turned into a division of philosophers into supporters of the traditional doctrine and followers of modernism. In the light of this fact, the question of the attitude towards tradition is rather painful for the Spanish philosophical thought. Most of the previous studies mention the lack of continuity in the Spanish philosophical tradition that is expressed, as a rule, in criticism of the past.

With this background, it is possible to speak, at least, about three directions in the formation of the Spanish philosophical thought (Aballán: 2000).

The first point of view supported by M. de Unamuno and his pupils consists in the denial of the existence of Spanish own philosophical thought (as the country which has dropped out of the general context of the historical development of Europe). They characterize national Spanish philosophy as "tonal vision of the world through an ethnic temperament" (Unamuno: 1967, 1161-1162). The followers of this direction regard Europe as a reference model, approving marginality position of Spain in comparison with the leading European powers and, therefore, need for Spain to follow on the all-European way.

The author of another point of view is M. Menendes Pelayo. According to it, the national spirit of Spain is perceived as a peculiar idea, and philosophical search of the Spanish thinkers is of special value both for the Spanish people, and for Europe, being a source of true wisdom. One of the representatives of the direction H. Saña Halcón is in favor of the idea of a special form of philosophical thought and the Spanish exclusiveness. This tendency is presented in the radical idea of "his painted" (Ramiro de Maeztu) proclaiming the Spanish way of philosophical and historical development as the only true one.

The third direction associated with the name of J.L. Aballan assumes synthesis of national philosophy and the all-European philosophical tradition (A. Pintor-Ramos).

Analyzing the history of the Spanish philosophy, H.L. Aballan agrees with M. Menendes Pelayo that interest in the history of national philosophy was caused by aspiration of the Spanish people to self-identification. According to him, the philosophy in Spain exists in the specific form that does not meet the standards because of "special features of its historical development". Respectively, to define this national

phenomenon he suggests using a category of philosophical "thought" or "outlook" (Aballán: 2000, pp. 305-311).

While studying the interaction of scientific history and socially-focused description S.I. Malovichko proposed a method of defining points of interaction activation in order to trace back the emergence of interest of Spaniards in the history of national philosophy (Malovichko, & Rummyantseva: 2013).

It was M. Menéndez Pelayo who trying to "restore the memory of the Spanish wise men" (Laverde: 1876, pp. 3-17) gave a certain form to heretofore-chaotic ideas of national philosophical thought. The uniqueness of its doctrine consists in an attempt to investigate the historical roots of the Spanish philosophical thought not from the aspiration to go back to times gone, but in search of ways of self-identification. The purpose of M. Menéndez Pelayo is to "learn a sacred city that gave you birth with filial love and to compare it to other cities with their walls before us" (Menéndez Pelayo: 2002, p. 385). At the same time, he understands the formation of the national identity of Spaniards in close relation to the Catholic Church. A. Bonilla y San Martín, who has a similar, but more neutral from the nationalism point of view supports his ideas.

Undoubtedly, one of the main sources of investigating the essence of the Spanish philosophical thought is literature. Saña Halcón E. notes: "National literature is based on philosophical standpoints, from Jorge Manrique and Unamuno's creations to famous "Don Quijote" of Miguel de Cervantes". At the same time, he puts an art form of philosophical search embodiment above philosophical traditions of the European countries criticizing them for abstract reasoning, "the simplified reductionism of empiricism and geometrical rationalism" (Saña Halcón: 2007, p. 129). Thus, the Spanish intellectual tradition acts out as an unfairly underestimated advocate of freedom suffering for the unwillingness to obey to formal rules of the European thought.

To summarize, it is possible to conclude that the philosophical thought of Spain exists in a peculiar speculative form and it is closely connected with the religious and cultural development of the state. What does the nature of this phenomenon consist in?

R. Menéndez Pidal characterizes the Spanish philosophy by the inconstancy of development, the abundance of elevations and depressions, rejection of new, excessively developed religious feelings, remaining blind to foreign creations for fear to lose native originality and idealization of tradition (Menéndez Pidal: 1960). Later J.L. Abellán summarized R. Menéndez Pidal's position as follows: he said that the specific nature of the historical reality of Spain, on the one hand, and its religious character on the other exerted influence on philosophy and outlook of its people (Abellán: 1979).

The interest of researchers in the history of the Spanish philosophical thought caused the emergence of the relevant academic communities. Alongside with growth of interest philosophical faculties at the universities of Spain began to appear. The first of them was opened in the middle of the XIX-th century within the project of modernization of Spanish society (Mora García: 2000). However, the department of philosophy of history and history of philosophy of Spain actually started its work only in 1936 (headed by Rafael Calvo Serer). It clearly shows the fact that the process of adaptation of the history of philosophy in the scientific community was gradually on the rise.

This tendency could be observed in relation to research interest as well. The first works mentioning the Spanish intellectual tradition appeared at the beginning of the XX-th century, and they were mostly encyclopedic. The works of M. Mendez Bejarano, A. Bonilla y San Martín, J. Carreras y Artau, M. Solana González-Camino, M. Cruz Hernandez was published later. Nevertheless those works were still insufficiently complete as "for the description of our (Spanish – N.A., G.M.) philosophy were used the methods and criteria applicable for general history of philosophy which in application to our (Spanish – N.A., G.M.) realities distort and misrepresent it" (Aballán: 2000, pp. 305-311).

The turning point in studying the Spanish philosophy in Spain is directly connected with J.L. Abellán who started investigating the world outlook roots of the people. He laid the foundation for studying scientific schools and directions of the Spanish philosophy:

1) Universidad Complutense de Madrid School. Its direct inspirers were J.L. Abellan, and later A. Jiménez. In addition, it should be noted that its origin went back to earlier scientific communities of this university. (J. Sanz del Río and its followers, a circle of followers of J. Ortega headed by the philosopher).

2) Universidad Autónoma de Madrid that proposed its own concept characterized by an attempt to connect scientific thinking with historical research. Its founders were Diego Nuñez and Pedro Ribas.

3) The University of Salamanca carried on a tradition of Miguel Cruz Hernandez in the name of his follower Antonio Herida. It takes into account modern traditions and attempts to trace their tendencies to the past. There is some typical feature of this school: the ideological pluralism, commitment to Catholicism and a wide research field including literary and mystical elements.

4) The fourth direction is connected with the University of Oviedo and the name of Gustavo Bueno Sánchez. Its characteristic features can be described as a hard philosophical position in comparison with Krauzizm ("filosofía dura") and it is more likely close to the scholastic tradition of Zeferino González.

Considering the situation which has developed for the last century in such segment of modern Spanish philosophy as its history it is quite evident that the research has shown the increased interest in studying of obviously insufficiently investigated philosophical tradition throughout all history of Spain (Mora García: 2000).

Finally, the peripeteia on the way of the Spanish philosophy development led to the fact that entering the 1970th years, Spanish thinkers met a challenge of choosing between the denial of historical and philosophical thought of Spain and attempt to restore the history of domestic thought appealing to archives and analyzing the received material. In this case, it turned out that to argue on traditional Spain without habitual stereotypes is quite a difficult task. M. Menendes Pelayo, speaking about the place of the historical past in modern life, emphasized that new knowledge does not mean the returning to the past times, alternatively, it is necessary to explore the history and use this knowledge.

CONCLUSION

Summing it all up, we come to the conclusion that all points of view on the situation in the field of history of Spanish philosophy today are quite ambiguous. According to J.L. Abellan, "... the discipline is still not quite healthy; in other words, it is trying to protect itself from attacks and continues winning without severe losses" (Aballán: 1974, pp.193-216). Meanwhile J.L. Mora García claims that J.L. Abellán's data have already become outdated and the situation has somewhat changed for the better today, "concerning of study guides, teaching materials, monographic researches (individual bibliography) and themes though there is a lack of critical editions of many Spanish classics" (Mora García: 2000, pp. 1-14).

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Features of physiological processes in migrants and indigenous population of Ugra (Russia)

Características de los procesos fisiológicos en la población migrante e indígena de Ugra (Rusia)

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ABSTRACT

Amid the climatic and geographic conditions of the Northern territories, the human body, especially from migrants, is influenced by unusual, excessive and harsh environmental factors that are irrelevant to its nature. The current situation shows that the social and economic losses that entail conditions associated with a decrease in the population adaptability, especially non-indigenous, leads to the need not only to study the mechanisms of physiological changes in the residents of the Northern regions, but also to find ways to prevent diseases in the descendants of migrants living in the North of the Russian Federation.

Keywords: Indigenous Population, Migration, Physiology, Public Health.

RESUMEN

En medio de las condiciones climáticas y geográficas de los territorios del norte, el cuerpo humano, especialmente el de los migrantes, está influenciado por factores ambientales inusuales, excesivos y severos que son irrelevantes para su naturaleza. La situación actual muestra que las pérdidas sociales y económicas que conllevan condiciones asociadas con una disminución de la adaptabilidad de la población, especialmente los no indígenas, lleva a la necesidad no solo de estudiar los mecanismos de cambios fisiológicos en los residentes de las regiones del norte, sino también encontrar formas de prevenir enfermedades de los descendientes inmigrantes que viven en el norte de la Federación de Rusia.

Palabras clave: fisiología, Migración, población indígena, salud pública.

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INTRODUCTION

Expanding economic activity in the Northern territories of the Russian Federation, including Khanty-Mansiysk Autonomous Okrug – Ugra (KHMAO-Ugra) over the last decade has led to a significant change in the structure and region's population growth. Thus, according to official open-source data, the resident population in the region over the past decade has shown an exceptionally constant growth trend (data obtained from the portal: <https://depsr.admhmao.ru/statisticheskaya-informatsiya-/informatsionnyy-demograficheskyy-byulleten/>). However the urban population in the region is 92.3% of the total resident population of the autonomous okrug, the rural population –7.7% of the total resident population (data for the beginning of the year). With that, the aboriginal population, represented by three following ethnic groups – Khanty (1.3%), Mansi (0.8%), Nenets (0.1%) is only 2.2% of the resident population.

The migration rate over the last three years shows that population growth occurs both due to natural increase and due to migration inflow. However, to date, there is a situation in KHMAO-Ugra when migration flow rate into the region is getting its constant values, and population growth is due to the local population, with most of those being migrants and their descendants. With that, considering the timing of the onset of massive development and settlement of the region (second half of the 20th century), one can note that to date the third generation of migrants (grandchildren of the first settlers) is entering an active phase.

Thus, the emerging demographic trend leads to the fact that the Khanty-Mansiysk Autonomous Okrug-Ugra sees forming of a new (or already been formed new), growing population in the Northern region of the Russian Federation, with its ethnic makeup being represented predominantly by immigrants arrived from regions with different climatic and geographic conditions (temperate and southern latitudes). The need to study the physiological features and ensure the public health is a relatively new and urgent problem of biomedical disciplines and Northern studies (Koynosov et al.: 2016).

1. MATERIAL AND METHODS

The process of man-made development of Russia's Northern territories is accompanied by significant migratory movements of the population. The change of usual environmental habitats of migrants naturally causes a significant restructuring of all functional systems in the body. The main factors to cause changes in body functions in migrants and indigenous population of Russia's Northern regions is the following: 1) climatic and geographic (both atmospheric pressure and air temperature fluctuations, wind power, low humidity, geochemical features of the region, etc.) and 2) anthropogenic (oil production, air, rivers, soil pollution) factors.

To date, it has become obvious that the climatic conditions of the Northern regions in Russia are not stable as well, there are changes leading to significant shifts in the already existing adaptive characteristics. In this regard, many aspects of adaptation of the organism of migrants and the indigenous population for living in the Northern regions can be changed and corrected depending on the trends of climate change in these regions.

The rapid technological development of the Northern territories results in the fact that the health of migrants, and especially that of the indigenous people in the region, for the most part, begin to depend not so much on environmental factors as on the anthropogenic factors.

This situation results in the fact that at present the previously established ideas on the physiology of the non-indigenous and indigenous population of the Northern territories in Russia may be largely revised. In this regard, we further review the physiological changes that occur in the body of migrants when adapting to living in the Northern regions, their consequences, as well as the physiological characteristics of the body systems of the indigenous population.

2. RESULTS

Anthropometry: The earliest manifestations of the migrant bodies' reaction to evolving living conditions are changes in fat mass (increase in body mass index, BMI). These changes do not depend on gender, but are most pronounced in people aged 18-35 years (1st adult period). With that, population-featured studies have shown that the majority of young men in the region have a hypersthenic constitution (52.4%), while girls – normothermic (59.8%). However, when analyzing anthropometric data all the researchers agree that the observed constitutional changes in migrants of the North determine the resistance of their body to climatic and geographic living conditions (Koynosov et al.: 2016).

Cardiovascular system (CVS): To date, it is shown that CVS indicators depend on the time spent in the okrug. Thus, in the first years of residence in the region, migrants of the North show an increase in the heartbeats rate, blood pressure, systolic and minute cardiac output of blood circulation, peripheral vascular resistance, circulating blood volume, an increase in hemoglobin blood count and blood flow acceleration. With a longer stay, there are signs of bradycardia and a decrease both in myocardial contractile function and circulating blood volume, blood flow deceleration and continued compensatory increase in blood pressure, peripheral vascular connection and hemoglobin blood count.

Children of migrants have this CVS changes remained in place: moderate decrease in myocardial contractility, liability to bradycardia, cardiac arrhythmias, and manifestations of endothelial dysfunction. With aging, the peculiarities of the CVS functioning in them are aggravated, so the CVS parameters in the migrants' descendants of the North differ from the norms adopted for the regions of temperate latitudes (Rusak et al.: 2013).

Most researchers agree that the observed changes in the CVS parameters in migrants of the North and their children permanently residing in Ugra relate to living conditions. These shifts provide them with effective implementation of the system functions, i.e. they are of an adaptive-compensatory nature. However, the summation of the deviations of CVS indicators, which are not pathological in isolation, results in a general pre-pathological condition onset in migrants of the North. This is the condition that explains the observed increase in prevalent cardiovascular diseases (strokes, heart attacks) and mortality from these pathologies in the Northern regions.

Respiratory system: Changes in the respiratory system in migrants of the North are quite similar in nature and do not depend on the residency period in the region and do not differ by gender. In particular, there is a decrease in vital lung capacity, respiratory and reserve capacity in regard to the values typical for the temperate latitudes population of the Russian Federation (Nifontova et al.: 2017). Such changes are solely a consequence of the system function adaptation to the climatic and geographical conditions of the region. However, cold air contributes to the occurrence of migrants' pre-pathological disorders of the respiratory system.

Blood and hematopoiesis: Changes in hematological parameters in migrants of the North and their descendants are also unidirectional. Thus, women show a decrease in the lower standards of hemoglobin and hematocrit values, less blood oxygen saturation, especially in wintertime. There is a low level of neutrophils and a decrease in their functional activity among healthy young northerners compared with peers from the temperate latitudes in Russia (Soloviev et al.: 2012).

Generally, blood composition changes in migrants of the North correlate with the changes in the cardiovascular system and the respiratory system. General changes in these physiological systems have allowed us to state that the adaptation of the cardiovascular, respiratory and hematopoietic systems to living in climatic and geographic conditions of the region is based on anti hypoxic strategy. The formation of the latter in migrants of the North occurs within 7-10 years of residence in the region. The obtained state of the migrants' body can be valued as pre-pathological.

Immune system: The greatest influence of climatic and geographic conditions in migrants of the North is experienced by the immune system. It is shown that migrants of the North, arriving from the temperate and

southern latitudes of the Russian Federation, when adapting to environmental conditions, almost immediately experience an immunity decline, both humoral and cellular components (Trotsenko: 2009).

Such a decrease in the immune status causes chronologically first maladaptive disorders in migrants, resulting in the pathology onset – diseases of the upper respiratory tract, ear, throat, nose. The immune system under stress also results in the fact that the non-indigenous population of the region (including the descendants of migrants) experiences the allergies incidence rise.

There is no doubt the observed changes in the immune system are caused by climatic and geographic factors, but there is a reason to believe that anthropogenic factors in the progression of immune disorders in migrants in the region play a more significant role in the progression of pathological processes than previously thought.

Hormonal system and metabolism: The features of the hormonal system reaction and changes in metabolism in the adaptation dynamics in the non-indigenous population to living conditions in the Northern region were studied fragmentarily. First off, it was found that the result of adaptation is the formation of a special «northern» type of metabolism in migrants of the North, in which lipids become the main substrate of energy exchange. This type of metabolism corresponds to the manifestations of metabolic syndrome, which is 25.7% in the young population of KHAMAO-Ugra aged 18-35 years, while in men – 19.4%, and in women – 30.1%. The emerging type of metabolism explains the increase in total lipids, total cholesterol, triglycerides, as well as the decrease in antiatherogenic and the increase in proatherogenic lipoproteins. Free radical oxidation of blood proteins is activated with a decrease in the reserves of antioxidant protection (vitamin E, A, selenium) (Diagileva: 2012).

The metabolic changes described above occur amid the hormonal changes. In particular, it was demonstrated that in male migrants of the North, compared with the residents of the central part of Russia, the blood serum contains more estrogen, and in female migrants – less follicle-stimulating hormone. Representatives of both genders have increased levels of adrenal cortex hormones in their blood, daily disorders of melatonin secretion are found (Gubina, & Koynosov: 2016).

Musculoskeletal system: Changes in the musculoskeletal system occurring when adapting to climatic and geographic conditions of the Northern territories mainly remains to be secondary, i.e. are determined by changes in other functional systems. Thus, the abovementioned features of metabolism result in the fact that young residents of Northern regions (usually migrant children) have an increase in fat and muscle tissue with a decrease in bone mass. There was also a decrease in muscle performance due to the cold factor. In general, immigrants who migrate from South to North, and their descendants, have low mineral bone density compared to the residents in the source region (Demeke et al.: 2015).

Reduced bone mineralization of migrants might be related to the observed increase in the occurrence of fractures among the Ugra population, with a high occurrence of joints hypermobility cases, posture disorders and connective-tissue dysplasia in the region. The observed changes in bone mineral density, along with high BMI, according to some researchers, also increase the risk of early onset of osteoporosis in residents of the Northern regions (Mihaylin: 2012).

At the moment, it is believed that the main cause of musculoskeletal system changes in migrants of the North and their descendants is due to reduced motor activity. Unusual for migrants climatic and geographic conditions in the region are likely to cause a decrease in motor activity.

Mental state: It is shown that the process of adaptation of migrants to living in new conditions is accompanied by a number of changes in their mental state. Thus, it is noted that Northern migrants have their own assessment of physical and mental health (SF-36 questionnaire) depending on gender. In women, the subjective assessment of physical health status decreased as the period of stay in the region grows, though with no decrease of that in mental health, and in men, on the contrary, with growing period of stay, the subjective assessment of physical health did not change, while the mental one decreased. Testing also revealed that mental stress in migrants of the North was more pronounced in the young social group and was

expressed as rigidity, increased anxiety, frustration, depression. With that, the depression level in female descendants of migrants was inversely correlated with motor activity, i.e. low motor activity was accompanied by depressive states and, conversely, respondents with high motor activity had isolated cases of depression (Sirusina et al.: 2013).

Vulnerable groups: The abovementioned analysis revealed not only those body systems subject to the greatest adaptive pressure in migrants of the north but also groups of migrants most vulnerable to changing living conditions. These groups include people of the first adult age, especially young students (aged 18-25). This fact is proved by a significant increase in cases of non-communicable diseases within this group in Ugra, which are based on existing (in descendants of migrants) or acquired (in newly arrived migrants) changes in the functional state of almost all body systems.

Monitoring of the structure of the diseases in this group of residents in the region shows a prevailing number of diseases of the endocrine system, respiratory and digestive organs, diseases of the blood and hematopoietic organs. In general, the researchers identify a certain pattern – the biological age of young people, residents of the region, descendants of migrants significantly exceeds their chronological age.

We should also emphasize the problem of physiological variability of body functions in persons born in the regions of temperate and southern latitudes and migrated to the North, and persons born and living in the region, who are descendants of migrants in 2-3rd generations (children and grandchildren of migrants). In this regard, we have come across only one study suggesting that new settlers are more vulnerable to adverse environmental factors, as the next generation already has a number of adaptive properties inherited from the first one. The adaptation of the first is of either an individual or phenotypic character. In subsequent generations, adaptation involves a component of a new emerging genetic pool.

It is shown that the long adaptation process of the local population of Ugra (Khanty and Mansi) to environmental conditions resulted in the formation of a special somatic (ecological) type of constitution, which is characterized by a relatively small height and weight, with a high incidence of asthenic body type. The study of CVS parameters revealed credible low values of the sympathetic division tone in the indigenous population compared with migrants, especially in young people (aged 18-25). It was found that only 5.2% of the total indigenous population have high BMI values, while in the non-indigenous it totaled to 48.8%. Also, it is proved that one of the manifestations of genetically set adaptation in indigenous people of the North to environmental conditions is a higher content of antiatherogenic lipid fractions (Sevostianova: 2013).

It is no doubt that most of the noted physiological characteristics of the indigenous population are determined by their long residence in the harsh climatic conditions of the region, so they are set and determined genetically. However, changes of habitat (climate change, anthropogenic impact) currently result in the fact that the physiological constants of the indigenous population of the Northern regions represent the rapidly changing values. The main drivers of these shifts are urbanization and anthropogenic pollution.

Thus, urbanization has led to the increased activity of sympathetic effects of autonomic regulation, increased body mass index, blood lipid change towards increased content of proatherogenic fractions. Evolving the eating behavior of the population results in hypovitaminosis, especially for fat-soluble vitamins (Popova et al.: 2018).

Generally, nowadays there is a situation where representatives of the indigenous population of the Northern territories have maladaptive disorders, which is expressed not only in the change of morphometric characteristics but also in the reduction of resistance to diseases, among which the occurrence of endocrine and infectious diseases, diseases of the circulatory, digestive organs is significantly growing.

Thus, to date, there is a significant change in phenotypic features concerning physiological characteristics in the indigenous people of KHAMAO-Ugra due to anthropogenic impact. The high level of urbanization in the region leads to the leveling of the physiological advantages of indigenous people compared to the non-indigenous population. In our view, it blurs away the boundaries when choosing approaches to maintaining the health of both non-indigenous and indigenous population. There is a unification of health protection issues for the region's residents.

CONCLUSION

A significant change in the demographic structure in the KHMAO-Ugra currently actualizes performing studies on the processes of adaptation to a new habitat among the non-indigenous population. Formed concepts of changes in the physiological functions of the organism of migrants also require correction due to the growing anthropogenic impact on the human environment, also resulting in climate change.

Such changes in the living environment (climate and anthropogenic changes) make health vulnerable, not only in separate groups of non-indigenous (as a rule, people of first adult age) but also the indigenous population of the Khanty-Mansiysk Autonomous Okrug - Ugra, who have genetic mechanisms of adaptation to the living conditions.

These circumstances make it necessary to develop measures preventing negative (pre-pathological) physiological changes in all residents of the Northern regions of the Russian Federation. Yet another important field in Northern studies is addressing the fundamental question of how (if any) adaptation changes in migrants of the North are occurring in a number of generations (to date, a predominant number of studies performed feature migrants of the first generation). The relevance of this topic relates to the fact that as of today the third generation of migrants is reaching an active phase of life, as well as the fact that the solution to this problem is important for the strategic objectives of the development of the Northern Arctic territories of the Russian Federation.

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The nature and human ecology in modern kazakh literature *La naturaleza y la ecología humana en la literatura moderna kazaja*

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ABSTRACT

The article deals with studies of the interactions between man and nature, specifies certain literary lectures such as poems, prosas and/or other drama genres by history matching method, and determines the value of the artistic-aesthetic system of modern national literature. The main compositions on the matter of the heart of XX-XXI centuries were specified by comparative study and show science-based reason how the writer brought up the common problems of humans that awaits attention.

Keywords: Human Ecology, Kazakh Literature, Poem, Poetry

RESUMEN

El artículo trata sobre los estudios de las interacciones entre el hombre y la naturaleza, especifica ciertas lecturas literarias como poemas, prosas y otros géneros dramáticos por el método de comparación de la historia, y determina el valor del sistema artístico-estético de la literatura nacional moderna. Las principales composiciones sobre la materia del corazón de los siglos XX-XXI se especificaron mediante un estudio comparativo y se demostró la razón basada en la ciencia de cómo el escritor planteó los problemas comunes de los humanos que esperan atención.

Palabras clave: Ecología humana, Literatura Kazaja, Poema, Poesía.

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INTRODUCTION

The human being is an integral part of nature. Nature and humans are inseparable, paired concepts. The man-made incidents as assault, conquest, war together with natural disasters as earthquake, flood, tsunami, avalanche have a direct influence on human. Both ancient folklore writers and modern writers observe humans and nature in conjunction. Kazakh folklore specialists mention the following on this topic: "Note that the values of Kazakh people as consciousness, language, traditions, religion, stories, ethnographies, literature and culture in whole survived through the folklore heritage" (Albekov et al.: 2017, pp. 33-34).

Environmental tragedies as nuclear weapons tests, space-vehicle launching from the Space board, dried-up Aral Sea, consequences of open uranium mining that took place in Kazakhstan during the XX century brought effects to human nature, too. Critical effects of tests on Mother-Land injured not only local citizens, but a whole human being. Nowadays, there are many nuclear weapons tests influenced by newborn children, which cause the destruction of natural conditions. At the same time, there are research works on producing minerals that drilled deep holes around the world with a view of profit. And this is another true story of our days. Developing reserves of the Mather-Land has its order and specialties, and the common natural balance should be preserved.

The human and nature ecology is one of the main problems of the XXI century, which is on discuss and also is the main object of modern literature. The following compositions by akyn-writers on nature and human ecology can be outlined: poems "A red book," "Passages," "A disease," "Oh, the times!" by Kadyr Myrza Ali, a composition "Swans flying away from the Aral Sea" by Sh. Sariyev, "The last honor" by A. Nurpeyissov, "The shine over the century" by Sh.Kumarov, novels "Still early to sing a song" and "A prisoner at the Glory prison" by K. Zhiyenbayev, stories "Millenarian heartsick" and "Sorrow of the epoch" by Sh.Kumarova, tales "An angel" by K.Tumenbay, "A crying girl" and "A widow" by R. Mukanova, pieces "The kingdom of cats" by R.Mukanova, "Akyn's fate" by M.Shuyinshaliyeva. These and other works can be mentioned both in national and world literature. Above mentioned works by Kazakh writers cover the nature ecology themes, namely the Earth, The Sky, water, air, and other universal values for human being and alarm around the world to take great pains and seek human and earth erosion recovery (Shyuninchalieva: 2017).

1. MATERIAL AND METHODS

During the research, works were used history matching, gathering, systematizing, analyzing methods of the philology sciences system. Writing an article was followed with references to domestic scientists' research works and conclusions on literature. Namely: M.O.Auezov, S.S.Kirabayev, Sh.R.Yeleukenov, B.K.Maytanov, G.Zh.Orda, P.T.Auessbayeva, T.Albekov, K.Alpyssbayeva, A.K.Kaliyev, N.Kubaibergenov – history matching and theoretical works, scientific conclusions guided by these and other domestic scientists' were used. And above-mentioned scientists' works include theoretical methodology problems of modern Kazakh literature (Albekov et al.: 2017; Maytanov: 2011; Berikbolova: 2014; Elyukenov: 2005).

2.RESULTS

Upon Independence, the Kazakh literature enriched with modern topics, and one of them is nature and human ecology. Many compositions touched disasters that were caused to Kazakh people during soviet years with aimed politics and gave an artistic image of "shadow" sides of that period. Topics that were under the ban for Kazakh writers who were nominated as a member of the writers of the Soviet Union became the very core of the poems, prose, dramas of the last quarter of a century. For example, the novel "Parasat Maidany" by T. Abdikov touches common human values. And scientists note the following about the novel: "Parasite Maidany" is the main novel, and its heroines are under fights. At the forefront of the story basically correctly identified

the ear, after the usual classical worst conflict, the conflict of ideas the main role. Space on the event city of masters

thought-system image allows for the identification of values, a clash of views. The first character is a worthy citizen of human values. And second, the hero, the stranger – all that is needed reformatting the current destructive of values, the position of a person, human (Khudaibergenov, & Orda: 2018, pp. 176-177).

1. Among compositions on common human values topic the following works can be listed, too: poems "A red book," "Passages," "A disease," "Oh, the times!," "After five years passed," "Love," "The Prophet's age," "A parliament," "Doubt," "The day of doom," "Sacred," "An enmity century" by Kadyr Myrza Ali. The core subjects of the mentioned compositions are the native land, nation, people, the land, the liberty, human and nature ecology. The literature data analysis of the human and nature ecology of the XX century was studied and gathered according to poems "A red book," "Passages," "A disease," "Oh, the times!" by Kadyr Myrza. It should be noted that in modern Kazakh literature, the Aral Sea tragedy has a great deal in writer Sh. Sariyev's works. Kazakh singers set music to his compositions and sat a song to music. And his lyrics on nature and human ecology were studied as the core subjects of the Aral Sea.

2. The laureate of USSR state prize Abdizhamal Nurpeyissov published his roman-dilogy firstly named "An ice floe" and later changed to "The last honor," and this work is valued for its epic concern that "Aral Sea's destiny – is a human destiny" and promotes common human values by narrating several men destinies. Novels "Still early to sing a song" and "A prisoner at the Glory prison" by K.Zhiyenbayev give analyses of separate individual's tragedy and harmful conditions of the Baykonyr Space board in Kazakhstan, and the novel "The shine over the century" by Sh. Kumarov includes the main stories of the XX century in Kazakh nation history.

3. The story "Millenarian heart sick" by Sh. Kumarova narrates about separate individuals story: Aynagul does not care about what she has in hands, Nurysha is happy with Bekbosyn's earnings, artless village girl Monshak's life story, Feruza's diary, short stories by Aktenge and Syria. All these young ladies and married women life stories about the state of drunkenness or in the silliness of tender years that lasted for the whim of fate and made them to early reach womanhood. The story "Sorrow of the epoch" touches a man-made problem of modern life - nature and man erosion.

4. The tale "An angel" by K. Tumenbay and piece works "A crying girl" and "Forever with child face" by R. Mukanova narrate the history of century tragedy at the Semey nuclear weapons test site. And her "A widow" piece work shows the personage transformation problems that touch a gender reassignment and other contraries to Mather Nature.

5. A piece "The kingdom of cats" by R. Mukanova gathers cherished qualities of men that lost relevance in our days. Mira Shuyinshaliyeva is a writer and dramatist that touches the "Sense of conscience" subject in Kazakh literature. She is famous for her works about separate individuals' life stories that deliver national values and cherished goals of the nation to readers (Tumenbay: 2008, p. 360).

1-1. Poetry. In his lyrics and epic works, Kadyr Myrza Ali shows humans and nature as a single unity. And it doubtless, that one of the core subjects of his works is the man and natural ecology. His poem "A red book" is an obvious example of it (Haberl: 2016).

He starts the poem with lines "When I see a gun at the place of honor at home, I'm captured with gloomy thought" and includes many thoughtful things to say to his contemporaries. As his father died at the Patriotic War and he is the generation of the lost childhood by war – he is against every weapon-related issue. Using a "patron saint" word, he sends a message to his contemporaries that make a hobby to shoot animals and birds. As Kazakh proverb says, "Every detail counts and has its value," which specifies that shedding blood of a living being will have its "return call" and it does not matter if the living being is a human or an animal. As a became an orphan, a child had his/her parents and will continue the next generation. Birds and animals also

have their bearer. It reflected with the following lines: "Doing harm to animals is your turn back on blood relative." The everyday routine takes us away from thoughts on how do we get day-to-day things as leather wears, a downy pillow, a beaver fur cap, a coat in velvet, etc. Akyn's feeling heart calls to take the point further.

A red book listed animals remind us of lesser nations. In the following lines, "Same as a bigger fish swallows a smaller one, one nation swallows another nation" - the writer explains that the strongest captures the weakest and the winner sales out captives at the market. And asks that very question: "What is the difference between animals and humans, what is the superiority of man?"

1-2. The poem "Passages" lends realism to the life story of the writer's contemporaries whose childhood was lost by war and got much more mature since then. They took a spade and turned up the soil, helping women and elders to put out of their misery. A composition starting as "Burst in flame barrels: Stalin documents are all fictitious" and narrate about disasters of 1937th. Akyn shares with an expression that destroys of the thirties, drowning in blood the props and sentencing to transportation to Magadan and Kolyma, the great endemic famine are sad and previous losses of not only XX century but whole Kazakh nation. It was difficult to pulling themselves up after such a destroy and start of the Great Patriotic War, put into the field every valid male, disperse refugees about the country, scarcity of food and wearing under a slogan "serve the front – everything for front", teenagers, women and elders hard work at the home front – all are the harsh life truth.

1-3. Akyn deals with his own concerns together with society tragedy of the XX century in the poem "A disease - Dirt." "Forgive me, the Creator! I'm in sorrow that I was born with half-witted contemporaries" – these lines show akyn's lyric digression to the XX century. "We beat up the alive, and We were pushed do it. We commit sacrilege – And we are guilty!" – These lines showed sorrow that was unable to write the truth about Kazakh history. The theorist of literature B.Maytanov noted the following about akyn's creativity: "Abay-specific critical thinking means not to amount disliking own nation, but a deep understanding of being responsible for the history. Every writer cannot touch the heights of an honored writer. And Kadyr Myrza-Aly is the prominent poet with perfect civic courage" (Maytanov:2011). According to the mentioned opinion, it's clear that K. Myrzaliyev is a poet that brought Kazakh poetry to greater heights (Myrzaliyev: 1998).

1-4. A poem "Oh, the times!" is alike running poem of "A disease - Dirt," as troubles of the XX century find continuation in this poem. Poverty and poorness, high cost of living, off-road conditions during "breaking fresh ground", nuclear weapons test influenced on newborn children and two-headed or one-eyed or eight-legged foals, dried up rivers and lakes, over making minced meat or sausages with horse meat during Khrushchev ruling, emaciated soil and pinched nation, degrading of the society and epoch, increasing of goods stealing, domestic animals robbery and kidnapping, extraordinary dangerous things unprecedentedly so in lifetime, disorders due to using drugs, lewdness in urban and rural places, increasing of racketeering, shooting, killing, setting aside national art and native language, homelessness, full of orphan and elderly houses – are fatal diseases of XX century.

1-5. Shomishbay Sariyev made a significant contribution to human and nature problems in Kazakh poetry, and his poems on native land can be named with expressions of high esteem. Akyn was born at Syr-Darya region; his works include praises about sandy and semidesert places together with water topics. His poetry celebrates the glory, water, thick wood, desert, the air of native land. Starting with "A child word in Shomish" and "The lake Kamysty – Kambashym" poems about native land, the author give specification for Shomish station, lake Kambash, Aral Sea, and continue from Aral Sea to Syr-Darya, from Syr-Darya to Kyzylorda, from Kyzylorda to Almaty, Astana and other parts of Kazakhstan and all these shows broad meaning of the native land. A poem "Swans flying away from the Aral Sea" narrates about the worldwide tragedy of the dried-up Aral Sea. As he is a lyric personage he accepts the native land as his birth mother and seeing boats and ships grounded, white sandstone taking to the air stroke a deep chord in his heart.

"Oh, my Sea, say the way of healing you, You are sob brokenly, What should I do? Oh, my ancestral land, You are devastated, What should I do?" – These and other lines breathe life into nature. Nowadays tragedy of the natural land mentioned over and over again in akyn's works and namely a poem-song "Swans flying away from the Aral Sea" makes people cry with pain.

Academic S.Kurabayev noted poems on the Aral Sea by Sh. Sariyev, the following: "Akyn's farewell with the sea" described very emotionally and his writing as "Goodbye, the sea, goodbye mother" spreads the feeling of a child lost his/her mother. Tears gushed from eyes and transfers to the sorrow of the sea. Remembering days when gulls wheeled in the air above the sea was upset that could not fulfill his life-long dream. The following lines "I wanted to be a ship and sail on you, So what's to be done?", "I wanted to be white clouds and dance in the wind and sky, So what's to be done?" can show that his dreams disappeared. He is disturbed, "If I gush tears from the eye," "Top-up it with bitty heart's blood," if the sea would fill out" (Kirabayev: 2014). And it is logic that Akyn takes the birthplace as the heavenly garden with its deserts and feeling deep sorrow for dried up the Aral Sea.

2-1. Prose: a novel. The laureate of USSR (KSSR) state prize A. Nurpeyissov brought up the worldwide concerned question - the nature ecology topic in his novel "An ice floe." Later the writer changed and added details to his novel and published a roman-dilogy with a new name, "The last honor." The author used psychology deep end in expressing his fillings about the Aral Sea that was a swing in the wind and waters are out, and nowadays is tormented with thirst and howling in pain. Looking for solutions to man-made problems, the author reminds of contemporaries that all nature-related pieces as land, water, or air are created by God. Showing relations between the natural ecology and human ecology, the writer does not even keeping in mind the globalization subject and calls to stay faithful to national values. By such manners the writer stepped out of the national level and raised up common human values issues. In the course of novel writing, he has mentioned: "Human beings seem lost creativeness value, and follows common liquidationism" (Nurpeissov: 2002).

In spite of Aral region is smother with salt, green grass with injured root is not grow up, everything dried-up, appeared epidemic unprecedentedly so in lifetime and handicapped new-born children amount increase with danger for next-generation leaders at the Kremlin were announcing that only with their support Central Asia and Kazakhstan people can keep abreast with the times, otherwise they would have long illness and people who are talking are unthankful (Nurpeissov:2002).

These lines from the novel shows the tragedy of Aral Sea and people. The theorist of literature Sh. Yeleukenov noted the following on the mentioned novel: "a dialogue started on point that humanity is too harsh toward the mother-nature (if only can, men would pollute the sky, too), until after men can stop. The dialogue was not finished, as it found its continuation with the next composition. Namely, the great importance meaning nature and man ecology subject is the core topic of the roman-dilogy "The last honor" (Elyukenov:2005).

Aral Sea is not the only emaciated soil or dried-up sea. There are too many dried-up rivers, lakes, seas and, even more, there are many refugees in our days. And thus, in his work the writer pursues answers to troubles that lasted for centuries and reminds to readers that man-made troubles would be handled by man.

2-2. Writing "The shine over the century" by Sh. Kumarov includes historical events of Kazakh nation in the XX century and describes them as common human troubles. It is a historical and well-known fact that after the Kazan revolution in order to build up a new government the leaders destroyed rich people (byi, bolsy, bay, kazhy) and their family. And description of a destructive story that happened to the Yelshibek haji family lends realism. His son, Omarghazy forced to leave the country to China and urged herd of horses; and one of them chased after killed Bizhigit mother (first wife); Yelshibek decided to migrate suddenly; his son caught him up later and put him on notice about Bizhigit's death; knowing about his wife's death made him too upset and he had sudden cardiac arrest – all these writings are the real pictures of that sorrowful years. Bizhigit (first wife) decided not to follow Yelshibek and argued "I'm too old to join you with my rattled bones. They will not touch old people. You should run away with your true love..." (Kumarova: 2012, p.320) – her speech is not clear, as green-eyed jealous motive was noticeable. But she did not know that she can be shot in soon. When Yelshibek knew that his son Omarghazy left for China, he blessed him "Wish him to be alive, I cannot do anything else" and tears ran down his beard and breast. This is a story of one family that lost relationship in one day and

forced to knock about the world. The novel "The shine over the century" includes meaningful details and major delivery of XX century's trouble time events.

2-3. A novel "Still early to sing a song" by K. Zhiyenbayev starts with the demonstration of wives whose husband died at the Baykonyr Space board. With the Soviet Union collapsed and gaining first years of independence, the communal properties were duck soup for the crooks. The following lines describe the situation of the region: Capital city residents "The week lasted sandy wind would down, would get over the muddy water. But how can we endure the violet rays of radiation? God damn it and the sun-shower which burns everything on land. You should bear in Toretam and build yourself for the local conditions to endure it" (Zhiyenbay: 2008).

The theorist of literature and scientist G.Orda noted the following about the novel:

Nowadays there are unprecedentedly so in lifetime effects of radiation. Dead fetus in utero, absolute sterility, a newborn child with fish scale, handicapped children amount increase, children sicken of different diseases, getting old before time, losing health – all these are real-life stories of nowadays independent Kazakh people. Having such troubles, how can people sing a song? (Orda: 2017, p. 512).

2-4. The main character of the novel "A prisoner at the Glory prison" is Baymyrza Nurtaiuly. The writer pictured the personage Kabylan as the man of thousand who earns daily bread by donating vital organs. Kabylan was undervalued among Kazakh, but a foreign millionaire met him very warm and Kabylan showed great honor to him, which shows gentility of Kazakh people.

It's shame and equal to death for world-recognized pure Kazakh people to live with slave mentality and just follow others! It's not long now got to comfort and warm horny hands after long years of carrying wagons. And it's not easy to collect all mentioned and make an adapted screenplay (Zhiyenbay: 2013, p. 432).

These were Ghafiz's speech who dreamed to introduce pure Kazakh people to the world and aimed to familiarize facts that Kazakh people are not nomadic, untaught, outlander as used to say, but civilized people with many centuries-old history.

Nowadays, the generation of the pure and well-born nations became a prisoner of the glory prison and here starts another trouble of Kazakh people. This makes readers think "If the value of our Independence is to neglect human rights?". The writer is looking for "a therapy" for neglected trouble between society and man, so calls readers to find "treatment" for the above-mentioned question.

3-1. Short story. The famous writer Sh. Kumarova was well-known after her remarkable short story collection named "A girl's secret". The article "Good luck to young talent" states Zh. Saiyn's note about the collection and his best wishes to a writer: "As the virgin soil dug with share a first woman prose writer appeared in Kazakh literature". (Saiyn, 1961). A short story named "Millenarian heart sick" includes one century personages' real stories – Aynagul, Nurisha, Monshak, Feruza, Syrga. A short story "Sorrow of the epoch" narrates about fellow countrymen suffering and passing away prematurely because of the dried-up Aral Sea, gloomy broad steppe, Semey and "Kapiyar" nuclear weapon test sites troubles. Seeking for answers to her questions the author notes "The land and domestic animals for Kazakh people is everything, Kazakh cannot live without them". The high achievements by turning inside out the bare ground, chopping roots, making torrid weather, shortening almost limited life, making the experience on people with fatal diseases is a doomsday (Kumarova: 1985) –the author collects her thought as "nature can take revenge against men". Her graduate thesis "An image and imagery" was stated as below by officially opponent of the thesis M. Auezov:

The thesis written so harmoniously and manageable. It includes deep thoughts, convincing and accessible verbalization, very rich oral culture. To describe so pure and intelligible the true and unified

idea is a sign of being a master of the art. That's why giving priority and high value to this work would be fair (Auezov: 2014, p.19).

4-1. Story. Kuandyk Tumenbay is the writer who timely raised a question on core problems of the nation with his genre. His story "An angel -Perishte" narrates about the ecology problem of Kazakh land with life stories that took place at the outlying suburb Sherly. A journalist mentioned:

This village is located at the poisoned resource place rich of uranium. There were born four Siamese twins, two bull-headed and four three-legged children for one year. All these are because of uranium production. During underground works to produce uranium, it's used the unlimited acid liquid. And this acid liquid enters into a reaction with everyday drinking water (Tumenbay: 2008, p. 360).

But the mayor was intended on proving that the uranium production is beside the point. Started with contrapositive dialogue a story ended to the benefit of authorized representatives and with local residents' hope and believe to them. After getting drunken a people's nominee left the village even canceling his stay overnight mentioning "it's too much uranium here". The writer showed the core of the problem with a handicapped child born in the mayor's family.

Stories "A crying girl" and "A widow" by R.Mukanova were the subject of pieces. Leyla's feeling as she cannot find friends among "two-legged" to have an exchange of her feeling and confidence and shows the damage of the Semey test site to human beings. The story took place at the test experienced Karauyl village. The author's standpoint is: "Test site... Not the village Karauyl, but test site. They would not allow moving, as they need us for test purposes. The bearing of handicapped children seems small results for them. Mothers are worrying to make a birth thinking what the next ugliness is..." (Mukanov, 2008) – here given the main character's words.

Leyla's fate and felling, who suddenly became Lalek make every person feel pain. Nowadays she is living with a sister in law (mother's relative) Katira and trying to continue to her life, but she feels that everyone looks at her with pity. And there are many other handicapped children, a mad Shokish and demented Katsha's son Boltay are all results of test site experiences. Katsha thinks "everything has its pair and they deserve each other" and wanted his son to marry Leyla. But Leyla did not approve it as she is not tall enough and cannot grow up, but she is in right mind.

The story "A widow" by the writer narrates about a lonely life in our contemporary after she brought up children. As she was thinking only providing for a family and forgot that she is a woman with exquisite beauty and became a masculine woman. This woman's tragedy is also nowadays a common human problem. "Liken to man, it should be century's will. I liked drinking alcohol as it shows your wellbeing and equality. And whose guilty is it? You are, stupid! You are, sneaks by! Why did not you punish me for my disappointing manner? Better to cut me live" – she was talking to the mirror and laughing. She got buzzed hair looking in the mirror. And she looked at herself and pat on the back, again talked to herself:

Oh, My God! If I was lack of exquisite beauty from the beginning or I lost by myself the nature presented kindness and love because I was ill-tempered. Is it true that I lost all my relatives with draggled appearance? I'm a woman by nature, but all my body and face like a man (Mukanova: 2008, p. 272).

She looked at herself behind the mirror. In fact, a writer read two stories and both stories by R. Mukanova were about women life suffering acutely and their phycological profiles were masterly pictured.

5-1. Drama: A piece "The kingdom of cats" by R. Mukanova raised a matter of honor and trust. Cats (personages) are living in one kingdom, but they are different according to their roles and purposes. For example, a white cat has a very different point of view. A white cat says: I left the kingdom by myself, I couldn't

breathe there anymore. The kingdom gathers and loves just those who make a low bow and destroys everything that concerns art and beauty. The authority decided that there is no need in art. As the authority afraid if the art will exceed and rule. But the art never aimed to rule. The art is an enchanted dagger that delivers to the masses the truth and justice without war or spilling blood or striking. The authority rules with the policy of intimidation. If the art will rule you can breathe deeply with peace of mind and feel life in your blood circulation (Mukanov:2008). These lines show a real mind of the authority concerning the Art. As the art and authority cannot make a firm union the art-minded person understood that there is no place at that kingdom.

As we can see the authority and art cannot be together. Because of their true opinion about life Alash defenders were found guilty and repressed, the authority made them bow to individuals – all these are historical known facts. But hypocritical authority supported those writers with shifty character to sell them ideas.

5-2. Drama writings by Mira Shuyinshaliyeva refill works on core topics of our days. Her prose genre writings on conscience that touch economy and social problems were represented as plays and main characters involved to give full play to act, debate or fight. A “Conscience trouble” tragedy (Shuyinshaliyeva, 2017) personages are nowadays contemporaries and we see a picture of a person that did care what had in hands and “buried” by own careless. As the story concerns two families the whole play includes four-five personages. To present a picture of main charters as Ghadilbek, Nauat, Bota, Mayzhan, Ayan there are tangential relation personages involved - a few neighbors, cleaning woman, a nurse Nazira.

The author raises problems of lifestyle who live in clover and overestimate material wealth than spiritual values, also disregard national values. Kazakh people were strict with girl child-rearing and as the proverb runs “a girl should be forbidden by forty families”. Which aims to take care of future mothers for propagation to keep people of true Kazakh breed. Seeing that valued heritage to be handled from grandfather to son is losing its point in the XX century, the writer shows her sorrow in drama work.

5-3. The main story thread of a sorrowful drama “Akyn’s fate” by M. Shuyinshaliyeva narrates about a writer Erkingali Darabassov’s life story. Akyn’s fate that taking wrong-headed moves and forgetting to take care of his family – old mother, wife, children – leads readers to philosophy thoughts.

A drama writer pays attention to words “holy”, “gratefulness” “damnation” and describes how an Akyn lost everything in hand following only his feelings. Damnation of a holy ancestral home which was a paternal inheritance and his mother’s damnation that got heard – all these influenced to a nationally recognized Akyn lost everything at once.

CONCLUSION

1. The above-mentioned poems by Kadyr Myrza Ali were based on the sorrowful history of the Kazakh nation in the XX century. The writer lent realism to the human and nature ecology topic taking into consideration humans and society of the XX century. Compositions “Swans flying away from the Aral Sea” and “Akyn’s farewell with the sea” by Sh. Sariyev makes readers eyes swimming in tears: a sad bank farewell the broad sea, gulls wheeled in the air above the white sand, boats, and ships grounded at the white sand as fallen camels, homeless swans and crying, flying away birds.

2. Literature is the art genealogy of life. The novel “The last honor” by A.Nurpeyissov is value with true pictures from social life. If every generation would deeply understand its “Last honor” before the next generation, a man and nature never will suffer from ecology problems.

Compositions by Sh. Kumarova enlivens a past history and pictures its details among our day’s contemporaries. Troubles reached all three generations of Yelshibek haji are not troubles of only one family, but the whole Kazakh nation’s troubles. At the beginning of the novel, we are acknowledged about the bloody politics of the Soviet Union in 1986 that killed many innocent Kazakh youths which were all downhill. K.

Zhiyenbay is the writer who has many efficient works in Kazakh literature on the Baykonur space board. An idea of a novel "Still early to sing a song" – we cannot sing a song peaceful when the space board still working with unlimited rocket firing at the very center of Kazakh land. "A prisoner at the Glory prison" novel narrates about local residences suffering from ecology problems which become common world problems in our days (Dautova: 2013, pp. 370-371).

3. A short story "Millenarian heart sick" by Sh. Kumarova narrates about women and mothers that faced toils of fear and taking too much to themselves in a society, and another short story "Sorrow of the epoch" includes human troubles earned because of nature ecology and nature and man ecology troubles (Kumarova: 2012, p. 320).

4. A tale "An angel" by K. Tumenbay narrates about a mayor who put in his pocket all local people's salaries who are in their turn suffering from uranium production and drinking poisoned water. Later his wife Kayimissa born a wolf-headed, two-legged handicapped child – which made a mayor grieve beyond measure that he did not pay attention to the journalist who was talking about aches and pains of people, but he took no notice. Played at the stage short story "A crying girl" by R. Mukanova is young girl Leyla's life story, who is one of the millions suffering and in trouble because of polluted ecology. "A widow" story personage that lost her natural body type and was transformed into the masculine woman is our contemporary's common problem with transformation.

5. A piece "The kingdom of cats" by R. Mukanova is artificially pictured about lost humanity heritage. M. Suyinshaliyeva touches national values losing its relish alongside globalization and duty of conscience topics in her proses and drama writings. Her collection "Sense of conscience" narrates us about personages in the depressed state. Poisoned life of innocent people, disabled Magzhan ("Sense of conscience"), Erkingaly who destroyed his family and became homeless charmed by Akbike ("Akyn's fate"), prostitute women ("Little sister's love"), drunken homeless: Shoynak, Patok, Bashar ("A release of vagrancy") – personages laying "sense of conscience" before the "conscience court" (Bennett: 2017).

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G ORDA: Gulzhakhan Orda is well known to the wide literary and scientific community of Kazakhstan. The 1990s, she emerges from active critics and literary critics on pressing issues of modern Kazakh literature. During this time, more than 500 scientific and literary critical works have been published, including 7 monographs, 7 bibliographic indexes, 3 textbooks, and more than 20 collective monographs. He is an author in scientific journals of Kazakhstan, Kyrgyzstan, Azerbaijan, Russia, Czech Republic, Belarus, Turkey.

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Kazakh music in the global context *La música kazaja en el contexto global*

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ABSTRACT

The relevance of the chosen theme is determined by the presence of the "national code" as the basis of authentic traditional music, its modernization while maintaining the original identity. The main purpose of the article is to study the new forms of creative activity of musicians, scientific, theoretical and pragmatic aspects of the musical language. The methodology of research is based on the principles of historical, cognitive, and comparative analysis. The data that was obtained can be used in the educational process at lectures in the following disciplines: "Kazakh music History", "National musical culture", "Folk musical creativity," etc.

Keywords: Culture, Song, Tradition, Transcription.

RESUMEN

La relevancia del tema elegido está determinada por la presencia del "código nacional" como base de la música auténtica tradicional y su modernización manteniendo la identidad original. El objetivo principal del artículo es estudiar las nuevas formas de actividad creativa de los músicos y los aspectos científicos, teóricos y pragmáticos del lenguaje musical. La metodología de investigación se basa en los principios del análisis histórico, cognitivo y comparativo. Los datos obtenidos se pueden utilizar en el proceso educativo en conferencias en las siguientes disciplinas: "Historia de la música kazaja", "Cultura musical nacional", "Creatividad musical popular".

Palabras clave: Canción, Cultura, Tradición, Transcripción.

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INTRODUCTION

The manifestation of innovations in musical culture in the era of globalization is a natural phenomenon. The President of the Republic of Kazakhstan N.A. Nazarbayev noted: "Even highly modernized societies contain cultural codes which its origins are rooted in the past. The first condition for the modernization of a new type is the preservation of its own culture and national code" (Nazarbayev: 2017).

After freeing from ideological views and domination of the Soviet power, representatives of the art of Kazakhstan began looking deeper at the fate of their native people, creating original compositions which comply with the national mentality, learning new ways of performance, trying to show Kazakh games and types of entertainment in performances. Since gaining Independence, the number of traditional musicians began to expand rapidly, being actively replenished with new names.

Opinion of the Elbasy: "I propose to pay attention of the society to the present period, to the history of our contemporaries" urged the development of the research plan, in which along with the creativity of musicians who successfully continue the traditions set by the older generation and educate a new generation of students, special attention is paid to performance art as well as professional composition creativity of written orientation (Nazarbayev: 2017).

The relevance and significance of the explored topic. The research work on the theme "Modernization of the Kazakh traditional musical culture in the era of globalization" is the most relevant direction in the field of basic research in the field of domestic musicological science. In this aspect, the theoretical and methodological significance of the indicated topic should be noted.

2. MATERIAL AND METHODS

The research works of the pre-revolutionary, Soviet period and modern research in the field of ethnography, philology, philosophy, history, cultural studies, and art history became basic works in conducting research studies on the theme "Modernization of the Kazakh traditional musical culture in the era of globalization." Among them there are the works of Al-Farabi (1993), V. Radlof (2013), A. Eichhorn (1985), A. Zatyayevich (1925), A. Zhubanov (1967), B.Yerzakovich (1966), A. Baygaskina (2003), A. Temirbekova (1975), M. Akhmetova (1984), B. Karakulov (1979), Z. Kospakov (2006), S. Utegaliyeva (2016), etc.

3. RESULTS

- The development and popularization of traditional music of the Kazakhs in the era of globalization have been considered;
- The specifics of the national language in contemporary composer's creativity have been revealed;
- Modernization of folk music in the domestic variety art have been investigated;
- The performance of prominent representatives of modern Kazakhstan in the context of world culture has been analyzed.
- The compiled standard systemic plan allows using different ways of implementation.

Discussion:

Globalization processes, closely associated with the expansion of the boundaries of industrialization, in the modern world, have begun to influence all aspects of human activity. They are reflected in the development of musical art, "incorporating" it into the industry of global consumption. It is clear that globalization is essentially a revolutionary process, reflecting a revolution in the consciousness of society, its cultural and spiritual values. Having begun in the 19th century Europe, industrialization today has achieved unprecedented success aimed at universal commercialization.

In this context, humanity faces a number of important tasks:

- Not to get lost in the world of high competition, remaining "in the ranks";
- Not to lose and preserve the identity in cooperation with nations seeking self-identification.

Of course, this task may not be feasible for all types of human activity. Musical art, especially its original layers, which have a deep understanding of the world perception, the national mentality, contribute to avoiding people's assimilation, abandoning their own roots that are feeding them. The following UNESCO statements comprehensive in this aspect: "The function of music and its methods — the instruments — must not be limited to simple sound production." "Traditional music and instruments convey the deepest cultural, spiritual, and aesthetic values of civilization, transmitting knowledge in many spheres" (UNESCO: 2006).

Thus, despite the fact that humanity is retreating from the roots in the direction of "cultural diversity" (Lunsqui: 2012), certain segments of society try to preserve the national culture and, within the framework of modern views, observe their customs and traditions, draw knowledge and strength from the wisdom of their ancestors. In this regard, musical art, which has ancestral traditions and deep artistic and aesthetic content, can be considered the most "successful."

Archaic layers, which are reflected in folklore creativity, are always closely connected with the life of the people, their worldview, and philosophical views. Family ritual genres (lullabies, weddings, funerals), which are associated with the specific features of the life of the people, have acquired a new qualitative look in the context of globalization. This is evidenced not only by new formats of family celebrations, accompanied by entertainment events in the form of music and dance performances but also by the fact that they became the basis for modern compositions. In general, it should be noted that folklore patterns often inspired famous figures of traditional oral and modern written creativity to create masterpieces.

1. "The evolution and promotion of traditional music in the era of globalization."

Globalization processes occur worldwide. Their impact not only on external but also on internal spiritual values - public consciousness, traditional art, and education is obvious. Taking into account the risks of negative impact on the national heritage, the President of Kazakhstan stressed in his message: "New modernization should not, as before, arrogantly look at historical experience and traditions. On the contrary, it should make the best traditions a prerequisite, an important prerequisite for the successful modernization" (Nazarbayev: 2017) therefore, for modern Kazakh intelligentsia, the indifferent attitude to the problems has become impossible.

Actually, in accordance with the requirements of the era, national consciousness, traditional musical art, training-educational, and upbringing processes have changed and began to develop in new directions. In the process of exploring the pearls of national art-kuy, the "distancing" from the sources in terms of timbre, rhythm, meter, structure, performance, and creative features has been revealed. As a result, different levels of evolution and dissemination of the main genre of national music—the kuy art, have been revealed.

The relevant issue in the frame of this process is the study of the heritage of individuals who were left beyond the propaganda. An important goal -is the revival of forgotten and unrevealed phenomena, a close look at the past, replenishment of the lost ones, and assessment of the existing ones. The comprehension of the creativity of representatives of traditional musical art that are known in another hypostasis are also among the priority tasks, and their kuy "aspect" has not been introduced into the scientific circulation or in the process of composition several kuy have fallen out of the "pages" of history.

1.1. The creative work of the great Abai Kunanbayev, a Kazakh philosopher, poet, enlightener, translator of A.S. Pushkin, the author of the songs included in the "golden fund" of national musical culture can serve as a bright example.

With the purpose of the renaissance of Abai's kuy in the era of globalization, it is necessary to confirm his authorship. In the collection "Aittym, Salem, Kalamkas," Doctor of art history B.G. Erzakovich wrote:

In our opinion, their music is close to the original style of Abai's songs. However, convincing conclusions about the fact that this kuy belongs to Abai can be made only after the recording of the great number of kuy

that are popular as Abai'skuy and a comparative musicological analysis of the melodies of his songs (Aittym:1986).

The opinion of the leading musicologist served as an impetus for identifying musical originality (specificity) of four kuy of Abai.

In this process, as a result of the analysis, the integration elements of the songs and kuy of Abai have been revealed. In the process of analysis, it is not easy to create artificially coordinated musical features. That is, in brief, the basis of the kuy confirms one composer's style. At the same time, Abai, absorbed the traditional art of the Kazakh people from an early age and drew attention to the musical patterns of the kuy. The kuy, along with compositional style, reflects the structural, substantive, and artistic essence of the Kazakh traditions of the Arka and East Kazakhstan (Bekkhodzina: 1968).

The kuy was recorded in 1983 by U. Bekenov's performance of Naisa Sarmurzina. In 1954, Gaisa received this kuy from Issrail the grandson of Abai, who learned him from "the hands" when Abai himself was performing it. As for the musical characteristics of the kuy "Mai Tuni," the beauty of nature is conveyed in it and performed with deep feeling. In the fret characteristics of the kuy, the natural and harmonic minor are compared, which is typical for the songs of Abai. In particular, in the song "Esinde bar ma, jaskunin" ("Do you remember your youth"), "Tatiana sozi" ("Tatiana's Letter") 4th option. The development of the kuy melody also indicates the continuity with his songs. For example, in the introductory part of the kuy in the gradually developing melody, there is a sharp jump, which is similar to the technique which is found in the song "Boyibulgan" ("Boaster, insolent"). The gradual melody of the kuy reminds the song "Kozminkarasy" ("You are - the apple of my eye"), "Karangitunde tau kalgyp" ("Mountain Peaks"), "Karashadaomirtur" ("So autumn has come").

Exploring the origins of Abai's melodies, Ahmet Zhubanov wrote: "Abai's songs in their nature, in their spirit, are national, they are based on the traditions of Kazakh folk music. Having introduced the motifs, specific features, and elements of the Russian song and the democratic, everyday romance, Abai expanded and enriched their musical vocabulary (Zhubanov: 1967). In turn, in the culmination section of the kuy, there are elements of the Russian song melody. The dotted rhythm that occurs here manifests itself in the rhythm of the songs "Tatyananin Onegingejazganhati" ("I don't know how to begin"), "Oneginnin Tatyana jazzman zhauabi" ("Onegin's answer to Tatyana"), "Tatyana sozi" ("Letter of Tatyana"). Short motifs are similar to the buy structure of the songs "Senmeni ne etesin?" ("What should I expect?") (The second line Me-nitas-tap // O-ner bas- tap), "Boyibulgan" (Bo-yibul-gan// So-zijil-man).

At present, the younger generation has also turned to Abai's kuy. It should be noted that in order to enrich the repertoire, two Abai kuy were put even for the three-stringed dombra.

1.2. Thus, the issue of defining the conditions and tasks of propaganda in the era of globalization through the analysis of dombra kuy not only of Abai but also Bapys, Shakarim, Kenen, Zhappas Kalambayev is the central one.

The issue of preservation and exploring the regional style features of Kazakh kuy art in the era of globalization is related to it. In the process of the research, special attention was paid to the works of scientists who were at the beginning of the formation of science, exploring musical art on regional features, as well as theoretical works devoted to the issues of regional style.

In the context of this study, the following thesis, which is first formulated that the style directions of several kuy schools play a significant role in determining a particular regional style, and they are defined as phenomena that have common features that prove their unity. In this regard, the idea that regional dialect, customs, traditions, the environment, education, edification, etc. are basic for the formation of common characteristics is proposed. From this point of view, the study of kuy schools in the Karatau region in perspective, in particular, a comparison of the well-known Sugar school and less-known Bapys school.

The data on the environment that formulated the Bapyskuy school, the flow of time, the innovation of the styles of the great personalities, and the continuation of the basic principles of the school were presented as

main new materials. Along with this, it is necessary to develop further the issues of preserving and promoting regional style in the era of globalization. Identification of the research is aimed to increase the level of traditional art.

1.3. By the analysis of the performing art of contemporary singers and Kuishi (such as the People's Artist of the Republic of Kazakhstan Kairat Baybosynov, Shamil Abiltayev, Temiresh Kereyev, Ramazan Stamgaziev, Aygul Ulkenbayeva, Zhangali Zhuzbayev, etc.), the main trends in the development of traditional music in the era of globalization have been identified. Meetings with representatives of the traditional art of modern trend, with musicians of folklore, ethno-folklore, and classical ensembles created in the new trends, were important for their understanding.

In the course of the work, the visit to the Kazakh National University of Arts (KazNUA), in particular, the meetings and conversations with a number of figures of Kazakh musical culture were informative: in particular, with teachers, professors of this University Baybosynov K., Zhuzbayev J., Abilkhan R., Kereyev T., as well as with the composer T. Mukhamedzhanov.

As part of the celebration of the 20th anniversary of the capital (Astana, 2018), the festive OpenAir Concerts were significant: a gala concert (06.07), concerts at the amphitheater on the Esil River Embankment "Keshzharyk, Astana!" (30.06-05.07), the "Koshpendiler Alemi" ethnic festival (July 01), a concert dedicated to the National Day of Dombra (July 01), the International Parade of the Serper Orchestras Festival (July 4, 07), the National Flag Raising Ceremony and the launch of Festive events dedicated to the Day of the Capital (July 4), the International Festival of the Ethnorock Music "ThespiritofAstana"(06.07), a festive concert with the participation of the Kazakhstan pop groups "NinetyOne", "Jayrun", "Arthur and Raym" and DJSet (07.07), as well as concerts in the halls: Premiere of the "ShineAstana" oratorio dedicated to the 20th anniversary of Astana, composer Karl Jenkins (02.07), the festival of traditional Turkic music "Astana-Arkau" (04-05.07).

At the festival, about 400 musicians, as well as researchers in Turkic studies, have performed. Thus, masters from Turkey, Azerbaijan, Kyrgyzstan, Uzbekistan, Turkmenistan, as well as such Turkic national autonomies as Altai, Bashkortostan, Gagauzia, Khakassia, Sakha, Tatarstan, Tyva, and many others constantly represent their traditional art.

As part of the business trip, meetings were held with prominent figures of musical culture in Aktau in Mangystau College of Arts and M. Oskembayev Philharmonic. Thus, a conversation was held with Rosa Aidarbayeva, The honored figure of the Republic of Kazakhstan, famous Zhyrshy-Shezhesi Zhetkizgen Seitov, Aytbergen Zhanbyrshy - the author of numerous works on the music of the region, the researcher of the creativity of the classic of Mangystau tradition Murat Oskenbayev.

To study the creativity of young musicians, to identify new names, meetings with musicians from the philharmonic society of middle and young generation were organized: Gaziza Uzakbay, Zhupar Kemelbekova, Akmaral Yerimbetova, composer Yesenbay Kuliyeu, whose works are performed both in the region and throughout the country. The composers Rakhat Madreyev, the conductor-composer Baurzhan Kubengaliyev are also prominent figures of the region who enrich the repertoire of the artists of the region with their composer activities, and also work to improve the quality of performing and creative process of the musicians. The performers of the distinctive regional traditional song heritage Azimkhan Baimagambetov, Akylbek Tuskara, Ospan Kulsynakov (winner of the contest "Men Kazakhpin") presented several works that were recorded on audio and video media. Along with this, a meeting was held with the creator of the new style of performance of Kazakh traditional songs, accompanied by the violin and variety art transcript, AizhanTurybayeva (philharmonic artist), who is also well-known in the region as one of the active artists who are in high demand. In addition, the recordings of the well-known musicians from the region — the brothers Askar and AsanaliKusherovs, Berdibek Kugarayev — the finalist of the competition Dauys. KZ, Aida Baygelova (winner of the Grand Prix of the contest Zhas Kanat-2009), Gulfairuz Baspayeva (the winner of the competition I'm a Singer) have been updated.

2. "National concept in modern composer creativity."

Song folklore heritage of the Kazakhs is characterized by a wide range of topics, as well as a variety of content. Mostly these are different aspects of people's lives, a reflection of social relations, a state of the human soul, unfulfilled dreams and desires, customs and traditions, the pure love of young people, sorrow and sadness, secrets, and mysteries of nature. Therefore, folk songs convey moral and ethical attitudes, aesthetic and human feelings to the listeners (Albekov et al.:2017, pp. 33-34).

In view of general interest in the historical past, national traditions, folk art, it seems that transcripts of songs and kuy acquire a "second life".

Features of the author's interpretation of bright samples of Kazakh folk and national-professional musical creativity are most clearly revealed in the works of composers of Kazakhstan who are currently active and in-demand (B. Amanzhol, A. Bestybaev, B. Daldenbay, A. Mambetov, A. Tolykbayev, et al.). However, in comparative terms, it is also reasonable to reflect the experience of predecessor composers. It is remarkable that well-known songs such as Kamajay (nat.), BalHadisha by Akhanaseri, AinamKoz by Mukhit, and others are in demand as objects of modern re-intonation, which are widely and artistically represented in musical-historical past and current reality.

The facts of the "re-intonation" of precisely those samples of traditional music that are already associated with specific composer's interpretations are noteworthy. For example, "BirBala" by B. Yerkovich, V. Velikanov, and A. Tolykbayev; "Yapurai" by B. Yerkovich and A. Tolykbayev (we also mention Fantasy on the topic "Yapurai" set for two pianos by S. Muldashева).

The attention to the piano creativity of Kazakhstan composers today is supported by various factors: not only by the conditions of really numerous competitions or by the active enrichment of note literature — re-publishing and publishing of new (including author's) collections: for example, A. Tolykbaev, A. Abdinurov, L. Zhumanova (some of their works have already been introduced into the educational process).

The multiplicity of composer's "versions," confirming the originality of the author's "hearing" and the need for careful attitude to it, is convincingly illustrated by the "life" (or rather "succession of transformation") of such a well-known folk song like "Kamajay."

Taking into account only its piano transcription, one can build the following number of names of composers-interpreters:

"Kamajay" V. Velikanov, B. Erzakovich, N. Mendygaliyev, A. Bestybaev, and others.

We should note the fact of attracting such genre forms as "Improvisation" (the author's definition) or variation to the interpretation of this topic.

"Karatorgay" by E.G. Brusilovsky (1905-1981) and the "BalHadisha" by Dm.Dm. Matsutsin (1898-1980) can be surely attributed to such instrumental versions of the well-known songs of the famous composer-singer, which have been confirmed by time¹.

For a meaningful interpretation of a musical work, the possibility of comparing different composer decisions in the interpretation of a single text that has emerged today is also significant:

"Karatorgay" A. Zataevich, E. Brusilovsky, Dm. Matsutsin, G. Uzenbayeva and others.

"BalHadisha" A. Zataevich, E. Brusilovsky, Dm. Matsutsin, VI. Novikov, E. Umirov, and others.

This particular possibility allows presenting the results of creativity, different in terms of the ratio of sound and hearing in historical and retrospective aspects.

This phenomenon ("double hearing") as conditioned in historical and typological aspects can also be revealed in the context of other genres of the composer's creativity. The most representative is the musical material of the Kazakh opera classics of the 1930s with its practice of extensive use of "citation dramaturgy" (L.I. Goncharova).

Taking into account the peculiarities of perception (of composers, performers, listeners, researchers), it becomes necessary to set the tasks which are predetermined, first of all, by the semantic "field" of the original.

And here, it is important to "return" to the emotionally meaningful sphere, which in reality was determined by the text of the "original source," chosen as the object of re-intonation.

History and national traditions as a "platform connecting the horizons of the past, present and future" (Nazarbayev: 2017) actualize multi-level issues, including the one that, at first glance, may not seem so large-scale, but in reality is significant for the obvious process of self-determination of a nation on the "global map of the XXI century" through cultural achievements. In this regard, it is natural to interpret the national concept in contemporary composer's creativity through the prism of the problem "Composer and Folklore."

Prospects for studying this category ("the national") in its multiple manifestations in the development of musical and theatrical art, as well as in the whole artistic culture of Kazakhstan, should be indicated not only in connection with the approval of a broader theoretical context (including actualizing issues related to studying the phenomenon of "double hearing"), but also with the consistent introduction of documents and facts into research practice, which were previously inaccessible or, for certain reasons, "forgotten" and not involved.

The necessary material from various music-critical and journalistic sources (publications, "scattered" in publications of different profiles) is indeed contained in archival collections. Their involvement opened up the possibility of revising one-sided, and sometimes clearly tendentious assessments and provisions that preserved in the works on the heritage of professional composers of the XX century.

3. "The national origins of the rock-pop culture of Kazakhstan"

It is known that the period of independence was marked by positive movements in the field of musical art, the creation of many groups, rock, and pop bands, works in various styles and directions. During this period, a variety of international and republican was held. This time was marked by the birth of a number of interesting phenomena in the world of pop music, which undoubtedly became a national treasure, including the activities of famous pop soloists and pop groups, synthesizing in their work the features of European style with rich original national origins.

At the same time, in the research, it is scientifically grounded that particularly the reliance on traditional music (folklore and oral-professional) determined the originality and identity of Kazakh pop music, which is especially important in the era of globalization. Ethnic music, which in its time became the basis for the formation and development of professional music of European orientation, in the modern period serves as the basis for national pop music.

The most archaic layer of traditional music - folk music, which is always closely connected with the life of the people, the worldview and philosophical views, naturally continues to function at present. In the process of studying, it is revealed that family-ritual genres (lullabies, weddings, funeral), reflecting the peculiarities of the life activity of a certain nation, in the context of globalization have acquired a new qualitative look. This is evidenced not only by the new forms of family celebrations (mentioned above), accompanied by entertainment events in the form of music and dance performances but also by the fact that they became the basis for contemporary compositions. In general, it should be noted that the folklore patterns, that is, the original folk music and poetic art was the subject of inspiration and support for famous cultural figures and traditional oral and modern written creativity.

The inclusion of Kazakhstan in world processes is also evidenced by the original pop industry. Like show business in the world, our country has also developed its own pop culture. Its distinguishing feature lies in the national soil, which determines the originality of the domestic music industry. It should be noted that most styles and trends are borrowed from world practice. However, some genres and styles have features similar to national genres (for example, *terme*, *tolgau* with American rap, or hip-hop).

3.1. Of course, the musical direction which is in demand, is the traditional pop with its main genre - the song. This is understandable because, in the Kazakh traditional music, the song genre occupies a fundamental place. Along with the wide-chant lyric compositions that allow the performer to demonstrate his/her vocal abilities, there are songs in various modern styles, oriented towards dancing and have a clear beat. The latter is particularly relevant for the performance or playback of their records in special entertainment events (night clubs, bars, family celebrations with the active participation of the young generation).

However, along with the mentioned ones, it is also necessary to indicate the presence of songs associated with various rituals and everyday acts that go back to the depths of the ages. These are modern songs dedicated to the wedding procession (Zhar-Zhar, betashar, synsu, koshtasuander), childbirth (different versions of Aldibopem), and personifying different stages of the child's development (Tai-Tai). That is, these songs are an obligatory part of a certain family celebration. It is logical that these compositions demonstrate the contemporary existence of folk music genres. They indicate that some traditions, though distant from the original model of consciousness and thinking, are still alive. And this, in turn, reflects the place of our country in globalization processes: Kazakhstan is a State that has deep roots and traditions that have survived by nowadays. That is, it can be argued that "the first condition for the modernization of a new type," which is to preserve "own culture, own national code," noted by N. Nazarbayev in his program article (Nazarbayev: 2017), takes place in the culture of Kazakhstan.

3.2. It is known that the XX century was marked by constructing a new system, ideology, and form of life. All genres of ritual folklore undergo modification, and all the peoples of the Soviet Union are building a single country with a single cultural paradigm. Particularly during this period, many types of folk art disappear and / or are modified and now fulfill other tasks. Thus, for example, in the era of gender and social "equality," the wedding genre synsu lost its existence - the farewell cry of the bride, personifying the flowering of feudal-patriarchal relations which were hostile to the idea of Soviet power. And zhar-zhar, betashar, lullabies gain more artistic value than the applied one. And, of course, they completely alienated from the national mentality and attitude.

Popular music as the leading musical direction in the whole world also played its important role in the revival of the national identity of the Kazakhs. Family celebrations at all times have been an integral part of the traditional culture of the people, reflecting its ancient world view in the figurative and semantic content. By the XXI century, the Kazakh people, having passed the rich historical path, incorporated the ancestral traditions into the modification processes. And one of the ways is the creation of a new type of creativity - popular compositions that are externally related to rituals, which now have acquired artistic and aesthetic meaning.

3.3. Among the wedding songs, the "Jar-jar", "Betashar" and "Syńsý" songs related to wedding rituals are spread. Thus, the rite Syńsý which lost its meaning is traditionally performed during the farewell to the bride. But if before it was performed for a considerable time (several days or several months, until the bride left), now it accompanies the last journey of the bride, who is leaving after the celebration of the saying goodbye - "QyzUzatý". In this respect, the songs of GaukharAlimbekova, Rosa Alkozha, AigerimKalaubayeva, DinaraAlzhan, Zhazira Bayirbekova, and others are noteworthy.

Especially popular among the mentioned ones is the song "Aqkelin" performed by Gauhar Alimbekova. This composition includes the best wishes for a young bride at the beginning of her new life. At the same time, this composition has a philosophical meaning, which in general, is the basis for the entire traditional culture of the Kazakhs. It highlights the issue of the relationship of the young daughter-in-law with her husband's parents and other relatives, about the virtues of her position in the father's house, about the need to be wise and respected among her husband's family. The word "Aqkelin" - "White daughter-in-law" symbolizes the youth and purity of the image of the bride. In this regard, the song also says that "today's celebration is the personification of farewell to childhood, with carefree youth."

In the musical aspect, the whole melody has a narrative character, which is connected with the edifying content. This image is transmitted due to the fact that each musical phrase, as a reflection of separate thought, is shown clearly: with a stop for a longer duration with a pause, and also a return to the lower sounds - alternately on the first, then on the second.

It must be emphasized that the tradition of the performance of Syńsý in the modern period is very different from the original. So, previously this song was an obligatory part of the seeing-off of the bride, who herself composed and performed it, separately saying goodbye to her native lands, relatives, and just before leaving

her parents, as well as brothers and sisters. These were songs of crying that carried out a certain ritual function. In the aspect of the modern worldview, this custom, like other household and ceremonial processions, has the artistic meaning. This, in turn, has also influenced the change in the forms of performance, content, and function. Now all the farewell songs of the bride, don't assume crying and are performed, as a rule, by a specially invited artist, sometimes using audio-video recordings of the famous songs of this trend (Dossumova: 2016).

4. "Performing and teaching activities of prominent representatives of modern Kazakhstan in the context of world culture (to the formulation of the problem)"

The performing arts of Kazakhstan have reached unprecedented heights. In the process of its comprehension, there are significant sources illustrating the appeal to the richest traditions of performing art in Kazakh culture, in the statements of Russian and foreign scholars, ethnographers and travelers: in particular, unique examples from the life of folk singers-anshi, including their singing skills, interesting materials about the high status of these performers in the spiritual life of the people. In this aspect, the enthusiastic evaluations of the great folklorist A.V. Zataevichon their moral educational function, etc., who in the notes to the performance of the songs of the singers, give thoughts about the timbre of the voice, about the range and natural flexibility, and compares one of them with the great Italian singer Enrico Carouso. These are truly unique testimonies, valuable for the preservation and development of the spiritual heritage of the Kazakh people. Documentary evidence-based principles that functioned in the era of the national renaissance confirm the conclusion about continuity in the performing arts of our nation.

Having inherited high ethical and moral values from the centuries-old traditional culture, the oral form of transmitting musical material, virtuosity and artistry (the art of anshi, kuy shi, etc.), it has now enriched and expanded its horizons due to the unique talent of unique personalities who have an arsenal of performing styles and expressive means, sophisticated technology and rich intelligence of the artist-creator. These features fully relate to the vocal performance (N. Usenbayeva, K. Zholdybayev), choreography (L. Alpieva, G. Kurmangozhayeva), piano (J. Aubakirova, A. Tebenikhin) and violin (G. Murzabekova, M. Tuyakbayeva).

The highest performing skills of A. Musakhodzhayeva - the only "Enbekeri" holder in the field of art are remarkable in the chosen aspect in the brilliant pleads of Kazakhstani musicians, who is a worthy "visiting card" of sovereign Kazakhstan.

It is a well-known fact, that her unique talent and selfless work, is appreciated by many regalia, prizes, diplomas and titles of republican and world-scale - such as Honored Artist of the Republic of Kazakhstan (1983), People's Artist of the Republic of Uzbekistan (1986), Honored Artist of the Republic of Uzbekistan (1992), Associate Professor (1991), Professor (1993), Academician of the International Academy of Creativity (1997), winner of the UNESCO title "Artist for Peace" (1998), laureate of the State Prize of the Republic of Kazakhstan (2000), Balmonte city award (Italy) "For high artistic qualities and public mission in the world for peace" (2001), holder of "Platinum Tarlan" (2002). Her name is listed in the Outstanding Woman of the World Encyclopedia (World Biography Institute, USA, North Carolina, 2005). The name of the laureate of many competitions held in different countries of the world (in Yugoslavia - 1976, in Italy - 1981, in Japan - 1983, in Finland - 1985, in Russia - 1986, etc.), personifies the prestige of the Republic of Kazakhstan. The name Ayman is associated with the achievements of the national violin school, the origins of which are associated with the name of a talented teacher, professor N.M. Patrusheva. Sound competition titles and victories did not burden Ayman with own fame and ambitions, but, on the contrary, became a powerful incentive for the steady conquest of new and new heights, new frontiers in interpreting the invaluable treasures of musical culture.

4.1. A kind of "space start" for A. Musakhodzhayeva became an international P.I. Tchaikovsky competition (1986). The victory won in Moscow opened wide horizons for the achievement of new creative peaks and genuine recognition. At the P.I. Tchaikovsky competition Ayman Muskhodzhayeva perfectly performed the most complex program from the repertoire of world violin music: works by the great classics of Western European art, the immortal works of I.S. Bach, V.A. Mozart, L. Beethoven, E. Isaiah and J. Sibelius. The masterpiece of P. Tchaikovsky, the celebrity of that musical spring of the world, N. Paganini, the recognized

violin magician, and the play of the talented Kazakh composer M. Sagatov fit into the competition program of Ayman as a special line.

Having performed brilliantly two caprices by N. Paganini, the violinist over the years mastered the whole cycle, consisting of 24 pieces and representing, in the opinion of musicians, an original encyclopedia of violin technique and virtuosity. It should be noted that Ayman constantly includes in her concert program the compositions of Italian violin music, thereby improving her excellence and performing level based on classical patterns of global art.

The repertoire baggage of A. Musakhodzhayeva includes a large-scale conceptual, philosophical, and technical difficulties violin concerto by the great German composer I. Brahms. Ayman plays the composition which has strict solemnity and majesty in a restrained and ascetic manner. The artist reveals the substantial essence of this musical canvas, its moral and ethical depth, directed to the sphere of higher matters. In her performance, the essay of Brahms acquires a courageous-willed attitude.

The dominant ideas of individual freedom, spiritual purity, and noble thoughts and actions inherent in it are harmoniously combined with the inner world of the violinist. To achieve the performance perfection of this work A. Musakhodzhayeva is fluent in all the performing techniques, both traditionally well-established and modern-improvisational - noble sound, excellent sound, hand coordination, stroke freedom, purity and beauty of intonation, and, finally, a phenomenal memory.

4.2. One of the favorite violin works of A. Musakhodzhayeva is the famous concert of A.I. Khachaturian. This work in the fate of the future violinist is perceived as symbolic. For example, in the early 70s of the last century, at the Abay Opera and Ballet Theater Khachaturian's ballet "Spartak" was designed for staging and in the title role was Ramazan Bapov, who later became a famous, dancer. At the invitation of the administration of the theater, the author of the music arrived at the premiere of the play from Moscow. Then, Aram Ilyich visited the K. Baiseitov music school, heard a brilliant play of the seventh-grader schoolgirl Ayman, who performed the finale of his famous concert.

Conquered by the play of a young girl, the great musician predicted her a wonderful artistic future by making a prophetic note on the score of his concert: "Ayman, you will be a great violinist, but just remember - work, patience and tolerance are the main things that will be necessary on this path". These notes with the wishes of the great composer have stored in the family archive as a priceless relic, as a blessing. And later when A. Musakhodzhayeva fully mastered the skills of performing, having reached creative maturity, she included the Khachaturian Concert into the program of her performances.

The most important part of the creative type of Ayman Musakhodzhayeva is her participation in the ensemble performance. As it is commonly believed, this form of music-making is the most democratic, in which each participant in the creation of music is given the opportunity for free expression and instrumental improvisation.

4.3. Despite the fact that Ayman is often very busy, she often gives concerts in her hometown Almaty. Here dedicated fans of her talent are waiting for her, here - the famous Bayseitova School, the forge of national professionals. In this unique educational institution, Ayman's road to the heights of performing art began in the past, and there are many friends and followers. Concerts in Almaty become real feasts, feasts of genuine art in the high sense of this word. She gives charity concerts in the House of Scientists, master-classes in the "Baiseitovka", concerts for schoolchildren in the Philharmonic Hall named after Zhambyl. So, the long-awaited meeting with Ayman was a concert held on November 28, 2005. Once again, the violinist demonstrated a high class of excellence, spiritual creativity, inexhaustible artistic resources, her immense work performance, and amazing devotion to her beloved work in the service of art. This performance of the eminent artist was perceived as a creative report, as a significant and landmark event in the cultural life of the city (Rapport: 2018).

Ayman Musakhodzhayeva is a pioneer and propagandist of the achievements of violin music by composers of Kazakhstan. Her repertoire includes instrumental plays by A. Zhubanov and M. Tulebayev, "Bozaygyr" by E.

Brusilovsky, Concerto for violin and orchestra by E. Rakhmadiyev, kuy by M. Sagatova, Concert for violin and flute by T. Kazhgaliyev and many other compositions.

Her activities - performing, teaching, organizing and charitable - are multidimensional and multifaceted. At the present stage of the culture of Independent Kazakhstan, Ayman Muskhodzhayeva is in a beautiful art form, at the zenith of well-deserved fame and honor. Deep intelligence, high culture, stage charm, and attractive sociability constantly delight connoisseurs of her unique talent.

The art of an outstanding artist is a landmark phenomenon, our national wealth and pride. Her rare talent is a great power capable of commanding the souls and hearts of the contemporaries (Kuzbakova: 2013).

CONCLUSION

The title of the theme "Modernization of the Kazakh traditional musical culture in the era of globalization" was consonant with the State programs adopted in Kazakhstan. According to the opinion of the President of the Republic of Kazakhstan N.A. Nazarbayev, who says: "What kinds of our modern culture should be promoted in the world? This is a very serious and time-consuming work, which includes not only selecting the best works of national culture but also presenting them abroad", in this study, their role is marked both domestically and internationally by identifying leading musical trends and characteristics of specific musicians.

In this regard, the processes of development and popularization of traditional music of the Kazakhs in the era of globalization are shown, ways of identifying features of the national language in contemporary composer creativity are marked, the phenomena of modernizing folk music in domestic variety art are explored, and performing activities of prominent representatives of modern Kazakhstan in the context of world culture are described.

The theme "Modernization of the Kazakh traditional musical culture in the era of globalization" –is a multi-layered and multi-level topic. It is promising and productive for all areas of the humanities, in particular, musicology. This study can be successfully continued in new projects and become a reference point in terms of identifying the best examples of musical and poetic folklore, in the creativity of folk professional composers and contemporary music. It should also be noted that this relevant topic has the obvious scientific and creative potential for the future in further research at the intersection of several humanities (linguistics, philology, historiography, ethno psychology, and etc.).

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Kazakh historical epics and epical tradition

Epopeyas históricas kazajas y la tradición épica

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ABSTRACT

Historical epics have great significance in world literature. Kazakh historical epics were created by folk poets. In the study, authorial historical epics are compared with heroic poetry and historical epics. In the narrative, common motives are defined between the historical epics by folk poets and the heroic poetry; the attributes are listed differentiating the former from the heroic epics. The subject of this research is the historical epics made by folk poets, their place in the Kazakh literature, the ancient motives, epical traditions in the structure, plot of compositions of this category.

Keywords: Historical epic, author, epical tradition, folk poets, improvisation.

RESUMEN

Las epopeyas históricas tienen un gran significado en la literatura mundial. Las epopeyas históricas kazajas fueron creadas por poetas populares. En el estudio, las epopeyas históricas de autor se comparan con la poesía heroica y las epopeyas históricas. En la narrativa los motivos comunes se definen entre las epopeyas históricas de los poetas populares y la poesía heroica, se enumeran los atributos que diferencian a las primeras de las epopeyas heroicas. El tema de esta investigación son las epopeyas históricas hechas por poetas populares, su lugar en la literatura kazaja, los motivos antiguos, las tradiciones épicas en la estructura, la trama de composiciones de esta categoría.

Palabras clave: Epopeya histórica, Autor, Improvisación, Poetas Populares, Tradición épica.

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1. INTRODUCTION

When studying the history of any nation, its sources, facts, literature, culture, etc. shall be taken into account. That said, there is a lot that literature can provide for cataloging history. Genres of literature such as yearbook, genealogy, heroic poetry, historical poetry, epics, tales, and stories provide information about historical events and historical heroes. After Kazakhstan gained independence, those historical epics banned from research in the Soviet era and strange to the scientific community have been published, and their research has been started. Vitality, liberty, and love for Motherland of the nation that fought with the enemy and injustice are one of the main ideas of historical epics. The poetry praising the patriotic pathos has gained its appreciation in the world literature. For example, the Egyptian pyramid texts regarded as literary composition tell about the life and adventures of the person in that tomb. The 'Iliad' of Homer tells of the world-famous ten-year war between the Greeks and Trojans, and his 'Odyssey' describes the Odysseus's trip to his wife, Penelope, from Ithaca, after the end of the war (Akhmetzhanova et al.: 2015, pp. 240-241).

The Indian epic 'Mahabharata' (800-400 BC) describes the formation of the nation, and 'Ramayana' (about 200 BC) tells of Rama's quest to rescue his beloved wife Sita from the clutches of Ravana. In the compositions found in the Library of Assyria's king Ashurbanipal (647-627 BC), the struggle and heroic deeds of ancient kings, gods, and queens of ancient Mesopotamia such as Enmerkar, Lugalbanda, and Gilgamesh are described. The history of the entire human race has been longing for a peaceful life after having troublesome times. They never forgot their heroes that brought peace to their land. That is why the best samples of the world literature have been devoted to the deeds of the heroes.

2. MATERIAL AND METHODS

The Kazakh people, who had occupied the Great Steppe, have had enough heroic sons. Historical and political events in the Kaganate, Khanate, and colonial eras involved the direct participation of heroes. In those times, the aqyn, zhynrau, and poets who were always among the people, narrated the history of the country in the form of poetry and passed it down through the generations. 'The concept of zhyr, zhyrshy comes from zhar. Zhyr, yir, ir in Tatar, Kyrgyz and other Turkic languages means a poem or a rhyme, while in Kazakh poetry it means a rhyme, term which is not divided into verses, in the form of a long speech with a free rhyme having seven, sometimes eight syllables' according to Prof. Y. Ismailov who shares his opinion on zhyrshy suggesting that, 'In the Buryat-Mongolian language the zhyrshy and sheshen has the same origin, khurchi, khurchin - to play a golden violin or a gulchin - an honored woman, a sosen - sheshen – meaning a smart woman, flower, respected by aqyn-zhyrshy and sang in their epics (Ismailov: 1996). Most Kazakh poets, who lived in the XV-XIX centuries and at the beginning of the XX century, were illiterate.

Therefore, their poetry was created orally and spread among the community, and only later they were written on paper. For example, the great poet Zhambyl Zhabayev (1846-1945) improvised his epics and kept them in memory and spread to the people orally. Abdilda Tazhibayev, Kapan Satybaldin, Kalmukan Abdykadirov, Gali Ormanov, Tair Zharokov, who were his literary secretaries in the Soviet era, helped to write down and publish the compositions that the old poet remembered. To date, many authors of historical epics and their main heroes such as batyr, historical individuals have not been thoroughly familiar to the typical reader and scientific community, and therefore many of them have not received due appreciation in the national literature and history. In the context of the Soviet ideology, there were shared opinions about some poets such as Zhambyl, Nurpeis and some batyr such as Amangeldy, Suranshi, Isatai, Makhambet, and popularization was carried out among the community. The names of dozens of other heroes, poets were ignored, and their compositions were kept in literary archives.

Above, it was mentioned that the compositions of folk poets were created orally and passed down in the form of word of mouth. It is known that in the history of the world culture, the improvisational art was also in

the compositions of bards, minnesingers, sasons, and scalds. There were famous European improvisers such as Tommaso Sgricci, Eugen de Pradell, Adam Mickiewicz, and Max LangerSchwartz. Many Kazakh folk poets created their compositions orally till the October Revolution, and some poets - till the middle of the twentieth century, maintaining the tradition of oral literature. Folk poets, along with their own compositions, kept the memory of those of other aqyn-shyrau, bii, and sheshen, sal-Seri of aitys, of epic epics and spread them among the community. For their improvisational talent they gained sympathy and an excellent reputation among the people in the community. 'In the Kazakh society, making verses, i.e., poetic art, was not an occupation or something to learn, but it was only an outward form of thought, a way to express ideas through talent.

Making a verse or zhyr sometimes required efforts to reflect and rectifying errors in it, but sometimes the poetry came out spontaneously, like a stream, and the poet in this case used prose and sang incessantly and without any effort for rhyming. In sudden situations such as sending soldiers to war, decapitating the khan, people would wait for a poet to tell the story, and there the verses were made right away. Moreover, those who would sit and reflect did not do poetry. They did not memorize their rhymes, or do recording on paper, but just uttered when it was needed' (Atash: 2013). When the written literature developed and the books were published, interest in the improvising art decreased, and its scope was narrowed. Nowadays, the improvisational tradition is kept in the form of aitys. This trend has remained in the Kyrgyz and Karakalpak nations along with Kazakhs.

Folk poets improvised extensive and sophisticated samples of epics, as well as major epic epics. The subject of this research is the historical epics made by folk poets, their place in the Kazakh literature, the ancient motives, epical traditions in the structure, composition, plot of compositions of this category.

The scenes of intense clashes for the independence of the high steppes and the independence of the country were described in historical epics, epic compositions, and in authorial historical poems with expressive language. 'Historical epics are a part of the Kazakh folklore, which has been a model to showcase the country and sovereignty with an incredible spirit, from generation to generation. It is well-known that the study of the idea of national liberation, which was widely depicted in them, was limited in the Soviet-era' (Albekov et al.: 2017). The ultimate meaning of the terms 'old al song', 'historical al poem', 'authorial historical al poem' are similar, their main plot is the difficult times of the people, political news, and significant historical events in the country. However, as most literary critics have not explained the distinctions of these terms, their relationships, characteristics, and functions are scientifically unclear.

The birth and evolution of the literature of every nation is a very complex phenomenon. The magic word system that deeply touches the soul of every Kazakh, which has not stayed intact as the time goes, was passed down from father to son orally. The heroic Kazakh sons and daughters, who had a great responsibility for their fate, demonstrated the art, as well as the great example of courage. One of the most extensive heritage of the past that has reached these days by word-of-mouth is the historical epics, and the keywords in them are the real social and political events (Rakhim: 1999).

Scientists of the M.Auezov Institute of Literature and Art in the 1979 collective monograph considered the 'historical epic' and 'historical poem' as two separate genres. 'There is no doubt that there are two genres called 'historical epic' and 'historical epics' in the Kazakh oral literature. However, there is not much uniformity in their study. Scientifically they are not completely separated. As a consequence, researchers are paying more attention to the 'historical epics' and cannot yet speak of historical poems. As these genres are not studied adequately they are not even mentioned in textbooks for higher education' (Nurmakhanov: 2010).

The nature of historical epics, poems is similar to the heroic epics. Both describe the heroic deeds.

The distinction of the famous poem from the heroic epic is that it describes the later period of the hero's life and reflects his heroic actions of that time. Its essence is that the events of the poem were in the recent times and that the scenes were still vivid in the eye of the people, and the historical batyr has not yet become an epic (Gabdullina: 1995).

Doctor of Philology Y. Tursunov comments on the difference between heroic poetry and historical poetry:

Therefore, the heroic epics are those epic compositions that happened in the earlier eras describing the general episode of epochal events, based on historical events almost erased from the people's memory, or even those forgotten. Historical poem (kenzhe epos) is the epic samples that used poetic techniques of ancient heroic epics in describing the historical events, those that were not completely erased from the memory of the people, and sometimes made following the real historical events. Kenzhe epos is a common genre type between historical epos and historical poems (Tursunov: 2006).

The Russian scientist B.N. Putilov in his composition 'The Russian Historical Folklore of the XIII-XVI Centuries' suggests:

The specific historical character of the genre is not at all in that the poems reflect in the form of concrete historical plots, the real political conflicts characteristic of this historical moment and for some reason important for the people. The specific historical character resides in the topic of these poems, and their heroes act as the protagonists of the story regardless of whether they were such or not (Putilov: 1960).

Even though the whole truth of life was not reflected in the historical poem, the poet described in it the truth of the time and the main historical event that he saw or heard himself. The heroes that showed their heroism and therefore stayed in the memory of the people were the main character of the historical epics.

Academician M.O. Auezov suggests:

All these epics, those that were made earlier and later, were based on real historical events and the main characters were real people. Authors of these epics are mostly those who have seen these events. The authors tell stories that they have seen and experienced in the past. Historical epics are different from heroic epics. That is, in the historical epics, the subjective evaluation of the author that takes the events personally replaces the objective narrative characteristic to the epos (Auezov: 1962).

Consequently, the authors transform the facts, events, and historical circumstances that do not come from memory into a powerful poem without much change. Even if they do not know the details of the events, they may be generally familiar with the subject and have an interest in it. Therefore, it is enough to draw on the global event and to describe the main hero's image, personality.

If the compositions of European improvisers were accompanied by instruments such as harp and violin, Kazakh poets accompanied were by *dombra* and *kobyz* and sang to the traditional music of the region. That is why it was easy to keep the texts of the poem in memory and replay, if necessary. This determines the syncretism of the genre.

Until recent years, the authorial historical epic was not given a clear definition. In the world literature as well, there is no term such as 'authorial historical poem.' Its main reason is that in the countries where the civilization developed early and written literature prospered, poets wrote down their own writings, or asked their companions, students for help, and published them. Textological investigations are even carried out to define the original text comparing the copies, variants, editions of one piece of composition.

3. RESULTS

The original texts of the Kazakh authorial epics were made orally and then, as far as possible, put down on paper with the help of national heritage collectors. It is possible to see that the themes of historical poetry include the historical events related to khan-sultans, the heroes, *bii-sheshen* lived between the XIII-XIX centuries and the first half of the XX century. As a rule, the political transformation that takes place in the country, and the adversities that come down to the nation are told as a story at first gradually turning into an epic, short poem. Over time, improvising folk poets create a single complete poem of out those episodes.

The origins of the authorial historical epics are traced back to ancient Turkic epics of *Kultegin*, *Bilge Kagan*, *Tonikok*. For example, the author of the poem *Kultegin* is *Youllik Tegin*. However, among the historical

epos created in the later eras, there are compositions whose authors are identified, as well those folklore epics whose authors are forgotten. Sometimes it is difficult to distinguish between them.

However, based on the results of our research in recent years, 'authorial historical poem' can be referred to as a composition which accurately describes the historical appearance of a particular event in one particular period of time, a unique version that is totally different from the folklore variations, widespread among the people and whose author is recognized as a particular aqyn or zhyrau.

The authorial historical epics cover all the periods in a nation's history just as other folklore historical epics. However, it is natural that over time their authors come out of memory and become folk tales. Due to the nomadic style of life of the Kazakh people, the late formation of written literature, the lack of individual archival institutions, the passage of epics by word of mouth from generations through zhyrshy and performers not only made changes to texts but also ignored the names of the authors.

From the second half of the XIX century, most of the epic compositions based on the actual plot began to acquire authorial characteristics. There was a group of talents such as Shakarim, Akylbai, Magauiya, Kokpai, Uaiss educated at Abai's school, who shaped a new genre. For example, Shakarim's 'Enlik-Kebek', Kokpai's 'Sabalak', Uaiss' 'Alasha Khan-Zhoshi Khan' are considered to be one of the most valuable heritage that covers a historical theme.

After the national liberation rebellions of the XIX century organized by Isatay-Makhambet, Zhangozha, Eset, Kenesary, Isa-Dosan, Syzdyk tore, many famous historical poems were created. Among them are Nysanbai zhyrau's 'Kenesary – Nauryzbay', Kalnyaz's 'Karmys – Tulep', 'Issatai – Makhambet' by Ygylman Shorekuly, 'Dosan Batyr' by Sattigul, 'Zhankozha batyr' of Musabay zhyrau and other dozens of compositions. Almost all of them were composed orally, accompanied by dombra and kobyz, performed in a harmony of different musical compositions, as the area of circulation expands the epics acquire more folk features and become similar to folklore heritage; this is characteristics to historical epics.

The political upheavals of the early twentieth century, and the events that caused the public uproar after the 'June Decree' of the Russian king of 1916, and their consequences, are also known to be the principal motive of the historical compositions of several Kazakh poets. For example, there have been composed more than 15 samples of historical epics based only on the life and courage of Amankeldy batyr. Among them, there are historical poems and dozens of epics and obituary by folk aqyn such as Sat Esenbayev, Imanzhan Zhylkaidarov, Nurhan Akhmetbekov, Omar Shipin, Kuderu Zholdybayev, Amre Sultanmuratov, Orynbay Iqibayuly, and others.

It is well-known from the history that the end of the national liberation rebellion of 1916 led to the February Revolution of 1917. The civil war of the 20s of the 20th century, some of the events of the collectivization period of the 30s were not left without the attention of folk talents. In addition to Amangeldi, dozens of heroes such as Bekbolat Azhikeuly, Alibi Zhankeldin, Shaimerden Beisuly, Uzak Saurykuly, and courageous young men such as Bayan, Askar, Tailak, Ermagambet, Margabay, Tobagul, Bazar, Aidos, whose life and deeds in the fight for the freedom of the country will always be an example for future generations. There were created stories, poems about some of these fighters, while local aqyns dedicated epics to the adventures of others.

Until the declaration of independence, Kazakhstan people experienced several historical events and have been a witness of various cruel periods. For example, after the establishment of the Kazakh Khanate in 1465, continuous wars with Kalmyks, Kokands took place to protect the Khanate from the enemy. Social and political events of the Khanate era became a key topic of the creativity of the zhyrau. At the beginning of the 19th century, despite efforts to retain the land and the people, Kazakhstan became a colony of the tsar administration.

The catastrophic events such as the famine and the war the people witnessed were not left without the attention of folk aqyns. As folk poets lived in different periods, they contributed to the preservation of the history of the country by composing epics about the fights with Kalmyks, colonial policy of the tsar government, numerous national liberation movements, the establishment of the Soviet government, especially the

collectivization period, the years of the repressions, the Great Patriotic War, because 'The maker of historical poetry, epics is the people who are both the witnesses of particular events and the participants' (Mirseitova: 2005, pp. 73-75). The aqyn-zhyrau who were witnessing the social, historical, and political events in the country, were never indifferent with respect to the image of the time. Thus, they were able to show the real history through artistic expression and served exceptionally to the Kazakh society at all times, to its culture and spirituality.

The authorial historical epics can be grouped into two according to the themes. One topic is the events inside the country, the news, the actions of the local authorities against the common people, their dissatisfaction with it, and the desire for peaceful times. The second topic is warring with foreign enemies such as the Zhungar Orda, Kokand, Khiva, Russia, the anti-colonial movements, the national liberation revolt, the khan-sultans, the heroic commanders of those battles. 'It is important to understand the socio-political conditions of that period and the essence of the historical events that have taken place in order to deepen into the secret of the historical poem.

On the contrary, historical epics have a special place in provoking thoughts, leading to the secrets of the soul, the psychological depth of the life phenomenon when looking through the renowned historical periods. Only when the historical accuracy and literary beauty combine, the essence of the historical events is revealed, and not only the outer image of historical figures but also their inner world is identified, a whole image is created (Nurmakanov: 2010). Based on the creativity of aqyn-zhyrau of the XVIII-XIX centuries, the literary-artistic image of historical individuals such as Abylai, Kabanbay, Kenesary, Issatai, Makhambet, Syrym, Eset, Agybai, Zhankozha appeared. The events taking place in all corners of Kazakhstan were noteworthy, and the aqyn-zhyrshy of each region devoted poems to their Kinsman who was famous for their bravery.

At this, we decided to briefly consider only the compositions of poets who lived in the XIX-XX centuries in the Zhetysu region. Among them are the historical epics depicting the people's movement against Zhungar invasion of the XVII-XX centuries and foreign enemies (Russian, Kalmyk, Zhungar, Chinese, Kokan, etc.) and the courageous deeds of their leaders such as Suyenbay Aronuly's 'Soranshi Batyr', 'Sauryk Batyr', Zhambyl Zhabayuly's 'Otegen Batyr', 'Zhetiygen Batyr', 'Shayan Batyr' by Esdaulet Kandekuli, 'Er Azhibai' by Abzeyit Malikeyuly, 'Ali Batyr' by Kenen Azyrbayuli, 'Partizan Shaimerden', 'Musabek Sengirbaev' by Kalka Zhapsarbayuli, Kodek Maralbayuli's 'Life experiences', Sayadiil Kerimbekuli's 'Five guns', Kabilbek Sauranbayuli's 'Karkara uprising' etc.

In short, historic epics did not emerge out of anything. Its formation as an individual genre was influenced by the heroic epics in folk art from ancient times. Folk poets absorbed the previous various epical traditions and renewed them. They were often singing about the stories that they had seen themselves or those that they had grown up with as children or those that have already been forgotten, which they would take and renew. Thus the epical tradition has continued. These epics do not necessarily depict the exact history, describe the historical figures in a fantastical manner, and do not just tell the history, but the event in this story turns into an epic state, and its image is illustrated in a poetic manner. Professor T.A. Konyrtbay suggests:

Epical tradition is an art and historical phenomenon... V.P. Anikin calls the stream that does not admit it an 'anti-istorism,' and he is right. Epical tradition is based on the ethnic process. This is a sign that shows its stability... Tradition is an ethnographic, epical tradition - ethnic tradition. It's hard to master the cognitive nature of epic epics until you know this law (Konyrtbay: 2002)

The scientists classify the recurrent motives in the Kazakh heroic epics as follows: 1) information about the environment the hero lives in, his parents, his country; 2) the miraculous birth; 3) the childhood characteristic to heroes; 4) the first heroic deed; 5) communication about the enemy's attack; 6) going to war; 7) search for a bride; 8) fight of a batyr; 9) failure of the crusade (capture); 10) returning to the country with victory; 11) wedding. We can explain how these individual motives in the authorial historical epics are distinctive from those in the heroic epics.

The authorial historical epics can give us information about the birthplace, tribe, and ancestors of a batyr. However, unlike the heroic epics there are no motives such as the parents being in need of a baby, the birth

of a hero with the wishes of the crowd and the support of the saints, his fast-growing up, communication about his bride, his search of his bride, arriving at the wedding like a stranger, etc. Most of the historical epics have motives that reflect the heroism of the hero, such as the first heroism, receiving the message of the enemy's attack, taking revenge on the enemy, returning to the country with victory.

In the epic 'Koblandy Batyr', 'Alpamys batyr', 'Karabek', in the cycle of 'Forty Heroes of the Crimea' there are motives like the tribal situation until the birth of a hero, need for a baby, the birth of a baby that was awaited for, his exceptional childhood, while the introduction to authorial historical epics begins with the motive of the heroes heroism during childhood or adolescence. In the poem 'Shayan Batyr':

One day, Shayan's grandfather, Zhelmenbet sent him to look after the herd of camels. When he arrived there he saw that the Kalmyks' camels were mixed with his. Shayan was a ten-year-old boy then. There was a sleeping Kalmyk at the pasture when he was trying to ride his cattle away. There was an ax next to him. Shayan boy liked the ax. He got off the camel and took the ax in his hands. He thought that if the Kalmyk wakes up, he will try to get the ax back. He decided to kill the sleeping Kalmyk and cut his head off. Then returned to the village with the herd of camels (Kandekov: 1940).

The scene when a batyr kills someone as a child can be encountered in the heroic epics. Accidentally killing a child, he is playing with is a sign that the child will become a hero in the future. In the poem 'Alpamys batyr': '... At that time, Alpamys was ten years old, and living in the village of Zhidely Baisyn, and was a governor of Konyrat. Those kids beaten by him would die. People would keep their children at home and would not allow playing outside.

One day when Alpamys could not find a child to play with, he saw a baby sleeping beside the old lady and said, "Hey, boys, let's play," the child dies as it could not bear the touch of Alpamys (The Words of the Ancestors, 100 volumes: 2010).

In the 'Kozy Korpesh-Bayan Sulu' poem, Kozy often smashes, beats the peer children. One of the angry boys suggested to him that Kozy would better find his would-be bride and show courage.

The motive of accidentally killing as a child in the epics indicates to the child will become a hero in the future, and secondly, it tells about his first heroic deed. This motive triggers the beginning of the line of events of the poem.

In historical epics, the hero's first heroism is often reflected in the battlefield fight with an enemy. For example, in Esdaulet Kandekov's 'Zhetygen's poem, the first heroism of the main character indicating that in the future, he will be a brave hero is described as the beginning of the whole life full of heroism. When Zhetygen was fifteen years old, the Kalmyks attacked the country, and he went to fight the enemy with the older batyrs. Initially, Zhetygen was seen as a young man, who had not enough experience to fight but who had a great desire. Despite his age, he demonstrated courage in that war.

In times of war, there were many threats and unexpected attacks from external enemies. Therefore, the heroes of the country were always ready to fight at any time and spent their life on horseback. One of the motives of the heroic poetry and authorial historical epics is the communication of the enemy's attack'. Such a message awakens the sense of self-worth of the heroes, and awakens their anger. Therefore, until they overcome the enemy, they are not satisfied. Those captured by the enemy, hurry to get back to his land, relatives, and friends. He wants a peaceful life for his country.

In the poem 'Shayan Batyr' by Y. Kandekov, Shayan at the age of 16 hears that his brother Sat is killed by the Kyrgyz hero Uman. He wants to take revenge on the enemy. In a fight, he defeats and overtakes Uman. And in the poem 'Er Azibai' by Abzayit Malikeuli, when the young Azhibai batyr hears that Kalmyks destroyed his country, he goes to fight the enemy.

Shayan batyr does not only care about his country but also helps his friends in the neighboring country. It means that the heroism of Shayan is not only known within the borders of his country but also in other nations. One day, 500 Russian troops arrived in Kyrgyz land to destroy the peace in the country. Shayan Batyr gets ready and goes there. However, he does not make unilateral decisions, trusting only in his heroism. He

talks with the elderly, the parents, his wife, and receives their blessings. The motive in heroic epics 'the motive for receiving the blessing from the elderly before going to war' is also characteristic of historical poetry. In the 'Shayan Batyr' poem, Shayan asked for the blessing from the older men, Kerim and Kuat batyr, to go to take revenge on the Kalmyks. However, they do not favor the decision of the hero. When Shayan explains the purpose of this crusade and gives clear arguments, the country's elderly wish him the best.

When going on a crusade, asking for the parents' permission, for their blessing is a motive also often found in heroic epics. For example, in the 'Koblandy Batyr' poem, the hero asks for permission from the parents to go to the enemy. With the blessing of the elderly, the hero overcomes the enemy, establishes justice, and returns to his country. The pledge to the country is fulfilled; the confidence is lived up to. In the motive of returning to the country with victory, the hero's courage is proven; his glory rises. For the first time in the fight, Shayan takes over the Kyrgyz batyr Uman who killed his brother Sat and takes revenge, next time, Shayan kills the Balazhan Khan who is a governor of the old enemy – the Kalmyks. When describing the hero's heroism, the poet compiles in him such qualities as courage, perseverance, pride, dignity, and patience. It is a common tendency for heroic epics. In classic epics, the main character achieves his goal and takes revenge on his enemy, thanks to such personal qualities. In the previous poem, Koblandy overcame Alshagyr khan, and Shayan batyr killed Balazhan Khan.

The heroic tale often ends with the dream of the main character coming true, meeting with the parents, with his beloved wife, the celebration of the hero's returning back. Moreover, in the historical epics, truth prevails, as the main hero is seriously injured and sometimes even dies. In the Shayan Batyr's poem, Shayan suffers severe wounds in the war with the Russian army and dies after he is back in the country. The corpse is shown to be buried along the river Chemolgan.

One of the epical traditions of heroic epics is the hero's transport - his horse. The respect to the horses of the heroes is exemplary in the epics. Their distinctive features, such as the reliability, the unique, strong nature, the magic in hard times when it starts to speak raise the hero's heroism, make him exceptional. Tori At, Alyp Shanshy and Argyamak in the poem 'Kultegin', and Baishubar in 'Alpamys', 'Taiburil' of Kobylandi and others are praised as much as their owners.

For example, in the epic 'Er Kosay' the appearance of the Sari at (yellow horse) of Kosai batyr is described in detail. The Sari at (yellow horse) starts to speak and gives advice to Kosay batyr. The poem says: 'The yellow horse is not in the sky and is not on the ground, and it has double wings (The Words of the Ancestors: 100 volumes, 2007). Although in the authorial historical epics, the horses are not described with exaggeration, the image of the horses is shown in a favorable way. In the 'Zhetygen' poem: 'I took the bridle in my hand, took the bows, and ran to Kok-Shegir. I have fed the horse with milk from a young age, and the animal knew how to behave (Kandekov: 1940).

In the heroic epics, Kalmyk, Kyzylbas, Indis, and other neighboring tribes threaten the country. From the historical point of view, these are the oldest enemies of Kazakhs. And in some historical epics, various monsters scare the country. For example, in the epics 'Shayan Batyr', 'Zhetygen', 'Utegen batyr,' the main characters also fight against mythological characters, such as dragons and Zheztyrmak. In the poem 'Shayan Batyr' the Shayan batyr killed the dragon who threatened the people.

The heroism of the batyrs who fought for the country and the land was especially praised for their heroic deeds, and the ordinary people looked up to them as an example and gained strength through the epics they listened.

It is obvious that the people regarded the epics about the heroic deeds of men who defended the country during the war times when the independence of the country was one of the most pressing problems, as a source of spiritual power to the people. And, it is observed that in the latter days, when the peace was established, most of the epic samples served not only as a source of educatory, cognitive information but also for entertainment, the performers took this into account and started to add incredible stories to the epics that they perform (Kaskabasov: 2008).

In the 'Otegin Batyr' of Zhambyl we find that Otegen batyr mainly fights the mythological monsters, such as dragons, a huge snake, and Zheztyrnak. One example of that is in the 'Zhetygen' poem: 'It did not go well when it was time to go, he was scared. He saw how Shirin's beauty was captured by the Zheztyrnak. In the Shayan Batyr's poem, 'the arrow he shot hit the target, and the dragon fell down there. A lot of people were on the road; everyone was crying (Kandekov: 1940). In almost all authorial historical epics, the main enemies of heroes are the Kalmyk batyrs. Even the smallest clashes with neighbors are described as with the Kalmyks.

4. CONCLUSION

In this research, we looked for answers to such questions as, 'What are the common qualities, motives characteristic to heroic epics and authorial historical epics? Whether the epical tradition has found its continuation?'. First of all, the main idea of heroic epics and historical epics is common. It is the idea of protecting the country and its land from invaders from outside enemies. In both genres, a martial motive is shown. It is observed that the number and the quality of historical epics that inspired the people during war times have increased. Secondly, any of them has a social motive, patriotic attitude. The young soldier takes the bridle and his weapon in hands and goes to fight the outer enemy for the glory of his country, going through a lot of difficulties and finally returning with the victory.

The heroism of the hero is shown and proven in battles. The poet not only sang the poem but also assumed the duty to popularize and to convey the truth to society. Thirdly, there are a lot of common motives. Therefore, authorial historical compositions are a traditional continuation of heroic epics. The authors have been able to learn, memorize, and popularize folk epics. The epics have been passed down through memory from generation to generation. Consequently, there is a solid reason to claim that the authorial historical poetry was close to truth and reality but was still part of an epical tradition.

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Resources to matrix control of mental activity in information environments

Recursos para el control matricial de la actividad mental en entornos de información

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ABSTRACT

The analysis of information resources to influence mass consciousness and personality behavior is rather topical in social sciences as media tends to control the public sphere for political purposes. This article aims to research resources to control mental activity that is connected with framing communication techniques analysis, particularly identifying matrix techniques to manipulate the subject's cognitive orientation in the communication field. It has been emphasized that orientation in the network social sphere is realized in hierarchically organized information.

Keywords: Communication Information Sphere, Mass Consciousness, Mental Activity, Social Control.

RESUMEN

El análisis de los recursos de información para influir en la conciencia de masas y el comportamiento de la personalidad es bastante tópico en las ciencias sociales, ya que los medios tienden a controlar la esfera pública con fines políticos. Este artículo tiene como objetivo investigar recursos para controlar la actividad mental que están conectados con el análisis de las técnicas de comunicación enmarcada, en particular identificando las técnicas de matriz para manipular la orientación cognitiva del sujeto en el campo de la comunicación. Se ha enfatizado que la orientación en la esfera social de la red se realiza en información organizada jerárquicamente.

Palabras clave: Actividad Mental, Conciencia de Masas, Control Social.

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INTRODUCTION

The issue concerning control resources over mental activity in the information sphere of the network community correlates with researching implicit techniques to manipulate individual and mass actions. Modern concepts of global network communities presuppose the communication information sphere, and a person's intellectual potential is considered in connection with material assets of technological development (Schwab: 2017). The challenge to control the mental dynamics is typically referred to as a person's self-identification, and the personal experience and his or her cognitive orientation become the basis of the social information field. The analysis of the information sphere's influence on consciousness and subconsciousness in communication techniques represents the topical task for the social theory and different interdisciplinary research within cognitive sciences.

Network society presupposes that social means of public sphere control that define a person's motivation and thoughts are implied in indirect computer techniques (Burgoon: 2016; Herring: 2013; Evseeva et al.: 2018). 'Being online' is becoming more and more involved in the daily lives of network users. Digital reality is naturally introduced into the sphere of social and mental experience, transforming a conventional universal life world of a person (Byl'eva: 2016). The influence of modern media means on perception, memory, and cognitive process in motivating a human behavior is especially highlighted in media psychology. New human functions in the information sphere of e-culture induce dissolving semantic borders of virtual and real spheres, and the problem to control mental activity and human behavior adequacy are revealed.

To address indirect communication channels, one needs to understand the hierarchy of semantic spheres in the information spheres that correlate with individual existence norms. Subconscious human observation of public norms and conventions characterize his or her actions in social practice. The fundamental character of group subconsciousness in a person's life is especially stressed in philosophy and sociology of the 20th century (Foucault: 1984; Bourdieu: 1991). The interrelation of mental dynamic and background knowledge gets a special focus on modern information culture.

This article aims at analyzing a communication resource to control mental activity in the information sphere, particularly in identifying indirect manipulation of the subject's cognitive orientation in framing techniques.

1. MATERIAL AND METHODS

The global scale of the information revolution is currently associated with the total involvement of interactive internet technologies into daily lives. Mobility is becoming the main function of modern society functioning and contributing to digital 'nomad' culture, where novel social reality features are identified. To describe such a culture of the concepts of unstable ontology are applied (Harman: 2016; Klyagin et al.: 2018) describing the problem of reliability of information and technology sphere (Lintern & Kugler: 2017). The trust in abstract information system based on impersonal principles and hierarchical control to guarantee activity security of such a system for a person is stressed (Giddens: 2013) It is vital to assure security of daily life, namely to provide successful movements and travels to be made by means of information services providing interaction of different socio-cultural and socio-technical environments (Matveevskaya et al.: 2018).

To characterize the information revolution phenomenon, L. Floridi (2014) introduced the cognitive criterion as a self-realization model, the change of which can refer to different evolution stages of the information environment in European civilization history (Floridi: 2014). To stress the universal character of e-culture L. Florida identified it as an «information sphere» (infosphere), in which «information organisms» (informs) exist and identifies a three-sided model of personality as a multi-agent system acting based on three-layer information interactions: physical, cognitive and conscious (Floridi: 2011).

The term 'infosphere' correlates with the whole sign system in a wide context, including a multi-layer system of virtual representations. The sign system of object representation presupposes semantic variations

in a mental image when choosing semantic structures decoded in visual images or a discourse. Symbols allow preserving and translating meanings in a social environment (Evans: 2017).

Information influence in self-organized unity correlates with human behavior control in a social adaptation. Social control is understood in a wide context as a deliberate influence on human behavior for the purpose of maintaining social order within the modern knowledge system. The deliberate democracy communication practice is based on the discourse resources to control behavior and thinking directed at the freedom principle to choose the civic position in a political process to delegate powers. Thus, implicit control over mental activity is realized by means of individual self-identification in social unity and acknowledging its accepted norms of understanding and actions (Habermas: 2010; Matveevskaya & Pogodin: 2017).

The indirect social influence techniques in the literature are identified based on the existential role of group subconsciousness in a person's life-forming a peculiar semantic sphere that correlates with the communication infosphere. Bourdieu (1991) stresses the functional role of habitus as a factor of implicit influence of this sphere on events understanding and actions motivation as a semantically unformed social field of oriented meanings and values. Giddens (2013) stresses the basic role of the cultural context informing practical human consciousness.

Foucault (1984) identifies episteme as social and historical knowledge space-enhancing implicit complicated network hidden from direct observation between «things» and «words». This network defines the perceptions and knowing «codes» that are peculiar for this or that epoch. According to Foucault, power does not solely represent state but also relations system penetrating into the whole social field. N. Luhmann (2004) stresses a key role of truth and power codes around which cognitive and social techniques are arranged (Luhmann: 1995).

New options of implicit control over people psyche and their activity manipulation enable biochemical and electronic means, particularly, influence on a brain by means of psychotropic substances and electronic media to change consciousness highlighting uncontrolled manner of NLP techniques and electronic media. Implicit manipulation is realized in sense inversion schemes, concept change accompanied by introducing double standards to evaluate statements when campaigning and propaganda making (Solonko: 2011).

Human information perception cannot become possible cognitive orientation in the semantics of the socio-cultural sphere. The original basic statement of the research lies in the topological approach to arranging live pragmatics of the society. The research methodology of resource management can be revealed via peculiarities of information reasoning, i.e. systematic requirements regularity perceived by system elements as objective conditions of existence or inhabitable environment pressure. Such a regularity to activate processes or actions successions is realized by means of a code. Functional interdependence within a system defines the viability of its functioning. Thus, information interaction and management processes have an objective character and analyzed on their own being abstract from any material society structure.

Within the information paradigm, the resources analysis to manage the complex system behavior is based on the notion of thesaurus –internal semantic field identifying information perception ability by an active subject and becomes one of the major signs of an intellectual system. This corresponds to a phenomenological mindset according to which some basic semantic body defines human conscience outlines and its cognitive orientation borders in the information sphere.

Information control in modern communication systems is carried out mainly over processes fixed in computer technologies (input, storage, processing, search, information presentation) in functionally oriented and object-oriented technologies. In engineering telecommunications and information, systems are considered as a socio-technical object treated separately in its essence from individual consciousness and human behavior. Based on this automated information systems are designed and implemented (e.g. science and technical information automated systems, legal reference, information search engines) and management automated systems.

We tried to research the interdependency of infosphere and mental experience in communication practice where social control over cognitive orientation at the subconscious level is realized. Such an approach allows stating a matrix origin of implicit control in the society where a free choice of orientation becomes possible in certain semantic limits of a media sphere.

To research the resources of communication language sphere influence on a human mental activity socio-cognitive approach becomes a peculiar appropriate method within the topological approach. Also, within the socio-cognitive approach, human semantic orientations in the cultural infosphere are identified by discourse and norm that can be viewed as a resource of implicit manipulation. Discourse functions as a matrix follow the norm subconsciously as M. Foucault stated (Foucault: 1984, p. 105).

The psycho-techniques to form mental experience and discourse formation technologies in framing communication practices have been analyzed as management matrix resources.

2. RESULTS

Personality life orientations in the network society are realized in hieratically organized information spheres and correlate with cognitive orientations in the global semantic network that is associated with the communication infosphere. Semantic spheres orientations at different levels require certain perception features and information processing. In particular, three different infosphere persuasion channels to influence personality are identified (Floridi: 2011, pp. 549-550) perceptive (similar to physical contact via perceptions); cognitive (persuasion channel via semantic structures, knowledge components-frames); reflexive (information perception channel connected with values and limitations knowledge or understanding limits).

The Interactive management model, especially employed within a phenomenological approach to social actions, stresses the directed influence of the information sphere. A human is constantly absorbed into the complicated information sphere. The semantic field directing its mental and physical activity is formed by social communication.

Information resources to control mental activity:

A human is naturally incorporated into society's infosphere. His or her consciousness and subconsciousness function as an open complicated system that is capable of valuable information perception, remembrance, processing, extraction and application for in his or her own needs. Unlike simple physical systems like gas mass in which interactions subject to calculations based on the physical laws prevail, the behavior of complex open systems is based on the non-physical oriented interactions possessing an information character. The priority of the oriented interactions is characteristic of any limited system interacting with the habitat (Maturana & Poerksen: 2004, p. 208). In this case the system life world is represented by the information spheres that define the potential space of action choices and possible options to predict actions for successful adaptation. The lifeworld rationing principle divides the environment as a possible living space and life world of the system itself. Possible options to adapt to the living space identify the system information characteristics.

Within this context, the conditions for human social adaptation are determined by the necessity of constant value and semantic orientation directing its intellectual and emotional reaction. Any action in the language cultural sphere is informational charged and specified by a semantic context. Knowledge in a context form exists in the society independently from humans; similarly, it is directly connected with each individual by some form presupposing the subject's ability to perceive semantic meanings. For example, the etiquette form of any ritual functions as a communication factor directing attention and signs understanding within a certain context enabling a human adequately orientating in a situation.

Mental activity in the information evaluation process is based on a social life technology that is natural for a human in which indirect communication techniques control semantic orientations at different levels of a mental structure. The mental activity control resources are connected with information perception as namely

semantic meanings trigger a psycho-physiological process of a responsive reaction. The communication situation determines the cognitive orientation vector and directs attention and understanding of signs and words meanings. According to the theory of the second signal system to organize a higher nervous function (Saveliev: 2018), subconscious sense-perception triggers a set of psychosomatic reactions in a human body.

Mental activity control at a subconscious level of sense perception in the communication practice correlates with automated response in the needed direction or indirect understanding and submission. B.F. Porshnev defined this technique as interdiction as the reason stimulating the indirect reaction is somebody else's will and not a physical reason or a biological instinct (Porshnev: 2007). Mental activity functioning as reasoning correlates with a reflection level when perceiving messages. Understanding, in this case, correlates with sign interpretation and sign signification.

In any human society, the mental activity control is carried out in any communication situation in which sign means to deliver messages are used. Senses perception in symbolic forms occurs intuitively but to extend senses decoding of a sign the knowledge of pragmatic criteria to provide the required level of its application in life practice is required. The converted forms (fetish and fictions) exist objectively in the society (e.g., money that substitutes not only a product but also a status, and the notion of wealth). Within the network e-culture, new fictions are produced and replicated (simulacra).

Mental experience formation within an emotional pressure technique:

Emotional pressure is directed to activate subconscious pre-orientation of situations and further events perception. Non-reflexive impact techniques mean that implicit control over mental activity provides the impulsive reaction mechanism via an emotional infection. To activate this or that impulsive behavioral reaction of an individual different image, memes and rhythms are used. In this case, the dominant psych complex is activated to trigger an automated programmed emotional reaction. The psycho-technique to form mental experience, in this case, is oriented at unplanned sense acquisition as a subconscious movement that is based on imprinting mechanisms, needs objectification and fixing an orientation. This strategy is similar to instinct as the implicit necessity finds intuitively its object. Love at first sight, alcohol abuse, smoking habit, drug addiction, and computer games addiction and gambling can exemplify this. However, this is based on the implicit knowledge in the form of sign systems and evaluation criteria that trigger some scheme of a thought direction (a thought frame) to understand situations intuitively.

Mental experience formation in framing psycho-techniques:

At the level of reflexive activity implicit control over a mental activity provides a semantic context formatting. The implicit control over the pre-knowledge and prediction sphere is realized in discursive techniques. The Semantic sphere of mental experience formation is connected in this case with a cognitive orientation of a subject in the information field and based on the context knowledge realization within framing techniques.

Psychologically the following strategies to generate sense are identified to illustrate this technique in the person's self-identification. Sense inducement means cognitive orientation to provide meaning to initially meaningless activity and identifying one's own targets. Identification with a certain group correlates with the subconscious acceptance of certain life principles and a social role. By the moment of self-realization as a limited member of the society (a legally entitled person, an American, a male or a warrior etc.), a human has already differentiated its meaningful. Within the strategy of sense signification, a key role is reserved for realizing a value orientation to define the limits of a person's life path. The deliberate choice of faith and religion can exemplify this (in God, communism, science, progress or evil).

The discursive technique to manipulate massive consciousness:

Manipulation resources of the subject's cognitive orientation in the infosphere are identified within general norms of statements and generalizations. In speech communication theory behavioral norm of understanding regulates targeted human behavior, and indistinct contextual forms function to control mental experience formation. The semantic framework of language and a person's mental activity exists implicitly in

the society. Those things that are understood from the context not expressed. Context and discourse creation process during language acquisition make up a necessary condition as a social adaptation and associated with the psychical norm of human individual development.

Cognitive schemes, images, mental models act as the "formatter" for semantic horizons within framing practice management functions to control mental activity. Thus, manipulating mass consciousness by means of a political technology can be implicit in some cognitive primitive. Short, precise and available to anyone sense formulas have a powerful stimulus to activate mass actions. The formula that has become a symbol of any social transformations in the past, i.e. "Liberty – Equality - Brotherhood", can exemplify this.

Modern techniques of public communications use framing as a media technology to create posts and blogs and identifying the theme for a semantic field, introducing «agenda», producing fake information. Directed public consciousness change from a newsworthy event to constructing a new information informational field, a new agenda and values change and subjects cognitive orientation in a public space that is presented in the Overton window technique.

The framing technique within the neuron-marketing technology makes the ways to inducing a person to make certain actions in the service market. The information representation format is oriented at predicted emotional and semantic aspirations of an average consumer. Mild neuron-marketing presupposes active application knowledge from psychology and physic psychology and technology to construct brands, advertising materials development, communications planning, and their contextual filling. Certain neuron-technology perspectives in educational practice are connected with the intensive development of electronic environments enabling new educational forms and successful intellectual and professional network activity (Ababkova & Leont'eva: 2016).

Framing technique to construct network blogs presupposes attention control when receiving information. Neuron-marketing success to realize certain techniques of matrix control over subconscious orientation and the unconscious reaction of a consumer is based on mental activity control by using a semantic resource of the cognitive primitive that is limited by common sense restrains. Subconscious orientations of common sense direct intuitive decision making under conditions of uncertainty. The subconscious mental level makes up 90% of all made decisions, while a conscious part adjusts to the first impression of the subconscious mental part. Thus, the first impression and emotional reaction are crucial for presenting information.

As a modern user is informationally overloaded, orientation on a cognitive primitive enables forming interesting and approachable content taking into account the time economy during orienting a user in the network environment. Within the indirect computer, communication users scan pages quickly and read attentively if an article is interesting. Considering cognitive subconscious human reactions to attract the target auditorium creates blog advantages in network interactions and campaign promotion. This corresponds to the neuron-technology target to project consumer's expectations and his/her predicted choice orientation.

Implicit techniques to manipulate a person implied in the communication infosphere are a central issue of social technology. To solve this problem a framing technique is based on the fact that a person's life world semantics is limited by a notions cycle the genesis of which cannot be seen in a topical situation. Social forms (objects and language) program a set of human reactions similar to a code becoming a sense generation source in an individual mind. The basic framing technique in social and communicative practice functions in the mode of comparing the non-personal symbolism of the infosphere with the structure of cognitive mental experience.

Mental activity control in political techniques:

To manage practice power must consider a person's mental activity dynamics that is characterized by volatile and complicated local networks and does not limit by verbalized knowledge to be constructed according to logic norms regulating a semantic connection between imaginative and language forms. Each civilization has its cultural code forming information environment layers and directing personal sense perception in social adaptation.

Within the modern liberal approach, political management supposes power acknowledgment by the

mass population. The issue of control, in this case, is connected with an influence on a person's consciousness. Political technology to influence massive consciousness is oriented at implicit correlation with norms and definite freedom of choice when evaluating events. In this context, the power legitimacy acknowledgment is determined by opposite freedom vectors and the necessary subject's cognitive orientation.

Principle's declaration of deliberative democracy stresses the regulating role of general discourse and moral norm in a political process (Habermas: 2010). Although the resource of content general value to control consciousness becomes doubtful in the network culture. Virtual media sphere producing fakes and fictions reduces transmitted message feasibility. Subject's trust and society's trust in printed information and media content become doubtful. The action of accepting messages content is based on activating an intellectual action of judgment and emotional perception of message value for this subject.

The intellectual mechanisms to accept genuine messages fixes potential semantic limits and the possibility of understanding. It is impossible to state content volubility. Within the network environment understanding adequacy is complicated by spreading deceit and self-deceit technology. Electronic communication means produce fake orientations substituting objective criteria of reality that are characteristic of the conventional common sense. Fashion clichés, templates and faith symbols implied into massive consciousness despite its absurdity have common value for a significant number of people. The emotional mechanism to accept message sense acts at subconscious orientation level as faith in the forms of a set of vague criteria to differentiate real and unreal issues, truth and fakes, justice and injustice, usefulness and beauty, etc. (Dubrovskiy: 2011).

Both mechanisms of mental activity in the infosphere with complex cognitive and communicative structures do not guarantee the control over mass consciousness in the act of accepting and acknowledging power resulting in deep assurance incorrectness of a chosen position and trust in governments.

The modern political technology of «mild power» presupposes predicting possible models of behavior over a manipulated subject as well as pressure factors of the external environment, i.e. natural and geographical conditions, an external political and socio-economical situation and a socio-cultural environment. Flexible power is based mainly on three resources: its culture, political values, and legitimacy of external policy that possess moral authority.

Implicit influence by means of implementing perception orientations correlates with manipulating mass consciousness. In this case, a mass subject does not realize that he or she is pressed as there is no obvious person who gives orders and no order itself.

The political technology rejecting explicit manipulation over an individual mind of citizens is represented by a presumption of individual freedom of choice. The model of social control that does not have a controlling and controlled people becomes an ideal model. The functions of natural regulation over the society carry symbolic (language and discursive) structures forming special semantic networks in the social environment. Having semantic orientations at his or her disposal a subject makes a decision how he or she should live or act. Mental activity in the process of personal self-identification in this or that political situation remains an opaque «black box» even under the conditions of complete information openness of network society. The political system remaining the control administrative resources control over the public sphere is deprived of power in certain sense as within both conventional and information society it becomes involved in the semantics cultural codes semantics based on which people and institutions organize lives and make decisions.

Control resources over mental activity in matrix management are connected with information transfer influencing worldview (or a situation) available with an object. To generate controlling information in a matrix model correlates with a volition intention, and behavioral reactions are determined by an actual stimulus or previous reasons that have an internal vector aligning targeted orientations and reactions according to the basic values system.

CONCLUSION

A topological approach to the control resources of mental activity, in our opinion, turns out to be the most adequate in complex dynamic conditions of modern society. The high complexity level of a global network makes total control over socio-technical and political system elements impossible as well as total control over the subject's cognitive orientation in the virtual, information and semantic field. The declaration of individual freedom within a political orientation transforms into the aspiration to control individual mental activity totally. The implicit social control is carried out by means background knowledge that functions as a resource of matrix control in a seemingly natural, at first sight, community organization.

Control resources of mental activity in framing techniques are connected with manipulating background context knowledge and discourse generation directing understanding and real action. To form context knowledge in a mental personal experience is realized based on emotional-instinctive and emotional-intellectual perception mechanisms of semantic structures existing in the socio-cultural environment. Activating and understanding actions context stimulated by communicative relations appears to be earlier than thoughtful regulation and develop on the archetypal base of collective experience. Discourse generation is connected with a subject's cognitive orientation in the information sphere semantics. Existential senses generation is based on intellectual activity in contemplations, understanding and evaluation procedures. Both schemes to generate life context are present and perplexed in real life.

The resource analysis to control mental activity in the social communication infosphere results in concluding that the free choice principle in the liberal political orientation does not eliminate a potential possibility of implicit manipulation over people's consciousness when employing the matrix management method. The modern technology of mild power with anonymous social management supposes that the necessary statistical calculation of possible behavioral models and predictions of environment factors emphasize the permitted limits and social orientations during the definite idol's epoch that create the implicit social control matrix.

The intellectual and emotional acceptance of cultural senses as well as generally valid political orientations and positions act in the society as an implicit resource of matrix control. On the other hand, the directed information influence as an important resource of the political technology cannot guarantee the total control over the public sphere.

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Labour relations within the BRICS: common core and prospects of supranational regulations

Relaciones laborales dentro de los BRICS: núcleo común y perspectivas de regulaciones supranacionales

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ABSTRACT

The impact of globalization leads to increasing flows of cross-border labor mobility. The goal of the current study is the development of the world economy. The methodology used consist of reviewing and analyzing legal approaches of BRICS countries in the field under study. The obtained results indicated that the approach of the applicability or non-application of the rules of international law within the BRICS actually affects the scope of international private law.

Keywords: BRICS Countries, Globalization, International Law, World Economy.

RESUMEN

Es obvio que el impacto de la globalización conduce a flujos crecientes de movilidad laboral transfronteriza. El objetivo del presente estudio es el desarrollo de la economía mundial. Las metodologías que se han utilizado consisten en revisar y analizar los enfoques legales de los países BRICS en el campo en estudio. Los resultados obtenidos indicaron que el enfoque de los estados nacionales para la aplicación o no aplicación de las normas de derecho internacional dentro de los BRICS en realidad afecta el alcance del derecho privado internacional.

Palabras clave: Derecho internacional, Economía mundial, Globalización, Países BRICS.

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INTRODUCTION

Differences in legal orders of BRICS countries, belonging to “civil law” and “common law” countries, predetermines the necessity of studying their law for the most successful development of partnership relations of Russia with other BRICS countries on the conditions of equal opportunities (Vijayakumar et al.: 2010, pp. 1-13; Bornmann et al.: 2015, pp. 1507-1513). Several areas of regulation have been selected for the study; in particular, approaches to the application of national rules, which are in force in the sphere of labour relations within the BRICS countries. In the light of their compliance with the standards set forth in International Labour Organization (further on – ILO) instruments and problems of application of such rules, and the scope of application of international private law (further on – IPL) provisions (Danthine & Donaldson: 2002; Turner et al.: 2017; Van & Molenaar: 2012).

1. METHODS

The author in this paper proceeds from the objectively subjective assignment of any phenomena and processes of the external world and applied general scientific and unique research methods, such as formal and dialectical logic combined with induction and deduction, hypothesis and analogy, analysis and synthesis, systemic analysis. Thus, the process of systematic analysis, along with such operations as induction and deduction, is used in the course of consideration of the provisions of BRICS countries legislation in the field under study, to clarify its key provisions and the relationship with other regulations. Methods of formal and dialectical logic help to understand the relationship between science and technology and innovation. The materialistic view of the processes and phenomena of the external world as a whole makes the study proceed from the fact that the transformation of approaches to ILO compliance changes the ILO provisions subject area (Thirkell et al.: 2011; Baladacchino: 2013; Rodriguez-Soria et al.: 2014).

2. RESULTS

The role of international treaties in the sphere of material labor law (ILO international conventions, etc.), which unify material labor law, depends on the approaches of national legal systems, which in turn, affect the scope of the conflict of laws rules. For example, if they have priority over conflicting regulations of federal law to which they refer (like, say, in Germany), it narrows the scope of the IPL rules.,

Great attention is paid in the Constitution to the definition of the objectives and goals of the foreign policy of the Chinese state and the mechanisms for its implementation, identification is given to the five such principles, including the principle of mutual benefit.

The constitutional amendments in China introduced into the Constitution the concept of human rights: “the State respects and protects human rights.” Whereas during the previous period since the founding of the PRC, the idea of “human rights” was considered in China a taboo subject in ideological and theoretical terms.

Automatic incorporation: Article of the Administrative Procedure Law, (1991) states that “if a provision of an international treaty- which China has concluded or acceded to is different from that of the present law, the treaty provision shall apply unless China has made reservation to the provision.” A more important is Article of General Principles of Civil Law 1986, providing that

If any international treaty concluded or acceded to by China contains provisions differing from those in ‘civil laws’ of China, the treaty provisions shall apply unless China has announced reservations. If Chinese legislation and any international treaty concluded or acceded to by China do not contain any specific provisions, international customs may apply. (Kodderitzsch: 1991, p. 105; Cooney et al.: 2007, p. 786; Boockmann: 2001, pp. 281-309).

China Employment Promotion Law, Labor Law, other laws that target a certain cluster of people, such as the LPWRI (Law on the Protection of Women's Rights and Interests), and the Law on the Protection of Disabled Persons, contain provisions that ensure basic principles of employment equality and protect people. Thus, clearly, labor rights of equal employment are stipulated. Discriminations based on carrying infectious pathogen are ignored as according to article of Employment Promotion Law:

...no suspected carrier of any infectious pathogen the likely existence of which has been proven by a medical examination shall be permitted to enter into any type of employment prone to facilitate the spread of infectious diseases and therefore forbidden by any law, administrative regulations or the Public Health Administrative Department of the State Council before he/she is cured or eliminates the suspicion that he/she carries the infectious pathogen in question. LPWRI (Law on the Protection of Women's Rights and Interests)

According to experts, for example, Human Papillomavirus (HBV) is rampant in reality in China. The same situation is with registered permanent residence.

However, first, International Convention on Civil Rights and Political Rights of 1966 that speaks in its article eight about forced labor issue has been ratified by China in Oct 1998.

Second, in December 2001, China joined WTO in due form, and since it is China's obligation to obey WTO agreements, including the provisions on common exceptions in General Agreement on Tariffs and Trades where one of core labor standards prescribed straightforwardly is about forced labor. As it was mentioned above, China has begun its reform on this issue and has made progress (Bazzano: 1996, p.200).

As for South Africa, the Constitution of South Africa, Act 108 of 1996, adopted on 10 May 1996 (into effect from 4 February 1997) is the supreme law of the land, binding on all organs of State at all levels of government. According to the Constitution in force, the Republic of South Africa is ... founded on the value of supremacy of the constitution and the rule of law.

As for the supremacy of the Constitution, it is said in the article that "This Constitution is the supreme law of the Republic; law or conduct inconsistent with it is invalid, and the obligations imposed by it must be fulfilled."

The previous Constitution of 1994 provided in this regard that it "...shall be the supreme law of the Republic and any law or act inconsistently with its provisions shall unless otherwise provided expressly or by necessary implication in this Constitution, be of no force and effect to the extent of the inconsistency." "This Constitution shall bind all legislative, executive, and judicial organs of state at all levels of government."

Dornbusch, Fischer, and Shmalenzi regarded human capital not only within the framework of physical and labour development but also as a stock of spiritual (including cultural, psychological, and moral) attributes and world-view (Dornbusch et al., 2002). They assigned a special role for human personality in the context of the social environment, for managerial decision-making ability, for the ability to undertake the responsibility, for self-organization skill, and for personal identity. This concept is often used when settling issues associated with the formation of a successful modern manager within the organization.

In the 20th century, the specialists concluded that it is necessary to evaluate the efficiency of human capital in terms of quantity. In particular, they developed economic, mathematical, and statistical models to address issues, such as human value, and educational factors influencing economic development.

With regard to the place of international treaties in the legal system of the South Africa Constitution of 1994 contained the following provisions:

In interpreting the provisions of this Chapter (Chapter 3 of the Constitution "Fundamental Rights" (ss. 7-35: Equality, Life, Human dignity, freedom and security of the person, Servitude and forced labour, Religion, belief and opinion, Property, etc. – author)) a court of law shall promote the values which underlie an open and democratic society based on freedom and equality and shall, where applicable, have regard to public international law applicable to the protection of the rights entrenched in this Chapter, and may have regard to comparable foreign case law.

This approach is partly similar to Indian one based on emphasizing the aspect of "respect for international law and obligations of contracts in the relations between organized Nations."

As for other aspects of labor relations in the Constitution, it was provided in article 27, for instance, that "(1) Every person shall have the right to fair labor practices. (2) Workers shall have the right to form and join trade unions, and employers shall have the right to form and join employers' organizations. (3) Workers and employers shall have the right to organize and bargain collectively. (4) Workers shall have the right to strike for the purpose of collective bargaining. (5) Employers' recourse to the lock-out for the purpose of collective bargaining shall not be impaired, subject to section 33 (1)."

1996 Constitution contains a Bill of Rights (Chapter 2 which enshrines the rights of all South Africans), where it is said that Equality, Human dignity, Life, Freedom, and security of the person, Servitude, and forced labor, etc. are considered to be non-derogable rights.

The Government submitted for its part that the domestic law gives full effect to relevant ILO Conventions and that all judicial recourses have been utilized and exhausted. The Government argued that there is no reason for concern about the inadequacy of the legislative provisions or the legal process; there is accordingly no basis for the Committee [on Freedom of Association] to intervene, either in connection with this dispute or with the domestic laws and judicial process that are in place. In light of the circumstances, the Committee invited the Governing Body to decide that this case does not call for further examination.

In this context it is worth mentioning that at the International Labour Conference of 2012, employees and their representatives and delegates made a statement to the effect that ILO controlling bodies, namely the Committee on Freedom of Association (CFA) and the Committee of Experts on Application of the Conventions and Recommendations (CEACR) have no mandate to claim that the right to strike is included in the freedom of association as long as there are no such direct provisions in the corresponding fundamental ILO Conventions (No 87 and 98). This statement was made contrary to the customary practice that had been accepted by all ILO constituents for decades.

As for Russia, the Russian Federation was a member of the ILO from 1934 to 1940. In 1954 its membership was renewed. Russia has ratified numerous international treaties related to the issue of labor rights: the 1966 UN Covenants on Human Rights and other UN treaties concerning labor rights, a significant number of ILO Conventions. There are differences between international labor standards and the Russian labor law system that cover some issues of labor law.

To name just a few, experts note that with regard to the freedom of association and collective bargaining gaps between the regulations governing the freedom of association and collective bargaining in Russia and the international labor standards mainly concern the following issues:

- A lack of regulations preventing the creation of employer controlled unions;
- Virtually no statutory rules governing internal trade union democracy;
- The pro-majority union type of collective bargaining, which leaves minority unions without any real possibility of independently taking part in collective bargaining.
- Weak consultation and information rights. There are provisions in the Labour Code stating that employers must take into account the plant-level union opinion before implementing company-level acts and in some cases, before dismissal, whereas in fact, the obligation is limited to the exchange of information and hearing the opinion of workers' representatives. Employers are then absolutely free to take any proposed action they wish.
- Serious restrictions on the right to strike.

As for prohibition of discrimination despite having introduced an article on the prohibition of discrimination in the Labour Code Russia, unlike the majority of labour law proceedings, which are won by employees, the applicant very rarely wins discrimination cases. The main reason for this is that there is no kind of alleviation of the burden of proof in discrimination cases. Recommendations of the Chairperson consisted in that the ILO could explore the following:

(a) The strengthening of labor administration and, in particular, labor inspection to further develop its role and its efficiency in the light of ILO principles and standards. The ILO, in the context of the ACI on strengthening workplace compliance through labor inspection, could pilot selected national programs where labor inspection could improve cooperation with the social partners in examining compliance initiatives with a focus on an appropriate mix of measures and instruments such as awareness-raising, prevention, and partnership with other interested stakeholders;

(b) The undertaking of practical actions, focused research and studies on labor administration and its relation with PCIs should be encouraged with a view to collecting and disseminating sound practices; and

(c) The establishment of a forum in the framework of the ACI on strengthening workplace compliance through labour inspection for continuing an open dialogue between labour administrations, workers and employers and their organizations.

CONCLUSION

We have already established a number of substantive features of IPL in labor relations. Among them, to name a few, our predispositions set below:

Unavoidably face with some opposite ideas on territoriality or extra-territoriality of national laws (Bazzano: 1996, p.200). The acceptability of the application of national treatment for foreigners legally justified based on the idea of equality of rights of citizens of a certain state and foreign citizens on its area ((Danthine & Donaldson: 2002: pp. 41-64).

As for the tendency to establish multilateral conflict-of-law provisions at the regional level, this idea in practical terms is leveled. In this regard the solution of application of conflict-of-law regulation in labor relations involving foreigners is the most acceptable on the way of use of in favored principle, corresponding to the legal nature of labor rights, which should be practically applicable in such a way that the parties' choice of law applicable to the employment contract, shall not lead to deterioration of working conditions of the employee compared with the mandatory provisions of the law, which would have been applicable in the absence of such a choice, and this choice should be made by the employee deliberately in writing and at least at the conclusion of their labor contract. (Thirkell et al.: 2011; Baladacchino: 2013; Rodríguez-Soria et al.: 2014, pp. 78-90). Thus, monitoring further changes in this subject area will be our challenge for the future.

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Main elements of taxation in the conditions of the development of digital economy

Principales elementos de tributación en las condiciones del desarrollo de la economía digital

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ABSTRACT

The purpose of this article is to consider the main elements of taxation in a digital economy. On the base of the analysis, it was concluded that in conditions of digital economy, the development of information resources would provide a concretization of the provisions of the main elements of taxation and optimize the emergence and pursuance of the constitutional duties to pay taxes, as well as the calculation of tax amounts. The main provisions and conclusions can be used in scientific and practical activities when considering the issues of the legal construction of taxes.

Keywords: Digital Economy, Legal Construction, Practical Activities, Taxation.

RESUMEN

El propósito de este artículo es la consideración de los principales elementos de los impuestos en una economía digital. Sobre la base del análisis del estudio, se concluyó que, en condiciones de economía digital, el desarrollo de los recursos de información proporciona una concreción de las disposiciones de los principales elementos de la tributación y optimiza la aparición y el cumplimiento de los deberes constitucionales de pagar impuestos., así como el cálculo de los importes de impuestos. Las principales disposiciones y conclusiones pueden utilizarse en actividades científicas y prácticas al considerar los problemas de la construcción legal de impuestos.

Palabras clave: actividades prácticas, construcción jurídica, economía digital, fiscalidad.

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INTRODUCTION

In modern conditions, it is impossible to imagine the function and development of the State and society without the use of digital technologies (Gainous: 2018). This applies to the tax law in general and to tax administration in particular. However, the development of new digital technologies requires careful analysis and improvement of legal regulation, one of the directions of which the question of the elemental composition of the tax has remained (Zhang: 2018; Shestak et al.: 2019).

The digital world also exacerbates a number of already-existing soft spots in the international tax regime. Global digital transactions involving digital goods and services, as well as intangible assets are characterized in part by their intangible nature and ease of crossing national borders. Moreover, the digital world facilitates cross-border collaboration, production, and sales of these intangible goods and services. Other tax challenges arising from the digital world include the usage of new payment systems such as bitcoin and the enhanced trading of personal information for 'free' services in the cross-border business-to-consumer social network context (Cockfield: 2018; Bacache-Beauvallet & Bloch: 2017; Olbert & Spengel: 2017).

Elements of the tax can be defined as internal initial functional units, which constitute together legal constructions of the corresponding tax payments. The composition of these functional units of all taxes is basically the same, so they are universal. When establishing tax payments, constructive elements are directly defined by legislative acts for each tax separately. The concept of "elements of taxation" has not been legislated directly, but the term itself is used by the Tax Code of the Russian Federation. Legislative establishment of taxes is carried out through the description of the elements of taxation (Nellen: 2015; Singh: 2017).

The tax is considered established only in that case when taxpayers and elements of taxation have been identified, namely, the object of taxation, tax base, tax period, tax rate, tax calculation procedure, the procedure, and terms of tax payment. In appropriate cases upon determination of the tax act of legislation on taxes and fees can also provide tax benefits and grounds for their use by the taxpayer. In this regard, in the scientific literature, scientists divide the elements of the tax into mandatory and optional. In the absence of even one obligatory element, the tax is not considered to be established and not to be a subject to levy. The optional elements include tax relief. The absence of a tax benefit does not affect on the invalidity of the tax. Among mandatory elements of the legal construction of the tax there are also those that are established by the legislative (representative) bodies of the subjects of the Russian Federation and local self-government in respect of regional and local taxes. Thus, according to paragraphs 3.4 of Article 12 of the Tax Code of the Russian Federation, when establishing regional taxes, legislative (representative) bodies of State power of the constituent entities of the Russian Federation may determine: tax rates, order (procedure) and terms of payment of taxes (if these elements of taxation are not established by the Tax Code of the Russian Federation). Similar rules apply while establishing local taxes.

Thus, such tax elements as the object of taxation, the tax base, the tax period, the procedure for calculating the tax, and taxpayers are always determined by the Tax Code of the Russian Federation. The composition of the tax specified in Article 17 of the Tax Code of the Russian Federation is considered in the narrow sense.

In the broader terms, the composition of the tax is the maximally detailed list of elements and includes: the regulatory basis, the taxable entity, the amount of tax, the time (terms) for payment, the responsibility for the commission of a tax wrongdoing, the taxpayer's right to appeal against the actions of tax authorities (Tsindeleania: 2016, pp. 3937-3946).

It should be noted that this sphere of social relations has been subjected to the most frequent changes; it also affects the very system of national tax law.

It is important to note that “for today, the regulation of fiscal levies in Russia is such that an important role is assigned to the judiciary in determining the elements of taxation (fees)” (Vasyanina: 2015, pp. 23 - 26). Based on the literature analysis, we found out that there is no single opinion relating to the taxation of products in digital economy. Therefore, the purpose of this study is to review and identify the main elements of taxation in the digital economy, such as the taxpayer, the object of taxation, the tax base, the tax rate, and the tax calculation procedure.

1. METHODS

The digital economy is a kind of economy that is almost completely tied to using the Internet. Clients, and often resources, are mined through the global network. Figure 1 depicts the main elements of the digital economy.

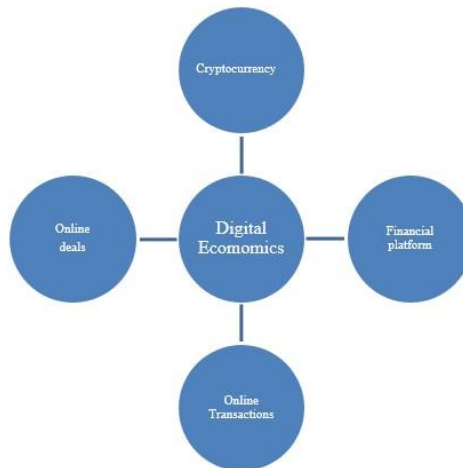


Figure 1. Objects of Digital Economy in the Taxation Sphere

This article analyzed the Tax Code of the Russian Federation, specifically Article 19, Article 226 of the Tax Code, paragraph 1 of Article 24, Articles 21-23, paragraph 1 of Article 38, and paragraph 3 of Article 45. Methods used to analyze the Tax Code were the system analysis, comparative-legal method, formal-legal method, historical-legal method, and generalization method.

2. RESULTS

A taxpayer or a taxable person is one of the necessary elements of the legal construction of the tax, without which the tax cannot be recognized as established. According to the definition given in Article 19 of the Tax Code of the Russian Federation, organizations and individuals are recognized as taxpayers; if they are obliged to pay taxes in accordance with the code. The considered definition is general and intended to designate a certain group of subjects of tax legal relations.

The payment of tax is the stage of fulfillment of the tax obligation and, if we systematically examine the rules of the Tax Code of the Russian Federation, then it can be noticed that tax payments are not always assigned to the taxpayer, which is due to the tasks of tax administration and the need to create a convenient way of fulfilling the tax obligation.

For example, Article 226 of the Tax Code defines the procedure of calculating and paying taxes on personal income by tax agents. According to the second paragraph of this Article, tax agents, except for a number of cases specified in the Tax Code of the Russian Federation, must calculate the amount of tax and pay it in respect of all incomes of the taxpayer, whose source is the tax agent.

The introduction of the tax by a tax agent is not a feature of only the personal income tax. There are similar rules in the chapters defining the procedure for payment of value added tax and profit tax. It is necessary to pay attention to the fact that according to paragraph 1 of Article 24 of the Tax Code of the Russian Federation, the tax agent is charged with calculating.

Thus, the tax agent does not pay the tax but transfers it after deduction from the taxpayer, and in this case, it will be decisive - who was the owner of the funds sent to the budget system. But this distinction is not valid in the case of taxes attributable to indirect taxes, which are currently recognized the value-added tax and excises. At the moment, payment of tax for a taxpayer can be made by another person (as will be discussed in more detail below), and this also changes the requirement to track the direct connection of funds received with the budget to the taxpayer.

The general list of rights and duties of the taxpayer is fixed in Articles 21-23 of the Tax Code of the Russian Federation. However, this list is not closed, and it means the presence of additional rights and obligations contained in other Articles of the Tax Code of the Russian Federation. The list of rights and obligations of a taxpayer may vary depending on the type of taxpayer. For example, the Tax Code of the Russian Federation allocates such types of taxpayers and determines for them additional rights and obligations, *as interdependent persons, controlled foreign companies and persons, controlling them, a consolidated group of taxpayers, etc.* Formation of the information space, taking into account the needs of citizens and society in obtaining quality and reliable information in the conditions of development of the digital economy, allows providing the information resource "Personal account of the taxpayer" on the website of the Federal Tax Service of the Russian Federation.

According to paragraph 1 of Article 38 of the Tax Code of the Russian Federation, the object of taxation is the sale of goods (works, services), property, profit, income, expense or other circumstance that has a value, quantity or physical characteristic, the existence of which the legislation on taxes and fees links the occurrence of taxpayer obligation to pay tax. Some authors define the object of tax as a subject to taxation (Khodskiy LV, Isaev AA, Akinin PV, Zhidkova E.Yu., etc.).

The tax name often follows from the object of taxation, for example, the tax on profit, property tax, land tax, etc. What exactly is the object of the tax (profit, property, income, expense, etc.) is specified in part two of the Tax Code of the Russian Federation in the study of a certain tax; and it should be noted that when considering specific taxes, the legislator determines the "object of taxation" (personal income tax, land tax, tax, etc.) and "objects of taxation" (water tax), despite the fact that more than one is always associated with taxation objects. In the science of tax law, it is reasonably noted that in the Tax Code of the Russian Federation, there is no definition of the object of taxation as such, we see only certain types of economic activity. Legislative consolidation of the category "object of taxation" is an unconditional basis for its existence in legal doctrine. Also, this fact raises doubts about the need for the existence of a separate category "tax object." But, despite the tendency in the legal science of identifying the concepts of "tax object" and "object of taxation," there is an opinion that there are certain distinctions between these concepts.

In general, we can distinguish two opposing views on this issue, whose supporters do not raise or raise objections to the complete identification of the concepts "tax object" and "tax object."

Therefore, due to the fact that this issue has not been sufficiently studied in the science of financial and tax law, it is difficult to make a clear distinction between the meanings of the concepts "object of taxation" and "tax object." At the same time, one should agree that the presence in the legal doctrine of the category "tax object" along with the object of taxation is necessary. In this connection, in this article the terms "object of taxation" and "tax object" are considered as synonyms. If you turn to property taxes, for example, to the tax on the property of individuals, then residential houses, apartments, rooms, car places, etc. with ownership of

these objects are the object of taxation. In this context, it is rightly noted that the right of ownership, which is the basis of personal rights and freedoms, also serves the public interest of taxation. The object of land tax is land plots that are both in the ownership right and owned by taxpayers on the right of permanent (unlimited) use or the right of lifetime inheritable possession. If there is a right of gratuitous use of the land plot or its lease, which by definition are characterized by a much less stable legal relationship with the taxpayer, then the object of this tax is absent (Cockfield: 2002).

In view of the foregoing, it can be concluded that objects of property taxes are not individually taken property, apartment, land or vehicle, and at the same time, a legal fact related to the right of ownership, the right to lifetime inheritable possession or the right of permanent (perpetual) use land plot. Taxes whose objects are associated with the fact of the performance of certain operations are rather common. For example, an object of value added tax arises from the performance of operations for the sale of goods, works, and services, which are accompanied by the transfer of ownership from one person to another. However, the same tax as an object provides other transactions not related to the transfer of ownership. The excise is similar in construction. Such taxes actually form a separate group of taxes, the objects of which may have a mixed legal nature.

It is obvious that the tax base is regarded as a cost, quantitative, or physical characteristic of the object of taxation, which is determined for each tax independently. One cannot but agree with the opinion of scientists that the tax base is one of the tools of the State's tax policy, and this, in turn, allows the regulatory function of the tax to be realized.

The main function of the tax base, as A.V. Demin considers, is to express the object of taxation quantitatively, i.e., measure it. For this, it is necessary to select a parameter that will be used as the basis for measuring the object of taxation. However, the tax base is not just a parameter. It is a parameter expressed in certain tax units, i.e. the tax base is the size (value) of the object of taxation in units of taxation. Since the tax base and the procedure for determining they are established for each tax separately, the task of the legislator is to select from the set of possible parameters of the object of taxation the most optimal and then determine the procedure for calculating the tax base in relation to a specific tax. It is rather often, such parameters coincide for different taxes, but the tax bases are always calculated differently (Babin & Vakaryuk: 2018).

Most often, in practice, a cost (money) parameter is used. The value (monetary) parameter has VAT. Physical parameters represent a variety of physical characteristics, including area, volume, power, mass, etc. Water and transport taxes are an example (Babin & Vakaryuk: 2018, pp. 21-40). Today, the definition of the tax base for personal property tax based on the cadastral value of real estate remains one of the topical issues.

It is also disputable to establish a date with which the cadastral value, revised according to the results of the contest, is valid. In accordance with Article 403 of the Tax Code, in the event of the change of the cadastral value of the property object, according to the decision of Commission on consideration of disputes on results of definition of cadastral cost or judgment of any court, a new information about the cadastral value is taken into account when determining the tax base, starting with the tax period in which the relevant application has been submitted. Given the fact that the taxpayer actually learns about the tax base and tax liability upon receipt of a tax notice (i.e., in the new fiscal period), this provision requires adjustments (Shestak & Volevodz: 2019). The tax base is determined with the help of the methods that include: direct, indirect, conditional, lump-sum. For example, to calculate the profit tax, a *direct method* is used, which means measuring the tax base based on objectively existing and documented indicators.

The process of levying taxes will be effective only when the tax base accurately characterizes and determines the object of taxation. At the same time, the dependence between financial indicators and tax liabilities should be taken into account. The reliability, completeness of the collected and processed by the tax authorities with the help of digital technologies will allow improving the applicable tax forms in future. In order to ensure this process, it is necessary to harmonize tax and accounting legislation. On the one hand, the

methodological approach to calculating the tax base based on accounting data requires the formation of accounting data with a greater degree of objectivity. On the other hand, the tax legislation must take into account the specifics of the formation of accounting indicators when choosing the limitations and norms that determine the method of calculating the tax base. In conditions of development of digital economy it will allow ordering algorithms of data processing and access to such data.

The tax rate as an obligatory element of taxation means the amount of tax per unit of taxation and is established either in a firm amount or as a percentage of the value of the object of taxation, or in a combined version.

In the Russian tax system, there are all three versions for setting a tax rate. However, most of the discussion for the science and practice the method of taxation, under which tax rates can be proportional, progressive, and regressive or out depending on the value received by a taxpayer income seems to be. The application of this or that method of taxation largely depends on the tax policy pursued by the State. A striking example is a tax to income of individuals.

In Russia, a socially-oriented market model that assumes a higher level of social protection with increased demands on the level of the tax burden on the economy is implemented. Although Russia's historical experience of the last twenty-five years demonstrates the process of gradual reduction of the tax burden of key payments (see Table 1), in the ongoing crisis, authorities took a different course in the development of the tax system.

	2014	2016	2018
The base rate of value added tax decreased	28 %	20%-	18%
The profit tax rate	38%	24%	20%
The total rate of social contributions	38.5	35.6%	26%

Table 1. The tax burden of key payments

In the arsenal of the State, there are also latent instruments in the form of including or increasing additional coefficients to tax rates, which, on the background of unchanged rates, lead to an increase in the tax burden.

Since the spring of 2016, the Russian Federation, among 192 countries, became a member of the Paris Agreement in accordance with the United Nations Framework Convention on Climate Change (Rio de Janeiro, 1992), which includes, among other things, elements of environmental taxation, it is actual to use tax instruments in the field of environmental management. In this connection, it is of interest, for example, that regions can introduce a differentiated tax rate for transport tax, depending on the ecological class of the vehicle, which, unfortunately, has not yet found wide application in Russian regional legislation. At the same time, the positive foreign practice of the acute problem of large cities in reducing emissions of harmful substances into the atmosphere has shown the effectiveness of this tool.

Of course, the question of the success of the introduction of a progressive scale of income tax for individuals, as well as the need to raise tax rates for key taxes remains controversial. The tax policy should be correlated with the basic principles legislated by the national tax system (Article 3 of the first part of the Tax Code RF). In this connection, it is interest the scientific understanding of the principles:

(...) the scientific nature of taxation, the equality and fairness of taxation, the uniformity of taxation, the basis of taxation, the universalization of taxation, the differentiation of tax rates, the stability of tax rates, the application of progressive tax rates and the degree of their progression, with the predominance of proportional rates (Lavrenchuk: 2013, pp. 18-24).

Another element of the legal composition of the tax, established by Article 17 of the Tax Code of the Russian Federation, is the procedure and terms for payment of the tax. *The procedure for payment of a tax* is technical methods for a taxpayer, his representative, or tax agent to deposit the amount of tax in the budget system of the Russian Federation. General rules for payment of taxes are established in Article 58 of Part One of the Tax Code of the Russian Federation, and specific - by the relevant Chapter of part two of the Tax Code of the Russian Federation, which regulates a certain tax.

On November 30, 2016, amendments to the Tax Code of the Russian Federation came into effect that provide for the possibility of paying taxes (Article 45, paragraph 1, of the Tax Code of the Russian Federation); and of the insurance premiums (clause 9 of Article 45 of the Tax Code) by other persons, i.e. persons who are not a taxpayer, its representative or a tax agent. At the same time, this Article does not say which persons can fulfill the taxpayer's duty to pay tax. The above-mentioned other persons will also be able to reimburse damage for taxpayers caused to the budgetary system of the Russian Federation as a result of crimes for which criminal liability is provided (Articles 198-199.2 of the Criminal Code of the Russian Federation). In this case, the tax obligation will be considered fulfilled (subparagraph 7 paragraph 3 of Article 45 of the Tax Code of the Russian Federation).

Thus, now it became possible to pay the tax, for example, for close relatives. It should be noted that earlier such a situation was impossible, and the tax paid by another person (even close relatives) at its own expense could not be credited by the tax authorities: in this case, the taxpayer would have arrears with all the ensuing consequences (penalties and fines). However, another person who has paid the tax is not entitled to demand a tax refund paid for the taxpayer from the budgetary system of the Russian Federation.

Such changes in the legislation on taxes and fees will certainly stimulate the timely receipt of mandatory payments to the relevant budgets of the budgetary system of the Russian Federation. Earlier, in 2015, the Federal Tax Service of the Russian Federation in its letters noted that, in connection with the expansion of opportunities for taxpayers, individuals to pay taxes and fees, including electronically through electronic services of the Federal Tax Service of Russia, Sberbank of Russia and other banks, a requirement for self-payment of the tax "only for myself" is an obstacle to the establishment of the most comfortable conditions for fulfillment of tax obligations by the taxpayers.

Noting the usefulness of this innovation, it should nevertheless be noted that some technical points remained unresolved. For example, Chapter 23, "Personal Income Tax", part of the second Tax Code of the Russian Federation introduced a rule of law, according to which revenues in the form of taxes, fees, insurance premiums, penalties, fines paid for a taxpayer by another individual (paragraph 5 of Article 208 of the Tax Code of the Russian Federation) are not recognized as income for the purposes of the said Chapter. Thus, it can be said that there has been a confusion of the concepts of "tax payment procedure" and "tax object." In connection with the above, a number of questions have appeared. Why were such additions not included in Chapter 25 "Corporate Profits Tax" of the Tax Code of the Russian Federation? Does this mean that the innovation extends only to the situation when an individual pays a tax for another individual? If the tax for an individual is paid by an organization or an individual entrepreneur, whether it will be income of a natural person, including if it is paid to a person for work. While noting the usefulness of this novel in general, it should nevertheless be noted that some issues of legal regulation have remained unresolved, and this is likely to be resolved by enforcement practice.

3. CONCLUSION

Payment of taxes as the main criteria for determining a taxpayer is not simply a wire transfer of taxes to the budget, but a procedure for the pursuance of an individual's duty, including the various stages where participation of other entities is possible, if permitted by the law, so the legal status of the taxpayer does not change from the fact that the introduction of taxes into the budget system is not by them, but by another

person. The taxpayer has a connection with the State and other subjects of tax law, including tax authorities, which is realized through tax legal relations. Such a connection supposes the personal participation of the taxpayer in financing the activities of the State and (or) municipal entities in the amount and order, determined by law, and also includes the right of the State to apply coercion to the taxpayer carried out by special authorized bodies in the forms, prescribed by the law. That is why the definition of the range of subjects which are charged with the duty to pay a specific tax, is an obligatory element of this tax, without which it cannot be considered established. Further development of advanced digital technologies in tax administration will allow providing automatic handling of large volumes of data (big data), more efficient tax collection, more comfortable environment for the taxpayer, and, ultimately, the development of the national digital economy.

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Economic challenges and problems related to natural resources management as a consequence of human capital accumulation

*Desafíos y problemas económicos relacionados con la gestión de los recursos naturales consecuencia de la
acumulación de capital humano*

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ABSTRACT

The current study considers the evolution of the concept of human capital over time. The theory of human capital was shaped from research results obtained by foreign economists. Thus, it covers many independent existing aspects that should also be studied independently. This article draws special attention to the impact of abundant natural resources on the accumulation of human capital. The article analyzes modern theories through the lens of an idea that economic growth is dependent upon the abundance of natural resources. The institutional factor also plays a role in this relationship, so classic economic theories were considered as well.

Keywords: Economic Growth, Foreign Economists, Humanization, Human Capital.

RESUMEN

El presente estudio considera la evolución del concepto de capital humano a lo largo del tiempo. La teoría del capital humano se formó a partir de los resultados de la investigación obtenidos por economistas extranjeros. Por lo tanto, cubre muchos aspectos independientes que deberían estudiarse también de forma independiente. Este artículo llama especialmente la atención sobre el impacto de los abundantes recursos naturales en la acumulación de capital humano. El artículo analiza las teorías modernas a través de la idea de que el crecimiento económico depende de la abundancia de recursos naturales. El factor institucional también juega un papel en esta relación, por lo que también se consideraron las teorías económicas clásicas.

Palabras clave: Economistas Extranjeros, Capital Humano, Crecimiento Económico, Humanización

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1. INTRODUCTION

Issues associated with human capital formation in the context of current economic development are currently on the heat. Such an interest came from the need to study the effect that human capital has on economic development. It was further driven by the research exploring the relationship between the human capital and the natural resources, and their effect on economic growth.

Many scientists considered this issue. In particular, economists of the classical school – W. Petty, A. Smith – became the first to illuminate the influence projected by the labour force on economic growth and population welfare. Thus, the *Economic Writings of Sir William Petty* defines human capital as “*efficiencies in being*” and considers this category in the context of national wealth. The man believes that human capital is not only the major driver of wealth growth but also one of its elements (Petty & Graunt: 1899). Adam Smith followed Sir W. Petty on this but paid attention to human capabilities manifested under the influence of production factors. Later on, Karl Marx put forward the ideas of a “human factor” influencing economic development. He offers to consider the labour power as a “set of physical and spiritual attributes” of employees.

Dornbusch, Fischer, and Shmalenzi regarded human capital not only within the framework of physical and labour development but also as a stock of spiritual (including cultural, psychological, and moral) attributes and world-view (Dornbusch et al.: 2002). They assigned a special role for human personality in the context of the social environment, for managerial decision-making ability, for the ability to undertake the responsibility, for self-organization skill, and for personal identity (Alekseeva & Gildingersh: 2018; Kvon et al.:2019). This concept is often used when settling issues associated with the formation of a successful modern manager within the organization.

In the 20th century, the specialists concluded that it is necessary to evaluate the efficiency of human capital in terms of quantity. In particular, they developed economical, mathematical, and statistical models to address issues, such as human value, and educational factors influencing economic development.

The previous studies introduced the economic concepts which were used in the modern theory of human capital (Fisher: 1959). The so-called ‘growth accounting’ literature emphasizes the importance of measuring changes in the quality of labor, as indicated by improved qualifications and higher skills, when trying to account for economic growth over the long term, whereas ‘new growth theories’ highlight the determinants of economic growth in the broadest sense, concentrating on human capital inputs. In endogenous growth models, economic growth can continue indefinitely because the returns on investment in (both physical and) human capital goods do not necessarily diminish over time. Spillovers of knowledge across producers and external benefits from improvements in human capital are part of this process because they offset tendencies to diminishing returns (Teixeira & Queirós: 2016).

Measurement of human capital is realised by the human capital index, which in a determination of the European Union is based on four groups of areas: investment in education, the use of human capital stock, the productivity of human capital, demographics, and employment.

The purpose of this article is to study the impact of human capital on economic development. The major objective is to analyse the connection between the accumulation of human capital, driving economic growth, and the resource curse using general methods of cognition.

2. RESULTS

The EU's 2020 Strategy is focused on smart, sustainable, and inclusive growth, which is impossible to achieve without the major contribution of skills, knowledge or human value, commonly known as the human capital.

The theory of human capital as an independent concept was developed in the latter half of the 20th century when certain social and economic conditions were created (Table 1).

Condition	Description
Innovative production	Became possible due to scientific and technical progress
Increase in the share of intelligent people, labour inputs	Engine innovation
A methodological potential of the human capital concept	Concept's capability to be in the heat
Humanization of socio-economic relations in the most developed countries	Made the idea of human value more sustainable and reliable

Table 1. Socio-economic settings of human capital theory development

The concept of human capital resulted in the work of Theodore Schultz and Gary Becker. They were first to identify human capital as a phenomenon related to economic development. In particular, Shultz defined this concept as follows:

Capital concept is based on the available some thingness, which possesses economical property to influence future services having some value. Understanding of the capital as something rendering future services allows starting dichotomy: by human and non-human capital (Schulz: 1961, pp. 1-17).

In his opinion:

- 1) Human capital is an additional source of income generated through human knowledge, skills, experience, and abilities;
- 2) Education represents one of the capital forms, which ensures economic growth and, alongside that, separates the source of growth from institutes and subjects of the institutional environment;
- 3) Educational capital is determined by human capital because it cannot be separated for the person;
- 4) Education as the capital generates future earnings and satisfactions;
- 5) To improve the labour force, it is necessary to make additional contributions (investing) in education;
- 6) Investment in education is one of the contributions in production, which generates the surplus product.

Becker noted that human investments enable the generation of human capital. By investments, he understood education, spending on health care, migration, and the search for information on prices and incomes (Becker: 1962.). Accordingly, from Becker's point of view, human capital is the stock of human knowledge and skills, which allows earning money (Becker: 1962).

The concept of human capital found its further development in works by Blaug (1977). The contemporary scientists see human capital as the main driver of economic growth. Higher education is a machine generating more knowledge and innovations. This facilitates technology borrowing and thus enhances scientific and technical progress. Besides, the level of human capital determines the quality of institutes. Thus, democratic

governments are likely to be formed within countries with a higher level of human capital (Acemoglu et al., 2014; Kritsky:1991).

Nowadays, the issue of human capital gained in relevance within the framework of the phenomenon, known as the curse of natural resources. The thing is that countries with rich natural resources have lower rates of economic growth than countries where such amounts of resources are not available (Papayrakis:2007). Only one work considered the effect, which the amounts of natural resources have on the human capital (Suslova & Volchkova: 2007). Other factors causing the deficit of human capital and low accumulation are factors encouraging the enterprise to invest in education (Birdsall et al.: 2001). Consequently, in countries rich in natural resources, enterprises are poorly stimulated to invest in human capital due to low demand for skilled employees, due to Dutch-disease effects and rent-seeking behaviour. The increase in rental incomes encourages the extractive industries to grow against the shrinking processing industry and agricultural industry (Blanco & Grier: 2010).

The growth of extractive industries does not mean that the demand for skilled employees will grow immediately after the growing begins. Besides, human capital may involve foreign high-skilled human resources. With that, the shutdown of processing facilities will lead to job cuts. Thus, high-quality human resources will be not involved in economic development. The lack of demand for skilled human resources causes low salaries.

Another reason behind the low economic efficiency is associated with the habit of investing rental money in low-performing spheres. Industries that do such a thing are protected against the competition with foreign producers. The public sector (army, law enforcement bodies) is also familiar with the matter. Low competition, in this case, leads to the relaxation of requirements for human resources because the entrepreneurs know that the state will protect them from bankruptcy.

High inequalities, peculiar to countries dependent on resources lead to the negative accumulation of human capital (Gylfason: 2001; Gylfason: 2006). High Gini index makes the poor unable to invest in human capital even when the labour market offers a high education premium.

In this situation, the state is not interested in increasing education expenditures because the export of natural resources is more beneficial in terms of income than the education sector (Sachs & Warner:2001,). The renting trend weakens the motivation to implement an efficient economic policy that would encourage long-term economic growth. The public pressure problem is solved simply through the re-distribution of rental income among the population (Gaddy & Ickes). Because of these failures of the state policy, the focus was shifted from the human capital to the natural resources.

In our opinion, neither enterprises nor the state will be interested in making investments in human capital if there is a huge amount of natural resources in the country. Later on, researchers proved that resource abundance has a negative effect on human capital. Thus, according to Gilvason (2008) (referenced in this article), there is an indisputable negative correlation between national welfare and natural capital.

A 10% growth of natural capital reduces the rate of economic growth by 1%. At that, about half of this reduction is associated with lower levels of human capital (secondary school graduates). The obtained data allowed concluding that large amounts of natural resources negatively affect economic growth not only due to the Dutch disease and rent-seeking behaviour but also due to the lack of incentives for human capital acquisition. Nevertheless, the attempts to verify this hypothesis did not meet the expectations. The study conducted in 18 Latin America countries between 1975 and 2004 demonstrated that the amount of natural resources generally has a rather low adverse effect on human capital. A 1% growth of resource dependency (primary-export-to-GDP ratio or the share of primary export in the total export) encourages the reduction in human capital accumulation by 0.06% or 0.02%, accordingly (Bravo-Ortega & Gregorio: 2005).

In particular, one may do the indicators of industry growth in countries with large and relatively small amounts of natural resources. If the growing industry is in need for highly skilled personnel, then it can experience a ripple effect: firstly, the new jobs are created, then the demand for skilled labour increases and

various organizations gain profit from education investments. On the contrary, if such industries in need grow slower than the economy does, then the motivation to accumulate human capital will weaken.

The consequences of developing new fields depend on the existing level of human capital and the country's attitude towards its accumulation. Thus, if at the moment of discovery, the education in the country is at a relatively high level, then, with great probability, the incomes from field development will be used with the maximum efficiency. If so, the further incomes will be even higher, as the rates of economic growth. In the case of an opposite picture (poor education), the abundant resource incomes will most likely cause corruption and economic degradation.

This approach correlates with the hypothesis of the so-called conventional curse, according to which the effect of abundant natural resources is immediately associated with the quality of the national institutes.

CONCLUSION

Thus, the issue relating to the effect of natural resources on human capital accumulation remains open. Despite the fact that resource abundance has a negative effect on human capital accumulation, the evaluation approach, applied in this study to results, is not sensitive to changes occurring in wealth. However, this is most likely the exclusion rather than the norm.

To sum up, this article attempted to consider the impact that the accumulation of human capital has on economic development, dependent upon the availability of natural resources.

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Ethics in medical decision making: an intercultural outlook

La ética en la toma de decisiones médicas: una perspectiva intercultural

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ABSTRACT

In the climate of globalization, the choice dilemma is complicated by ethical conflicts that exist in multicultural contexts. This article investigates the capacity criteria across cultures and the boundaries of delegating responsibility for the patient's health to other people. The attitude towards euthanasia was taken as a marker to trace differences. Statistical analysis of euthanasia acceptability in 2017 involved Western civilizations, according to Huntington. The analysis showed a high prevalence of euthanasia in the Netherlands (48%) and the lowest prevalence in the United States (2%) and Canada (2%). Religious beliefs have a direct effect on ethics in decision making.

Keywords: Ethical Decisions, Euthanasia, Globalization, Prevalence.

RESUMEN

En el clima de globalización, el dilema de elección se complica por los conflictos éticos que existen en contextos multiculturales. Este artículo investiga los criterios de capacidad entre culturas y los límites de delegar la responsabilidad de la salud del paciente a otras personas. La actitud hacia la eutanasia se tomó como un marcador para rastrear las diferencias. El análisis estadístico de la aceptabilidad de la eutanasia en 2017 involucró a las civilizaciones occidentales según Huntington. El análisis mostró una alta prevalencia de eutanasia en los Países Bajos (48%) y la prevalencia más baja en los Estados Unidos (2%) y Canadá (2%). Las creencias religiosas tienen un efecto directo sobre la ética en la toma de decisiones.

Palabras clave: Decisiones éticas, Eutanasia, Globalización, Prevalencia.

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INTRODUCTION

Culture has a profound influence on how ethical decisions are made in critical situations in medicine. What is considered as right or wrong in the healthcare setting may depend on the socio-cultural context (Chattopadhyay & Simon: 2008). As a source of exchange, innovation and creativity, cultural diversity is as necessary for humankind. In this sense, it is the common heritage of humanity but it cannot be used as a pretext for infringing on human rights and fundamental freedoms.

The fast-growing multicultural world requires physicians and physiotherapists to understand different cultures in order to make right ethical decisions and work effectively with people possessing different values, beliefs and ideas about health, care, illness, death and disability. There are at least 2500 cultures and subcultures on Earth (Leininger & McFarland: 2006). Ethical principles for decision making in healthcare settings are to preserve and protect human life and health in the perinatal and postnatal periods, to prevent diseases, to restore health, and to reduce suffering from incurable diseases, at birth and death (Goloff & Moore:2019). There is a direct relationship between the level of competence of medical workers and their ability to provide culturally sensitive medical services (Minkoff:2014). Health professionals must have the skills to resolve ethical dilemmas. Primarily, they must be able to effectively communicate and understand the unique cultural values and beliefs of each client/patient, to respect cultural differences, and to make decisions that will meet the needs of each client/patient thoughtfully and effectively.

A common ethical dilemma arises when respect for autonomy and cultural sensitivity collide (Donate-Bartfield & Lausten: 2002). Bioethics is one the areas of applied ethics that aims at reflecting, discussing and resolving moral dilemmas in medicine (Johnstone: 2019). Traditionally, the following practices are distinguished as those raising questions about the moral and ethical background of decision making:

- Abortion (the induced ending of pregnancy);
- Euthanasia (the practice of ending the life of a person who is experiencing unbearable suffering from an incurable disease, at his/her request);
- Homotransplantation (lifetime organ removal);
- Allotransplantation (the use of organs from dead people);
- Surrogate motherhood (gestation and childbirth, including premature birth, under a contract between a gestational carrier and potential parents, whose sex cells were used for fertilisation) (Drabiak et al.: 2007; Mautner: 2009).

The moral meaning and assessments of good and harm are deeply influenced by culture; examples include general acceptance of euthanasia in the Netherlands and Belgium, African practices of female circumcision, the prohibition of sex-selection in India (Chattopadhyay & De Vries: 2012).

Making ethical decisions to resolve ethical dilemmas is a hard process for health professionals to deal with. Decision-making depends on many factors, such as ethical principles, morality, values, beliefs, standards, legal issues, personal and professional experience (Coward & Ratanakul: 2006). In other words, decision-making depends on the cultural context.

A decision maker should follow a sequence of logical steps to guide and support all participants in medical practice (Louw: 2016). The growing number of elderly people poses many economic and ethical problems for modern society, among which euthanasia is the most debatable and burning (Brogden: 2001). The question of whether euthanasia should be legal is one of the hotly debated issues that revolve around decisions.

The contradictions of euthanasia are, in fact, the contradictions of ethics and morality. In theory, there are two types of euthanasia: passive (the deliberate cessation of patient's maintenance therapy by a physician) and active (administration of drugs or other means of producing death). The physician-assisted suicide is often referred to as active euthanasia with medical assistance (administration of lethal drugs at patient's request)

(Jha et al.: 2015; Nikolaeva et al.:2018). Factors that have a great influence on people's attitudes toward euthanasia include cultural and religious beliefs, age and gender (Ramabele: 2004).

The most relevant research on issues related to euthanasia was conducted mainly in the United States and Europe, since these countries began to discuss government policy on its legalisation (Wasserman et al.:2015). Another work targeted various end-of-life issues, including euthanasia. Relatively recent studies were conducted in Iran, Turkey, Japan, Hong Kong, Sudan, India, Kuwait, and Pakistan (Abbas et al.: 2008; Wasserman et al.: 2015).

In the climate of globalization, health practitioners urgently have to understand the bioethics of different cultures. The ability to take cultural cues in the healthcare setting may result in an improvement in the patient's quality of life, especially during difficult times. The health care provider needs to know to look for similarities to overcome differences and to know what differences require sensitivity. As an interdisciplinary problem, euthanasia is investigated by lawyers, sociologists, philosophers, and physicians.

Recent research and publications on the matter are just beginning to accumulate in the literature; the problem is far from the final resolution. The right to life is the right of every person protected by the state. The States are doing everything so that human life was out of danger (Zhuravlev & Yurevich: 2013). There is much to say about the right to life, but now humanity is confronted with another question: does a person have the right to die? Does the guaranteed right to life imply the right to independently decide on the end of this life? To what extent can a patient delegate this right to other people, in particular to his/her close ones? Therefore, the issue of ethical decision-making in medical setting within the intercultural context is undoubtedly relevant. Thus, *the purpose of this article* is to analyze and investigate capacity criteria across cultures, as well as the boundaries of delegating responsibility for the patient's health to other people.

1. METHODS

For convenience, the generally accepted Huntington's classification of civilizations was used (Figure The division of world cultures is below:

1. Orthodox civilization, turquoise blue;
2. Western civilization, dark blue;
3. Islamic civilization, green;
4. Hindu civilization, orange;
5. Confucian civilization, dark red;
6. Japanese civilization, bright red;
7. Latin American civilization, purple;
8. African civilization, brown;
9. Buddhist civilization, yellow.

To analyze differences in decision making in Western culture, statistical analysis was applied to data from open sources as of 2017. The following countries were selected for analysis: the USA, Netherlands, Canada, Belgium, and Switzerland. Data were taken from The Third Portal, the Sigrid Dierickx 2016, and the Third Interim Report on Medical Assistance in Dying in Canada.

Obviously, there is no opportunity to study all the existing practices of euthanasia that were held in different countries and cultures. The cases were selected by the principle of minimum difference. Some ethical dilemmas in decision making, such as eugenics, abortion, homo- and allotransplantation, remain unresolved. These problems deserve a separate study because of scale.

2. RESULTS

Figure 1 demonstrates that in Western culture, namely in Canada, the USA, Germany, Sweden, Switzerland, Germany, Belgium, the Netherlands, Italy, Spain, Portugal, and Australia, people are the most tolerant to euthanasia.

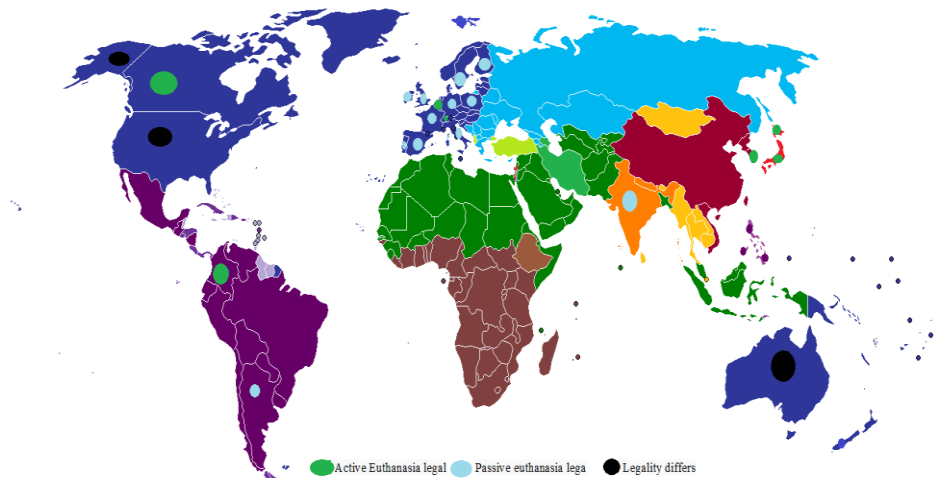


Figure 1. Euthanasia prevalence across Huntington's civilizations

The above listed countries have a highly developed economy, a reference point for progress in medicine. In *Western culture*, personal autonomy and the right to self-determination are essential. In Medicine, this moved the focus to the empowerment of the patient as an active participant in the decision-making process, including at his/her end of life. People have the opportunity to make informed decisions about their own interests.

In India, euthanasia practice was implemented only in 2018. Family, especially the head of the family, plays a crucial role in making a decision to end someone's life. In public hospitals, healthcare is paid for by the state, so the decision to stop the life-sustaining therapy may depend on another patient in need waiting in line. There are cases when a decision may be affected by economic constraints and by the understanding that a chose treatment is futile, especially when there is no hope of recovery or cure. Because the family is the locus of decision-making, highly respecting the doctor, it is difficult to imagine serious disagreements between them regarding the decision (not) to withhold the life-support system (Shekhawat et al.: 2018).

North and South Korea are an excellent example of the culture's influence on ethical decision-making in medicine. Initially, they were the same Confucian cultures, but after the division at the 38th parallel, South Korea fell under the influence of the Western culture. This influence can be traced by the attitude towards euthanasia. Historically, the influence of Western culture on South Korea was a matter of survival. Military and technical assistance from Western countries prevented South Korea from being defeated in a war with its communist neighbors.

The Islamic culture does not practice euthanasia for religious reasons. The mercy killing is ethically wrong and falls under the broader guidelines from the Quran and the Sunnah. Islam teaches that if Allah gives life, then he has the absolute power to take it back.

In African culture, euthanasia is not practiced, even in economically developed South Africa (Figure 1). There were attempts to legalize it under the influence of the West, but euthanasia was excluded from options for terminal patients because it "contradicts the Doctor's Oath."

In the Orthodox culture... In Russia, for example, euthanasia is also not legal. Discussion on euthanasia is often a response to demands made by euthanasia supporters in Western Europe and the USA. Russia stands out from Western countries with the reaction it has to this problem. Data in Figure 1 shows that in *Latin American culture*, only two countries practice euthanasia: Colombia and Argentina. The Colombian culture formed under the influence of traditions and customs of local Indians and immigrants from Europe (Spaniards) and Africa. Thus, Colombia is a multicultural country, where each region has unique characteristics. The majority of the population professes the Catholic faith, as in the countries of the Western culture.

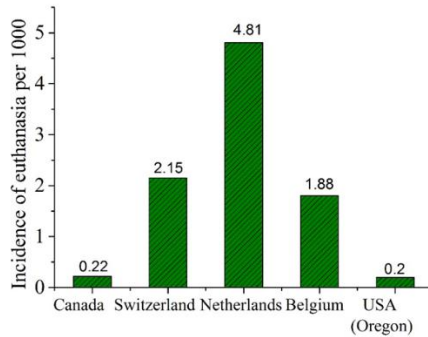


Figure 2. Euthanasia prevalence across Western civilizations in 2017

Disagreements in making ethically correct decisions in medicine exist not only at the ethno-cultural level. The Netherlands take the lead in the prevalence of euthanasia (48%), while in the United States and Canada, this indicator is the least (2%) (Figure 2). This result indicates that the Netherlands is one of the first to legalize euthanasia. One may also see the prolonged influence of the so-called “Protestant Ethic” in this (Riesebrodt, M., 2016, pp. 55-84). In the USA, euthanasia was allowed in 5 states. The United States, however, distinguishes passive euthanasia from active euthanasia.

3. DISCUSSION

Now, some issues surrounding decision making in bioethics remain debatable. The right decision in healthcare can save lives. Out of the 18.975 terminal patients identified as likely dying within a few hours or days, 10.8% either stabilised or improved. The researchers concluded that even in the context of palliative care, it is not easy to confirm the diagnosis with absolute certainty (Clark et al.: 2016). A wide variety of research studies suggest that breakdowns in the diagnostic process result in a staggering toll of harm and patient deaths. These include autopsy studies, case reviews, surveys of patients and physicians, voluntary reporting systems, using standardised patients, second reviews, diagnostic testing audits, and closed claims reviews. A study relating to forecasts made for terminal patients showed that only 20% of them were spot on (within 33% of the actual survival time) (Berner & Graber: 2008).

Among scientists, there is no fully positive attitude towards euthanasia. In a study of medical attitudes towards euthanasia in Iran, it was found that because of religious and cultural context, nurses did not consider euthanasia acceptable under any circumstances (Alborzi et al.: 2018). One of the main pro-euthanasia arguments is based on the right to self-determination and on the principle of autonomy. Supporters argue that people have the right to control their own body. Therefore, a capable person must be able to determine when and how he/she will die (Tham et al.: 2017). Religious and medical views are indeed different and may conflict, although in general, they should not be contradictory.

Traditional African American folk beliefs about health and disease focus on herbal remedies and the magical aspects of a disease (Eiser & Ellis: 2007). Many religious groups, especially Muslims, are now spread throughout the world. Considering the growing trend of globalization, it is important that health systems take into account the religious beliefs of a wide range of ethnic and religious groups of people when considering abortions and killing (Bülow et al.:2008). The issue relating to the principles of ethics and morality of bioethics remains open. Scientists show that their results are in conflict with the common morality hypothesis of Beauchamp and Childress, which would imply domain-independent high morality ratings of the principles. Their findings support the suggestions by other scholars that the principles of biomedical ethics serve primarily as instruments in deliberated justifications, but lack grounding in a universal "common morality" (Christen et al.: 2014, p.47).

CONCLUSION

Culture has a profound influence on how ethical decisions are made in medicine. In Western culture, euthanasia is most welcome. Upon that, there are differences within the culture. Islamic, African and Orthodox cultures reject euthanasia completely, so in the healthcare system of these countries, ethical decision-making is in the red. In bioethics, religion is the most influential; the attitudes towards the patient's personal needs are also essential, though. The statistical analysis showed that euthanasia is most often practiced in the Netherlands (48%), and least in the USA (2%). Thus, medical decisions must be made in an ethical context. Our previous studies show racial and ethnic differences in death preferences that make up cultural barriers.

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Economic case for migration restrictions in Europe

Caso económico para las restricciones migratorias en Europa

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ABSTRACT

The article concentrates on immigration and emigration impact on EU Member State economy and analyzes the migration situation in Poland. If the purpose of immigration is to obtain a residency and then integration into society, thus the increase in population will be adopted by the national economy in a short period. There also won't be problems with circular migration, since the workforce rotation will be within the agreed limits. However, temporary migration will lead either to unacceptably low living conditions of temporarily employed foreigners, to an increase in social tension, or to an inefficient use of social infrastructure.

Keywords: Migration, Poland, Restrictions, Social Infrastructure.

RESUMEN

El artículo se centra en el impacto de la inmigración y la emigración en la economía de los Estados miembros de la UE y analiza la situación de la migración en Polonia. Si el propósito de la inmigración es obtener una residencia y luego la integración en la sociedad, el aumento de la población será adoptado por la economía nacional en un corto período. Tampoco habrá problemas con la migración circular, ya que la rotación de la fuerza laboral estará dentro de los límites acordados. Sin embargo, la migración temporal conducirá a condiciones de vida inaceptablemente bajas de extranjeros empleados temporalmente, a un aumento de la tensión social o al uso ineficiente de la infraestructura social.

Palabras clave: Infraestructura Social, Migración, Polonia, Restricciones.

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INTRODUCTION

Globalization caused an increase in migration processes, both legal and illegal. At the same time, modern migration processes are socially and economically asymmetrical, which leads to a population redistribution among territories, a change in the structural characteristics of countries and territories, and an increase in intercultural tensions in countries hosting migrants. Therein attempts to control migration flows by political means usually are not effective because of illegal migration, which affects political, economic, social stability (Clemens & Pritchett: 2019).

Until recently, migration processes were considered in the term of the labor market, but the refugee crisis of 2015–2016 in Europe showed that the reason for migration could be the desire to raise living standards not by receiving higher wages, but by various social benefits. At the same time, for the EU countries is typical migration caused by ethnic and religious conflicts in the country that significantly complicates the social and economic situation in countries hosting refugees. The EU's migration policies are determined primarily by the UN International Migration Policies, namely the Refugees Convention (1951), the Protocol Relating to the Status of Refugees (1967), International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (2000), the Protocol against the Smuggling of Migrants by Land, Sea, and Air (2000) (United Nation Treaty Collection, 2019; available: <https://treaties.un.org/>). The EU countries' governments, in turn, impose various restrictions within migration policy, but in general, according to International Organization for Migration, government policies aimed at maintaining the level of migration at a certain level.

The massive involvement of migrants offered an opportunity for the hosting countries to improve the demographic situation, but at the same time cause a significant number of other problems, mainly migrants' adaptation in society, tolerance and loyalty towards them. The main problem is that Office of Migration Statistics contains no data on illegal migration, which does not allow making correct conclusions about the impact of migration on host countries (Lucas: 2005).

Modern scientists considered the migration crisis in the EU in terms of its impact on finances, culture, and society. Thus, the research (Crawley et al.:2013) shows that the increase in the number of migrants and the level of migration in general causes a decrease in the tolerance towards refugees by the native population, regardless of their education level (Dustmann et al.: 2016).

Highly skilled migrants usually make a large financial contribution, unlike labor migrants, which may be the cause of tax spending for local population if they settle in the host country. Most empirical studies show that generally the immigrants' fiscal contribution is rather small. The total tax benefit from immigration is very small, as the gains of some migrants to a large extend or completely offset the losses of others (Preston: 2014; Czaika & Hobolth: 2016).

Meanwhile, the current migration crisis allowed us to check existing or create new mathematical models of migration. Modern models of migration are often modifications of the so-called Gravity model, according to which there is a region-center of gravity that "attracts" migrants (Ramos: 2016; Nikolaeva et al.: 2018). The study (Schmertmann: 2012) proposes the optimal control model under conditions of a constant migration flow when the constant entries occur by immigration rather than birth. In this case, the population rate does not increase but gradually being replaced by migrants.

The study considers the reasons for such systems disbalance and shows the redistribution of resources in the form of traveling waves (Genieys et al). This approach is based on statistical data and makes it possible to determine the moving of indigenous and non-indigenous populations among districts and the corresponding migration balance depending on the "diffusion" coefficient.

The Poisson regression model was used for mathematical modeling of migration processes and made it possible to identify the main factors that influence migration processes: migration flows are explained by interregional differences in economic resources (gross regional product (GRP) per capita, unemployment), in population ratio, as well as geographical factors, especially distance. Another important factor is the housing

provision (Sarra & Del Signore: 2010). Non-economic factors of migration are population concentration, environmental conditions and crime rates (Napolitano & Bonasia: 2010). It was also found that migration is influenced by various factors depending periods of time. The references review made it possible to determine the undeveloped points (Favell & Hansen: 2002):

- The main condition of mathematical models of migration is the labor migrants studding as a the low-wage labors that will permanently reside in the country but won't be considered (so-called "seasonal labor migration" which state in the fact that migrants work, as a rule, as low-paid employee and withdraw funds to the country of residence for the maintenance of their families;
- The factor of skilled population migration and its replacement with unskilled ones, for example, seasonal workers, was not considered;
- The factor of non-labor migration that is, migrants living in hosting countries and receiving social benefits, was not considered;

The aim of the article is to analyze the joint effect of both immigration and emigration on the example of Poland on indicators of the country's socio-economic development in the conditions of the almost complete absence of migration restrictions. The scientific novelty of the study considers the joint effect of both immigration and emigration on the example of Poland.

1. METHODS

The statistical information provided on the statistical websites is the information base for the study. The accelerator of changes in the relevant rates was determined (for example, for the balance of payments and remittances; the balance of payments and the total amount of private remittances; remittances of Polish employees working abroad for more than 1 year and changes in the M1 / M2 money supply; the total amount of private transfers to Poland and money supply M1 / M2).

2. RESULTS

Analyzing the migration statistics of EU countries, it should be noted that the countries of Western Europe, in general, are characterized by trends of migrants' influx, some of which are mot labor migrants, while the countries of Central and Eastern Europe are characterized by trends in both the outflow of the indigenous population and the influx of migrants, e.g., from Ukraine.

Thus, the most interesting is the experience of Poland, as a country characterized by a trend of outflow of skilled population and inflow of unskilled. Meanwhile, despite the fact that the number of immigrants and emigrants is approximately equal (Statistics Poland: 2019; available: <https://stat.gov.pl/en/>), the point of interest is the number of remittances received in the country as well as withdrawn. According to statistics, currently, about 2.2 million people have left the country. The largest number of Polish emigrants live in the UK, Germany, Ireland, Netherlands.

The GDP per capita level in Poland and the method of its distribution are not the reasons for the economic out of the population from the country. Conversely, the Polish labor market is attractive for millions of labor migrants from Eastern Europe and Central Asia, but the equilibrium price is not sufficiently motivated for the local population. The nature of the massive labor migration from Poland to the prosperous EU countries has an economic background and is due to the lack of prospects, career opportunities and an improvement in living standards. The daily difficulties that arise as a result of the unsatisfactory functioning of public institutions, the overcoming of which requires additional financial and psychological resources on behalf of people, also become the reason for emigration from their homeland. These factors influenced the

unprecedented in the history of Poland increase in the emigration of the employable population, especially among young people.

The International Society of Students conducted research in 46 Polish universities among undergraduates on employment intentions in 2006. Among the respondents, 90% of students of economic departments were looking for work abroad; only 60% of respondents confirmed their desire to leave to work in Western European countries. Young people between the ages of 25 and 34 show the greatest tendency to emigrate; they motivate their intentions with the hope of a better professional perspective. Poles consider so-called industrial locomotives of the European Union as the most favorable countries for employment and in the labor markets of which their professional qualifications will be demanded. The emigration of Poles is insignificant to countries with per capita GDP close to Polish. At the same time, about 3.1 million labor migrants from Ukraine work in Poland. The same tendencies as for the young people of Poland are characteristic for the students of Ukraine.

Year	GDP, billion dollars	Population, million people	Net migration rate
2018	549.48	38.5	-0.3
2017	524.83	38.6	-0.25
2016	471.17	38.3	-0.39
2015	477.35	38.4	-0.3
2014	545.07	38.4	-0.28
2013	524.4	38.4	-0.3
2012	500.85	38.5	-0.5
2011	528.57	38.5	-0.71
2010	479.16	38.4	-0.93
2009	440.14	38.4	-0.75
2008	533.8	38.5	-0.56
2007	429.47	38.5	-0.51

Table 1. Macroeconomic rates of Poland, according to the official website of Narodowy Bank Polski (Statistics Poland: 2019; available: <https://stat.gov.pl/en/>)

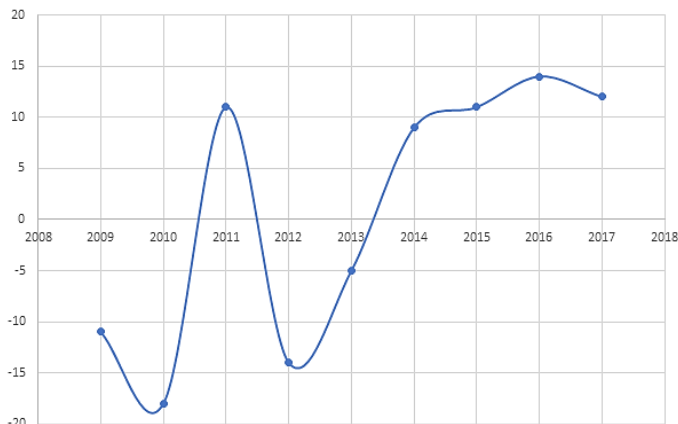


Figure 1. Accelerator calculated from the balance of payments and remittances of Polish employees working abroad for more than 1 year, %

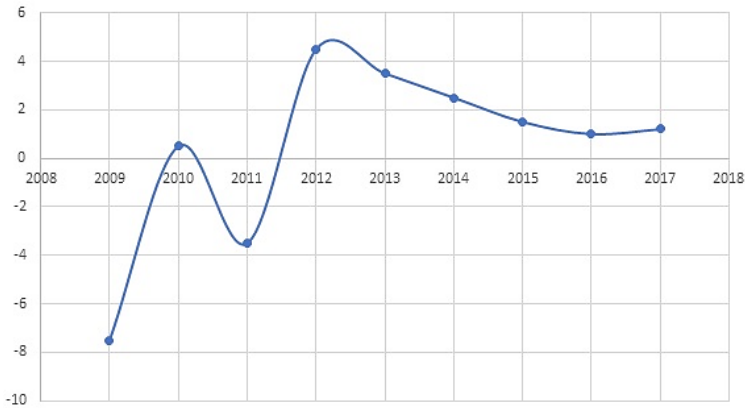


Figure 2. Accelerator calculated from the balance of payments and the total amount of private remittances to Poland, %

Considering remittances from abroad to be a significant, sustainable and anti-cyclical source of external financing to the country's economy, the curves shown in Figures 1-2, allow to find out the year the remittances have become accelerators of such an impact.

Regarding the market offers, we consider appropriate to investigate the dynamics of money supply M1-M2. The results of the influence of the M1-M2 money supplies on the Polish financial market in the number of private remittances and remittances of labors working abroad for more than 1 year made it possible to record the following dynamics (Figure 3).

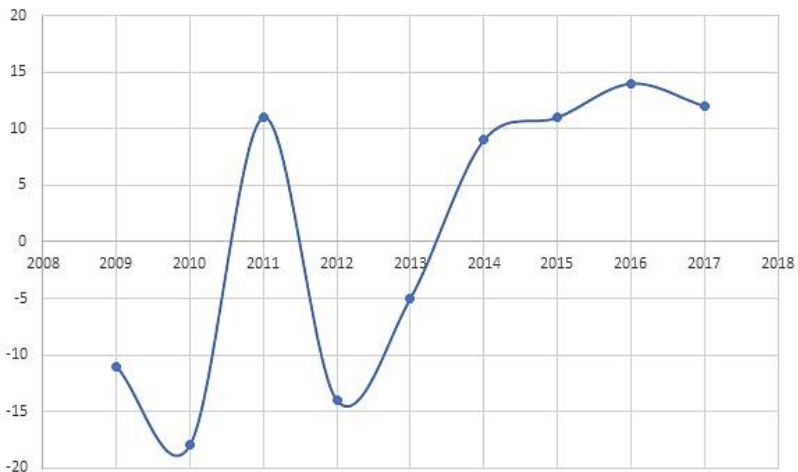


Figure 3. Accelerator calculated from the remittances of labors of Poles working abroad for more than 1 year, and the M1 money supply, %

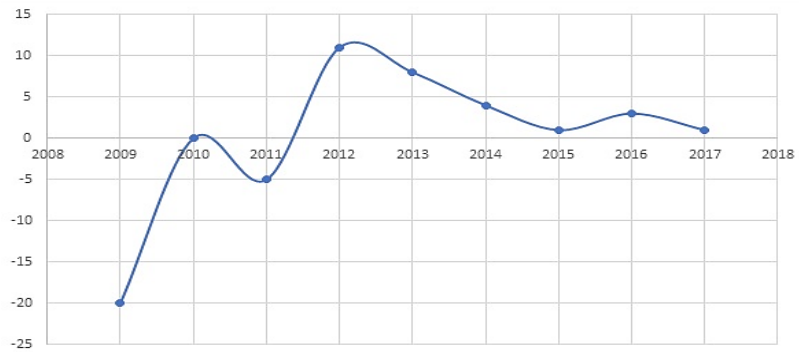


Figure 4. Accelerator calculated from the total amount of private remittances to Poland and the M1 money supply, %

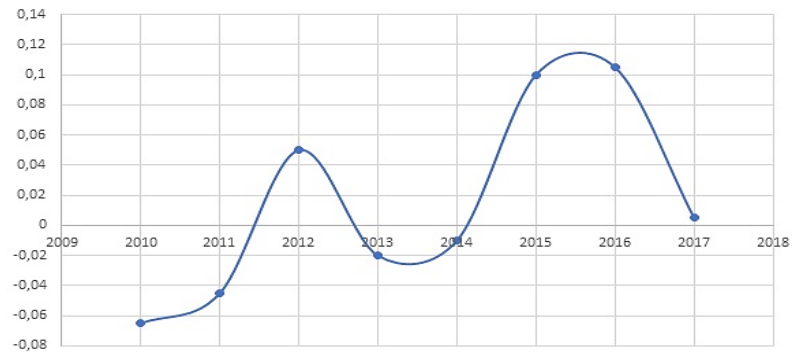


Figure 5. Accelerator calculated from remittances of Pole labors working abroad for more than 1 year, and the M2 money supply, %

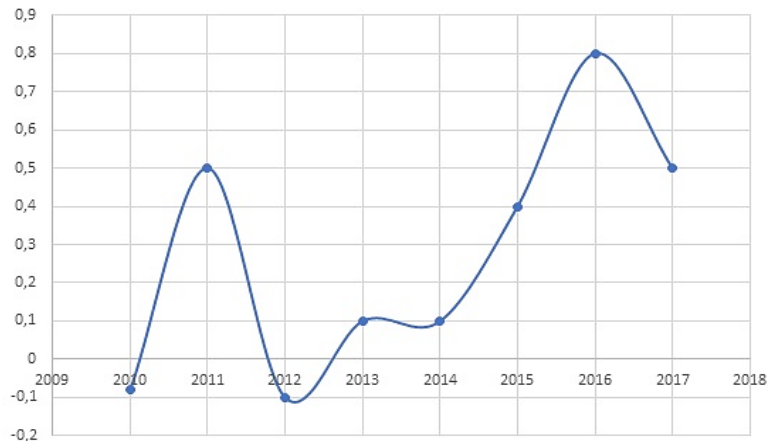


Figure 6. Accelerator, calculated from the total amount of private remittances to Poland and the M2 monetary aggregate, %

Considering the structure of private remittances, which include remittances of labors working abroad for more than 1 year, there is a discrepancy shown in Figures. 2-6. Thus, the money supplies M1-M2 carried out a positive impact on the process of remittance transactions of employees working abroad for more than 1 year differently in 2010-2017. At the same time, these same money supplies had almost no effect on the formation of private remittances to Poland in 2014–2017.

It is known, the remittances can ease credit restrictions since a steady flow of required incomes can make households more creditworthy for sector-specific financial institutions. Growing amounts of remittances in unstable household conditions affect the reducing of credit restrictions, as they increase creditor confidence in borrowers, even if the internal conditions of a household are not favorable for increasing its competitiveness. This creditworthy effect needs careful empirical study, despite the growing interest in remittances that are made through official financial channels. Exactly the dynamics are shown in Fig. 3-4, allows to identify the beginning of the “movement” of the curves and their further alignment due to the increase of market demands according to each analyzed money supplies, market offers and changing consumer demands. Note that the difference in curves with the M1 and M2 occurs because of transferable deposits in foreign currency and other deposits. The general state of the socio-economic development of Poland in 2009-2017 turns out to be in the dynamics of private remittances. Remittances of employees working abroad for more than 1 year had a significant impact on the GDP range, which was the result of the mainstreaming of households.

An empirical accuracy is a significant advantage of empirical rules. One of the disadvantages of the statistical data analysis is the lack of recommendations on the inclusion of factors that are statistically important. Under other conditions of analysis (rapidly changing socio-economic processes and the dynamic development of the financial infrastructure), it leads to the applying of overly complex decision-making rules of small value. The problem is that the more variables included in the statistical sample of the study, the better can be explained the behavior of a person or group of people in a particular situation. But if the explanation is less generalized then it is unlikely to be valuable in another situation. In particular, the socio-economic situation in Poland in 2014-2015 caused the remittances of employees working abroad for over 1 year in 2016. Generally, the analysis of private remittances helped to reveal the resonance in 2010-2011 for the accelerator dynamics in 2012.

The redistribution of remittances towards investment can contribute to an increase in investment to the home or national household as a result of the redistribution of financial assets. But in terms of prosperity, an extra dollar of investment will be more valuable than an extra dollar of current consumption if the marginal social cost of an investment exceeds its private value. Despite the fact that a number of factors can cause a resistance between social and private values (e.g. capital gains taxes, monopoly powers, and credit restrictions), one of the reasons arisen in the context of the development of a remittance institution, can be insurance of positive externalities from investment costs. Thus, the way in which remittances are distributed to households can affect the value of this remittance flow in the whole country.

42% of the total amount of remittances was spent on savings, 25% was spent on consumer needs, 17% was invested in housing (acquisition or improvement), 9% spent on storage goods, 6% were transferred to another indirect spending, in 2014-2015. And only 1% of these funds were sent to invest. In this case, not only remittances are considered, but also the financially accumulated or already physical capital of migrants working outside Poland.

The prerequisites for choosing one or another model of migrant behavior as a result of a family strategy for providing material support to a household is to realize the financial capabilities of employable family members in meeting current and future family needs within the country.

The prerequisites of labor migration are considered to be the decision of a person about his/her labor, moral, and physical capabilities of the socio-economic support of his/her household. The person, of course, accords with family members his/her decisions, but he takes upon him/herself the complex of benefits and risks. The material value of labor migration is a random variable as depends on the life events of each migrant, and its prediction is possible but rather problematic. The improvement of the socio-economic situation of

households whose members are labor migrants is undoubtedly a positive effect on the overall performance of the country's economy.

3. DISCUSSION

In modern conditions, migratory mobility is one of the elements of the most dynamic process of the development of households' material support. Financial relations are developing quite dynamically, with the active participation of labor migrants. The important is the issues of an initiative of labor migrants in the formation of investment resources of households, including the material basis for capital allocation in the Polish economy for profit.

Remittances are one of the important financial instruments through which the financial behavior of immigrants influences people's actions and societies within the country. Economists consider the transfer of earned currency to the homeland as a potentially positive factor in labor migration for the economy of the home country. According to the World Bank's research, about 85% of the total average remittances of a labor migrant to his homeland is spent by his family on household needs, 10% is invested in education and saved. Only 5% are directly invested in farms and production sector. The use of remittances by emigrants for the consumption of imported goods identifies a country as a "sleeping area" of industrial and business centers. At the same time, foreign currency inflows cause a rise in the national monetary, decreasing the competitiveness of export goods. These funds can be of great benefit if they invest in the development of the national economy. Monitoring shows that alone with the emigration of flow from the countries of issuers of labor, there is an equally strong outflow of capital. Remittances go within the framework of international labor migration, and the export of capital abroad within the framework of circulating cosmopolitan migration. In terms of financial resources, they are balanced, and sometimes the latter is significantly higher, but it is not compared in terms of the number of respondents.

The influx of labor has revived the Polish economy, compensating for the shortage of skilled workers. The increase in labor supply due to the influx of labor migrants on the national labor market also stops the growth of wages and inflation. At the same time, as other scientific studies show in countries that, due to labor shortages, contribute to labor immigration, the local population does not feel an increase in competitive pressure, since foreigners mostly occupy vacant places that are not claimed by residents. Being predominantly young people, they do not exert pressure on the state pension system and the health care system. Now the balance of the influence of emigration for Poland is close to a critical point, where society will incur material losses that even significantly larger amounts of remittances cannot compensate. First of all, due to labor shortages, the economy is under increasing pressure to a forced increase in wages by entrepreneurs.

Anticipating wage growth compared with productivity growth rates will lead to inflation, which will complicate the decisions of long-term investment. An increase in inflation will also raise the discount rate of Narodowy Bank Polski, reducing the demand for credit resources of entrepreneurs and the population. On the other hand, the well-known Norwegian economist E. Reinert believes that the main strategy of the country's economic development (wealth accumulation) is emulation, that is, imitation of the technological level of a rich country with the aim of achieving it or even advancing it. This strategy contributes to the transformation of the country into the hosting country of labor with positive consequences. That is, it is proposed to reduce the consequences, without considering the root causes of the phenomenon, which is consistent with the desire of economically developed countries to maintain the status quo of the world economy, considering the hierarchical position of countries and increasing technological gaps between them.

CONCLUSION

Now the EU is on the verge of recession, the scale of which is difficult to predict. This is likely to provoke processes of the reverse movement of capital to maintain the level of employment and update the competitiveness of the economies of EU countries. Under these conditions, even fewer Poles will want to return home. Despite the fact that the majority of migrants from Poland and to Poland work in approximately the same spheres, there is a significant difference between them: migrants from Poland do not plan to return, and migrant workers in Poland are mostly seasonal workers. This means that in the long run, remittances from Poland will significantly decrease. The influx of migrants reduced the problems caused by the outflow of labor but postponed their solution. The World Bank specialists advise interested countries to improve the coordination of the implemented migration policies. They are convinced that the most effective solution to the problem of migration is the transition to a circulating international movement of labor. As a result, countries with migration corridors between them would be able to fill with vacancies in the recipient countries, an increase in the level of income and the decrease of xenophobic moods; to accumulate of human capital by countries issuers; to obtain higher than at home incomes by a large number of emigrants, developing the quality of human potential and maintaining family ties.

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Cyberbullying: legal regulations in Central Asia

Cyberbullying: regulaciones legales en Asia Central

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ABSTRACT

This study analyses the social and psychological determinants of cyberbullying and identifies the setting in which traditional face-to-face bullying transforms into virtual violence. The article also outlines the features influencing the manifestation of cyberbullying in the countries of Central Asia. Considering the flavour of traditionalism in the Asian culture and social relations, countries within the region should implement new institutions and foster cultural values in schoolchildren, with the focus kept on the prevention of cyberbullying. The juvenile justice system should keep up with the anti-cyberbullying trend because older children may be legally liable due to age and hence, carry punishment.

Key words: Central Asia, Crimes, Cyberbullying, Virtual Violence.

RESUMEN

El estudio actual analiza los determinantes sociales y psicológicos del acoso cibernético e identifica el entorno en el que el acoso cara a cara tradicional se transforma en violencia virtual. El artículo también describe las características que influyen en la manifestación del ciberacoso en los países de Asia Central. Teniendo en cuenta el sabor del tradicionalismo en la cultura y las relaciones sociales de Asia, los países de la región deberían implementar nuevas instituciones y fomentar los valores culturales en los escolares, con el foco puesto en la prevención del acoso cibernético. El sistema de justicia juvenil debe mantenerse al día con la tendencia contra el acoso cibernético porque los niños mayores pueden ser legalmente responsables debido a la edad y, por lo tanto, llevar castigo.

Palabras clave: Asia central, delitos, ciberacoso, violencia virtual.

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INTRODUCTION

Virtual reality removes any barriers to communication like language, geographical position, financial status, etc. However, there are new risks posing a threat to the psychological security of the individual. Bullying at school used to be a common phenomenon, but recently, a new permutation has arisen. Cyberbullying is partly the result of the geopolitical situation. While the post-Soviet countries show a relatively stable trend of political and socio-economic development, Afghanistan, which has been in a state of civil, tribal and ethno-religious war for several decades, has an extremely low standard of living.

The Taliban, a radical Islamist movement, has been holding power over most of modern Afghanistan for many years. In the Taliban-controlled area, the law is represented by the Sharia, the strictest version of it. Additionally, there is *de facto* gender inequality with the violation of women's rights. The chilling picture is topped with the opium fields being grown in Afghanistan and with a significant narcotisation, including youth narcotisation.

More than 33% of the population lives below the poverty line; 25 % do not have a permanent job. When it comes to cyberbullying issues, one may notice the high cost of the Internet in Central Asia. This restrains national development across the region. By the end of 2016, the Internet-to-GDP-per-capita ratio in Tajikistan was 48%, in Kyrgyzstan – 11%, in Uzbekistan – 10%, and in Kazakhstan – 1%. For comparison, in the Russian Federation, the level of the Internet-to-GDP-per-capita ratio is 0.09% and 0.02% in the United States (Digital Report, 2016). Currently, 25.7% of the population of Afghanistan has access to the Internet. The major problems of Internet users boil down to the high price and low quality of service (Afghanistan Today, 2018). With this problem being active, cyberbullying can reach only those segments of the population who can afford Internet service.

A crucial factor in the increase in cyberbullying is the rapid growth in children's access to the internet and other ICTs. A recent estimate suggests that one-third of internet users worldwide are below 18 years of age (Livingstone et al.: 2015; Mikhaylova & Alifirov: 2017, pp. 14-19; Gomes & Romão: 2016; Heydarian: 2018).

Advanced studies and statistical surveys cannot provide a spot-on prevalence of cyberbullying. It is partly related to inconsistent definitions, but also due to varied methodological approaches. Some studies ask their teen participants about any experience with cyberbullying, while others focus on "online youth" who experience specific types of high-tech harm within the previous 30 days. One published study found that 72% of youth have experienced cyberbullying, whereas other published research has put this number at less than 7% (Ybarra: 2004, pp. 247–257).

The majority of studies estimate that anywhere from 6% to 30% of teens have experienced some form of cyberbullying, while the number of youths who admit to cyberbullying others at some point in their life's ranges from about 4% to 20%. Of course, this means that 70–80% of youth have not been cyberbullied, and have not cyberbullied others.

In the countries of Central Asia, cultural values derive from Sunni Islam. In Afghanistan, Sunni Muslims historically live side-by-side with Shiite Muslims. Thus, to understand people of the Islamic world, Western people have to keep in mind a huge number of religious precepts and attitudes that have been dominating people of these countries for centuries. Through the prism of religion, cyberbullying falls under the following tenet of Islam contained in the Koran: the right to have one's honour and dignity of respected.

The tenets of Islam say that a person should never commit acts contrary to one's high position. A man should not insult, humiliate the honour and dignity of others, cast aspersions on them, make fun of people, and give them nicknames. Cyberbullying can take place on different grounds. According to UNESCO, the most common reasons are the appearance, gender, or sexual orientation, as well as ethnic and national attributes.

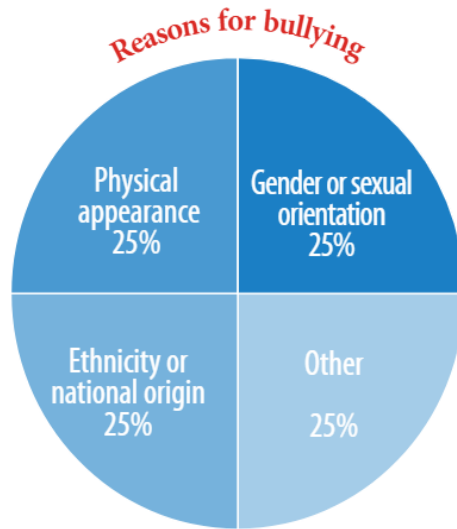


Figure 1. Reasons for bullying

There is no surprise in the fact that cyberbullying reached the countries of Central Asia. However, there are only a few reliable statistics due to an inaccurate understanding of the problem and the fear of children to admit that cyberbullying is real or that they were becoming victims of cyberbullying. Thus, in Kazakhstan, only one child out of 402 interviewed spoke about witnessing an act of cyberbullying at school. Only one child reported on being a victim.

Although these acts take place occurs in cyberspace, the problem should not be trivialized, as it does have real consequences. Although teachers and administrators recognize the problem of school bullying, few are aware that children are being harassed through electronic communication (Bernan & Li: 2005, pp. 36–51). Consequently, not all schools handle this new form of aggression properly (Strom & Strom: 2005, pp. 21-36).

Laws have always been necessary to maintain a certain level of public order and conformity with agreed norms of behavior. When the boundaries of this sphere expand, traditional methods of legal control are no longer applied. Instead, new laws, new ways of implementation, means of solving come in use.

On the background of newly emerging public relations, a new kind of deviant behavior, to be more precise, some regulatory issues need to be settled. These issues are surrounding the adoption of new legislation, the implementation of preventive measures, and punishment.

The purpose of this study is to define the legally relevant attributes of cyberbullying, which have been emerging recently on a global scale and spreading across the territory of Central Asian; to outline related risks to society and identify problems associated with legal regulation. This can be done by analyzing national legal acts and foreign anti-cyberbullying measures by identifying the main trends of cyberbullying to determine the most effective ways and means of dealing with it. This also calls for a thorough study of the world's undertakings against cyberbullying and their enshrinement in the legislations of various countries of Central Asia. The outlined aspects of political, socio-economic and ethno-cultural life of peoples of Central Asian directly affect the research matter. Thus, the antisocial side of cyberbullying behavior and its legal regulation are viewed within the socio-economic, scientific/technical, cultural, political and religious contexts.

METHODS

This is a systemic analysis of the legislations of various countries of Central Asia, namely Kazakhstan, Uzbekistan, Kyrgyzstan, Tajikistan, Turkmenistan, and Afghanistan. The objective is to identify the potential capacity of the legislation for the struggle with cyberbullying, which is gaining in strength, and to identify conflicts and gaps in the regulatory framework. To determine the degree to which this social phenomenon is attractive, this study analyses the latest statistical data on cyberbullying in middle and high schools.

Foreign methods for combating cyberbullying were studied on the latest data from research papers, statistics, foreign legislation and state programs, and anti-cyberbullying provisions. Because cyberbullying is a new issue to deal with, many questions were raised and left unanswered (Chibarro: 2007, pp. 65–68). For example, why schoolchildren and students play cyberbullying? What motivates them to commit such an act? Besides, this area of research also suffers from poor conceptualization of cyberbullying. To understand the nature of cyberbullying correctly, this study started with face-to-face bullying, which is more thoroughly described (Mason: 2008, pp.323-348).

This study involves criminological factors – patterns in cyber-based aggressive behavior, factors influencing cyberbully's development in childhood, cyber victimization, and the behavior of a cyberbullying victim. The relationship between the victim and the bully also came into the picture. Other factors that were considered are factors influencing cyberbullying exclusively in the countries of the Central Asian – culture, traditions, methods of upbringing and school climate.

Traditional bullying has been defined as the misuse of power acted on behalf of the aggressor to the target (Orpinas & Horne: 2006). This definition has been extended to cyber-attacks, which to provoke fear, distress, or hurt towards targets using communication technologies (Manson: 2008). Thus, cyberbullying can include hurtful and insulting and messages sent to the victim via email, cell phone, iPad, chat rooms, instant messaging, websites, blog pages, and personal social networking pages. Alongside text messages, cyberbullying can also include phone calls, photos and video clips (Aricak et al., 2008, pp. 253-261). Although the different types of cyberbullying:

- Flaming – a type of cyberbullying that occurs when individuals or groups become the target of angry and rude messages via electronic means (Hinduja & Patchin: 2014).
- Outing – sending or posting personal and private information that was meant to be kept secret and should not have been leaked online (Fauman: 2008, pp.780-781).
- Online harassment –repeated or persistent aggressive text messaging or emailing, which is directed at a specific target for the purpose of annoying or hurting someone (Hinduja & Patchin: 2014).
- Misinformation – spreading of untrue and damaging information about another through posts on web pages, slam books, emails, text messages (Fauman: 2008, pp.780-781).
- Identity theft – occurs when a perpetrator pretends to be another and hacks the password of the target's account and sends hurtful and harmful information (Fauman: 2008, pp.780-781).
- Sexting - the practice of sending sexual images such as nude or partially nude photos of the targets or themselves.
- Exclusion/ostracism – occur where a target can be blocked or deleted off a friends list, online group, or when friends purposely do not respond to text or email (Fauman: 2008, pp.780-781).
- Cyberstalking – takes harassment and involves repetitive threats, lurking, and intimidation.
- Happy slapping –occurs when perpetrators intentionally bully, hit, assault or make fun of their targets whilst being video recorded for the sole purpose of leaking the video on a public website and/or sending the video for others to view (Fauman: 2008, pp.780-781).

Various studies often link cyberbullying to the climate in the family and school. The attachment of adolescents to their parents, to some extent, prevents the behaviour associated with bullying. Adolescents, who are less attached to their parents, are more prone to do cyberbullying. Findings on the indifference of school students towards cyberbullying allow developing a sequence of steps to prevent bullying. The responsibility for other people and care can be essential factors in cyberbullying prevention, given its dependence on social morality. School offenders usually become aggressive adults, often convicted of various criminal offences. Cyberbullies have the opportunity to speak and do what they do not dare to say in person to the other party, disclaiming responsibility for actions committed by one of their online personalities. The lack of resistance contributes to criminalisation.

The fight against disparage on the Internet is moving in two directions. On the one hand, there are tools to block unwanted content (filters, censorship); panic buttons were installed on the social networking sites to get reports on the conflict. Moreover, one is able to customizable his/her account privacy settings. On the other hand, users are taught online safety tips and norms of Internet communication. Such methods must necessarily be in the core of the legal protection of cyberbullying victims. After all, the legislator is obliged to respond to the events of cyberbullying urgently before they led to consequences in the “real world.”

Before discussing the necessary changes to-be-made in cyberbullying legislation, we have to acquire the state-of-the-art knowledge about the legislative frameworks in the countries of Central Asia and other parts of the world. The legislations of the countries of Central Asia do not regulate the issues at the level necessary. Throughout the legislative acts, you will not find any mention of the words “harassment,” “school violence” and “bullying,” not to mention cyberbullying. However, effective anti-bullying and anti-cyberbullying mechanisms were not provided. For misinformation, the punishment may be the one established in Article 40 of the Administrative Liability Code of the Republic of Uzbekistan for libel.

In Kazakhstan, libel falls under criminal liability, according to Article 130 of the Penal Code of the Republic of Kazakhstan. The act of imposing criminal liability upon an individual, who committed an act of cyberbullying for the first time, is cruel and inappropriate conduct. There is also another activity that is criminally punishable – an insult. Alongside the bad, there is good in the cyberbullying legislation. For example, Administration “K” of the Ministry of Internal Affairs (MIA) of Kazakhstan fights a wide range of crimes related to computer and Internet technologies: cyberbullying, production of counterfeit video disks, and dissemination of information conducive to extremism, terrorism, cruelty, and violence.

With the advent of new ways of abuse, sometimes referred to as hate speech and commitments intended to do psychological harm through modern communication technologies, preventive programs, and programs for combat need to embrace a broader spectrum of behaviour manifestations. In recent years, other countries have developed a number of programs aimed at combating cyberbullying. These programs include web-based projects (websites) oriented towards parents, adolescents, both victims and offenders, and teachers (Ahlfors: 2010, pp. 515-522).

Considering the lack of a term for cyberbullying in the legislations of countries of Central Asia, it is necessary to develop a specific policy to combat this antisocial phenomenon. First, special legislation is needed, with the concepts of “bullying” and “cyberbullying” defined. More details on the anti-cyberbullying measures are presented in the following Table.

Table 1. Anti-cyberbullying measures

Direction Against Cyberbullying	Steps to Make
Prevention	<ul style="list-style-type: none"> ✓ issue a state policy to stop bullying and cyberbullying; ✓ carry out preventive measures at schools – conduct training sessions explaining the dangers of cyberbullying; ✓ conduct periodic (anonymous) monitoring in schools – track the occurrence of cyberbullying cases; ✓ make necessary changes in the education legislation.
Counteraction	<ul style="list-style-type: none"> ✓ create and implement a mechanism to stop school cyberbullies through the involvement of teachers, administration, a psychologist and parents of the victim and the bully; ✓ talk with parents about the dangers of cyberbullying and the need to control children’s activity on the Internet; ✓ establish special government and/or municipal bodies responsible for the fight against cyberbullying; ✓ order Internet providers to block websites or individual pages that are engaged in cyberbullying.
Liability	<ul style="list-style-type: none"> ✓ amend the legislation on administrative offences – define bullying and cyberbullying; establish liability for child’s actions associated with bullying and cyberbullying; ✓ impose administrative liability of parents whose children are engaged in cyberbullying; ✓ impose disciplinary liability of teachers and school staff (for specific cases only).

Student training should be provided to confront cyberbullying by including student competencies which help youth recognize legal and personal consequences of cyberbullying, improve social problem-solving and anger management skills, encourage prosocial behaviour, and increase the ability to empathize with victims (Lund et al., 2012, pp. 246–265). Under the guidance of a school psychologist, teachers will be able to teach children how to work with younger peers and train them so that they can make the right decisions on the Internet from an early age. In so doing, they (the children) will play a crucial role in cyberbullying prevention.

DISCUSSION

In Europe and the United States, this problem was recognized much earlier, so legislations there have enshrined some of the undertakings that are good. Cyberbullying is a critical public health concern in the United States and is broadly conceptualised as a digital version of peer-based aggression. Given that bullying is a public health concern, schools need to take action to reduce both cyberbullying and bullying inside and outside of school buildings. Schools that choose to seek legal action against students suspected of cyberbullying may face difficult legal battles. Vague court decisions and the changing environment of cyberbullying laws in different states often thwart schools’ obligations toward students’ safety (Hinduja & Patchin: 2014; Mailybaev et al: 2018).

Many states have enacted laws that address cyberbullying specifically. Notar and colleagues recommend that schools consult with trained lawyers to handle these cases, given students’ First

Amendment rights in the United States (Notar et al., 2013, pp. 133–145). Administrators are advised to proceed with caution when disciplining students for behaviour that may have occurred outside of class (Wong-Lo: 2009). Given this complexity, it is ideal to develop and implement clear pre-emptive policies and programs that aim at reducing cyberbullying (Willard: 2011; Alifirov et al., 2018, pp. 53-55).

There have been a variety of programs implemented in the United States: I-SAFE Internet Safety Program, Cyber Bullying: A Prevention Curriculum (Fauman: 2008, pp.780-781); Sticks and Stones: Cyberbullying (Wilson: 2007); The Second Step Violence Prevention Program. Schools implementing these programs need support through stricter cyberbullying legislation. Finally, educators need far more guides on talking with parents about the limiting screen time, parental control tools, talking to kids on security and privacy on the Internet, and about the necessity of open communication in cases when cyberbullying is evidently happening. Compelling is the fight against bullying and cyberbullying in Europe. The Threat Assessment of Bullying Behaviours among Youngsters (TABBY) Internet program was developed initially in 2010 and implemented in 2011–2013 in Italy and further four EU countries (Bulgaria, Greece, Cyprus, and Hungary) and was then undertaken in Spain, France, and Poland.

The program was developed on the basis of what was known in the scientific community with regard to the reduction of cyberbullying and increased awareness of cyber risks. The program has been developed and implemented thanks to the support of the European Union Daphne Security and Justice Program for the reduction of violence against women and children, and in some of the original countries (Italy, Spain, France, Hungary) it is still used as one of the existing intervention programs. The TABBY program has two components: (1) the material available for students and teachers; (2) the activities with teachers and students. With the TABBY intervention program: students are made aware of the risks of certain online behaviours; significant adults (e.g., teachers who interact with students) are themselves prepared to provide students with information about the risks associated with the Web world and how to avoid them; students are confronted with their own risk of involvement in cyber behaviour related to the (mis)use of online/cyber devices to communicate (Baldry et al., 2015, pp. 36–51).

More recently, a content analysis of anti-bullying policies in schools in Northern Ireland revealed that the majority of schools incorporate elements targeting cyberbullying (Purdy & Smith: 2016, pp. 281–295). Additionally, the 'Quality Circles' approach has been employed in schools in order to tackle the problem of cyberbullying (Paul et al. 2010, pp.157–168). In France, quite a few actions have been undertaken these last few years. A law penalising school bullying was voted in 2014, and cyberbullying is looked upon as an aggravating circumstance (Blaya & Fartoukh.: 2015, pp. 285–300). Such measures imply certain rules and behavioural constraints. Above all, they (measures) enable the formal recognition of children being (cyber) bullied as victims. The battle with cyberbullying is a matter of time. The results are not immediately noticeable.

CONCLUSION

Cyberbullying is a hot-button issue that creeps into the countries of Central Asia. It may happen that this problem was there (in Central Asia) from the very start but become apparent only now. It is necessary to adopt and implement the positive European experience, to create a national or international (international will be even better) program to combat cyberbullying. This must be done, so victims were not afraid to talk when being cyberbullied. Building an online platform with interactive and informative media makes sense. Of course, it is very important to gather (cyber) bullying statistics, and this is exactly the thing, which is poorly developed in the countries of Central Asia. Implementing pilot programs, primarily in schools, with the involvement of teachers, management and psychologists is also a beneficial practice. Do not forget about the social climate, morality, culture and family institution. Remember that prevention is better than cure! A solution to the problem must be systematic and not rogue. To make it right, governments need to create a

long-term policy to eradicate the problem of cyberbullying step-by-step. States may actively help to stop cyberbullying by amending the legislation (defining administrative, criminal and education issues, as well as the rights of the child), by implementing international and national programs and by establishing new bodies authorized to deal with the issue.

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Peculiarities of teaching history in a vocational-pedagogical university

Peculiaridades de la enseñanza de la historia en una universidad vocacional-pedagógica

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ABSTRACT

This study is performed to improve the methodology of teaching history in a vocational-pedagogical university. In order to enhance the quality of graduate's training, as the level of knowing history influences the formation of professional competence in students with specialties related to social activities such as pedagogy, management, economics, and several other lines. The article is aimed at examining critical issues of methodism and methodology of teaching history.

Keywords: Methodism, Methodological, Specialty, Vocational-Pedagogical.

RESUMEN

Este estudio se realiza para mejorar la metodología de enseñanza de la historia en la universidad vocacional-pedagógica. Con el fin de mejorar la calidad de la formación de los graduados, se influye en el nivel de conocimiento de la historia y en la formación de la competencia profesional en los estudiantes con especialidades relacionadas con actividades sociales como la pedagogía, la gestión, la economía y varias otras líneas. El artículo está dirigido a examinar cuestiones críticas metodológicas y metodológicas de la enseñanza de la historia.

Palabras clave: Especialidad, Metodismo, Metodología, Vocacional-Pedagógica.

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INTRODUCTION

A modern vocational-pedagogical university sets a goal to train a qualified specialist of a certain level (bachelor, expert, master) who is a competent, free master of his profession and can orient in adjacent occupational fields, is ready to work on the level of modern international standards and constantly improve his knowledge, skills and abilities. For the efficient professional activity, knowledge from most versatile fields and abilities to find optimal non-trivial solutions of current tasks and emerging problems on basis thereof are required (Fedorov & Tretyakova: 2017; Usoltsev: 2018), which is necessary to graduates from their professional realization (Zinnatova et al.: 2016; Rybakina: 2018).

As the teacher's experience of the authors of this article shows, at present, a considerable part of students (both school and university students) possess a rather low level of knowing the world history and history of Russia. It is far from unusual when a man with a higher education diploma has very shallow ideas about significant events and processes of the Russian and world history and even manifests complete ignorance in respect of widely known historical facts. This circumstance leads to degradation of a specialist's general level of erudition, exercises a negative impact on the culture of his general and professional thinking and makes the quality of his training lower; it hinders his mastering of necessary professional competences and, moreover, can become a reason for spreading, at the mundane level, of all possible pseudo-scientific myths and wrong beliefs. This issue was widely reflected in literature.

There are studies of certain aspects of history teaching and their influence on students' worldview. So, the research (Özmen: 2015) states about drawing on historical experience aimed at decision-making in the future and training students. Problems of historical facts interpreting and assessing were worked out in the research (Wansink et al.: 2016). Issue of assessing the significance of world history events by teachers of history, the ambiguity of teachers' opinions are presented on the work (Harris & Girard: 2014). Interesting research about teachers' ideas of the nature of their subject and as they influence the practice of teaching (McCrum: 2013) should be noted. Problems of students' perception of social sciences teaching are reflected in the work of researchers (Akhan & Altıkulaç: 2014). The research addressed the issue of students' awareness of inner and interdisciplinary variants in academic discourse, particularly in human Science, analyses the differences between history and anthropology. There are interesting studies about the role of teaching professional development history in professional training (Madsen: 2008); the researcher notes that nursing history studying, especially at the beginning of the Baccalaureate program, creates fundamental skills of critical thinking during nurses training. Other authors also address nursing history studying during the training of nurses (Kelly & Watson: 2015).

The author refers to the issue of teaching professional development history (Hocaoglu: 2015), emphasizing the importance of Comparative Design History Course for professional training and offering methods of its teaching upgrading. An exciting aspect of history teaching (The Role of Old Turkic Place Names in Teaching History) is noted in this paper (Nakhanova: 2014). Besides, in the article, methods of pedagogical projecting in history teaching are studied (Harris et al.: 2017). This article reflects the methods of history studying by students (Miller et al.: 2014). Exciting approaches to history teaching for students using online technologies are presented (Buchanan & Palmer: 2017). Problems of integrative history teaching for students and its influence on national education development are worked out in the research. The researcher raises the problem of historical sources applied in history teaching for students. Indeed, the original work "Teaching and learning difficult histories in international contexts: A critical sociocultural approach" (Epstein & Peck: 2017), which contains the conceptual analysis of complicated and problem issues of history teaching for students, should be noted.

In a modern vocational-pedagogical university, students are taught in most various training lines. So, on one hand, when teaching history in the higher vocational education system, it is necessary to adhere to the united universal concept in accordance with FSES (Davydova: 2014; Shchuplenkov: 2015) suitable for students of all training lines (naturally, we don't speak here about specialties "History explorer", "History

teacher" and some others where studying of history is the main element of the curriculum), and students shall assimilate a standard set of knowledge, skills, and abilities. On the other hand, the elective part of the history course is also applied for every branch of training complementing such discipline as "Job-introduction".

At present, it is Chair of document science, history, and legal assistance, which conducts the history course in Russian State Vocational-Pedagogical University.

In this work, we analyze crucial problematic issues of the history course which have to be examined while working with students; the specificity of approach to studying thereof when working with students of various training lines is reviewed.

1. METHODS

The following principles and methods are laid into the basis of this study:

The primary method is a pedagogical analysis of study material assimilation by students of different groups; the history teaching was carried out in the traditional way in several groups, and methods offered by authors were used in control groups. Performance levels of students from different groups are compared (knowledge of facts, events, causality).

The opinion of students was studied through the questionnaire; students from control groups (approximately 50 people) took part in it; asking questions aimed at determining how much this history course interesting is and what new aspects comparing with school curriculum students got through it. Students of RSVPU took part in the research.

Research stages:

The research was conducted in 3 stages:

1. As the authors' experience demonstrated, in conditions of limited academic time for history studying in university, the course is overburdened with facts and details to the detriment of the analysis of critical processes and phenomena. It leads to such a situation that the process of history studying by students of non-historical specialties comes down to learning facts to the detriment of the analysis of key processes and phenomenon, underachievement is a consequence. Revealing key problem aspects of the history course understanding of which is essential for the assimilation of the whole course and perfecting of general and professional competences of future graduates;

2. As a result of history exams and tests demonstrated, in the case of traditional history teaching, students find no necessity to study history and take a little interest in the subject. That is why the development of methods to explain these issues to students with taking into account their specialization is necessary for developing their professional culture and competencies which could be significant in their future work;

3. Development of methodical and methodological recommendations on teaching history to students of vocational-pedagogical universities. Recommendations will be revealed based on the questionnaire of students from control groups, in which the research was conducted.

2. RESULTS

History teaching in most of the Russian universities encountered several problems.

Firstly, the authors' assumption that students mostly learn the significant part of stereotypes about some historical events from mass-media was confirmed. Basing on the analysis of mass media, the authors revealed that it contains a mostly negative assessment of events of domestic history, first of all of the Soviet period. Students learn it all pretty non-critically. Thus, according to the results of surveys, 50% of students

from groups under research are strictly convinced that Soviet society is characterized. First of all, by mass government terror of citizens, extensive violations of human rights, fear of repressions, violent prohibitions of the smallest expression of an individual. This picture shows the reality from the very one side, causing exclusion of people from their history and culture and serious separation from patriotic values, which history teaching and educational work with students are based on (Moskalenko et al.: 2018). Strictly negative assessment of the Soviet period from the point of radical liberalism is perceived as objective by students, and they deny facts that contradict this concept, and they do not learn to analyze it. Indeed, such a graduate does not understand the historical and cultural specificity of Russian society in the whole and peculiarities of evolution of an educational system, management, economics, etc., which will become a severe gap in his professional training.

Secondly, the history course for students of non-historical branches of training is overwhelmed by facts, often repeats the school curriculum, and shows the connection between domestic and world history poorly. That is why more than half of the students have no interest in it and learn material only as is necessary for passing an examination.

All the above mentioned hinders the formation of an integral picture of the world and Russian historical process in students.

To form an integral picture of the historical process in students, very important is considering of problem issues of the course, such as particular features of the "catching-up" Russian modernization and socio-cultural contradictions of the Russian society related to this process. Their studying allows us to comprehend today's trends of development of Russian society systematically, to understand the interconnection of history and the present time in many spheres of vital activity. To raise the efficiency of teaching, we can examine the following aspects of this interconnection at our classes, see Table 1.

1	First, processes of modernization and westernization lead to the contradiction between traditional moral values and those brought from outside. For instance, traditional ideals of patriotism are based on the ability to sacrifice oneself in the name of Motherland and future generations, readiness to refuse from personal interests in favor of achieving a common collective goal. On these ideals, in the long run, the ideology of Soviet patriotism was also based, which allowed integrating the society for the boosted industrialization and the victory in the Great Patriotic war. To a large extent, these tremendous tasks were solved thanks to the heroism of ordinary people, their labor and military feats, the ability to do their best, and sacrifice themselves in favor of the future generations. However, beginning from the 1970-80s, and especially today, these values turn out to be more and more contradicting to the so-called market or consuming mentality, which is based on the absolute priority of individualism, egoistic morals, values of hedonism and luxury. In Russia this contradiction is deepened by the fact that values of "market personality" did not ripen in the socio-cultural field of our civilization but were brought from outside. Together with the development of the "consumer society", these values are passing a complicated process of adaptation in the Russian cultural environment. Understanding and accounting of these contradictions are necessary for maintaining humanistic value-orientation settings of Russian education.
2	Second, processes of modernization and westernization often result in collisions of values of the traditional and liberal civilization. Thus, creating problems of synthesis of cultural models brought from outside with local, autochthonic ones. This interaction is often quite painful for national cultures and may lead to grave socio-cultural contradictions in society. For instance, orientation to the consumption level of developed countries and cultural attractiveness of the Western lifestyle can result in a crisis of one's identity and unacceptability of the reality; the similar problems were encountered by a number of societies of the "catching-up" model of modernization development in the 19th – 20th centuries, the USSR in its late times included. In the modern world, opposition and the competitive struggle between countries are going farther and farther from the military sphere to informational, political, and economic ones. National cultures try to resist the expansion of values and socio-cultural norms of the modern Western civilization: the cult of consuming; absolutization of individualism and freedom of self-expressing regarded as "common human values", etc. These values-based on Western ideas are potentially rather dangerous for national cultures, as they often contradict to their core, archaic values, and stereotypes (cult of the duty, homage to the tradition, asceticism and serving top the society, collectivism, etc.), they are able to destroy them and lead to destabilization of the society. Furthermore, as they did not reap in these societies, it is not clear how they will be inoculated instead of the undermined traditionalism.

Table 1. The main aspects of this interconnection at our classes

All these aspects can be quite accessibly outlined in the history course of vocational-pedagogical universities. It will make the history course more exciting and attractive and add a larger applied directedness.

Basing on the teacher's experience of the authors of this work, in the teaching of the history course in a vocational-pedagogical university, at a limited academic time assigned for it in the curriculum, one can single out a number of crucial aspects necessary for the detailed and comprehensive studying the subject at classes.

The first set of questions is connected with the apprehension of the process of "catching-up modernization" of Russian society. A considerable part of students and even specialists who graduated from a university possess a superficially-simplified idea about modernization, which in practice leads to assimilating false stereotypes, ignorance in trends of the country's socio-political and economic development or incorrect understanding thereof. It is critical for students in training lines related to active public activities: pedagogy, economics, and management, jurisprudence, etc. This theme is also important in the understanding of the specificity of formation of responsibility in managers and subordinates (Mukhlynina et al.: 2016; Begichev et al.: 2019), as studying thereof makes peculiarities of interrelations of various social groups in the modern society more clear.

In the course "History" or "History of Russia", it is advisable to explain to students that modernization as a phenomenon appeared in West-European countries, first of all, in the UK and the USA. Most of the other countries of the world were forced, employing active interference of the state into economy and functioning of socio-political institutes, to artificially stimulate modernization processes, first of all, in order not to lag behind the West in military and technological aspects. The Russian civilization, which was initially a traditional agrarian society, encountered the necessity to conduct the industrial modernization in the 18th – 19th centuries. The rates of industrial development defined how efficiently Russia could stand for its national interests.

This circle of problems is of interest to students of pedagogical, engineering-technical, managerial, economic, and other specialties. Studying of the transformation of the public conscience and mentality under conditions of modernization and westernization, changes of mechanisms of interaction between the authorities and the society, the experience of organization of industrial production and creation of new organizational and political structures in societies passing the modernization stage shall have an important practical value. Students shall have a clear idea about processes of modernization, which emerged in the 18th – 19th centuries, about countries of the "catching-up" model of development, or "the second echelon", and know their political and socio-cultural tradition. Of considerable interest in this context is the analysis of historic alternatives (Kryuchkov: 2016), which is vital for the formation of students' ability to analyze facts and tend to socio-political and economic development.

The second set of problem questions, which usually is quite hard for assimilating by students but at the same time is one of key issues in the understanding of peculiarities of history and today's development of Russia, is the analysis of socio-cultural contradictions in the Russian society generated in the process of the catching-up modernization. These contradictions are connected, first of all, with the conflict between archaic ideals of traditionalism and values of the liberal capitalistic civilization, which together with the development of the industrial society were penetrating into Russia deeper and deeper, causing dissonance in the mass conscience of the most of workers' and peasants' population.

Studying these problematic issues is very important for an adequate understanding of a number of peculiarities of the historical development of our country and modern trends of social development.

All these factors shall be taken into account in the vocational education system (Fedulova et al.: 2017; Neupokoeva et al.: 2017). So, the necessity to improve the teaching of history is essential today.

Naturally, there are a lot of exciting and problem questions in the course of history studying of which is vital for students; unfortunately, the restricted volume of this article does not allow us to consider them.

CONCLUSION

In the course of history, under conditions of restricted academic time for studying thereof, the major attention should be paid at key problem aspects (considered in chapters Discussion and Results), adequate understanding whereof is important for assimilating the course and improving general and professional competences of future graduates. Such topical issues of the course as peculiarities of the "catching-up" Russian modernization and related to that socio-cultural contradictions of Russian society are also of great importance. Their studying allows us to comprehensively ponder over today's trends of development of Russian society to find out the interconnection of the history and contemporary times in various spheres of vital activities for enhancing students' training quality.

In process of the studying questions arose due to the fact that for each training line the variable part of a course is necessary apart from the general one: for example, for pedagogical profile students it is possible to make an accent on studying of influence of socio-historic conditions of each epoch on development of the pedagogical thought and concept of upbringing and socialization of a personality during a certain historical period; for economists it will be influence of historical conditions and geopolitical position of these or those states in different epochs on formation of the economic development concepts; for future managers it will be influence of historical factors on formation of management concepts and approaches, specificity of managerial models under conditions of "catch-up modernization", etc. Studying of the variable part of the history course for students of different training lines may supplement in an organic way such a course as "introduction into Specialty". Development and perfecting of the variable part of the history course for various training lines are seen as quite a perspective line that will allow raising the efficiency of the training.

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Individual educational paths as factor of enhancing of future teachers training quality

Rutas educativas individuales como factor de mejora de la calidad de la formación de futuros docentes

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ABSTRACT

The relevance of the issue under study is conditioned by the importance of enhancing the pedagogical education quality and by the following necessity of implementation of an individual approach and individual educational paths of learning. The article is aimed at studying issues of implementing individual educational paths in the framework of the teaching of pedagogical specialty students for making the quality of their training higher. Ten students of the RSVPU took part in the study. As a result of the analysis, the most effective methods and forms of using individual learning paths in teacher training have been identified.

RESUMEN

La relevancia del tema en estudio está condicionada por la importancia de mejorar la calidad de la educación pedagógica y por la siguiente necesidad de implementar un enfoque individual y caminos educativos individuales de aprendizaje. El artículo tiene como objetivo estudiar cuestiones de implementación de caminos educativos individuales en el marco de la enseñanza de estudiantes de especialidad pedagógica para mejorar la calidad de su formación. Diez estudiantes de la RSVPU participaron en el estudio. Como resultado del análisis, se han identificado los métodos y formas más efectivos de utilizar las rutas de aprendizaje individuales en la formación del profesorado.

Keywords: Condition, Pedagogical, RSVPU, Specialty.

Palabras clave: Especialidad, condición, pedagógica.

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INTRODUCTION

Presently, the issue of improving the quality of graduate training is raised to universities where pedagogically-oriented students are trained. It is related, first of all, to the fact that just a small part of graduates begin to work on their specialties in schools and institutions of secondary vocational education (SVE), and so there is a deficit in personnel there; the most pressing problem in SVE institution is with the lack of vocational training foremen (Dorozhkin et al.: 2017; Dorozhkin et al.: 2018; Zakirova & Volodina: 2018; Zyrianova et al.: 2018). It is connected, first of all, with the fall in the prestige of teachers' profession in society. Second, with the increased difficulty of the pedagogical work in school, a teacher's activity becomes more and more difficult due to increasing teaching loads and all possible reports to be submitted. Raising of demands in training schoolchildren according to FSES changes value-based orientations of pupils and their parents towards the consumer attitude to teachers and decrease of the teacher's authority, plus to several other versatile factors.

All the mentioned aspects make requirements to pedagogical universities graduates higher. The FSES lists what competencies should be mastered by a graduate pedagogue, and universities' educational programs are aimed at their development; the system of attestation and control of graduates' knowledge is worked out. However, the practice shows that further on young specialists would have quite a lot of difficulties in the pedagogical work, and the staff turnover among young school teachers (to other activities not related to pedagogy) is high.

The issue of increasing the effectiveness of pedagogical education, including using the individual educational paths (IEP), has been quite extensively developed.

The article is devoted to the integration of studies of the effectiveness of pedagogical education and school (Scheerens & Blömeke: 2016). The question about applying the differentiated approach at school and the attitude of teachers to it is stated in work (Brevik et al.: 2018; Tomilcev & Maltsev: 2018). There is a study (Brown: 2013) on additional support for young teachers to improve their skills. The work (Šramová: 2014) addresses the problems of attitudes towards education, which students take to prepare for the teaching profession. An exciting technology of rethinking by teachers of their school education to improve the efficiency of pedagogical work is proposed in work (Melo: 2015). This method seems to be applicable to training students in pedagogical areas at the stage of their study at the university as well. Researchers (Vaniitha et al.: 2019) note that one of the main problems of providing a personalized learning path is to find the correct match between individual characteristics and sequences of learning content; they propose an approach to solve this problem. The research (Barnes et al.: 2018) noted the importance of the extensive use of student-centered approaches in teacher training. Individual educational paths of training professionals in various fields have been widely reflected in literature; for example, there is exciting work (Poell & Van der Krogt: 2014), which addressed the proper ways of nurses teaching.

At the same time, the issues of using IEPs for improving the quality of training of future teachers require additional scientific development and elaboration.

The goal of this study is to consider issues of implementing individual educational paths when training students of pedagogical specialties for improving the quality of their training.

It is worth noting that in most of the Western universities, IEPs are widely used, being demonstrated, first of all, in a large number of subjects to be chosen by students and in individual schedules of performing control activities by students.

1. METHODS

The following principles and methods are laid on the basis of the research:

1. Review analysis of peculiarities of training students in universities of Russia and the use of individual educational paths such as choosing the theme of Diploma and place of pedagogical practice, study of elective discipline, taking into account reflexing and wish of students and recommendations of teachers, psychologic-pedagogical support of training depending on personal characteristics, study motivation, plans of future study and professional activity.
2. Generalization of the experience of the authors of the work with pedagogically-oriented students;
3. Comparative-pedagogical method; analysis and assessment of methods and forms of use of an individual approach and individual educational paths when training future teachers in universities;
4. Consistency allowing to reveal basic peculiarities and possibilities of use of the foreign and domestic experience of training of students per individual educational paths.

Research sampling contains 10 students of two academic groups of RSVPU, who study in accordance with individual educational paths; period of study for 4 years of Baccalaureate; method of the research is survey and questionnaire, which all students agreed to take part in; opinion of students was assessed basing on the analysis of their questionnaire and also on the withdrawal of handlers of pedagogical practice. Students were asked the following questions: Why did you choose to study with the use of individual educational paths? What learning difficulties did you experience with individual educational paths? How do you assess your learning using individual educational paths? Students were offered response options that they could complement.

The research was conducted in 3 stages:

1. Revealing and reviewing problem aspects of training of future teachers in universities of Russia;
2. Comprehensive analysis of peculiarities of the use of individual educational paths in training of pedagogically-oriented students;
3. Development of methodical recommendations on using individual educational paths when training pedagogically-oriented students.

2. RESULTS

Based on the questionnaire results of principals of schools and institutions of secondary vocational education, pupils and their parents, the authors concluded that it should be noted that the quality of a teacher training is an integral term which includes three groups of features:

- a) Good knowing by the teacher of the subject he/she teaches to pupils, which is especially important when working with talented children and training pupils for academic competitions where quite deep knowledge of various aspects of the material under study are required going far beyond the school curriculum;
- b) Mastering of methods and techniques of training in this subject of schoolchildren of various age categories;
- c) Pedagogic-psychological competences – knowing how to maintain a dialogue with a collective of pupils and individual children of age groups, to exercise educative influence on them, solve conflict situations, etc.

We can also single out a number of other features. It is supposed that IEP implementation will allow balancing training on these three groups of features, depending on requests of a definite student, which are formed by him in the result of the reflection on total results of the passing of the pedagogical practice, his subjective perceptions, evaluations, and recommendations of teachers. Consider the results of a survey of the opinions of students participating in the study regarding the effectiveness of using individual educational paths (Fig. 1).

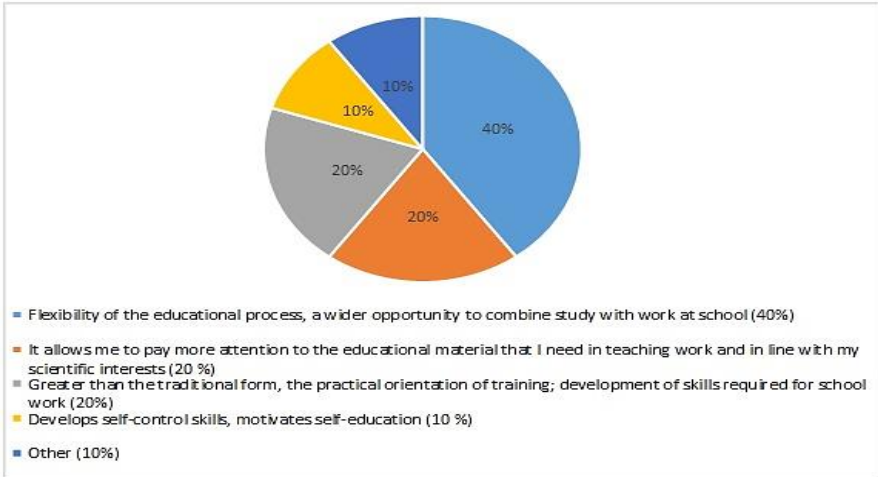


Figure 1. Why did you choose to study using individual educational paths?

From figure 2, it can be seen what difficulties students have when learning using individual educational paths.

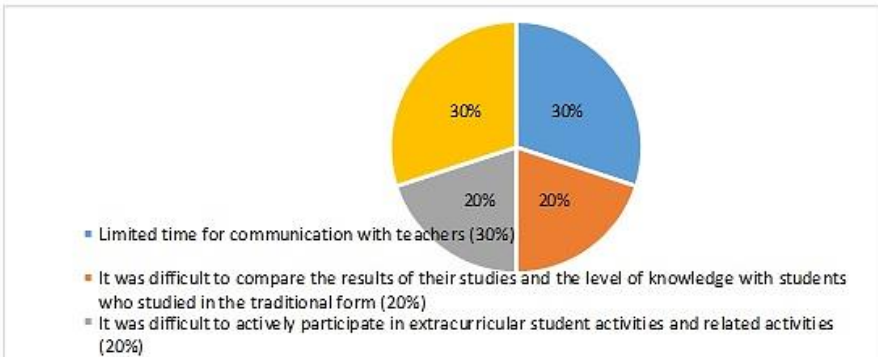


Figure 2. What learning difficulties did you have with individual educational paths?

As we see, a significant part of the students could not clearly articulate the difficulties associated with learning using individual educational trajectories. However, the majority of students participating in the study (80%) noted the effectiveness of using individual educational trajectories compared to the traditional form of education, as can be seen from Fig. 3

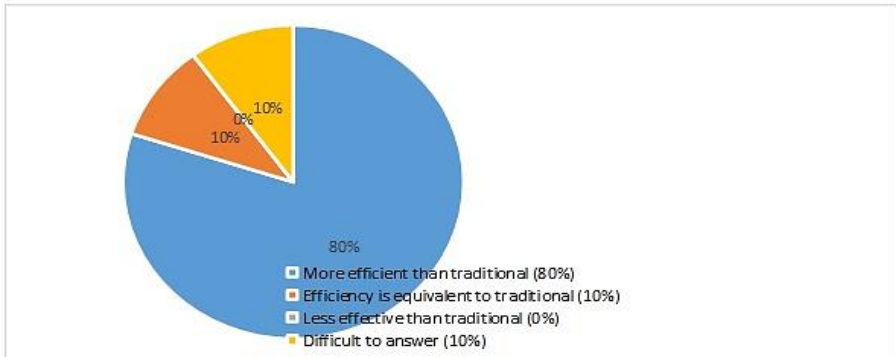


Figure 3. How do you assess your learning using individual educational paths?

On the other hand, students with high motivation were selected for training using IEP; 50% of them have already worked in schools on a part-time day being in the 4th year of the university and pretty organically fit into the teaching staff. This indicator is significantly higher than in groups where traditional methods of teacher training are used. If a student has low motivation for pedagogical activity, then the use of IEP can lead to its transition to another area of study. In general, the application of IEP is very useful for students who are ready to work according to these methods, are highly motivated to study, and who have defined their further professional development (Dorozhkin et al.: 2018). All these circumstances require quite a cautious attitude to the implementation of the Western experience of IEP-based education.

On the one hand, IEP methods are widely used in the practice of the foreign high school, which allows enhancing efficiency of training. This circumstance increases interest in this experience and striving to transfer it onto Russian soil. On the other hand, questions arise – how students of Russian universities are ready for using IEP and how the education system is ready to switch over to this type of education (Moskalenko et al.: 2017). Here we can single out the following problematic aspects:

1) The use of individual educational paths of training supposes that a student possesses skills of independent work and high self-discipline that he has the developed ability to active self-education. However, as practice shows, a significant part of Russian university students has these skills developed but to a low extent (Kotova et al.: 2017), and arrangement of the academic activity as such does not suppose their development, as O.A states it. Peretrukhina (2015), a student's readiness for training on the individual path, can be regarded as a personality's fundamental characteristics that are expressed in his/her motives, the level of possessing knowledge, skills, and abilities to develop of a personal path of education. Traditions of arranging higher education, which was formed in this country within the 20th century, did not provide the possibility of individualization of educating, thus restricting, among others, becoming of students' subjective position.

2) In a number of studies authors note infantilism of the modern youth: among behavioral settings and life waymarks of upper-form pupils, trends of consumer attitude to the society, formation of ambitious positions with raising claims to the social medium, including for one's failures, are becoming more and more noticeable (Kuznetsov: 2015); juvenile infantilism is becoming wide-spread as well (Sabelnikova & Khmeleva: 2016). Naturally, it also has touched upon the student environment by harming students' readiness for training and self-training.

3) A significant part of students who are taught on pedagogical lines of training, from the very beginning does not plan to work on their specialty, or during the period of learning change their plans for professional realization in life; yet they continue to learn in the scope of pedagogy in order to have a higher education. It

is quite challenging to structure an IEP for a student who is not planning to work on the specialty he is taught to, and whose primary purpose of learning is getting a diploma but not professional habits.

4) During end-of-term exams, it is quite difficult for people from the training directorate to monitor the successfulness of attestation of students who learn on individual plans (Mokina & Marukhina: 2014). Moreover, significant complications of the procedure of academic loading calculations on the teachers' staff can occur; also, problems with an enrollment of training groups and control of classes' attendance will be possible.

5) As the experience of introducing "disciplines on the choice" for students in several Russian universities shows, a considerable part of them were choosing academic subjects not needed for receiving a high-quality education but those with less rigid requirements and teachers who are more loyal to students.

Latitude and versatility of knowledge, skills and abilities necessary for a future teacher; non-adaptiveness of the educational environment and students to individualization of teaching; the spiritual-moral crisis in the society (related to the collision of value-based settings brought into in course of the process of modernization with traditional ones, the mentioned collision being of destructive nature, translating socio-cultural split and aggression, weakness of world-outlook and moral settings of the youth) – all these features create a serious load on young diploma-holding teachers and, consequently, result in elevated requirements for the system of their training. IEP shall be used with all these circumstances taken into account.

Particular attention shall be paid to the following to improve the training quality of future teachers when structuring IEPs:

1) Training of students to methods of mediation and preventing conflict situations in school (Ozhiganova et al.: 2016). It is possible to conduct classes on a particular course within this theme, which would consist of the theoretic-legal part and the psychological part (in the form of practical courses). It will allow you to account for individual peculiarities of a future teacher and to prepare him/her for work in school, and this is the right direction where you can widely use the possibilities of IEPs.

2) Great attention should be paid at the passing of academic, pedagogical practice in the process of which students' skills of work with schoolchildren are formed (Lyubchenko et al.: 2015). Unfortunately, at present many universities regard its passing in a too superficial manner. Meanwhile, the practice cannot be overrated in the process of teachers' training. It is necessary to improve organizational mechanisms of passing the pedagogical practice: first of all, the precisely adjusted feedback and good interaction are needed between the student in practice – the school teacher, tutor of the practice – the university teacher, tutor of the practice. This interaction can take place both during personal consultations, and with the use of an internet chat in order, the students could promptly discuss emerging questions or possible difficulties with the school or university teacher and receive appropriate advice. Classes in an expanded format are also possible with the participation of students in practice, young specialists, teachers with long working experience, and the university teacher. The structure and content of such classes shall be elaborated for the efficient exchange of pedagogical work.

The pedagogic personnel which are tutoring passing of a student's pedagogical practice in school shall be thoroughly selected by the management, as not every school or university teacher by far (even with a large experience of work) can be a good tutor for young colleagues who is able to inoculate love for work and to work out the interest to teach to their wards.

The IEP on senior courses of a pedagogical university can be built up in the following way: basing on results of passing the practice in school, with accounting for reflection and wishes of the students himself and recommendations of teachers, it is necessary to arrange psychologic-pedagogical support of his training, depending on his personalistic peculiarities, motivation in learning, and plans of further academic and professional activity. It is needed to select the most efficient pedagogical techniques for each definite future teacher, depending on his disposition, temper, and other personalistic features. Particular attention

should be paid at the training of future teachers to the tutorship of talented children (Bayborodova et al.: 2014; Utemov et al.: 2018). It is also necessary to stimulate and encourage all possible students' work for receiving pedagogical experience, for instance, that of counselors in summer children's camps etc.

CONCLUSION

Summarizing results of this work, we can make the following conclusions:

First, IEPs should be used on senior courses more intensely, when a student has got the basic idea about his future sphere of activity, defined his priorities, passed a pedagogical practice, and made his individual requests to training determined and precise.

Second, it is necessary to take into account a student's inner motivation; the teacher (first of all, the tutor of the term and diploma papers and the pedagogical practice) shall know, what the student sets real tasks to himself in order to plan further work in the needed direction. At the same time, one should remember that, unfortunately, at present, a large portion of students in Russian universities of the pedagogical profile do not plan to work in school, and their motivation in the choice of a university and the relevant curriculum does not relate to further work in the pedagogical sphere. Some part of senior students already has a part-time work in schools or pre-school education institutions, trying themselves in the pedagogical sphere. Such students deserve elevated attention, they should be given an individual schedule of advice, and other elements of IEP should be applied with respect to them. In order, the education system would assist in their technical realization, working out of knowledge, skills, and abilities, which are essential for a young specialist. To save time and provide convenience, it is possible to widely use the online training and remote techniques: conducting online consultations, etc., as the employment of such working students at schools can overlap their academic classes in the university. IEPs may provide the highest possible efficiency and productivity when working with such students.

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ARTÍCULOS

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Didactic communications in scope of information technologies as a consistent habit pattern

*Comunicaciones didácticas en el ámbito de las tecnologías de la información
como patrón de hábito consistente*

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ABSTRACT

The goal of this study is to reveal the problems preparing vocational education teachers for interpersonal interactions in the IT scope, which are solved by teaching consistent habits of didactic communications in this sphere. In addition, at the same time, to show that the formation of consistent habits of didactic communications should be realized entirely and systematically. Observation, interrogation, testing, measuring, and comparing performance results were methods applied in the process of the empiric part of the study. In addition, there are questions related to the formation of consistent habits of didactic communications in the IT sphere.

Keywords: Didactic, Empiric, Interpersonal, IT.

RESUMEN

El objetivo de este estudio es revelar los problemas que preparan a los maestros de educación vocacional para las interacciones interpersonales en el ámbito de las IT, que se resuelven enseñando hábitos consistentes de comunicaciones didácticas en esta esfera. Además, al mismo tiempo, para mostrar que la formación de hábitos consistentes de comunicaciones didácticas debe realizarse de manera completa y sistemática. La observación, el interrogatorio, las pruebas, la medición y la comparación de los resultados de desempeño fueron métodos aplicados en el proceso de la parte empírica del estudio. Además, hay preguntas relacionadas con la formación de hábitos consistentes de comunicaciones didácticas en la esfera de IT.

Palabras clave: Didáctica, empírica, informática, interpersonal.

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INTRODUCTION

In the context of the reformation of the higher education system, the shift of academic education towards the practical sphere of future professional activity brings into focus the quest for new, more objective methods and means of assessing the results of educational and professional activities of students (Zeer & Stepanova: 2018). Professional training of the people possessing a wide range of entrepreneurial competencies is becoming imperative in the conditions of post-industrial society development. Universities are charged to play a crucial role in developing highly qualified specialists with a vastly creative and intellectual potential capable of implementing various business projects and becoming a driving force of sustainable economic growth in their countries. Therefore, there is a significant interest in practices of developing graduates' digital culture and literacy established in universities of developed countries (Pluzhnik et al.: 2018). Nowadays, people with disabilities (PWDs) and special educational needs must be empowered with high-quality university education for successful social integration in life. However, the currently restricted access to inclusive higher education makes it hard to enhance their professional fulfillment and to find their role and place in modern society. This can be drastically improved through the introduction of digital technology (Zorina: 2018). The process of informatization causes especially profound changes in the content of disciplines, which earlier were but just in an insignificant touch with information technologies (IT).

The importance of interactive processes in professional-pedagogical is emphasized, in particular, in work by N.K. Chapaev (2005) Pedagogical integration: methodology, theory, technology. Processes of digitalization pass with some difficulties not only in Russia but abroad as well. For example, European authors state the problems emerging at the joint of digital literacy and digital services and causing problems of digitalization (Huvila: 2012). Californian scientists (Florea et al.: 2010) note that implementation of information-communicative technologies (ICT) influences changes of didactic approaches, which causes appearing of new competences.

A. Baldiņš (2016) considers issues of development of the electronic pedagogy of Latvia. In addition, it is connected to those amendments in the system of requirements to competences, and the ever-strengthening social role of this branch.

For instance, we observe the common concern about the digitization of the education process and readiness of the pedagogical community. According to our observations, the process of digitalization in our country touches mostly just the technical and technological sides but concern little about the issues of systemic training of vocational education teachers such as their readiness to participate in didactic communications, their ability to be active participants of the educational process wherein ICT are used.

Despite intensive penetration of IT into all spheres in professional activity, in teachers' and students' media the attitude to a personal computer is seen, to a large extent (according to our observations and conducted conversations), as to a purely technical innovation the professional mastering whereof is correlated not with professional and humanitarian knowledge but with the programming sphere. We often hear from our students "we are not programmers, after all, to master a PC well". Here we mean the attitude to IT, including the internal equalizing of a computer with the technical progress and innovations and implying no contacts with means of automation in routine activity or with the humanitarian sphere. Thus, cardinal steps are needed toward a rethinking of issues related to studying IT. First of all, it is connected with the necessity to perform didactic communications. For instance, in the process of studying this sphere, a question is arisen about applying the hermeneutic approach, and we have already made efforts in cross-lighting this issue (Neupokoeva: 2017).

Thus, the primary purpose of the research is examining the totality of pedagogic conditions contributing to the formation of didactic communications in IT scope as a systemic habit. This problem is junctural somehow. Such fields of knowledge as pedagogy, psychology, linguistics, and philosophy are integrated and united in a single system. The integrative nature, in this case, is manifested in the organization of meta-activity.

A vocational education teacher examines his activity in various planes, presenting his interaction with people around him within didactic communications of different kinds depending on reasonable goals.

1. METHODS

In this study, we examine the process of training of future vocational education teachers in line 44.03.04 "Vocational training (per branches)" too didactic communications in the IT field. As it is needed to organize all components of pedagogic conditions for forming consistent habits of didactic communications, organization-pedagogical, psychological-pedagogical, and didactic, you have to focus your attention on examining the bases for selecting these factors in more detail. Thus, the major goal of this work was singling-out factors influencing the successfulness of the technology of the formation of the required consistent habit and their logical substantiation. 84 students took part in the study at the stage of the primary ascertaining experiment (2010-2013); 223 persons were participants of the second stage wherein only a part of approaches (systemic-activity, integrative, project-based, competency-based, and person-centered) were realized; and 179 persons took part at the stage of realization of the combination of these approaches and the hermeneutic approach. We exposed a combination of the approaches and their interdependence in previous publications (Neupokoeva et al.: 2016). Thus, in the process of working on a selection of pedagogic conditions, a complex of factors was determined, which influenced the enhancement of efficiency of training in didactic communications in the IT field.

A number of approaches were singled out, which determined a totality of factors influencing the enhancement of efficiency of training to didactic communications in the field of information technologies. Such approaches are, in particular: systemic-activity, integrative, hermeneutic, competency-based, and project-based. A combination of these approaches and inter-conditionalities was revealed by us in previous publications.

At present, the conceptualistic base of the system of training of vocational education teachers is being revised, which is reflected in publications (Dorozhkin et al.: 2017; Dorozhkin et al.: 2018; Zyrianova et al.: 2018). At the same time, trends of the digital economy development affix a stamp on the general vector of the training system as a whole.

Formally, there are several obstacles in front of assimilating IT by teachers and popularization of their use in the education system:

- High prices of a PC hard- and software and the maintenance thereof (the SW and maintenance even higher);
- The necessity to continually upgrade the software and hardware base;
- The necessity to continually raising skills of the personnel that is quite expensive in most cases).

Therefore, as we think, the university training of future teachers in the field of using IT in professional activity is of a special significance. However, the total informatization of the vocational education system is impossible without the psychological adaptation of future teachers to using IT in subject fields, pedagogy included. We also understand that vocational education teachers shall master the IT thesaurus on quite a high level, practically on the level of a confident or experienced user.

2. RESULTS

Thanks to the use of a combination of approaches, it became possible to significantly improve the development of consistent habits of didactic communications in the IT field. Systemically developing this consistent habit, we receive, as a result, improvement of consistent habits of independent work with a personal

computer and lower the level of students' anxiety in front of performing of didactic communications in this sphere.

Project-based activities of students run not only within the creation of the unique product, specifically a fragment of the discipline academic and methodological complex, but are also accompanied with activity-based components that follow the pedagogic activity – didactic communications, peer assessment, review and assessment of the experience obtained, and self-reflection. For instance, taking the theme “Retouch in Adobe Photoshop raster-type graphics editor”, a student thinks out the narration plan in accordance with preceding themes, not only in framework of studying of this editor, analyses the thesaurus together with a teacher, presents the material and makes correction of errors, teaches course-mates in play mode, receives and gives feedback, and creates a fragment of the academic and methodological complex devoted to his theme: an electronic teaching aid (textual-graphical, hypertextual or multimedia), a computerised test and a movie tutorial.

To examine the experimental part more conveniently, let us introduce the following rate scale of the project presented here in the table below.

Designation	Scores	Description
B1	$60 \leq B1 \leq 75$	The project work was performed which included the components of the project: the electronic teaching aid, test, and movie tutorial on the theme, but the user's algorithm was made for form's sake only
B2	$76 \leq B2 \leq 85$	The material was worked through on the conceptual construct level, within $86 \leq B3 \leq 95$, if the student has achieved mastery of the material thoroughly. Students took part in the gaming and the algorithm presentation
B3	$86 \leq B3 \leq 95$	Students have worked through the algorithm on quite a high level, and the movie tutorial has been worked through, the pedagogical component is present and thought out: the goal-setting, additional tasks, and pedagogical design have been dedicated; the movie tutorial is realized with taking into account of all consistent patterns of training visuals structuring
He may B4	$B4 \geq 96$	If the student gets scores in this range (he may receive over 100 scores, e.g., 120), it speaks about his creative approach (adding components not required within the task but being didactically correct), high quality of performing of the project, developing of additional modules. Such high scores may prove manifestation of creativity, personal initiative, readiness and passion for pedagogical activity (high self-motivation)

Table 1. Rate scale of the project

Below we will examine methods of the empiric study part. We applied the following methods:

- Observation method – in the process of the gaming, the assurance of students during communications was increasing pro-rata to several contacts. After four swaps of partners, the students forgot about presence of a teacher in the classroom; they began to flourish arms more intensely (which speaks about higher relaxedness) at the primarily complete restraint in 80% of students (taking in mind those students who would avoid the gaming);
- Measurement method – on results of the project-based activity with a typical project (an ascertaining experiment), only 3% of students performed the project; their scores were within B3; the rating of the remaining 97% of students was not above 65 scores. When untypical projects were introduced into work, a stratum of scores on the B3 level appeared. The educational experiment yielded values on B4 level and a higher quality of demonstrating consistent habits of didactic communications in the IT field (observance of arrangement in levels, knowing the thesaurus, categories, concepts).

- To study the dynamic pattern of the development level of consistent habits, in the field of didactic communications, a rating system of assessment and the procedure of description of the formed competences, according to the Dublin system of competences descriptors, were applied. Basing on the results of academic years 2017-18 and 2018-19, 2% of students possess the index B4, 20% - B3, 30% - B2, and 48% - B1. We would like to emphasize that the preparation stage became more elaborated during the last year of work, which was reflected in a wish of students (about ten persons) missing the gaming before to play with other groups (such a thing was not observed earlier);
- Based on the obtained data, an analysis was conducted; pedagogic conditions were excluded, which negatively affect the consistent habit to be formed, and those were selected and added which, to our mind, were laid in the base of the system of training in didactic communications in the IT field.

3. DISCUSSIONS

Both, for a higher schoolteacher and a secondary level teacher, the methodological competence is necessary. Addressing this question, for example, are such authors as S.L. Loginova, O.B. Akimova, E.M. Dorozhkin, & E.V. Zaitseva (2018). At the same time, mastering of a personal computer is obligatorily included in aspects of methodological competence. However, it is not enough to implement IT into the educational process; here, it is essential to master consistent habits of didactic communications in the IT field.

Also, when examining the IT thesaurus, the user's language and that of a software (SW) developer are not divided; hence, there is a widely spread disbelief than only programmers are masters of the IT thesaurus. However, as the practice shows, programmers often are not good even at office programs on the level of experienced users. What is it – the experienced user level? In Fig. 1 the level of mastering of IT thesaurus is presented (on the base of materials obtained by the observation method). The right sector shows separate cases of using speech habits in the IT field. This scheme shows the level of the split between beginners and experienced users. Unfortunately, if you teach fresh users basing on the level of their mastering IT, you will not see any "increment" of the knowledge.

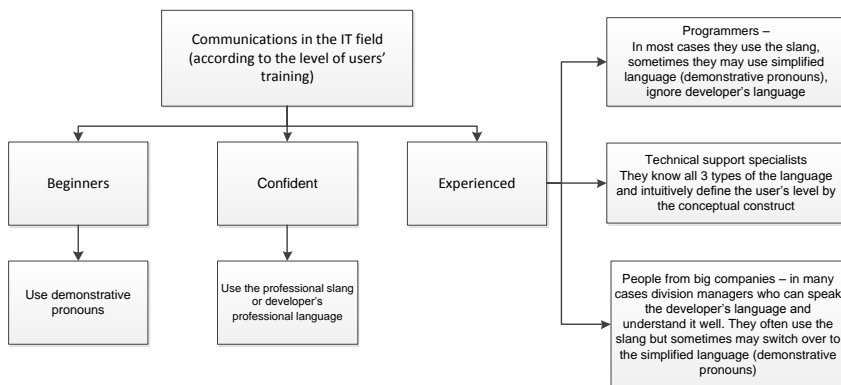


Figure 1. Levels of speech habit development

Basing on this model, let us try to define the place of a vocational training teacher. Judging by the tasks, his place should be in the left sector. However, we understand that shifting into this sector is performed through productive work and in interactions. Among these interactions, we may call interpersonal interactions, game forms, etc.

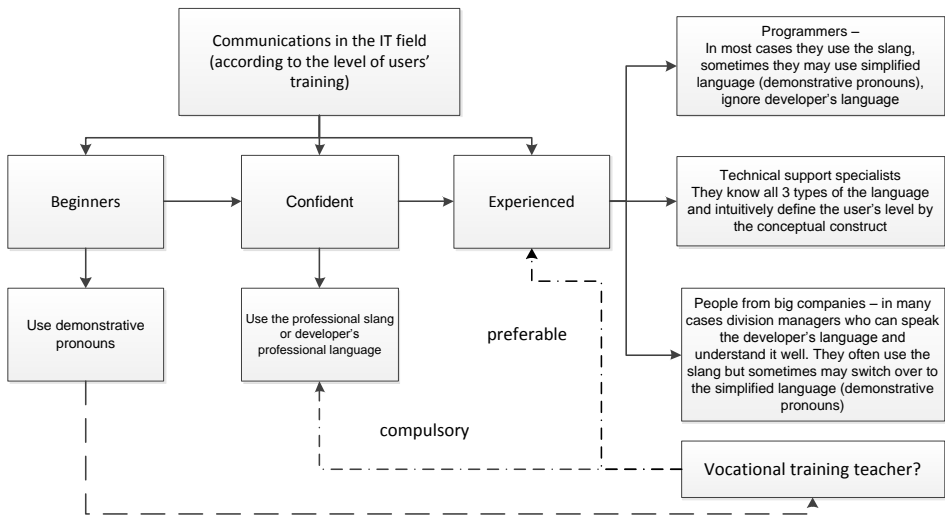


Figure 2. The level of consistent habits of future vocational education teachers – real and preferable

Speaking about preparing of vocational education teachers for didactic communications, we mean the development in them as in users of the ability to think according to the SW logics (the logics of users' algorithms), and the ability to use the IT thesaurus for explaining of methods of realization of users algorithms.

This work cannot be conducted in a non-systemic way. In this case, we speak about a stage-by-stage preparation for a qualitative transition to a new level of mastering the IT language.

Training of vocational education teachers in using a personal computer in the educational process and ways of measuring the quality of such training were examined by us (Neupokoeva et al.: 2017). At the same time, the issue of the rationality of training teachers in the scope of didactic communications in IT was on the foreground. To substantiate the necessity to create pedagogical conditions at studying the IT thesaurus, development of written and oral speech habits, Dublin competences descriptors were used as an example (Bologna: 2009). However, as studies of other authors show (Abakumova & Fomenko: 2000), the issue of the formation of didactic communications is essential and has to be researched.

M.R. Arpentieva (Minigalieva) (2014) presents the comparative analysis of approaches to the formation of didactic communications while singling out traditional problem-oriented teaching, which is focused on the development of experience, practice-oriented educating, and psychotherapeutically oriented interaction. In our opinion, when training vocational education teachers for last years of teaching, including when training in the discipline "Information technologies in education", it is necessary to use all approaches which comprehensively reflect stages of immersion in a position of a competent specialist. Such training shall be possible thanks to the combination of the project-based approach when realizing a quasi-professional subject-based activity. The efficiency of the teaching technology as a quasi-professional activity, which not just includes cases therein but also implies psychological immersion into a professional set of problems, which, by the way, can help in researching of professional aptitude (a matter of the notorious readiness for activity), was studied by Verbitsky & Larionova (2009).

Following such authors as N.I. Zyrianova, E.M. Dorozhkin, Y.V. Zaitseva, I.S. Korotayev & M.D. Shcherbin (2018), we are ready to see the system of developing didactic communications as a type of meta-activity in developing consistent habits of which a system-based approach is needed. Only the integration of various factors will make it possible to draw an integral picture of handling the thesaurus of information technologies

in the conscience of a future vocational education teacher. The understanding of how a student's academic speech is formed and what influence it exercises upon communicative competence is disclosed by O.B. Akimova (2014). Leaning on this study, we can affirm the importance of a vocational education teacher's propaedeutic role in the process of formation of students' speech.

The deep inter-disciplinary integration can make it possible for didactic communications to be formed as a consistent systemic habit. Actually, if you need that didactic communications in the IT field would become real, deep exteriorization of knowledge is necessary first. This process, as a rule, passes via the frustration mechanism, when the student revises his thesaurus completely. To support this process, information technologies are used, in particular, computer testing with adjustment of the self-control mode. Systematically, students revise the thesaurus available gradually mastering peculiarities of IT slang.

After the deep immersion, we initiate students towards the interiorization of the obtained knowledge. As a rule, this happens through a quasi-professional activity (an academic project wherein the student plays the role of a teacher who imparts knowledge about IT) and through a game-based process (students introduce a chosen theme and present it to his course-mates in the framework of a game). In the process of the knowledge interiorization, the students also pass through the frustration process, which is needed for the revision of available ideas about one's thesaurus. We speak here about the purposeful controllable process of reflection of future teachers aimed at re-thinking of the available knowledge (Chupina et al.: 2018).

At present many researchers regard the process of development of the vocational education system as continuous, systemic, inseparable from general trends of modern society development (Davydova et al.: 2016; Kislov: 2018; Zakirova & Volodina: 2018). Information technologies may act both as a subject of studying and means of transfer of information. The use of a computer allows transferring not only textual or graphical but also multimedia information. The spectrum of these abilities is continually widening. So, it is necessary to give to a vocational education teacher a reliable set of tools not only for mastering knowledge for a current moment but also for revealing the potential for self-teaching in the IT field.

It is necessary to form an understanding of patterns of onset of innovations and linguistic constructions or concepts, the structure, and mechanisms of consistency in the IT field to solve this task. Furthermore, this is quite essential to give a chance to believe in one's forces in the mastering of technologies of work with new application software products.

We want to note as well that measuring of results of the educational activity in this field is possible only at using the Dublin decreeing system (as this very system provides the communicative component is compulsory). The importance of the methodology of the formation of the evaluative means fund for the vocational pedagogy system was considered as a separate block in the publication of E.D. Kolegova et al. (2018).

CONCLUSION

We believe that the consistent habit of didactic communications in the IT field may not develop spontaneously. Unfortunately, it is a shared opinion nowadays that this habit can appear as a result of acquiring a user's habits of work with a personal computer. However, while understanding that there are the professional thesaurus and the forum thesaurus in the IT field, which also have become ingrained in the professional media, we may speak about a conflict in the scope of understanding of beginners, confident and experienced users, about a conflict between programmers and users. We understand that contact with various groups of people working with IT is crucial for vocational education teachers. Training of students to communications with any of these groups is one of the essential tasks of training vocational education teachers for the use of IT in professional activities. Thus, solving the matter of systemic approach to the formation of consistent habits of didactic communications in the IT field needs to have methodological and methodic solutions developed. This publication may be of use for managers and teachers who are involved in developing

and realization of educational programs on training and re-training of vocational education teachers, as it contains data about the specificity of training to didactic communications in the IT field.

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The impact of family violence on the social and psychological development of the child

El impacto de la violencia familiar en el desarrollo social y psicológico del niño.

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ABSTRACT

Children may become victims of physical, sexual, emotional abuse. Our research aims to evaluate the effect of family violence on the child's social and psychological adaptation. 456 UAE University students voluntarily participated in the study. Child Abuse and Trauma Scale (CATS) were used to determine the level of domestic violence. A methodology-questionnaire of Rogers-Diamond was used to determine the degree of social and psychological adaptation. As a result of the study, it was determined that students with a high level of domestic violence have a low level of social and psychological adaptation of less than 20%.

Keywords: Methodology-Questionnaire, Rogers-Diamond, Trauma Scale, UAE University.

RESUMEN

Los niños pueden convertirse en víctimas de abuso físico, sexual y emocional. Nuestra investigación tiene como objetivo evaluar el efecto de la violencia familiar en la adaptación social y psicológica del niño. 456 estudiantes de la Universidad de EAU participaron voluntariamente en el estudio. La Escala de Abuso Infantil y Trauma (CATS) se utilizó para determinar el nivel de violencia doméstica. Se utilizó un cuestionario metodológico de Rogers-Diamond para determinar el grado de adaptación social y psicológica. Como resultado del estudio, se determinó que los estudiantes con un alto nivel de violencia doméstica tienen un bajo nivel de adaptación social y psicológica de menos del 20%.

Palabras clave: Metodología-Cuestionario, Rogers-Diamond, Trauma Scale, Universidad EAU.

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INTRODUCTION

The family is the most critical institution in our society. Family's internal dynamics can have both positive and negative effects on the further development of the child (Alshareef et al.: 2015). In modern society, there is a perception that violence occurs only in socially disadvantaged families. However, research shows that domestic violence occurs in all sectors of society, regardless of cultural, religious, social, legal, and economic aspects.

Violence causes disorders and affects all levels of a child's personality development, his/her emotional and cognitive spheres, as well as behavior. One of the negative aspects of family life is the impact of domestic violence on children as witnesses or victims of conflict (Van der Kolk: 2017). According to some researchers, domestic violence is the most deadly violence to which children can be exposed (Christian et al.: 2015; Noble-Carr et al.: 2019). Children are not always victims of bullying and violence. They often witness violence towards their mother, younger members of the family. In such circumstances, the psychological trauma can be much stronger than if a child him/herself became the object of abuse (Widom & Wilson: 2015). It is not clear whether domestic violence is a traumatic event, as there are a wide variety of events that cover child abuse and domestic violence. Domestic violence includes physical or emotional aggression from at least one family member as a victim and another as a criminal (Cook et al.: 2017).

The cognitive abilities of victims are influenced because of experienced violence and abuse. A large-scale study was conducted, which included a survey of both minors and adults with adverse childhood experiences. The study showed that any violence acts as a trigger to changes in physiological and neurobiological processes and leads to permanent disorders in brain structures (Turner et al.: 2012).

It is a generally recognized fact that violence from an intimate partner hurts children. However, it is not clear how a child's psychopathology is affected by violence. Numerous studies have identified a link between the effects of family violence and external behavior, traumatic stress, internalization problems, and social problems in children (Gustafsson et al.: 2015; Greene et al.: 2018). Most of the studies are focused on the effects of domestic violence on children in school age and young adults; but few studies have investigated these processes in younger children (Shipman et al.: 2007). As well as whether young children are equally or more exposed to the effects of family violence than older children (Yates et al.: 2003). The results of the study showed the following. Those children, who experienced domestic violence in the past, reacted to the conflict with higher emotional intensity than children who did not grow up with domestic violence (Overlien: 2010). Studies have shown that exposure to domestic violence also increases the risk of behavioral problems. There was an Italian study of elementary and middle school students and it showed the following. Children who experienced domestic violence were more likely to engage in bullying. They as well became victims of bullying at school. This connection was common for girls (Baldry: 2003). In addition, little is known about the mechanisms by which domestic violence affects the development of young children. It is essential to identify and understand as early as possible the psychopathology in young children before problems arise (Greene et al.: 2018).

Violence and abuse in childhood often serve as risk factors for the occurrence of severe personality disorders and the development of mental disorders in adulthood (Vu et al.: 2016). An "inferiority complex" may develop in a child, if he/she experienced violence in the family. He/she is prone to solitude, fantasies, as well as aggression and antisocial behavior. At the same time, aggression can be directed both against others and against oneself (Margolin & Vickerman: 2011). There might be several significant long-term traumatic consequences because of physical, sexual, and psychological (or emotional) violence experienced in childhood. These traumatic consequences might manifest themselves throughout adult life in the form of affective disorders, post-traumatic stress disorders, addictive behavior, eating disorders, and many others (Schwerdtfeger et al.: 2013). In the United States, each year, Child Protective Services (CPS) investigate more than 2 million reports of alleged child abuse, 18% of which are related to physical abuse issues (Finkelhor & Jones: 2012).

In Arab societies, cultural and social norms tend to support disciplinary behavior. The latter is regarded as child abuse by the Convention on the Rights of the Child (Assembly: 1989). Physical punishment, "light" beating, swearing, or shouting are acceptable as a method of socialization in Arab culture (Al Gharaibeh & Gibson: 2019, pp.87-98). For a long time, penal codes were inadequate in protecting children, and even those articles that prohibited and punished severe forms of physical injuries and sexual abuse were not enforced adequately (Al-Mahroos: 2007).

Federal Law On Child Rights, also known as Wadeema's Law (in memory of an eight-year-old Emirati girl who was starved and tortured to death in Dubai by her father and his girlfriend in 2012) was introduced in 2016 to ensure children's' rights and protect children against all forms of negligence, exploitation, physical and psychological abuses (Federal Law No. 3: 2016).

The collection of reliable data on issues related to the protection of children is hampered by secrecy, lack of reliable information, and transparency. The research conducted among dentists working in the UAE showed that 25% of them encountered a suspicious case of child abuse. Only 32% of dentists reported this case to parents (56%), officials (22%), or official abuse authorities (22%). 68% of abuse suspecting dentists avoided the obligation set out by law to provide the report. Non-reporting dentists and those who reported only to parents totaling 85% did not report appropriately according to the law (Al-Amad et al.: 2016). A later survey among the UAE dentists showed over 39% are suspected child abuse and neglect in their practice (Al et al.: 2018).

In such conditions, it is almost impossible to maintain official state statistics (Bengtsson: 2016). Health and social care professionals also expressed concerns. The mentioned is associated with the inability of legal intervention to protect children-witnesses from extreme cases of domestic violence unless there was also evidence of child abuse (Parkinson & Rogers: 2018). Solving the problem of violence in modern society is one of the most pressing and urgent tasks. The event can be assessed as mentally traumatic only after the identification of its impact on the individual (Duberstein et al.: 2018). Based on this, such an assessment is possible after the completion of the event. A disorder is more likely to appear at a younger age (Rehan et al.: 2019; Scott et al.: 2019). The study of the influence of family violence on the psychological and social development of the child occupies a unique position. The goal of our research is to evaluate the effect of family violence on the child's socio-psychological adaptation. In this study, the following tasks were set:

1. Diagnose the general atmosphere in the house at the time when the respondents were children. According to the results, create groups with high, medium, and low psychological trauma levels, because of domestic violence.
2. Determine the level of socio-psychological adaptation of students in groups with high, medium, and low psychological traumas, because of domestic violence.
3. Determine whether there is a connection between the level of domestic violence and the socio-psychological adaptation of the respondents.

METHODS

Four hundred fifty-six students of UAE University voluntarily took part in the study: 156 women and 300 men aged from 18 to 29 years old, average age - 22.7 years \pm 1.65.

This survey was conducted using an anonymous survey. Child Abuse and Trauma Scale (CATS) (Sanders & Becker-Lausen: 1995) were used to determine the level of domestic violence. The scale contains 38 items that are aimed at studying the home environment and the environment in childhood. Each item is evaluated by the participants using a scale from 0 to 4 (0 - never; 4 - always). The score for each subscale is the average score by the elements that make up this subscale. Three categories measure subjective reports

on three aspects of adverse childhood experiences: Harmful home environment/neglect, punishment, and sexual abuse.

A questionnaire-methodology of Rogers-Diamond was used to determine the degree of socio-psychological adaptation. The questionnaire contains 101 statements; 37 of them meet the criteria of personality adaptation, 37 - maladaptation, 26 - are neutral. Among the statements of the latter category is the so-called "scale of lies". Six integral indicators allow analyzing the survey results: 1) adaptation; 2) acceptance of others; 3) internality (level of subjective control); 4) self-perception; 5) emotional comfort; 6) the desire to dominate. The response scale includes 6 points.

- 0 - The statement does not match my lifestyle;
- 1 - In most cases, it does not suit me;
- 2 - I doubt that this applies to me;
- 3 - I hesitate to attribute this to my way of life;
- 4 - It may suit me, but I am not sure entirely;
- 5 - It is suitable for me;
- 6 - This statement is entirely consistent with my lifestyle

Data analysis of our research was carried out in the STATISTICA system. For convenience, part of the data was transferred to histograms developed in Origin 9. The size of the error is 3%, and some of the questionnaires were incorrectly filled out (for example, some respondents did not answer all the questions). The collected data were analyzed using Pearson correlation coefficients. This was carried out in order to see any correlation between the variables of adverse childhood experiences using the CAT methodology and the categories of socio-psychological adaptation.

The main limitation of the study was a limited selection since the survey was conducted based on one university. When processing the received data, such details as gender, race, and personal source data were not taken into account. Therefore, it can be assumed that for a broader study, it will be necessary to take into account gender and mental state.

RESULTS

According to the results of testing on the scale of abuse and psychological trauma in childhood, all respondents were divided into three groups: high, medium, and low levels of psychological traumas in childhood due to family violence on the CATS scale (see Table 1).

Level	Number of respondents (n=456)	Indicator
High	106	>3 scores
Medium	267	2-3 scores
Low	83	< 2 scores

Table 1. The results of the survey, conducted using CATS method

The results of the Child Abuse and Trauma Scale (CATS) questionnaire (Table 1) indicate a high level of psychological and physical abuse of children in families. This suggests that many parents applied physical punishment to their children in the process of their upbringing. Groups of respondents with high, medium, and low levels of childhood psychological traumas were compared. As a result, significant differences between them were recognized in a number of indicators of socio-psychological adaptation. It is worth noting that there

is no special statistical significance in the differences between the group with medium and high psychological traumas resulting from domestic violence. Significant differences can be observed between groups with high and low levels. The overall results show that students with a high level of domestic violence have a low level of socio-psychological adaptability (less than 20%). While in a group with a low level, the indicator is more than 41%. This indicator shows the negative impact of family violence on the socio-psychological adaptation. Figure 1 shows the results of the difference between the levels of psychological traumas as a result of domestic violence on the socio-psychological adaptation by six factors.

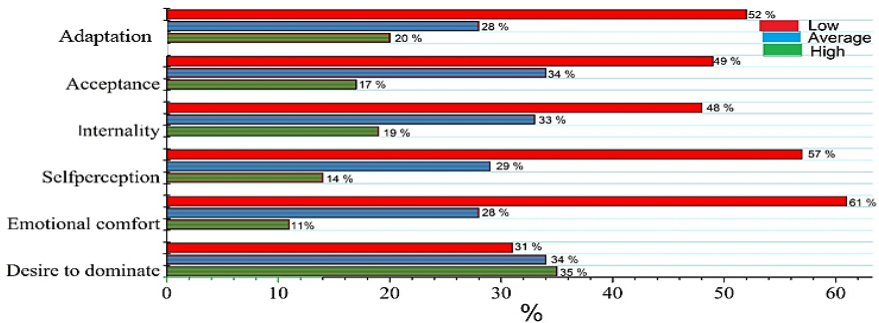


Figure 1. The results of the assessment of socio-psychological adaptation in groups with high, medium and low levels of family violence

According to the "Adaptation" factor, there are low indicators in the group with a high level of domestic violence (20%); they were significantly lower than in the group with a low level (52%). High rates of this factor show that students do not have difficulties in overcoming any life obstacles. They adapt quickly to the conditions of the social environment and form an adequate system of relations with social objects. The low rate indicates the inability to interact effectively with other people, the desire to spend more time alone. As a result, someone starts consuming alcohol or smoking. The lack of social connections and isolation leads to aggression towards one's family, acquaintances, colleagues, or ordinary passersby.

As it is seen from Figure 1, the indicator "Acceptance" also has significant differences between high and low levels of domestic violence. The low-level indicator is higher and states 32%. This indicates that respondents with a high level of domestic violence have little or no positive attitude towards people's weak tolerance for human weaknesses and shortcomings. They find it difficult to feel comfortable when surrounded by people. A person who can accept him/herself as he/she believes in him/herself and considers that he/she is not less important than others. Such a person also sees more clearly the prospects for his/her growth and improvement. Low indicators of these factors are in a group with a high level of family violence, which are 14% and 11%, respectively. This indicates that respondents with a high level of violence are more unstable emotionally, more sensitive to distress, and prone to negative emotions in comparison to those with a low level of violence.

In all groups, the indicator of the dominance factor is about the same \pm 30%. It is worth noting that the high rates of the dominance factor do not always have a positive value. Despotism, denial of the problem, bullying others, low ability to concentrate are negative ones. It should be noted that the group with a high level of domestic violence, this indicator is high, in comparison with previous factors. As the results show, students with a high level of psychological traumas, due to domestic violence, have low levels of subjective control (19%). People with a low rate of this indicator do not see the connection between their actions and occurring events. In order to see any correlation between the variables, the collected data were analyzed by applying the Pearson correlation coefficients (see Table 2).

<i>Variables</i>	<i>M</i>	<i>SD</i>	<i>1</i>	<i>2</i>
<i>CATS Total</i>	3.02	.47	1**	- 0.87
<i>Socio- psychological adaptation</i>	3.51	.13	-0.87	1**
** $p < 0.0$, $N = 456$				

Table 2. Pearson's correlations between the level of domestic violence and socio-psychological adaptation

Pearson's correlation analysis showed that there is a negative correlation between the level of domestic violence and socio-psychological adaptation since the Pearson correlation coefficient is 0.87. This suggests that domestic violence contributes to difficulties in adapting, accepting oneself, establishing relationships in society, causes conflict behavior, isolation in oneself.

CONCLUSION

Previous studies recognized the effect on children of controlling and coercive behavior in the family (Callaghan: 2018). Both retrospective and prospective studies published in recent years have revealed a close connection between cumulative traumatic events in childhood. These included abuse, family dysfunction, and social isolation, as well as illness of an adult's physical and mental health (Lucas-Herald et al.: 2012). Children are also at risk of direct traumas when they intervene in violent acts. Studies show that in 114 cases of battered women, there was 25 percent of children, who called for help during a violent episode. There was 25 percent of children directly involved in this episode. Children intervened more often when the mother was more abused. Scientific evidence states that children have an increased risk of physical health problems in the future if they grow up in families affected by domestic violence and abuse (Bair-Merritt et al.: 2006). Educational issues, as well (Byrne & Taylor: 2007). Also, a risk of involvement in criminal behavior (Gilbert et al.: 2009; T. Gilbert et al.: 2012). The same goes for interpersonal difficulties in their future intimate relationships and friendship (Siegel: 2013). They are also more likely to be harassed and engaged in self-abuse (Callaghan: 2018). As the literature review showed, children who witnessed domestic violence are almost three times more likely to be engaged in physical aggression in school (Rogers & Parkinson: 2018). Meta-synthesis has shown that children describe domestic violence as a complicated, isolating, and long-term experience, which often leads to destruction, loss, and problems in their meaningful relationships. Frequent feelings of fear, anxiety, helplessness, and sadness of children were also revealed, in addition to the strategies they used to try to ensure the safety and emotional well-being of themselves and their families (Noble-Carr et al.: 2019).

Based on the results of the study, it can be concluded that domestic violence harms the social and psychological development of the child. The violence, experienced in childhood, has a direct impact. It can also lead to long-term consequences, often affecting the whole life. It can contribute to the formation of specific family relationships, unique life scenarios. As the results show, students with a high level of domestic violence have a low level of socio-psychological adaptability <20%, and in groups with a low level of domestic violence, socio-psychological adaptability is 41%. Depending on the level of childhood trauma due to unfavorable family atmosphere and violence, respondents have some differences. They adapt, accept others differently. They have different subjective control, self-perception, emotional comfort, and a desire to dominate. The results indicate that students with a high level of violence in childhood more often avoid responsibility, create conflict situations. They are self-contained, have understated or heightened self-esteem, and tend to despotism. The

representatives with low socio-psychological adaptability more often avoid problems and have increased anxiety.

It worth mentioning that besides a merely medical problem, the issue of domestic violence and child abuse and neglect is a social challenge reflecting the level of development of the society. Despite some improvements in child rights protection legislation in the country, the issue of its enforcement and compliance shall be seriously addressed by society.

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Multiculturalism in Kazakhstan

Multiculturalismo en Kazajstán

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ABSTRACT

Unlike the European Union, several Western countries, multiculturalism is still relevant as it allows to tackle effectively the problem of a multicultural society. Also, the leaders of the CIS countries have repeatedly announced their commitment to this ideology. In this paper, based on the experience at Queen's University in Canada, the index of the policy of multiculturalism for the first time was calculated for Kazakhstan, the largest country in the Central Asian region. The policy index of multiculturalism in Kazakhstan allows measuring the level of the democratic system of state policy relating to national minorities and migration.

Keywords: CIS, European Union, Kazakhstan, Multiculturalism.

RESUMEN

A diferencia de la Unión Europea, varios países occidentales multiculturalismo sigue siendo relevante, ya que permite abordar eficazmente el problema de una sociedad multicultural. Además líderes de los países de la CEI han anunciado repetidamente su compromiso con esta ideología. En este documento, basado en la experiencia de la Queen's University en Canadá, se calculó por primera vez el índice de la política de multiculturalismo para Kazajstán, el más grande de la región de Asia Central. El índice de política multiculturalismo en Kazajstán permite medir el nivel del sistema democrático de políticas estatales relacionadas con las minorías nacionales y la migración.

Palabras clave: CEI, Kazajstán, Multiculturalismo, Unión Europea

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INTRODUCTION

The concept of multiculturalism, which appeared in the 60 years of the 20th century as a reaction to the cultural diversity of modern society nowadays, is often subjected to severe criticism and attacks. In the early 21st century, several political leaders of the European countries claimed the failure of the policy of multiculturalism in their respective countries. Despite the claims of a failure in the implementation of this policy, today's society remains multiethnic, multicultural, and multi-confessional. Accordingly, the solution to the problems of the peaceful coexistence of different cultures on a scale of one state is still relevant to modern society. Based on the oldest Queen's University (Kingston, Canada), there has been conducted a large-scale scientific research project to analyze the evolution of the policy of multiculturalism in 21 countries. The index of multiculturalism policy has been calculated for these countries the first time at three time points- 1980, 2000, and 2010; following three minority groups have been involved: immigrants, minorities, and indigenous people (<http://www.queensu.ca/mcp/index.html>). The project aims to provide information in a standardized format, through a comparative analysis of the main problems of a multicultural society and contributes to the analysis of the situation and enables finding out a way out of the problems of multiethnic society. Up until now, Kazakhstan was absent in that list. Modern society is characterized by the formation of a new socio-cultural environment, which is based on wide access to a variety of sources of information. Mass distribution of the Internet has a direct impact on the socialization processes of the representatives of "Z-generation" who spend an enormous amount of time in cyberspace. Quite often losing at the same time the ability of real personal development, interest in the acquisition of skills for real interaction, and effective communication. In this regard, the problem of multiculturalism requires new solutions for new individuals included in the network life (Soldatova & Pogorelov: 2018). The new and original ideas can be derived from the fields of real sectors of productive-economic and social activity where the aspects of determination of the quality of the final product are worked out far better, and interpretations of the results of activity are unambiguous and consistent aim (Tomiltcev & Maltsev: 2018)

In this paper, using the methodology of the project of Queen's University, we calculate the index of the policy of multiculturalism in Kazakhstan concerning national minorities and migrants. For Kazakhstan, for a young democratic state, the calculation of the index is performed for the first time and can be of great practical importance. The index calculated based on this method will contribute to a deeper analysis of the policy of multiculturalism in Kazakhstan and will have a positive influence on the formation of state policy relating to national minorities and migrants. Moreover, of course, any solution found will have to overcome considerable resistance to its implementation, the crisis generated by the lack of new ideas also creates red tape. Identification of the facts of the crisis aggravation and accompanying growth of bureaucratism enables us to distinguish the strategic discrepancy between the managerial decisions and the existing trends in the educational system and society. It is stated that the only proper strategy is the freedom of education, creation of a favorable environment for it instead of imposing one's authoritative and grounded decisions (Usoltsev: 2018)

Modern Kazakhstan, the largest republic of Central Asia, is home to representatives of 125 nations and nationalities. While taking 9th place in the world regarding its area, its population has only recently stepped over the 17 million thresholds (Kadyraliyeva et al.: 2015). The ethnocultural image of the country distinguished with a great variety was formed for centuries. Kazakhstan has become home to people of different races, languages, religions, and cultures. According to the statistics agency, the country's population speaks 23 different languages and professes Islam, Orthodoxy, Protestantism, Catholicism, Buddhism, and Judaism. The country can be rightly called a multicultural, poly-confessional, and multicultural. According to the last census which was held in Kazakhstan in 2009, the ethnic composition of the population is as following: Kazakhs - 63.1%, Russians -23.7%, Uzbeks-2.9%, Ukrainians-2.1%, Uighurs-1.4%, Germans-1.1%, Tatars-1.3%; while all the members of other ethnic groups constitute around 1% of the total percentage the population, i.e., the indigenous population is more than 63% of the total population (<http://www.stat.gov.kz>).

The national or ethnic minorities in Kazakhstan are representatives of different ethnic groups inhabiting and holding citizenship of Kazakhstan but not belonging to a titular nationality i.e., Kazakhs. There is no officially adopted law on the status of "national minorities" in Kazakhstan, as this term possesses publicist character (Saparova et al.: 2014).

METHODS

The index of the policy of multiculturalism designed by a Canadian group of researchers is multidimensional, as it analyzes policy position of national minorities based on the following six criteria:

- Federal or quasi-federal territorial autonomy;
- The official status of the language;
- Guarantees of minority representation in the central government;
- State funding of education in minority languages (universities/schools/ media);
- Constitutional or parliamentary approval of multiculturalism;
- International legal personality.

The index of the policy of multiculturalism against the migration of minorities in Kazakhstan will also rely on the format of the Royal University. Specifically, it is determined based on the following eight parameters:

- Constitutional, legislative or parliamentary approval of multiculturalism;
- Adoption of multiculturalism in the school curriculum;
- Inclusion of ethnic representation/sensitivity in the mandate media or media licensing;
- Exemption from dress codes, laws, etc.;
- Permit of dual citizenship;
- Funding of ethnic groups, support for cultural activities;
- Funding for bilingual education or education in the native language;
- Affirmative action for disadvantaged groups of immigrants.

The calculation is carried out on the principle of a definite answer "yes" - 1 point, a negative answer "no" - 0 points, the answer is "partially" - 0.5 points.

As acknowledged by the participants of the project, there is a specific policy of multiculturalism. In each country, the implementation of this political ideology is streamlined in its unique way. Moreover, as of now, we can say that there are several models of multiculturalism out there. The most well-known amidst them is a model of the "cultural mosaic" or "salad bowl".

RESULTS

Based on indicators of assessing the policy of multiculturalism developed at Queen's University employees, we consider an index of multiculturalism amidst national minorities in Kazakhstan.

1. Is there a territorial or quasi-territorial autonomy within the country?

No. - The Republic of Kazakhstan is a unitary state. The country is divided into 14 administrative units - oblasts. The mayor of oblast (*akim*) is appointed by the president of the country, serves as its representative, and is responsible for the implementation of a number of public policies.

The ethnic minorities inhabit in almost all regions of Kazakhstan. However, there is some localization. So, the majority of the representatives of Uzbek nationality reside in the south of the country, in particular in South

Kazakhstan and Zhambyl regions. The representatives of the Uighurs are concentrated in the district of Almaty region; Tatars –in Karaganda and South Kazakhstan regions; Germans –in Karaganda, Kostanai, and Akmola regions and Ukrainians- in Kostanay and Karaganda regions. Representatives of the Russians, second largest after the Kazakhs, inhabit in all regions of the country, but the most prominent settlement is observed in the four areas –in the East-Kazakhstan, Karaganda, Kostanai and North Kazakhstan regions.

2. The official status of the language

Yes. - The official language of the Republic of Kazakhstan is Kazakh; however, the Russian language has the status of interethnic communication. Official records are conducted in the Kazakh language. Meanwhile, we see parallel documentation held in Russian everywhere. The Russian language - is the language of the largest ethnic group in Kazakhstan. In Soviet times, Russian was the official language, while in the post-Soviet period, still, the comprehension of Russian among the population of the country is high. From the census of 2009, we got the following data: in the age group, 15 years and older –11 471.0 thousand people understand spoken language which makes - (94.4%), reading skills - 10 724 900 people or 88.2% and writing - 10 309.5 thousand. People, i.e., 84.8% of the population. In urban areas, the level of proficiency in Russian is higher than in rural areas (<http://www.stat.gov.kz>).

3. The country has the legislative framework guaranteeing the representation of national minorities in the central government

Partially: There are no formal rules out there to ensure the representation of national minorities in government and parliament of Kazakhstan. However, representatives of all ethnic groups in Kazakhstan have a right, like all citizens, to vote and to be elected to the Parliament, city and regional councils (*maslikhats*). One of the main characteristics of the Assembly of Peoples of Kazakhstan is the representation of the interests of ethnic groups in the highest legislative body - the Parliament of the country as a guaranteed representation. The Assembly elects nine deputies of Majilis of the Parliament. The elected Assembly deputies represent its interests, as a set of interests of all the ethnic groups of the country. The representatives of 13 ethnic groups work in Parliament, and 32 ethnic minorities in the city and regional councils.

4. Public funding of universities/schools/media in minority languages

Yes. –The Constitution of Kazakhstan guarantees free primary, secondary, and higher education. The country has 88 schools where teaching is conducted entirely in - Uzbek, Tajik, Uighur, and Ukrainian languages. The languages of 22 ethnic groups of Kazakhstan are taught as a separate subject in 108 schools. Also, there have been opened 195 specialized linguistic centers, where not only children but also adults can learn languages of 30 ethnic groups. There are 35 periodicals published in 15 languages in the country. The TV broadcast is held in 11 languages. Besides, we see 14 Russian, Uzbek, and Uighur, Korean, and German theaters, the only in the CIS.

5. Constitutional and parliamentary recognition of "multiethnic" country

Yes. - The Constitution of Kazakhstan begins with the words "We, the people of Kazakhstan, united by a common historical fate, creating a state on the indigenous Kazakh land, considering ourselves a peace-loving civil society, dedicated to the ideals of liberty, equality, and harmony ..." (<http://www.constitution.kz>) . The 820 ethnocultural associations are functioning in all regions of the country.

6. Provides an international legal personality

No. The government has full jurisdiction in respect of international affairs, including the signing of bilateral and multilateral treaties, participation in international organizations and representative offices abroad. The

minorities do not have separate sports teams at international events. Based on these extracted values, we design the final profile of the country, which is as following (Table 1).

Criteria	No.1	No.2	No.3	No.4	No.5	No.6
Yes		1		1	1	
Partially			0,5			
No	0					0

Table 1. Index of multiculturalism policy of ethnic minorities in Kazakhstan

By using the same methodology as in assessment criteria based on the analysis of 8 directions of state policy in respect of migrants, we determine an index of multiculturalism for immigrant minorities in Kazakhstan.

1. The constitutional, legislative and parliamentary approval of multiculturalism at the central and / or regional levels, the existence of the ministry, the Secretariat or the advisory board for the implementation of the policy of multiculturalism in consultations with ethnic communities.

Partially. The country has not confirmed the commitment to multiculturalism explicitly, but it has the relevant authorities. So, in 1995, by Decree of the President of Kazakhstan, the country established the Assembly of Peoples of Kazakhstan - as an advisory body to the President of the Republic of Kazakhstan.

The main challenges facing the Assembly today is equality of rights and freedoms of all citizens of the republic, regardless of race, nationality, language, religion, membership in a social group; to promote the most important goals set by the Assembly is working on the development and preservation of national cultures, traditions and languages of the peoples of Kazakhstan. Assembly contributes to the development and implementation of the state national policy in the field of inter-ethnic relations, ensuring socio-political stability in the Republic of Kazakhstan.

Furthermore, the Assembly assists public authorities in combating extremism and radicalism in society, the formation of political and legal culture of citizens, based on democratic norms. Over its 20-year history, the Assembly was transformed from a consultative body under the President of the Republic of Kazakhstan in the constitutional body that has a firm legal basis and socio-political status. One of the main features of the Assembly is the representation of the interests of ethnic groups in the country's highest legislative body - the parliament of the Republic of Kazakhstan as a guaranteed representation (<http://akorda.kz/ru>).

2. Adoption of multiculturalism in the school curriculum.

Partially: the acceptance of multiculturalism in the school curriculum is ongoing in the country. The educational process is featured with the rhetoric in support of ethnic diversity.

3. The inclusion of ethnic representation in public media/mass media in national minority languages

Yes –There are media (television, radio, print) programs in national minority languages.

4. Exemption from the dress code

No - The country does not provide exemptions on religious grounds.

5. Resolution of dual citizenship

No: Dual citizenship is not allowed in the country; foreign citizens must renounce their original nationality before acquiring citizenship of Kazakhstan.

6. *Public funding of national cultural centers, organizations, and national holidays.*

Yes: The country is covered by public funding of national cultural centers, organizations, and national holidays.

7. *Financing of bilingual education or native education of national minorities.*

Yes: The country is covered by the state support of bilingual education in several regions in addition to the native language of major ethnic minority groups.

8. *Affirmative action for disadvantaged groups of immigrants*

No: The country does not have a policy of affirmative action for immigrant minorities.

Based on these values are added to the final profile of the country, which has the following form (Table 2).

Criteria	No.1	No.2	No.3	No.4	No.5	No.6	No.7	No.8
Yes			1			1	1	
No				0	0			0
partially	0,5	0,5						

Table 2. The index of the policy of multiculturalism of immigrant minorities in Kazakhstan

The comparison of the index policy of multiculturalism in Kazakhstan with the European countries and the countries of the classical immigration (Canada, USA, and Australia) showed that Kazakhstan's experience differs significantly from the experience of Western countries since it is in the formative stage, has a unique historical background.

Country	Index of ethnic minorities	Index of immigrant minorities
USA	3,5	3
Canada	6	7,5
Great Britain	6	5,5
France	2	2
Kazakhstan	3,5	4

Table 3. Index of the policy of multiculturalism in Western countries and Kazakhstan

The social stability in multiethnic and multicultural societies has long been at the center of scientific discourse. Multiculturalism, as a philosophical concept, has become one of the most discussed topics only since the mid -70s of the XX century. There is still no consensus in the understanding of this phenomenon within the Western European and domestic scientific community. Moreover, some Western scholars reject the term altogether. Anyhow, we can highlight several major areas within numerous discourses of understanding of multiculturalism. Some scientists regard multiculturalism as an ideology for "aging European nations". Others demonstrate its relation with the American communitarians, which is likely to result in a "Balkanization"

and ethnic conflicts rather than national society for the integration and prosperity (Shain: 2016, p.298). Another part of the researchers regards multiculturalism as a "policy for migrants".

Taylor, a Canadian philosopher, has made a great contribution to the development of multiculturalism. Being a supporter of the republican tradition, Taylor put forward the idea of the predominance of the civil and political freedoms over the private or personal (Taylor: 1992). Kymlicka W., another Canadian philosopher, the author of the theory of American multiculturalism and multicultural citizenship, is one of the most well-known proponents of multiculturalism. In his writings, while discussing the inequality, he concludes the admissibility of inequalities, if it brings benefits to man, but they are not allowed if they result in negative consequences (Kymlicka: 2000).

Meanwhile, Benhabib S., the American philosopher, author of the concept of deliberative democracy, attracted public attention to the problem of "internal minorities" of a multicultural society. The gender inequalities problems get particular regard within this concept (Benhabib: 2002). The enhancement of criticisms of multiculturalism led to the widespread belief that many countries, particularly in Europe, are now focused more on the integration of civil society rather than multicultural ideas. However, some researchers have noted that the integration of civil society is simply imposed on existing multicultural programs.

Some researchers agree on that the concept of multiculturalism is closely related to "the concept of identity", "policy differences" and "politics of recognition" that share a commitment to overestimation of the individualism and change the dominant models of representation of the infringement of the rights of certain groups of people (Minkenbergh: 2018).

Western researchers distinguish the idea of multiculturalism and anti-racism, but by and large, accept their relationship, as the spectrum of multicultural claims is not limited only with anti-racism requirements while covering more broader aspects of the individual rights and freedoms (Blum: 1992). British multiculturalism theoretician believes that "a society can be considered a multicultural only when it recognizes the diversity and it is considered as a value and is supported by various political mechanisms" (Parekh: 2006). Within the long-lasting discussion of multiculturalism, we may highlight two main directions: one generates conviction from a position of liberalism (Foster et al.: 1994), another one avows the protection of all its manifestations (Trotman: 2002).

In the view of Terborn Geran, the current multiculturalism is conscious, arising from increased migration, active processes of civil self-assertion, and self-consciousness (Terborn: 2001.). Later, interest in multiculturalism has emerged within the scientific community of Russia. According to the opinion of some researchers, multiculturalism as a political ideology stems from an awareness of a crisis of ideas of assimilation by the state, meaning the creation of spaces for dialogue and unity in diversity (Hlysheva: 2011). Others also see the basis for the synthesis of multiculturalism with the ideas of communitarians and liberals based on liberal justice and communitarian pursuit of integration, mutual understanding, complex equality and solidarity (Volkova: 2006). The well-known Russian sociologist Fedyunina S.M. argues that the term "multiculturalism" as a sociological concept is used to refer to the policy of cultural pluralism as opposed to the cultural universalism and assimilation (Fedyunina: 2007).

V. A. Tishkov, Russian Academician, while describing the application of multiculturalism in political sphere distinguishes its three aspects: a) descriptive, for countries with complex ethnic and cultural composition; b) normative or ideological, where multiculturalism is presented as a group of political principles; c) political, where multiculturalism is presented as a series of policy measures (Tishkov: 2002).

There is also increasing interest in this subject within the Kazakh scientific community. The problems of interethnic relations in our country, take an important place in scientific discussions of scientists, public figures and politicians. Multicultural Kazakhstan in international relations policy adheres to tolerant dialogue between different cultures and faiths. Likewise, their European colleagues, Kazakh scientists are keen to develop different aspects of multiculturalism. For instance, Nysanbaev A. expresses the idea that the integration process has a mandatory effect on multiculturalism (Nysanbaev: 2013).

However, it should be noted the fact that the success of multiculturalism can be achieved only in case of a positive assessment of cultural diversity and policy directed to support equal participation in the public life of all groups of minorities (Berry: 2016). In our opinion, the following statement of Nathan Glazer, American sociologist, is still valid and kept its relevance to this day: We are all multiculturalists today. Furthermore, the debate is not about whether to accept it or not, but on what model of multiculturalism we choose (Glazer: 1997).

CONCLUSION

Multiculturalism, as a philosophical concept and political ideology, is a natural consequence of the struggle of national minorities for their civil and political rights. The development of the ideas of "multiculturalism" as a philosophical concept indicates a transition in the public consciousness with the Eurocentric responses to cultural diversity in the 19th century and early 20th century in the form of assimilation and segregation to the democratization of public opinion expressed in the adoption of the equivalence of the values and culture of a "foreign"; European practice of multiculturalism based on recognition of the mass migration into their countries, but each country uses its model of multiculturalism. Despite the lack of full public approval of the multinational character of their societies, migration has been and remains a vital factor in shaping society and the economy. Moreover, it is likely to be more intense in the future, given the sharp decrease in the birth rate among indigenous people and the free movement of the labor force of the expanding European Union. The widespread misconception about the preservation of mono-society was dominant in these countries for an extended period. In the last quarter of the 20th century, the long-lasting official ideology of assimilation has shown its flaws in the classic immigration countries. The mass migration of the population from all over the world has led to a multi-confessional, multicultural society, which no longer fit into the format of assimilation. Multiculturalism, as a political ideology, meets the requirements of time and in those countries, has achieved inevitable success.

Multicultural society in Kazakhstan has its unique features associated with the history of its formation. Minorities in the country do not have the status of a "minority" or "ethnic minorities". These ethnic groups have been formed by migration and the mass deportation of people in the country during the Soviet period, so do not fall under the definition of how migrants have been living here for a long time, neither within the definition of indigenous peoples. Talking about the full development of multiculturalism in Kazakhstan, or any of its specific model is still too early, however, the analysis of the State's policy in the field of interethnic relations, evidence of a shared commitment to the idea of unity in diversity, which is reflected in the official state ideology of One country - one destiny (Nazarbayev: 2010). In the context of maintaining the current dynamics of inter-ethnic relations, we see the prospect of constructing a model - provisionally called "salad bowl" regarding their characteristics.

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Designing an integrated reporting guidance: an initiative to improve environmental and social reporting quality

Diseño de una guía de informes integrados: una iniciativa para mejorar la calidad de los informes ambientales y sociales

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ABSTRACT

Environment and social reporting need to be done in a comprehensively way. Integrated reporting provided opportunities to integrate social and environmental aspects with traditional financial reporting. This research tries to add a new improvement in scoring integrated reporting. A new scoring system consisted of 39 indicators derived from integrated reporting components. This system also provides scoring ranging from none to excellent. This scoring system might be used in the future by companies, auditors, or regulators in conjunction with assessing the quality of the integrated report.

Keywords: Auditor, Conjunction, Integrate, Reporting.

RESUMEN

El medio ambiente y los informes sociales deben realizarse de manera integral. Los informes integrados brindaron oportunidades para relacionar aspectos sociales y ambientales con los informes financieros tradicionales. Esta investigación trató de agregar una nueva mejora en la calificación de informes integrados. Un nuevo sistema de puntuación consistió en 39 indicadores derivados de componentes integrados de informes. Este sistema también proporciona puntajes que van desde ninguno hasta excelente. Este sistema de puntuación podría ser utilizado en el futuro por compañías, auditores o reguladores junto con la evaluación de la calidad del informe integrado.

Palabras clave: Auditor, Conjunción, Informes, Integración.

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1. INTRODUCTION

There is a significant change in how the stakeholder makes decisions. Stakeholders changed from capitalism to a socialism view (Freeman et al.: 2007), that is, a shifting concern from revenue-profit-dividend into sustainability-environmental-society (Adams & McNicholas: 2007; Freeman et al.: 2010). One of the concerns in reporting is a full and detail explanation of companies' business operations. Traditional form of reporting has several concerns: (1) It usually focused only on the financial aspect, none or few explanations on non-financial aspect (Craven & Marston: 1999; Gray: 2001; Montabon et al.: 2007; Dhaliwal et al.: 2011). (2) It usually focused on past performance, not provide a clear link between past, present, and future performance (Gray et al.: 1996; Adams: 2004, pp.731-757; Williams: 2008; Stent & Dowler: 2015); (3) It constructed using a "silo", rather than "integrated" paradigm, resulting in a thick "catalog" report. (DiPiazza & Eccles: 2002; Ho & Wong: 2003; Eccles & Krzus: 2010; Higgins et al.: 2014). The weakness of the current form of corporate reporting has to lead the International Integrated Reporting Committee to establish a new form of reporting, called Integrated reporting.

Since the introduction of the framework, many companies around the world implement the integrated reporting concept in their reporting. South Africa became the first country that required all listed companies to create integrated reporting. The implementation of integrated reporting was not without challenges. Executives and management of the companies perceived that the benefit of integrated reporting is not exceeding the implementation costs (Steyn: 2014, pp.476-503; Lodhia: 2015). Furthermore, Busco et al. (2013) found that executives and management were still reluctant to disclose the business model and risks faced by the company since it can be brought negative consequences for the company if users read the report. Eccles & Krsuz (2014) also added that many executives and management would not implement integrated reporting voluntarily. Currently, they were making the report simply because the rules told them to do so. These challenges, perhaps the reasons why integrated reporting, are still not implemented by many companies around the world. Dumay et al. (2017) showed that only 494 companies around the world already implement integrated reporting. Pistoni et al. (2018) found that the overall quality level of integrated reporting is still low, and the "content" of reporting scored very low. However, this is not the case for all companies. Companies in extractive and manufacturing industries have a better quality of reporting due to the nature of the business that might damage natural and social environmental (Van Zyl: 2013; Serafeim: 2015; Stubbs et al.: 2015; Pratama: 2017).

Integrated reporting can also improve the current practice of environmental and social reporting. Investors currently demand to know how good a company manages the environment and social issues, but current reporting lack of integrated thinking, so the presentation of these issues only limited to monetary numbers (Hoang: 2018). The company needs to disclose risks associated with environmental and social issues and the long-term strategy to mitigate the risks; and integrated reporting framework can facilitate that information (Adams: 2017). Integrated reporting is also aligned with Sustainable development Goals (SDG) by providing media to report the company's activities related to 17 areas of SDG (Nunes et al.: 2016). Integrated reporting is also aligned with many reporting standards concerning environmental and social reporting, like Global Reporting Initiative (GRI) or Sustainability Accounting Standards (SAS) (Schooley & English: 2015; Adams: 2017; Global Reporting Initiative: 2018). Integrated reporting elements might be elaborated with reporting elements from GRI or SAS so that it can present more robust and comprehensive information about environmental and social issues.

Improvement of integrated reporting can be started by improving the quality of the disclosure of the contents (Solomon & Maroun: 2012; Atkins & Maroun: 2015). The integrated reporting framework stated that the framework is a principle-based. Consequently, judgments will be used heavily. Judgments can have a positive and negative impact. On the positive sides, judgments provide room for reporting flexibility, e.g., different companies might have a different core business process, and the companies might free to choose what aspect that needs to be disclosed most (Bennett et al.: 2006; Sunder: 2010; Ahmed et al.: 2013). On the

negative sides, judgments might lead to a company to select or modify the information so it can always represent a good or positive and hiding the negative side, or the "cherry-picking" practice. (Church et al.: 2008; Flower: 2015). Eccles et al. (2012) research stated that some precise, more ruled based integrated reporting tools needed to be established. Principle-based reporting will always feature the rule because the full principle-based would negatively affect the comparability of the report (Bradbury & Schröder: 2012; Bamber & McMeeking: 2016). Achim & Borlea (2015), suggested that one of the ruled based tools will be a device to assess the quality of the reporting or "scoring system".

The scoring system serves as a tool to achieve excellent quality in reporting, which can lead to better financial performance and quality of management (Churet et al.: 2014).

Previous researches have tried to formulate a scoring system, such as Barth (2017), Pistoni et al. (2018), but there is still room to improve the system, especially the dimension of scoring and the level of details. This research will be tried to elaborate on a better scoring system that provides an adequate level of details and explicit score attributes, so the users and preparers of integrated reporting might evaluate and analyze the integrated reporting easier. In the wake of the audit of integrated reporting, this article can also provide insight to the auditors regarding elements that necessary to be investigated. This article is a systematic literature review. First, this article would describe the reporting quality concept to get an understanding of the level of reporting the company should achieve that. Second, this article explained the development of the integrated reporting scoring system, by exploring the IIRC standards and relevant literature, and finally in the conclusions and recommendations, this article would provide several insights on how this integrated scoring system might improve the reporting quality, and provide several recommendations for implementation and for further research as well.

To fulfill the purpose of the reporting, the information presented in the report must fulfill qualitative characteristics (Scott: 2009; Yadiati: 2010; Kieso et al.: 2019). In financial reporting perspectives, there were fundamental (relevant and representational faithfulness) and enhancing qualities of reporting (comparability, timeliness, verifiability, and understandability) (van Beest et al.: 2009; IASB: 2010). In the information system perspectives, the quality can be achieved if the information fulfills these criteria: relevant, accurate, timeliness, and complete. Generally, a good quality report can be assessed from the information provided therein. Previous researches had proposed several proxies to indicate the quality of reporting, such as: earnings quality (Dechow et al.: 2010; Lin et al.: 2014), accruals quality (Arthur et al.: 2005), conservatism (Francis et al.: 2005), value relevance (Barth et al.: 2008). All the proxies used in this research were all the accounting-numbers and stated in financial terms. Financial and accounting numbers cannot be understood easily by the report's user, and the practice of creative accounting can undermine the quality of the report (Sherman & Young: 2016). Financial accounting numbers need high expertise and literacy, which not all of the report users have (McDaniel et al.: 2002).

Tang et al. (2016) proposed that the disclosure level can also measure reporting quality. Siagian et al. (2013) stated that the principle-based standard implementation requires heavy disclosures on the assumptions, considerations, and the choices of the judgments. Integrated reporting quality was best measured by the narrative descriptions, rather than used a symbol or syntax like in the financial reporting (Cosma et al.: 2018). Pistoni et al. (2018) proposed that integrated reporting quality should consist of 4 elements: (1) Background, which assess the motivation and preparation made by the company to construct such a report. (2) Content, which assess the information provided by the report; (3) Reliability and assurance, which assess the verifiability and whether there is an audit or review of such information; (4) Form, which assess the outlines, page layout, and editing of the report. From all these elements, content is the main issue. Wild & Van Staden (2013) reported that the investor still not feel any benefit of integrated reporting because the company still not following the content, as instructed by the IIRC framework. Haller & van Staden (2014) also mentioned that the IIRC framework placed an importance on the link between 6 types of capital employed and the outcomes of each capital employed, or the value-added. Adams (2013) and Hughen et al. (2014) also

agreed that the content of the integrated reporting would reduce asymmetric information, and the disclosures of the content will be the main focus of the company's analyst.

In the aspect of environmental and social reporting, Wong (2011) described the qualitative characteristics of such reporting must include: relevance, clarity, free from bias, comprehensiveness, timeliness, and comparability. Integrated reporting can accommodate these qualitative characteristics by setting a framework that consists of elements and guiding principles. IIRC stated that a full set of integrated reporting must have 9 components, namely: (1) Organizational overview and external environment, (2) Governance, (3) Business model, (4) Risks and opportunities (5) Strategy and resource allocation, (6) Performance, (7) Outlook, (8) Basis of preparation and presentation and in doing so, takes account of, (9) General reporting guidance. There are several guiding principles that must be adhere when prepared integrated reporting, namely: (1) Strategic focus and future orientation, (2) Connectivity of information, (3) Stakeholder relationships, (4)Materiality, (5) Conciseness, (6) Reliability and completeness (7) Consistency and comparability. The complete set of the framework would be practical to prevent impression management by companies, in which companies tend to promote only good environmental and social news and conceal bad news (Diouf & Boiral: 2017, pp.643-667). Al Farooque & Ahulu (2017) also stated that industry needs robust guidelines to deliver quality reporting, robust guidelines including the integrated framework for social, environmental, and economic inputs and performances.

2. METHODS

Disclosure of information is compulsory to reduce information asymmetry to enable users of the report made a better judgment (Beyer et al.: 2010). However, much research about disclosure only measures the disclosure on the one side, either the perceived importance of disclosure (details) or the extent of the disclosure (index-based) (Robbins & Austin: 1986). Many research about disclosure use disclosure index, in which the researcher will prepare a disclosure checklist consists of many items to disclose, and the disclosure level will be determined by the number of items disclosed divided by total items to disclosed (Cormier et al.: 2005; Brammer et al.: 2008; Pavlopoulos et al.: 2017). The disclosure level measured by disclosure index is simple and can be automated by using an automated machine or software but can hide the true nature of the disclosure (Beyer et al.: 2010; Berger: 2011). Marston & Shrives (1991) suggested that the researcher needs to look into a more qualitative aspect of the disclosure. They argue that the disclosure index tends to treat all the disclosure components as equal. In reality, there will be a different priority or importance level of information for investor decision making (Urquiza et al.: 2009).

On the other hand, disclosure based on the details will provide more detail and accurate assessment of the quality because the measurement expanded from "exist or not exist", to "bad or good" (Cheung et al.: 2010). The details can be provided by assigning numbers indicating "bad", "adequate", "good", etc. However, the weakness of this measurement is the substantial subjectivity of the assessor. The scoring sheet or matrix need to be produced to serve as a guideline for the assessor to reduce the subjectivity. Healy & Palepu (2001) stated that disclosure checking based on the details required sufficient knowledge in the field of content analysis. The reliability can also be increased by assigning two or more assessors to assess the disclosure quality so that the results can be compared and analyzed. Current research concerning integrated reporting quality was still limited by using the disclosure index. As far as the researcher knows, none of this research uses a scoring based on the quality of the information disclosed. The researcher proposed to measure the quality of integrated reporting based on the IIRC framework.

The first element, organizational overview, and external environment serves as an introduction for users to gain more understanding about the principal activities of the company, and how the activities were affected by (1) the internal strengths and weaknesses, and (2) the external opportunities and threats (Xue et al.: 2008; Filatotchev & Nakajima: 2010). In the internal environment aspect, many readers of the report will base their

decision on the first impressions of the company (Chen et al.: 2009). A first impression is a form of business communication, and the objectives of the communication are to "seduce" investors to read more pages of the particular report (Parhankangas & Ehrlich: 2013). Illustrations in forms of tables, numbers, and graphs are also contributed in explaining the long narrative story, into an informative and exciting story (Briscoe: 1995; Guffey & Loewy: 2010; Bovee & Thill: 2010). Completeness of the information was also pivotal for a reader so that they can access the level of competitiveness. In the marketing context, the understanding of the macro external environment (such as: political, social, economic, etc) and micro external environment (such as: five forces model) can form a basis for a clear assessment of the competitiveness and economic sustainability of the company (Forman & Hunt: 2005; Ingenbleek: 2007). There are 8 indicators (20,51%) for this element, which were taken directly from IIRC's standard. The focus in assessment for this element is whether the reader of the reports has sufficient and complete information about the environment in which it is operated. The significant percentage showed the implementation of the "first impressions", this element must appease the investors, and serves as a foundation.

The second element, governance, serves as an "ensuring mechanism" that the internal and external environment was equipped with complete monitoring and supervision mechanisms, and it secures from any possibilities of inefficient or ineffective acts (Salvioni & Bosetti: 2006; Kachouri & Jarboui: 2017). Readers usually want to understand two things from governance: (1) structure and (2) mechanism (Brennan & Solomon: 2008). Readers also want to assess whether those charged with governance were able to implement the proper actions to maintain the governance (Bozec & Dia: 2015), and how the governance clearly contributed to the improvement of the business (Cremers & Nair: 2005; De Haes & Van Grembergen: 2008). The importance of governance was significantly increased in the era of information technology. The more channel or media to report, and linkage between capital – process – value is the main content of such a governance report (Kolk & Pinkse: 2010; Hrebicek et al.: 2011). The matrices provide 7 points (17,95%) about the governance, and as the principle of the governance, the assessment will be based on the accountability and transparency of the information, and the linkage between the environment – governance – and process.

The third element, the business model, serves as a "main picture" of the company's value creation. The business model is a general representation of the companies' process of delivering products or services (Osterwalder & Pigneur: 2010). The traditional business model usually consists of 3 things: (1) Input, which is a resources used to deliver a final product or service; (2) Process, which is a combination between resource and activity to convert that resource into final product; and (3) Output, which is a product or service (Chesbrough: 2010; Teece: 2010; Thompson & MacMillan: 2010, pp.291-307). The business model is usually described slowly in the report since the business model is providing information concerning companies' main activities, including any risks, resources, regulations, and performance expectations (Demil & Lecocq: 2010). The contemporary business model places a significant emphasis on innovation and outcomes (Zott et al.: 2011). Innovation can be a signal for significant business improvement, and the innovation might have future positive or negative outcomes (Bocken et al.: 2014). There are seven indicators of business model, and together with previous elements, there are 22 indicators, representing 56,41% of all the indicators. This condition showed us that the main emphasis of well-integrated reporting is whether the company able to present comprehensive business activities, along with its monitoring mechanism and any external and internal factors that might affect the activities (Morros: 2016; Velte & Stawinoga: 2016).

The fourth element, risks and opportunities, only contain two indicators, as per IIRC standards. The main emphasis is the descriptions of the risks and any relevant actions to cover or mitigate the risks, or in other words, risk management (Linsley & Shrives: 2006). Risk reporting was usually provided due to a specific mandatory requirement like BASEL or Enterprise Risk Management (ERM) (Dobler: 2008). Therefore, in some industries like banking or technology, this element is well represented. Naturally, risks were a concern since, in the era of traditional reporting, therefore, to avoid high political costs, the company must present the information to the investors (Miihkinen: 2012). The corporate governance sections were also discussing the

risk management (Elshandidy & Neri: 2015), so it explained why the disclosure requirement in this component was low.

The fifth element, strategy and resource allocation describe the (1) strategic objectives, including the target outcomes in different period; (2) strategy to achieve those objectives; and (3) resource to support the implementation of the strategy. There are four indicators set by IIRC to measure these elements. Naturally, strategy and objectives were established by the companies, and it is typical for disclosing it on various media. The main emphasis of reporting strategy is to analyze whether the resource was adequately allocated in order to pursue the strategy (Venkatesan & Kumar: 2004). Regarding the period, most of the companies emphasize their outcomes on the long-term objectives, since strategy naturally deals with long term issues (Yip: 2004, pp.17-24). The long-term objectives must be derived to form medium and short term, so the company has a clear direction to pursue (Brauer: 2013).

The sixth element, performance, is regarded to be a “sole” objective of the reporting. Performance reporting is considered a mechanism to eliminate agency problems, by asking the agent to report their accountability of resource utilization to the shareholders (Franco-Santos et al.: 2007; Nudurupati et al.: 2011). Performance report was usually about past financial performance only, but the current form of reporting also demanded a non-financial performance with present and future orientation (Bernardi & Stark: 2015). The traditional report also tends to emphasize positive results and limited to satisfy shareholder needs (Sierra-Garcia et al.: 2013). The new integrated reporting informs both positive and negative outcomes and also not only to shareholders but also to all relevant stakeholders (Melloni et al.: 2017).

The seventh element, outlook, is generally a mechanism to provide the reader with a forecast of the future situation. There are three indicators to describe this element. Generally, outlook information more focused on the external environment’s risk and opportunity, the effects of the environment to the business, and how the company’s activities to prevent the risks or gaining the opportunities (Chase Jr: 2014). Implementation of information technology, like the utilization of big data and data analytics, might bolster the forecasting (Duan & Xiong: 2015). Digital tools might be disclosed and featured heavily to promote the forecasting and predicting the future of the business.

The eighth elements, the basis for presentation and reporting, have generally required the company to present the standards or regulations related to the global companies reporting (Khadaroo: 2005). The usual reporting standard that disclosed now is accounting standards, but many jurisdictions also provided regulations to disclose environmental and social aspects, and also regarding aspects of customer safety and satisfaction (Boedker et al.: 2008). In the era of complexity, there is also some necessity to disclosed risk management activities to prevent adverse outcomes. There are four indicators in this element.

3. RESULTS

Table 1 showed the matrices proposed for scoring integrated reporting. The indicators were constructed from elements of integrated reporting. There are eight elements of integrated reporting, and the framework provides an explanation of the content of each element. To provide a detailed assessment, the researcher divides the eight elements into 39 indicators. The researcher also provides five types of score, as provided in Table 1.

Indicators	Score				
	4 (Excellent)	3 (Good)	2 (Sufficient)	1 (Poor)	0 (None)
<i>Element 1: Organizational overview and the external environment</i>					
1.1 Organization's culture, ethics, and value	The report contains all of the following information: 1. Vision 2. Mission	The report contains only four of the five information below: 1. Vision 2. Mission	The report contains only three of the five information below: 1. Vision 2. Mission	The report contains only two of the five information below: 1. Vision 2. Mission	There are no displayed information

Indicators	Score				
	4 (Excellent)	3 (Good)	2 (Sufficient)	1 (Poor)	0 (None)
	3. Culture 4. Organizational Value 5. Ethics	3. Culture 4. Organizational Value 5. Ethics	3. Culture 4. Organizational Value 5. Ethics	3. Culture 4. Organizational Value 5. Ethics	
1.2 Organization's ownership and operating structure	The report contains organizational and ownership structure figures. There is an explanation about three of the three following information: 1. Educational background 2. Work experience 3. Job title	The report contains organizational and ownership structure figures. There is an explanation about two of the three following information: 1. Educational background 2. Work experience 3. Job title	The report contains organizational and ownership structure figures. There is an explanation about one of the three following information: 1. Educational background 2. Work experience 3. Job title	The report contains organizational and ownership structure figure, but there is no explanation at all	There are no displayed information
1.3 Organization's principal activities and markets	There is main activities or the company's main market information; explanations are given in the form of long narratives and other visual patterns (tables, graphs, illustrations, etc.)	There is main activities or the company's main market information; explanations are given in the form of long narratives (narrative length more than half pages of the report)	There is main activities or the company's main market information; explanations are given in the form of short narratives (narrative length is not more than half pages of the report)	There is main activities or the company's main market information only	There are no displayed information
1.4 Organization's competitive landscape and market positioning	There is market competition and company product information. There is a threat factor analysis for all of the following five factors : 1. competitors, 2. customer, 3. supplier, 4. substitution products 5. new company	There is market competition and company product information. There is four threat factor analysis of the following five factors : 1. competitors, 2. customer, 3. supplier, 4. substitution products 5. new company	There is market competition and company product information. There is a threat factor analysis maximum the following three factors : 1. competitors, 2. customer, 3. supplier, 4. substitution products 5. new company	There are market competition and company products information but does not explicitly mention threat factors	There are no displayed information
1.5 Organization's value chain position.	There are the company's value chain, the company's position description information.	<i>There is no score 3 for this section</i>	There are company's value chain information, but there is no company's position description	<i>There is no score 1 for this section</i>	There are no displayed information
1.6 Key quantitative information	Quantitative information in the form of financial and nonfinancial performance, which includes at least three of the following four things: 1. Customers aspects 2. Human resources aspects 3. Operational aspects 4. Institutional aspects	Quantitative information in the form of financial and nonfinancial performance, which includes at least two of the following four things: 1. Customers aspects 2. Human resources aspects 3. Operational aspects 4. Institutional aspects	Quantitative information in the form of financial and nonfinancial performance, which includes at least one of the following four things: 1. Customers aspects 2. Human resources aspects 3. Operational aspects 4. Institutional aspects	Quantitative information is only the information that shows financial performance	There are no displayed information

Indicators	Score				
	4 (Excellent)	3 (Good)	2 (Sufficient)	1 (Poor)	0 (None)
1.7 The highlight of significant key quantitative information changes from prior periods.	Presenting year to year changes for financial and non-financial performance, followed by a long narrative explanation (narrative length more than half pages of the report)	Presenting year to year changes for financial and non-financial performance, followed by a short narrative explanation (narrative length is not more than half pages of the report)	Presenting year to year changes for financial and non-financial performance, but not followed by an explanation	Presenting year to year changes for financial performance only, but not followed by an explanation	There are no displayed information
1.8 Significant factors affecting the external environment and the organization's response.	There are significant factors generated externally with organization response toward those at least four out of five following components: 1. Economy 2. Social 3. Politics 4. Law 5. Technology	There are significant factors generated externally with organization response toward those at least three out of five following components: 1. Economy 2. Social 3. Politics 4. Law 5. Technology	There are significant factors generated externally with organization response toward those at least two out of five following components: 1. Economy 2. Social 3. Politics 4. Law 5. Technology	There are significant factors generated externally with organization response toward those at least one out of five following components: 1. Economy 2. Social 3. Politics 4. Law 5. Technology	There are no displayed information
<i>Element 2: Governance</i>					
2.1 The organization's leadership structure	There is an explanation of the job position and description, and the regulation regarding governance is stated.	<i>There is no score 3 for this section</i>	There is an explanation of the job position, but there is no explanation about the job description and the regulation regarding governance is not stated	<i>There is no score 1 for this section</i>	There are no displayed information
2.2 Specific processes used to make strategic decisions and to establish and monitor the culture of the organization	There is an explanation about the governance board's role and working steps or plans There are all risk acceptance information and mechanisms to resolve integrity and ethical issues.	There is an explanation about the governance board's role and working steps or plans. There are one risk acceptance information and mechanisms to resolve integrity and ethical issues.	There is an explanation about the governance board's role and working steps or plans. There are no risk acceptance information and/or mechanisms to resolve integrity and ethical issues.	There is an explanation about the governance board's role, but there are no working steps or plans. There are no risk acceptance information and/or mechanisms to resolve integrity and ethical issues.	There are no displayed information
2.3 Particular actions those charged with governance have taken to influence and monitor the strategic direction of the organization and its approach to	There is an action's description with a detailed explanation (person in charge, results/impact, etc.)	<i>There is no score 3 for this section</i>	There is an action's description, but there is no detailed narrative (person in charge, results/impact, etc.)	<i>There is no score 1 for this section</i>	There are no displayed information

Indicators	Score				
	4 (Excellent)	3 (Good)	2 (Sufficient)	1 (Poor)	0 (None)
risk management.					
2.4 How the organization's culture, ethics, and values are reflected in its use of and effects on the capitals, including its relationships with key stakeholders.	There are evidence of the culture, ethics, and organizational value implementation, there is a long narrative explanation (narrative length of more than half pages of the report) and the impact to the company's graph	There are evidence of the culture, ethics, and organizational value implementation, there is a long narrative explanation (narrative length of more than half pages of the report) about the impact to the company	There are evidence of the culture, ethics, and organizational value implementation, there is a brief narrative explanation (narrative length not more than half pages of the report) about the impact on the company	There are evidence of the culture, ethics, and organizational value implementation, there is no explanation about the impact on the company	There are no displayed information
2.5 Whether the organization is implementing governance practices that exceed legal requirements	There are governance practices that use national or international benchmarking information; there is a clear, descriptive explanation	<i>There is no score 3 for this section</i>	There are governance practices that use national or international benchmarking information, but there is no explanation	<i>There is no score 1 for this section</i>	There are no displayed information
2.6 The responsibility those charged with governance take for promoting and enabling innovation	There is long narrative (narrative length more than half pages of the report) regarding the manager responsibilities	<i>There is no score 3 for this section</i>	There is a short narrative (narrative length is not more than half pages of the report) regarding the manager responsibilities	<i>There is no score 1 for this section</i>	There are no displayed information
2.7 How remuneration and incentives are linked to value creation in the short, medium, and long-term, including how they are linked to the organization's use of and effects on the capitals.	There are employee remuneration, incentives and the relations between employee's remuneration and incentives information towards value creation or the impact toward capitals	There are employee remuneration, incentives, and the relations between employee's remuneration and incentives information towards one of the value creation or the impact toward capitals.	There are employee remuneration and incentives, but there is no information towards value creation and the impact toward capitals	There is only remuneration and incentives rate information	There are no displayed information
<i>Element 3: Business model</i>					
3.1 Inputs	There is information about inputs used in goods and services production and sale process with a complete description of all inputs used	<i>There is no score 3 for this section</i>	There is information about inputs used in goods and services production and sale process with a brief description of all inputs used	<i>There is no score 1 for this section</i>	There are no displayed information
3.2 How the organization differentiates itself in the marketplace and the extent to which the business	There is information about services type or additional items with a clear description	<i>There is no score 3 for this section</i>	There is information about services type or additional items but not described clearly	<i>There is no score 1 for this section</i>	There are no displayed information

Indicators	Score				
	4 (Excellent)	3 (Good)	2 (Sufficient)	1 (Poor)	0 (None)
model relies on revenue generation after the initial point of sale					
3.3 How the organization approaches the need to innovate	There is a framework or innovation instruction done by the company with the result description or impacts of existing innovations.	<i>There is no score 3 for this section</i>	There is a framework or innovation instruction done by the company, but there is no or few given description	<i>There is no score 1 for this section</i>	There are no displayed information
3.4 How the business model has been designed to adapt to change	There is a clear description of the environment changes	<i>There is no score 3 for this section</i>	There is a brief description of the business model changes	<i>There is no score 1 for this section</i>	There are no displayed information
3.5 Output	There is information about the output produced from goods or services production and sale with a complete description of all produced output	<i>There is no score 3 for this section</i>	There is information about the output produced from goods or services production and sale with a brief description of the overall produced output	<i>There is no score 1 for this section</i>	There are no displayed information
3.6 Internal and or external outcomes	There are internal and external impacts with long narratives (narrative length more than half pages of the report) on each impact	There are internal and external impacts with short narratives (narrative length is not more than half pages of the report) on each impact	There are internal and external impacts with no explanation	There are internal and external impacts with no detailed explanation	There are no displayed information
3.7 Positive or negative outcomes	There are positive and negative impacts with short narratives (narrative length is not more than half pages of the report) on each impact	There are positive and negative impacts types with short narratives (narrative length is not more than half pages of the report) on each impact	There are internal and external impacts types with no detailed explanation	There are only internal or external impacts types with no detailed explanation	There are no displayed information
<i>Element 4: Risks and Opportunities</i>					
4.1 Identifies the key risks and opportunities that are specific to the organization	There are risks and opportunities with long narratives (narrative length more than half pages of the report) on each impact	There are risks and opportunities with brief narratives (narrative length is not more than half pages of the report) on each impact	There are risks and opportunities with no detailed explanation	There are one of risks and opportunities with no detailed explanation	There are no displayed information
4.2 Analysis of the continued availability, quality, and affordability of, relevant capitals in the short, medium and long-term	There are three analyzes consists of all three aspects (availability, quality, and affordability) The orientation including all terms (short, medium, and long-term)	<i>There is no score 3 for this section</i>	There are only two out of three analyzes consists of all three aspects (availability, quality, and affordability) The orientation including maximum two of three terms (short, medium, and long-term)	There are only one out of three analyzes consists of all three aspects (availability, quality, and affordability) The orientation including a maximum one of three terms (short, medium, and long-term)	There are no displayed information

Indicators	Score				
	4 (Excellent)	3 (Good)	2 (Sufficient)	1 (Poor)	0 (None)
<i>Element 5: Strategy and resource allocation</i>					
5.1 The organization's short, medium and long-term strategic objectives	There is information on the organization's strategic objectives in three aspects: 1. Short term 2. Medium-term 3. Long-term	There is information on the organization's strategic objectives in two out of three aspects : 1. Short term 2. Medium-term 3. Long-term	There is information on the organization's strategic objectives in one out of three aspects : 1. Short term 2. Medium-term 3. Long-term	There is information on the organization's strategic objectives, but there is no definite time dimension	There are no displayed information
5.2 The strategies it has in place or intends to implement, to achieve those strategic objectives	There are strategies, correctly specified per organizational strategic objectives	There are strategies, generally specified per time dimension	There is a strategy, but not specified per purpose or a general strategy	The strategy only in the form of vision or mission	There are no displayed information
5.3 The resource allocation plans it has to implement its strategy	There are detailed financial and nonfinancial resources with a clear description	There are detailed financial and nonfinancial resources with a brief description	There are only financial or nonfinancial resources details	<i>There is no score 1 for this section</i>	There are no displayed information
5.4 How it will measure achievements and target outcomes for the short, medium and long-term	There is information about performance measurement and organizational targets in three aspects: 1. Short term 2. Medium-term 3. Long-term	There is information about performance measurement and organizational targets in two out of three aspects: 1. Short term 2. Medium-term 3. Long-term	There is information about performance measurement and organizational targets in one out of three aspects: 1. Short term 2. Medium-term 3. Long-term	There is information about performance measurement and targets, but there is no definite time dimension	There are no displayed information
<i>Element 6: Performance</i>					
6.1 Quantitative indicators concerning targets and risks and opportunities.	There are financial and non-financial indicators, followed by risks and probabilities analyzes all indicators	There are financial and non-financial indicators, followed by risks and probabilities analyzes one indicator	There are financial and non-financial indicators, without followed by risks and probabilities analyzes	There are only financial indicators, without followed by risks and probabilities analyzes	There are no displayed information
6.2 The organization's effects (both positive and negative) on the capitals.	There are positive and negative impacts with long narratives (narrative length of more than half pages of the report) on each impact	There are positive and negative impacts types long narratives (narrative length of more than half pages of the report) on each impact	There are internal and external impacts types with no detailed explanation	There are only internal and external impacts types with no detailed explanation	There are no displayed information
6.3 The state of key stakeholder relationships and how the organization has responded to key stakeholders' legitimate needs and interests.	There are detailed stakeholders; there is a complete explanation of response needs for all stakeholders	There are detailed stakeholders; there is a complete explanation of response needs only for some stakeholders	There are detailed stakeholders, but there is no explanation of response needs only for stakeholders	<i>There is no score 1 for this section</i>	There are no displayed information
6.4 The linkages between past and current performance, and between	There is an explanation for the relations between previous and prior performance and the	<i>There is no score 3 for this section</i>	There is an explanation for one of two conditions; previous and prior performance and the	<i>There is no score 1 for this section</i>	There are no displayed information

Indicators	Score				
	4 (Excellent)	3 (Good)	2 (Sufficient)	1 (Poor)	0 (None)
current performance and the organization's outlook.	prior and future performance.		prior and future performance.		
<i>Element 7: Outlook</i>					
7.1 The organization's expectations about the external environment the organization is likely to face in the short, medium and long-term	There is information about organizational expectation towards the external environment in three aspects : 1. Short term 2. Medium-term 3. Long-term	There is information about organizational expectation towards the external environment in two out of three aspects : 1. Short term 2. Medium-term 3. Long-term	There is information about organizational expectation towards the external environment in one out of three aspects : 1. Short term 2. Medium-term 3. Long-term	There is information about organizational expectation towards the external environment, but there is no clear time dimension	There are no displayed information
7.2 How the organization's expectations about the external environment the organization is likely to face in the short, medium, and long-term will affect the organization.	There is information about organizational expectation towards the external environment in three aspects : 1. Short term 2. Medium-term 3. Long-term	There is information about organizational expectation towards the external environment in two out of three aspects : 1. Short term 2. Medium-term 3. Long-term	There is information about organizational expectation towards the external environment in one out of three aspects : 1. Short term 2. Medium-term 3. Long-term	There is information about organizational expectation towards the external environment, but there is no clear time dimension	There are no displayed information
7.3 How the organization is currently equipped to respond to the critical challenges and uncertainties that are likely to arise.	There is information about resources to deal with uncertainty; information is delivered with long narratives (narrative length more than half pages of the report)	<i>There is no score 3 for this section</i>	There is information about resources to deal with uncertainty; information is delivered with short narratives (narrative length is not more than half pages of the report)	<i>There is no score 1 for this section</i>	There are no displayed information
<i>Element 8: The basis for preparation and presentation</i>					
8.1 A summary of the organization's materiality determination process	There is the following information: (1) A brief description of the process used to identify relevant matters, evaluate their importance, and narrow them down to material matters (2) Identification of the role of those charged with governance and key personnel in the identification and prioritization of material matter.	<i>There is no score 3 for this section</i>	There are at least one of the two following pieces of information: (1) A brief description of the process used to identify relevant matters, evaluate their importance, and narrow them down to material matters (2) Identification of the role of those charged with governance and key personnel in the identification and prioritization of material matter.	<i>There is no score 1 for this section</i>	There are no displayed information

Indicators	Score				
	4 (Excellent)	3 (Good)	2 (Sufficient)	1 (Poor)	0 (None)
8.2 A description of the reporting boundary and how it has been determined	There is the following information: (1) The financial reporting entity (2) Risks, opportunities, and outcomes attributable to or associated with other entities /stakeholders beyond the financial reporting entity that has a significant effect on the ability of the financial reporting entity to create value.	<i>There is no score 3 for this section</i>	There are at least one of the two following pieces of information: (1) The financial reporting entity (2) Risks, opportunities, and outcomes attributable to or associated with other entities /stakeholders beyond the financial reporting entity that has a significant effect on the ability of the financial reporting entity to create value.	<i>There is no score 1 for this section</i>	There are no displayed information
8.3 A summary of the significant frameworks and methods used to quantify or evaluate material matters	There is the following information: (1) A summary of the significant frameworks and (2) methods used to quantify or evaluate material matters	<i>There is no score 3 for this section</i>	There are at least one of two following pieces of information: (1) A summary of the significant frameworks and (2) methods used to quantify or evaluate material matters	<i>There is no score 1 for this section</i>	There are no displayed information
8.4 standards used for compiling financial information, a company-defined formula for measuring customer satisfaction, or an industry-based framework for evaluating risk.	There is standard information used for all aspects: 1. Financial aspects 2. Customer satisfaction aspects 3. Risk management aspects	There are two of three standard information is used for all aspects: 1. Financial aspects 2. Customer satisfaction aspects 3. Risk management aspects	There are one of three standard information is used for all aspects: 1. Financial aspects 2. Customer satisfaction aspects 3. Risk management aspects	<i>There is no score 1 for this section</i>	There are no displayed information

4. CONCLUSIONS

Integrated reporting quality assessment needs to be done to ensure that the purpose of the integrated reporting is achieved. The matrix for integrated reporting scoring is an initiative that can be of the benefit to many parties. For the integrated report's issuer, the matrices can be used as a guide to preparing the best quality integrated report. The issuer might want to look at the first criteria in each of the 39 indicators, to ensure that the excellent integrated report will be produced. This matrix might also be useful for auditor's professions. The matrices can direct the companies to create the report using a similar trait and manner and may overcome the difficulties of auditing the integrated reporting (Oprisor: 2015). Regulators might use this matrix when it decides to enact the integrated reporting rules in their respective countries.

However, the development of integrated reporting scoring needs to be maintained, and in the future, many considerations may take into account. For example, future research might propose the specific designations, and it is score range (such as A for Excellent, etc.) to reflect the quality of the integrated reporting. The future

researcher might also consider putting weights in each of the indicators. Although the integrated reporting framework stated that all the elements have the same priority and importance, the regulations and investor demand might be a consideration to add the weights to the indicators. Furthermore, finally, future research might also re-improve the matrices that being proposed in this article, e.g., added the indicators, expanding the score range and criteria, etc. so the integrated reporting in the future will be a very useful tool to assess the company performance and provide the investor, the accountability that they need.

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Good faith principle of contract law for the islamic banking system

Principio de buena fe en el derecho contractual del sistema bancario islámico

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ABSTRACT

The Islamic banking system has attracted the attention of scholars, practitioners, and investors. In the Islamic banking system, the good faith principle may not adequately serve the purpose for which the Islamic banks were set up. This paper is to examine both the present debate and the current practice of the good faith principle of Islamic contract law in banking system. The study uses secondary data procured from published research papers, the Holy Quran, and the Prophetic Sunnah, which embody all tenets of Islamic law. From our findings, the Islamic banking system is more economically efficient.

Keywords: Contract Law, Good Faith Principle, Islamic banking, Quran.

RESUMEN

El sistema bancario islámico ha atraído la atención de académicos, profesionales e inversores. En el sistema bancario islámico, el principio de buena fe puede no cumplir adecuadamente el propósito para el cual se crearon los bancos islámicos. Este documento es para examinar tanto el debate actual como la práctica actual del principio de buena fe del derecho contractual del sistema bancario islámico. El estudio utiliza datos secundarios obtenidos de trabajos de investigación publicados, el Sagrado Corán y la Sunnah profética, que incorporan todos los principios de la ley islámica. Según nuestros hallazgos, el sistema bancario islámico es más eficiente económicamente.

Palabras clave: banca islámica, Corán, Derecho contractual, principio de buena fe.

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1. INTRODUCTION

The formal and informal systems for the financial matters are spotted from the earlier times of Islam. In Prophet's time, there were several sets of rules for financial matters or transactions based on the nature of the business and the contractual situation. *Musharakah* was a partnership-based system that allows equal sharing of profit and loss according to investment. For the needy people, the financial loans were offered without interest and termed as *Qard ala Hasan*. *Zakat*, is the central pillar of Islam, is also implemented in Prophet's life that focused on the collection of money (2.5% of savings) from riches and handed over to the poorest people of the society. It is noteworthy that *Zakat* is a mandatory element of Islam, and Muslims must have to pay *Zakat*. Due to the proper implementation of *Zakat* system in the early Islamic period, the socioeconomic system became as stable that the state was searching for needy people to give them *Zakat*, but not a single person was below the poverty level to meet the criteria for receiving *Zakat*. The goods exchange system was also well developed in Prophet's Era, and due to the stable worth, gold and silver were used for the exchange business. In the very beginning, Islamic states also introduced their coins and establisher the federal treasury house known as *Bait al mal*.

The Islamic banking system involves broader moral and ethical issues than merely interest-free transactions. The Islamic banking system is more economically efficient than conventional banking systems and promotes higher economic justice and equity (Fasih: 2012, pp.97-110). The objective of Sharia is to advance the balance of life and welfare in civil society (Kontot et al.: 2016, pp.167-175). Therefore, the collection of interest by banks in any form is forbidden in Sharia. Modern Islamic banks hence, design products based on profit and loss sharing contracts and avoid the use of interest (Kamla & Alsoufi: 2015, pp.140-154). Islamic banking is an interest-free banking system in which real risks and assets are shared between contractual parties under the system of partnership, lease, joint venture, and sale. Islamic banking cannot enter into some transactions which are haram in Sharia, such as speculation, gambling, and business of alcohol (Fasih: 2012, pp.97-110). Table 1 presents the differences between Islamic banks and conventional banks. Although this study is not focused on the comparison between both systems, the purpose of presenting this table is to highlight the excellent faith principles of the Islamic banking system.

	Islamic financial institutions	Conventional banks
Basic principle	Islamic law	designed a set of rules and law
Banned components	<i>Gharar, riba, and maysir</i>	No such system is applicable
Products	<i>Halal</i> (permissible according to Islam)	No such system is applicable
Zakat	Mandatory (2.5% on annual savings)	No such system is applicable
Risk sharing	Risk-sharing between investor and entrepreneur	Preset interest for the investor
Sharia board	The board has consisted of several Islamic lawmakers and scholars who ensure the operation of the bank as in the light of Islamic basics	Board of directors having experts from the field
Moral & Ethics	Must be according to sound faith principles described by Sharia law	Ethical faith principles set by different civil and contract laws
Default charges	No charges	Additional interest

Table 1. Some major dissimilarities between Islamic financial institutions and conventional financial institutions

This paper is to examine both the present debate on and the current practice of the good faith principle of Islamic contract law in the Islamic banking system

One of the derived principles is the principle of good faith, which in Islamic contract law establishes justice and prohibits any business dealing that contains *riba*, speculation, or high risk (Choi et al.: 2018).

The twin key objectives of this paper explain the fundamental role of Islamic banking service providers in gratifying the good faith principle needs of Islamic contract law. The study attempts to identify the benefits in the good faith principle of Islamic contract law in the Islamic banking system. What we seek in good faith is not merely to know what the good is, but what we are to be and to do in dynamic and complex situations in order to live better, to be just and reasonable.

The rest of this article is organized as follows. The second part of the article presents the literature review, including a general overview of Islamic finance and banking systems, an outline of the size and extent of the Islamic banking system worldwide, and an introduction to the basic principles of the Islamic Banking system. The third part examines the good faith principle in the Islamic banking system, including the concept of the good faith principle, conformity of Islamic banking concerning the good faith principle, good faith in terms of justice in the Islamic banking system, and good faith as estoppels in the Islamic banking system. Finally, the concluded discussion is presented in the fourth part of the article.

For Muslims, Islam is not merely a religion but a complete code covering for the entire field of human existence. It is a complete way of life and worship, a set of beliefs, a vast law and economic system, commercial norm, method of governance, a family and society conduct, and a totality of human and spiritual (Umar Faruq Ahmad & Rafique Ahmad: 2009). Sharia is the body of Islamic law and exists not in codified form but an abstract form of law capable of development, adaptation, and further interpretation. Sharia covers and deals with some specific transactions and cases and sets out governance rules for them. Sharia is derived from two fundamental sources, the Quran and the Sunnah, and further from two more secondary sources, namely *Ijma* and *Qiyas*, which provide interpretation and the development of the Islamic judicial system (Umar Faruq Ahmad & Rafique Ahmad: 2009).

The function of Islamic banking is following Sharia rules, namely *Fiqh al-Muamalat* (transaction rules of Islam), and the key concepts are profit sharing, joint venture, safekeeping, leasing, and cost-plus. The sharing of profits and loss and the prohibition of *riba* are the key Islamic banking principles (Ahmed: 2010). The primary goal of Islamic contract law is the protection of religion, lineage, life, mind, and property (Mohamed Sanusi: 2008). Several studies are available that deal with the operational methodology, crisis management, pros and cons of the Islamic banking system. Followed by the 2009 global financial crises, a major interest was developed in researchers to understand and explore the Islamic financial systems. The research statistics for Islamic financial systems in the year 2014-2016 are highlighted in Table 2.

Type of Paper	Total numbers
Research papers	2,581
Peer-reviewed articles	1,751
Journals publishing research on Islamic finance	728
Affiliations researching the field	830

Table 2. An overview of research on the Islamic financial system in the year 2014-2016.

When conventional banks emerged on the scene, Muslim societies were unable to escape from interest-based transactions. Therefore, Muslims have had the opportunity to form their Islamic banking system

according to the Islamic doctrine (Abdel Karim: 1995). In the year 1963, the first Islamic bank, Islamic Credit Bank, was established in Egypt (Anshori: 2009). Later, the first private Islamic bank named Dubai Islamic Bank was established in 1975 (Clawson: 2006). In the past century, the major upswing towards the development of the Islamic banking system is observed after the Islamic conference of foreign ministers of Islamic countries held in Karachi Pakistan on December 26–28, 1970 (Utama: 2018).

In order to understand the Islamic banking system, it is significant to know law and authority in Islamic thought. The tenets of the Islamic banking system are derived from the legal thought of Islam (Marty Martin et al.: 2011). Hence, the Islamic banking system has been growing speedily without a proper theoretical structure entirely in place. According to a report published in 2018, the total assets of the Islamic finance industry have been exceeded over two trillion US dollars (Islamic Financial Services Board: 2015). No aspect of the Islamic banking system is found in classical sources of Islam.

Nevertheless, practitioners state that the Islamic banking system follows the manner set forth by the Prophet Mohammed (peace be upon him; PBUH) (Marty Martin et al.: 2011). There are three types of account in Islamic banking: current, investment, and saving. The current account is similar in Islamic and conventional banks. An investment account in advance, the investors, agree to share profit and loss according to the ratio agreed. The savings account is operated in Islamic banking, which provides services such as trade-based, rental based, and equity-based. These systems are also formed in the shape of Islamic insurance (*Takaful*) and Islamic bond (*sukuk*) (Fasih: 2012). Islamic banks are required to manage funds with integrity and carefully share revenue for their customers based on Islamic principles. The sharing system of revenue brings benefits for both investor and bank (Wulandari & Subagio: 2015).

Muslim-owned banks were set up in the 1920s and 1930s, but the practice was like conventional banks. In the 1940s and 1950s, small Islamic banks were established in Malaysia and Pakistan, but the first Islamic banks opened in Egypt in the 1960s and Jeddah, Dubai, and Bahrain in the 1970s and 1980s (Umar Faruq Ahmad & Rafique Ahmad: 2009). Currently, Islamic banks are operating in 70 countries (Fasih: 2012). Iran and Sudan have an exclusive Islamic banking system with up to 100% share of Islamic banking in total banking assets. However, other Islamic countries have dual Islamic and conventional banking systems. The share of Islamic banking in total banking assets for different jurisdictions is highlighted in Figure 1. With extraordinary growth, along with Middle East and North Africa, the Islamic banking system is also growing in other parts of the world, i.e., Australia, Canada, Denmark, Bahamas, Cayman Island, Guernsey, Jersey, USA, Ireland, Luxembourg, United Kingdom, Switzerland and the Virgin Islands (San-Jose & Cuesta: 2019). There are numerous Sharia-compliant banking systems offered by UNDP Murabahah at Jabal al-Hoss in Syria, Hodeibah microfinance program in Yemen, Qardhul Hasan by Yayasan Tekun in Malaysia, different systems operated by Bank Islam Bangladesh and Bank Rakyat Indonesia (Rahim Abdul Rahman: 2010).

In 2008 the value of the assets was about 700 billion US\$ and growing at over 15% per annum. Obviously, Islamic banking has transformed itself into a major factor in global finance. The growth rate of the assets of Islamic banks is 111%, as compared to conventional bank assets that are 6% (Abdel Karim: 1995). The rapid increase in the number and size of Islamic banking is a sign of its growing importance. In 2017, the total worth of the Islamic banking system was recorded 2.05 trillion USD constituting 1,557.5, 399.9, 66.7, and 26.1 billion USD for banking assets, *sukuk* outstanding, Islamic funds' assets, and *Takaful*, respectively (Islamic Financial Services Board: 2015). All the sectors of the Islamic financial industry indicated active growth as compared with past years. The growth in Islamic financial assets is expected to reach 3.8 trillion USD in the year 2022 (Reuters: 2017).

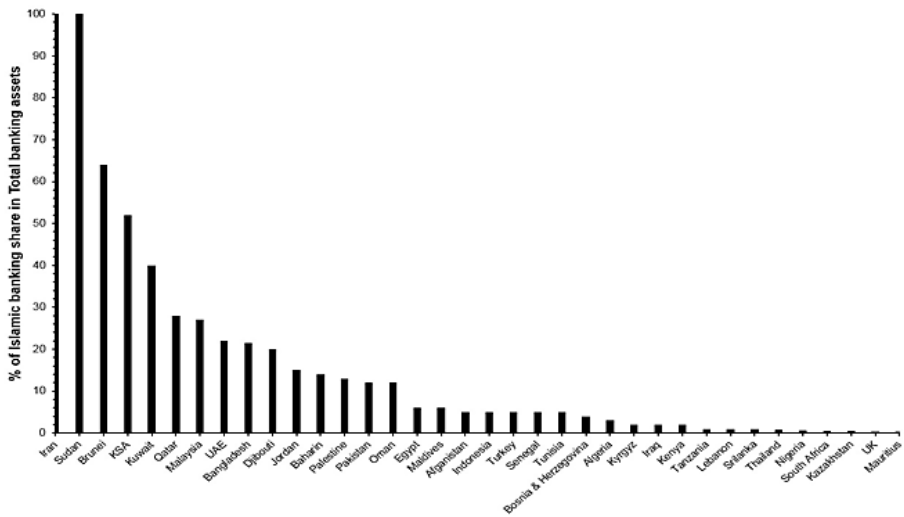


Figure 1. Islamic banking shares in total banking assets by jurisdiction. Data is based on the report published by (Islamic Financial Services Board: 2015).

2. METHODS

The entire Islamic financial system is based on several principles defined by Sharia. According to Sharia, transactions must be fair, transparent, specific, and beneficial to the parties (Dukes: 2011) (Al-Quran 7:85). Hence, the transactions should be made in good faith, and the probability of *gharar* will be evaded. It is worth mentioning that Islam forbids all the transactions related to *maysir*, which involves gambling and other shortcuts means of earning with a high level of uncertainty and suppositions (Dukes: 2011) (Al-Quran 5:90). The financial organization holds the trust because, according to Sharia, the financial organization is the entity that provides the financial services through an agreement with the account holder. Mainly, money is considered as a tool of exchange because its commoditize usage is itself a challenge (Utama: 2018).

There is a noticeable difference between an interest-based financial system and the interest-free financial system. In the interest-based banking system, the interest level is always set in advance. The interest-free banking system is based on some partnership or joint venture that encourages the sharing of profit and the distribution of risk level between the bank and the entrepreneur concerning their particular contribution (Akacem & Gilliam: 2002). Notably, Sharia encourages the profit generated from the productive investment and trade; however, the main concern is of fixed preset interest (in the name of profit) because, in that case, the investor bears an uncertain turnover.

Islamic banking system emphasizes instrumental issues of the prohibition of interest/*riba*, social justice issues, eradication of poverty, and the implementation of *zakat*, while also enhancing the good faith principle. Sharia considers interest as an act of injustice and exploitation, which contradicts the notions of fairness and the good faith principle (Kamla & Alsoufi: 2015).

There are three main reasons for the unlawfulness of *riba*. The first reason is that charging over or above in exchange for one commodity against the other lead to the borrowers' exploitation. Similarly, *riba* helps the concentration of wealth in the hands of a few, which shows that the concern of men for other men is decreased. Second, *riba* makes the creditor lazy and prevents the creditor from being involved in any occupation because the creditor is sure to receive the imposed interest that is easy instead of adopting any occupation. Therefore,

the creditor will not make any effort, which will prevent the progressions of worldly affairs. Finally, *riba* is an end of mutual sympathy, obligations, and good human lines because *riba* practice can lead to borrowing squandering (Rahim Abdul Rahman: 2010). As an alternative to *riba*, the Islamic banking relationship is based on five concepts of *aqad* that are held as an ideal model of financing in Islamic banking including (*al'Wadiah*), the pure deposits principle, (*Syirkah*), the profit-sharing principle, (*at-Tijarah*), the buying and selling principle, (*al-Ijara*), the lease principle, and (*al-Ajr walumullah*), the service and fee principle (Wulandari & Subagio: 2015).

Interest in any form such as real, nominal, fixed, variable, and compound is prohibited in Sharia. However, while some scholars accept the time value of money (Kamla & Alsoufi: 2015), merely in relation to actual transactions (Abdel Karim: 1995), some other Muslim scholars (Abdel Karim: 1995) argue that the time value concept of money is not acceptable in Islam. Sharia supports the actual business partners and does not favor any investment as nominal creditors. The profit and loss are the basis of their efforts, share of capital, and risk they bear. The actual knowledge and its implication must be known to the parties (Khan: 2010). Both conventional and Islamic banking systems can mobilize funds externally.

Nevertheless, Islamic banking can exploit *zakat* and *waqaf* as an external source of finance and can fulfill the basic needs and enhance poor participation. On the other hand, conventional banking systems can take benefits from interest as an external source of finance, which has the desired impact on the poor due to interest rates of up to 30% (Rahim Abdul Rahman: 2010). According to Sharia law, the only permissible loan is termed as *Qardhul hasan*, which means a beautiful loan. In *Qardhul hasan*, the borrower is only accountable to reimburse the principal amount. *Sadaqah* is another term related to the Islamic financial system that might be considered as a happy charity for fulfilling the needs of poor people. Islam forbids *riba* (interest) and appreciates charity (Dukes: 2011) (Al-Quran, 2:276). However, both practices are different in real sense. *Sadaqah* is a pure charity, whereas *qardhul hasan* has to be reimbursed (Rahim Abdul Rahman, 2010).

Siddiq, *Tabligh*, *Amanah*, and *Fathanah* are the four major principles that are the backbone of the Islamic financial system. *Siddiq*, means true, is referred to as the good faith principles, morality and honesty in business deals. *Amanah*, means trustworthy, ensures and maintains the trust level between entrepreneur and the financial institution by involving good faith principles of honesty and prudence in transactions. *Tabligh*, means to convey or teach, is related to the continuous training and up-gradation of public awareness regarding products and services of financial institutions. *Fathanah*, means smartness and wisdom, which is an essential tool for maintaining professional and competitive financial management to minimize risk and enhance rewards (Wulandari & Subagio: 2015).

3. RESULTS

The term good faith is itself a wide-ranging concept that is not limited to contract laws but also deals with property law, family law, inheritance law, and company law and even with governing laws (Mackaay: 2012). The meanings and the practicality of good faith can be illustrated in two different ways. In its objective sagacity, good faith seems a tool to moralize the contractual affiliation. In subjective means, it targets to defend the erroneous belief of one contract body and to provide the consequence to appearance. Besides the objective and subjective understanding of good faith, the operational use of good faith is more influential and interesting than that of its definition. Hence, good faith can be described as an open norm that cannot be limited to a particular function but relies on the situation and the environment in which it should be enforced and established with factuality. Although the earliest introduction of good faith norms is found in Roman contract law, it is firmly influenced by Greeks (Iftime: 2015).

Historically, the development and modifications of good faith principles in contract laws are influenced explicitly by Roman law, medieval law, and the last nineteenth century. The function of the good faith norm in Roman law is often described with an example of a sale contract due to the importance of the seller's

responsibility to notify/disclose the hidden deficiencies of the goods (Mocanu: 2011). Islamic scholars correlated the good faith principles with the fundamental guidelines of contractual law, family law, common law, financial law, and civil law, as described in Sharia. Sharia law conditioned all the contracts or dealings with trust, honesty, forthrightness, justice, and prosperity. In the last few years, a significant number of research papers were published by Islamic scholars on Islamic financial systems with special focus on permissible and prohibited ethical/moral guidelines that were grounded in Sharia law and compliance with the good faith principles in contractual laws (Reuters: 2017).

The major focus of researchers is on the ethical problems in the Islamic banking system. What we search for in the good faith principle in the Islamic banking system not merely to know what the good is, but what we are to be and to do in dynamic and complex situations in order to live better, to be just and good (Gaither & Al-Kandari: 2014). This is an all-inclusive command for Muslims that Allah and His Prophet (PBUH) have provided good faith in their belief, religious practices, and all sorts of economic and commercial dealings. With respect to commercial and economic transactions, the principle applies both to private and corporate entities (Zahid, Shapiee, Mukhtar, & Shah: 2016). The good faith principle in Islamic banking is perhaps at the intersection of idealism and spirituality while maintaining the boundaries of good faith in the tenets of the Islamic Faith and a steady force against the ebbs and tides of the Islamic banking system. Many European nations, as an alternative to conventional banking systems, have adopted applications of Islamic contract law in service of their economies based on a set of good faith principles, values, and ideals (Gaither & Al-Kandari: 2014). Nevertheless, the good faith principle in the Islamic banking system not only protects the interest of the investors but also the bank itself and uncovers misrepresentation, fraud, cheating, exploitation of people due to their ignorance, illegal purpose, and opposition to public order (Mohamed Sanusi: 2008).

Islam is an ethics system that treats the ethos of Islam as an ideal through which policies of socioeconomic dealing with poverty reduction based on four Islamic ethical principles: unity, equilibrium, free will, and responsibility. These ethos' may serve as a good faith principle to assess the Islamic banking system before it can be practiced. Poverty alleviation, the prohibition of interest, justice, and empowering the poor are the main objectives of the Islamic good faith principles which have been applied by the Islamic banking system (Rahim Abdul Rahman: 2010).

A study on financial crises pointed out the risk and moral disasters as the major reason behind the financial crises (Siddiqi: 2008). The only option to evade the crises in financial institutions is rooting the good faiths in the financial system that can ensure the care about investments and mutual understandings to enhance and build the self-interest for the better survival. Sharia law provides these securities by mean of the Islamic banking system. Sharia takes the risk from a different perspective. It does not permit the contracts or transactions based on extreme uncertainty, and it refers it to *gharar kathir*. The risk sharing within the contractual parties is encouraged in the Islamic financial system. It emphasizes the sharing of profit and loss (generated based on wealth) among the involved bodies. In the Islamic financial system, *musharakah* and *mudarabah* are the well-established systems for the management of risk and target amount generation (Siddiqi: 2008). These two systems are finely in agreement with the good faith practices in financial contracts.

Good faith is no more than an ethical principle at present and strictly falls within the beliefs of Muslims. Good faith is an abstract and comprehensive term that encompasses a sincere belief or motive without any malice or the desire to defraud others. The main aim of the foundation of the Islamic banking system is to facilitate Muslims with an Islamic ethical alternative to the conventional banking systems and to prohibit *riba* (interest) in all forms and intentions (Rahim Abdul Rahman: 2010). The Islamic philosophy behind the prohibition of *riba* is that it pushes poor borrowers deeper into financial crises whereas, generating more money for lenders, who are not exposed to any risk related to commercial use of that money (Alqahtani & Mays: 2017). According to Sharia law, the financial deals based on *riba* are unfair, unmerited, and ethically unjustifiable. It is noteworthy that other belief systems like Christianity, Judaism, Buddhism, and Hinduism, are also in fine agreement to consider the interest as an immoral and unethical exercise (Kayed & Hassan:

2011). However, the development of a socioeconomic system based on belief-based good faith ideology is first time appeared in the form of Islamic financial institution.

Ethically, the Islamic banking system is not only responsible to shareholders but also to the whole society (San-Jose & Cuesta: 2019). The Islamic moral force negates those individuals, groups, or institutions' activities or behaviors that exploit society for self-interest. Along with the modern economic system, the Islamic banking system also reveals a moral code of behavior and brings economic affairs in terms of the creation and distribution of wealth (Mohamed Sanusi: 2008; Marty Martin et al.: 2011).

The social commitment to ethical norms is the characteristic of the corporate governance of Islamic banking, based on an Islamic religion's moral framework (Shibani & De Fuentes: 2017). Good faith is mostly related to the equitable treatment standard, which, as flexible and broad as it is, needs the host state to treat investors and their investments equitably and fairly and which significantly implies good faith (Dajic: 2012).

The most important and key feature of the Islamic financial system is socio-economic justice, fairness, and its inflexible obligations towards the comfort of the next generations through caring for society and conserving universal resources. In the Quran, at various places, it was directed to Muslims that they should keep justice in their financial deals and contracts (Dukes: 2011)(Al-Quran, 8:55; 11:85). The rationality of the good faith principles of the Islamic financial system is to apply a banking system based on the accumulation/distribution of wealth in a fair and unbiased way, and hence, the socioeconomic balance should be maintained in society (Kayed & Hassan: 2011). That is a way to achieve socio-economic justice among all the individuals irrespective of their positions. *Ibn Taymiyyah* (d. 1328), a well-known Islamic scholar stated in the same sense: Hence, justice towards everything and everyone is imperative for everyone, and injustice is prohibited to everything and everyone. Injustice is not permissible irrespective of whether it is to a Muslim or a non-Muslim or even to an unjust person.

Anything that departs from mercy to harshness, from justice to oppression, from wisdom to folly and from welfare to misery, has nothing to do with the Islamic banking system (Mohamed Sanusi: 2008). The real objective of the Islamic banking system is to establish justice between investors and banks and to protect all stakeholders against any injustices, which are impossible without the good faith principle. The Islamic banking system monitors business deals and advances broader ethical and social concerns based on justice and truth (Mohamed Sanusi: 2008). For attracting investors and building trust, the Islamic banking system places a high priority on the good faith principle of Islamic contract law (Kontot et al.: 2016). Justice, confidence, and trust, based on the good faith principle are inherent in Islamic banking and cooperation is becoming increasingly important (Dajic: 2012). Besides, profit and loss sharing may lead to more optimal and efficient resource allocation as compared to the interest-based system. This will ensure justice between the Islamic bank and the investor.

Sharia law defines the management system with various observers and monitoring tools based on good faith principles. The Islamic management system is working with the correlation of different parameters, including planning, implementation, organization, leading, monitoring, evaluation, and intentions. These seven elements are mandatory for all management systems that work within Islamic jurisdiction (Ibrahim: 2015). *Hisbah* is an important form of the Islamic management system that refers to the monitoring system that observes individuals, groups of people, business matters, and society. Besides the refrainment of the management system, the main advantage of *Hisbah* is to develop a society based on high ethical and moral values and to abstain from the misdeeds. *Hisbah* is a highly effective mean of good faith practices in Islamic financial systems.

Islamic banking system ensures that there is no arbitrary manipulation of the market, checks honesty and accuracy in business transactions, prevents any business activity that could damage the interests of the community, and regulates the social-economic justice and human well-being (Mohamed Sanusi: 2008). The goal of Islamic banking is to create a fair and balanced society as set by Sharia. Everybody involved in a deal makes informed decisions and is not cheated or misled (Ahmed: 2010). The Islamic financial system highly complies with the principle of equity that provides the environment for the fair distribution of profit and loss to

involved bodies in proportion to their contribution. When the principle of justice does not work perfectly, the uncertainty increases in the system that may result in the destruction and devastation of that system. Hence, the beauty of the Islamic banking system is the well-defined principle of justice that works systematically under good faith principles.

Estoppel is a principle derived from good faith, developed to prevent the injustice to the promise and to link the gap between agreement and tort. Article 7 of the Spanish Civil Code (Justicia: 2013) states:

- 1. Rights must be exercised in accordance with the requirements of good faith.*
- 2. The law does not support the abuse of rights or the antisocial exercise thereof. Any act or omission which, because of the author's intention, its purpose, or the circumstances in which it is performed manifestly exceeds the normal limits to exercise a right, with damage to a third party, shall give rise to the corresponding compensation and to the adoption of judicial or administrative measures preventing persistence in such abuse.*

The exclusion of the right abuse or disruptive activity thereof is a pure normative significance of good faith as a general code of law.

The dogma of estoppel is a significant norm of good faith as a general principle of law. The doctrine of estoppel, principally grounded in jurisprudence (based on good faith), comprises a limit on particular rights. It does not quench the right, but somewhat only bounds its application. It is a statute of contract law relatively dealing with current facts rather than with future evidence. This doctrine is applicable to promises, which leads to consent and consideration of the two basic principles of contract law. A party cannot run away from the negotiation of contract after inducing the counterparty to rely on the hope that an agreement would be accomplished (Hassan: 1980).

The early source of Islamic contract law is evident through the Quranic revelation of the verses: O ye who believe! Fulfill (all) obligations (Holy Quran, 5:1) Fulfill the covenant of Allah when you have entered into it and break not your oaths after you have confirmed them (Holy Quran, 16:91).

In Islamic banking, the concept of good faith is broader than bona fides that contain the contents of estoppels, negligence, or the abuse of right, governing the performance and creation of legal obligations, whatsoever their source is, called the good faith principle. Islamic banking has confirmed the significance of estoppels and treats investments equitably and fairly. If estoppels are pursued as the basis of substantive obligation, trust is mostly placed on the consistency principle to be found in the equitable and fair treatment standard. Estoppels, in the Islamic banking system, can work either as a basis of a claim or a defense. The good faith breach in Islamic banking is associated with the illegal acquisition of the investment, so the claim of fraudulent behavior and corruptive practices, if proven proper, will deny the safety and thereby the jurisdiction of the investment court. In the Islamic banking system, estoppels can be viewed as rule of evidence that operates so as to prohibit a party from denying before a court the truth of a statement of fact made previously by that party to another whereby that other has operated to his damage or the party making the declaration has secured some benefit (Dajic: 2012).

4. CONCLUSION

Islamic banking has generated a lot of attention from academics and practitioners. Islamic banking is a feasible option to replace completely the conventional systems that have shown a certain degree of resilience in the global crisis recently. As the Islamic financial system is associated with the real economy, the uncertainty level becomes lower as compared with the conventional banking system. Besides the acceptance level of Islamic banking systems in the Muslim population that is eager to comply with their faith, this system is also welcomed by non-Muslims. The financial reports for the last couple of years indicated the promising growth of

the Islamic banking system in global financial institutions (Islamic Financial Services Board: 2015; Reuters: 2017). Considering the growth and development of the Islamic banking system in global financial systems, on the expected growth rate of 9.5% per annum, total assets of the Islamic financial system are expected 3.8 trillion USD by 2022 (Reuters: 2017).

The silent feature of the current banking law is that it expresses the nature/parts of banking businesses and products too. The law not only states the transactions that financial institutes may undertake but also classifies those they are not allowed to involve in. For example, a classical banking law might specify that financial institutes cannot involve in commodity trade or embrace possessions other than those it utilizes. The incorporation of Sharia-based contract laws is a significant requirement for the development of Islamic banking law. As products of Islamic financial institutes include interactions with real products and services, the particular law has to offer for these organizations to carry out transactions, leasing, and investment practices (Islamic Financial Services Board: 2015). Conceptually, there is a major difference between a conventional bank and an Islamic bank, and hence, it is almost impossible to practice Islamic banking under the law provided for the conventional banking system.

The key difference between the two systems is risk-sharing. Islamic banking system shares the risk between investor and bank while in conventional banking systems; the whole risk is borne in principle by the bank. With the recent rising demand for the good faith principle in banking systems, many countries have launched various modified versions of the Islamic banking system. Both conventional and Islamic banking systems can mobilize funds externally. Nevertheless, Islamic banking can exploit *zakat* and *waqaf* as an external source of finance and can fulfill the basic needs and enhance poor participation. On the other hand, conventional banking systems can take benefits from interest as an external source of finance, which has the desired impact on the poor due to interest rates of up to 30%.

The good faith principle in the Islamic banking system not only protects the interest of the investors but also the bank itself. Further, it is not only responsible to shareholders but also to the whole society. It uncovers misrepresentation, fraud, cheating, and exploitation of people due to their ignorance, illegal purpose, and opposition to public order. Good faith in the Islamic banking system supports the actual business partners and does not favor any specific party.

Islam is based on four ethical principles: unity, equilibrium, free will, and responsibility. These ethos'es may serve as a good faith principle to assess the Islamic banking system before it can be practiced. The good faith principle in Islamic banking is based on the prohibition of interest and leverage and speculative financial activities in transaction 'which are one of the root causes of financial crises' and encourages business activities that make a legitimate and fair profit. In Islamic banking, there is always a close connection between financial flow and productivity, which needs a high level of transparency and disclosure and checks and balances.

Some issues need to be addressed by Islamic scholars in terms of the good faith principle in the Islamic banking system. First, as the ratio of the Muslim population to the overall population increases, the demand for Islamic banking also increases. Islamic banking is still in its early years and comprises a very small portion of international finance. Second, Islamic banking has a long way to go. The danger lies in the reality that due to its nature and the Islamic good faith principle, the Islamic banking system has been growing speedily without a proper theoretical structure completely in place. Whereas the conventional banking system has synchronized with controlling rules and regulations in terms of operational standards, there are no harmonized and approved standards so far for Islamic financial institutes (Muhammad et al.: 2019). There is a huge difference between the capital structures of both backing systems. It is important to understand this challenge and to develop a centralized banking law based on good faith principles of Sharia, and to exercise to the same extent throughout the Islamic financial institutes or banks. Third, in the dispute resolution stage of contract in the Islamic banking system, in most cases, the judges do not have the essential expertise. It is argued that since Islamic banking disputes are *sui generis*, the judges' panel must be composed of experts in the field of the good faith principle of Islamic contract law. Fourth, for future research, we recommend studies on the level of understanding of the good faith principle of the Islamic banking system of both Muslim and non-Muslim

board of directors. This level of understanding might be low, so that religion has no impact on bank performance. However, the possibility of both Muslims and non-Muslims members being similarly proficient cannot be ruled out. Fifth, this study is based on published research articles and does not comprise of empirical investigation. Therefore, this study is limited in scope because it is not a comparative study of the Islamic banking system with conventional banking systems or other religious ideologies, doctrines, and systems, which need to be addressed.

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The level of fraud detection affected by auditor competency using digital forensic support

El nivel de detección de fraude afectado por la competencia del auditor utilizando el soporte forense digital

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ABSTRACT

The authority of the BPK RI is to perform the Audit of Financial Statements. An investigation audit is conducted to reveal strong indications of fraud that have resulted in state losses and/or criminal elements. Given the increasing use of digital equipment to conceal the fraud, digital forensic support in detecting fraud is increasingly needed at this time. This study is based on the phenomenon of investigation audit quality, which is still not following the expectations of the stakeholders. This study aims to analyze how the competence of auditors and digital forensic support can increase the detection of fraud.

Keywords: Analyze, Audit of Financial Statements, BPK RI, Fraud.

RESUMEN

La autoridad de BPK RI es realizar la Auditoría de Estados Financieros. Se realiza una auditoría de investigación para revelar fuertes indicios de fraude que han resultado en pérdidas estatales y / o elementos criminales. Dado el uso cada vez mayor de equipos digitales para ocultar el fraude, en este momento se necesita cada vez más apoyo forense digital para detectar el fraude. Este estudio se basa en el fenómeno de la calidad de la auditoría de investigación, que todavía no sigue las expectativas de los interesados. Este estudio tiene como objetivo analizar cómo la competencia de los auditores y el soporte forense digital puede aumentar la detección de fraude.

Palabras clave: Análisis, Auditoría de Estados Financieros, BPK RI

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1. INTRODUCTION

The Supreme Audit Board of the Republic of Indonesia, from now on, referred to as BPK, has the task of performing checks on management and responsibilities regarding state finances as mandated in Law No. 15 of 2004. The mandate of the law is sufficient to explain that BPK has burdensome duties and responsibilities to implement his constitutional duty as an institution authorized to audit the management and responsibility of state finances. The authority of BPK is to perform an Audit of Financial Reports, Performance Audits, and Audits with Specific Objectives, including to perform an Investigation Audit. An auditor can conduct an investigation audit to reveal indications of state/regional losses and/or criminal elements. An investigation audit is conducted to reveal strong indications of fraud, which results in losses suffered by the parties involved in the form of an institution or individual. The results of an investigative audit can be used to disclose a case in court.

If the audit results can find indications of state losses and/or criminal elements, BPK immediately reports the matter to the competent authority following the provisions of the legislation (Law No. 15 of 2014). The report is used as the basis for Law Enforcement Officials to perform inquiry or investigation. An investigative audit is reactive, i.e., an audit conducted after the discovery of an initial indication of a deviation. Thus, an investigative audit can originate from the results of a financial report, performance, or audit with specific objectives performed by BPK, where the audit has been able to reveal indications or allegations of irregularities that contain elements of fraud in state financial governance. Besides, BPK can also conduct an investigative audit at the request of other authorized institutions such as the Corruption Eradication Commission, Police, Judiciary, and the House of People's Representatives.

Based on BPK's Summary of Audit Results of Semester II of 2017 up to December 31, 2017, BPK has completed and issued 16 Audit Reports (AR) investigation with an indication of state/territorial losses amounting to IDR 5.18 trillion with details in Table 1. The proportion of investigation audit results based on the BPK initiative and the requests of other authorized institutions are presented in Figure 1.

Table 1. Investigation Audit Results as of December 31, 2017			
N o.	Request	Quantity	Indication of Loss (IDR Million)
1	BPK's Initiative	3	66,708.67
2	Police	6	269,299.59
3	Judiciary	1	2,970.10
4	Corruption Eradication Commission	3	305,487.23
5	The House of People's Representative	3	4,544,792.00
Total		16	5,189,257.59

Source: The BPK's IHPS Semester II, 2017

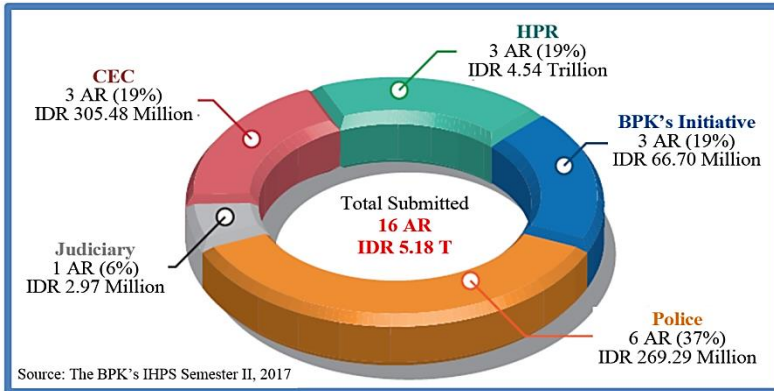


Figure 1. The Proportion of Investigation Audit Results as of December 31, 2017

Disclosure of fraud on the management and accountability of state finances has been proven to be performed by BPK through investigation audits. However, in the implementation of the quality of investigation audit is still often a debate in the eyes of the public or other stakeholders. This is presumably because of the quality of the investigation audit is still not following the expectations of the stakeholders. Various reasons for the low quality of investigation audits include auditor competency that is still low. Investigation audits have not been supported by digital forensic equipment to detect fraud quickly and accurately so that the impact on the quality of investigation audits becomes a phenomenon in the community and stakeholders, as explained below.

Misbakhun (2011), questioning the competency of BPK auditors regarding BPK forensic audit, was considered by many as a failure. However, failure is considered a natural thing. Because BPK employs auditors who are not competent in their fields, BPK auditor's competency continues to be questioned. The same thing was also conveyed by the Regent of Rembang Regency, Salim (2010), that BPK was not based on prior confirmation to the Rembang Regent to find out the truth of the actual data. The phenomenon related to auditor competency is also a concern of stakeholders, as stated by the House of People's Representatives member Supratikno (2011), that the competencies and specifications of the auditors requested are certified, people. Otherwise, it will float later. The findings that are cursory are the same as the previous findings. Forensics is for the benefit of the court. The same thing was conveyed by the President of the Netherlands Court of Audit, Stuiveling (2009), Algemene Rekenkamer (ARK) requested that the BPK of Republic of Indonesia increase the ability of its audit investigations to reduce the potential for corruption in the management of state finances.

Auditor competence is one of the factors that affected the level of fraud detection. Akbar et al. (2016) stated that an auditor to support audit performance must have a competency that can be obtained and improved through two factors, namely experience and education. According to Rai (2008), auditor competency is a qualification needed by auditors to perform audits correctly. To obtain these competencies, education, and training for auditors is needed, known as continuing professional education. There are several components of auditor competence, namely, personal quality, general knowledge, and special skills.

Meanwhile, the level of detecting fraud is also an integral part of the competence of auditors. According to Boritz et al. (2008), the auditor's ability to make accurate assessments of fraud risk is essential in audit assignments. This shows a close relationship between the competencies possessed by an auditor and the level of ability to detect fraud that occurs in an audit assignment.

Sukmadilaga et al. (2015) stated that financial statements could present quality in government financial management, but the disclosure level of Indonesia's government financial statements is still low. For this

reason, a forensic audit is needed to see whether the quality of government financial statements is truly transparent and accountable.

Supriadi et al. (2019) stated the success of the e-audit system implementation affected by auditor competency. Digital forensic support is one of the implementations of the e-audit systems at BPK. Nowadays, digital forensic support in detecting fraud is increasingly needed, given the increasing use of digital equipment to hide the fraud. Digital forensics is one of the factors that can affect the level of fraud detection. This is consistent with the opinion of Pearson & Singleton (2008) that the application of digital forensic techniques can support protecting, detecting, and mitigating fraud or fraud in a more creative way besides accounting science skills.

Fraud is all the methods designed by someone or a group of people who are used to benefit others in dishonest ways. Wells (2013), stated that these methods result in losses to others. Meanwhile, the ability to detect fraud, according to Bolton & Hand (2002), states that the level of fraud detection is any attempt to identify fraudulent transactions carried out as soon as possible after a fraud has occurred.

Based on the phenomena that occur in the community of interests, the gap theory, and arguments explained in the research background. The research problems are formulated as follows:

1. How much effect does auditor competency have on the level of fraud detection?
2. How much effect does digital forensic support have on the level of fraud detection?

In research, of course, there must be a theory that is used as the basis for applying the concepts of variables and indicators. In this section, each review will be explained for the three research variables, namely: Auditor Competency, Digital Forensic Support, and The Level of Fraud Detection.

1) Auditor Competency Variable

Auditor Competency is the ability to demonstrate the knowledge, expertise and skills of each individual that is performed continuously to achieve the audit objectives (Lee & Stone: 1995; Dubois et al.: 2004; Ulrich et al.: 2006; Ulrich et al.: 2007; Pflugrath et al.: 2007; Armstrong & Taylor: 2014).

Based on the opinions of several experts and previous researchers (Han et al.: 2006; Abdolmohammadi et al.: 2012; Armstrong & Taylor: 2014; Nurhayati & Mulyani: 2015; Garavan et al.: 2016), the Auditor Competency can be measured through the individual's ability to understand the audit entity's processes and capabilities, special expertise, and develop knowledge. Thus the measurement of auditor competency variable uses several dimensions and indicators, namely: 1) Knowledge of Business Process Entities (entity operational processes, entity management processes, entity support processes); 2) Special Skills (investigative auditor certification and digital forensic expertise); and 3) Ability (renewal of ability independently and being able to learn problems quickly).

2) Digital Forensic Support Variable

Digital forensic support is defined as a method that is scientifically proven and proven against the protection, collection, validation, identification, analysis, interpretation, documentation, and presentation of digital evidence originating from digital sources with the aim of reconstructing criminal offenses that can be used as evidence in the court (Reith et al.: 2002; Carrier & Spafford: 2004; leong: 2006).

Based on the opinions of several experts and previous researchers (Reith et al.: 2002; Peterson & Shenoi: 2011; Agarwal et al.: 2011), the digital forensic support can be measured through matters relating to the acquisition, testing, analysis and presentation of electronic evidence of all digital equipment including evidence stored in computer equipment, digital audio, cellular telephone, facsimile machine digital, and others. Thus the measurement of digital forensic support variable uses several dimensions and indicators, namely: 1) Digital Evidence Acquisition (digital evidence search, digital evidence recognition, digital evidence collection, and documentation); 2) Testing of Digital Evidence (real digital evidence, digital data filtering; digital data

validation); 3) Analysis and Presentation of Digital Evidence (analyzing hidden data, determining the significance of digital data obtained, and reconstructing digital data obtained).

3) The Level of Fraud Detection Variable

The level of fraud detection is the ability to detect fraud as quickly as possible the fraud occurs that is done by a person or group of people (Bolton & Hand: 2002; Kou et al.: 2004; Aral et al.: 2013).

Based on the opinions of several experts and previous researchers (O'gara: 2004; Tickner: 2010; Subramanian: 2014), then fraud can be categorized as a form of corruption, fraudulent financial reporting, and fraud committed by internal management. Fraud can also occur due to fulfilling one's lifestyle needs, individual behavior in the work environment, and the pattern of performance of the business and financial data of the organization. Thus the measurement of the level of fraud detection variable uses several dimensions and indicators, namely: 1) Investigative Audit Procedure (collecting and tracing audit evidence; examining and analyzing with digital forensics; 2) Detection of Fraud Indications (detecting indications of fraud in management/employees and detecting fraudulent financial reporting); 3) Other Detection Information (digging information based on Whistleblowing Systems and Surveillance).

2. METHODS

According to Sekaran & Bougie (2013), the hypothesis is a logically conjectured relationship between two or more variables expressed in the form of a testable statement. In accordance with the above understanding, the hypothesis is a logically suspected relationship between two or more variables in the formulation of propositions that can be tested empirically.

1) Hypothesis 1: The Effect of Auditor Competency on the Level of Fraud Detection

According to Boritz et al. (2008), the ability of an auditor to make an accurate assessment of management fraud risk is crucial to the initial assessment of risk in an audit engagement. Then Burnaby et al. (2011) stated that sufficient knowledge to evaluate the risk of fraud and the manner in which it is managed by the organization. Furthermore, and Dickins & Reisch (2012), stated that consideration of fraud in a Financial Statement Audit requires auditors to increase their professional skepticism, and risk assessment standards have helped auditors more closely link the risk of material misstatement to specific audit procedures.

From the explanations and opinions of several previous researchers, it can be concluded that auditor competency is one of the factors that affected the level of fraud detection (Boritz et al.: 2008; Burnaby et al.: 2011; Dickins & Reisch: 2012).

2) Hypothesis 2: The Effect of Digital Forensic Support on the Level of Fraud Detection

According to Mohay (2005), be it for the purposes of law enforcement, national infrastructure protection, fraud detection or internal regulatory procedures, it is clear that progress in digital forensics at the coal face depends upon the development of computer forensic tools. Then Pearson & Singleton (2008), stated that the audit practitioner world has become aware of the need and usefulness of using IT in audits, especially for the purpose of fraud detection. Furthermore, Casey (2011), states that forensic computer auditor must continually update their skills effectively to support investigators, attorneys, and corporate security professionals in digital investigations.

From the explanations and opinions of several previous researchers, it can be concluded that digital forensic support positively affects the level of fraud detection, which will result in the quality of the investigation audit (Mohay: 2005; Pearson & Singleton: 2008; Casey: 2011).

The object in this study is the effect of auditor competency and digital forensic support on the level of fraud detection. This study uses descriptive and causal-explanatory methods by testing hypotheses. Based on the research time horizon, included in the category of cross-sectional studies, namely research performed over a period of time, data is collected only once, perhaps in a period of several days or weeks or months, to answer research questions (Sekaran & Bougie: 2013). The data used are primary data collected through

instruments (questionnaires) and secondary data obtained from the journal or previous research reports that are used as theories, concepts used to build models of thinking frameworks, and research hypotheses and deepen analysis in explaining the conclusions of the research results.

The unit of analysis in this study is BPK, while the observation unit is BPK's representative office and head office with the auditor as the target population. The sample frame is an auditor who has experience conducting investigative audits, both those who have certification of Certified Fraud Auditor/Certified Forensic Auditor (CFrA/CFrA) and those who have not. Thus, the sample size set in this study was 150 auditors, consisting of 60 respondents from the Representative Office and 90 respondents from the Head Office.

This study can be regarded as survey research because the measurement process used to collect information using a questionnaire with Likert scale. The questionnaire was distributed by visiting the respondent directly and via e-mail. In this study, descriptive statistics were used by compiling a frequency distribution table to determine the level of value (average score) of the research variable. The categorization of the respondent's answer scores is arranged based on the maximum score range and the minimum score divided by the number of desired categories. The guidelines for categorizing the research variable scores are presented in Table 2.

Average Index	1.00 – 1.80	1.81 – 2.60	2.61 – 3.40	3.41 – 4.20	4.21 – 5.00
Category	Not Good	Not Fair	Fair	Good	Very Good

Table 2. The Guidelines For Categorizing The Research Variable Scores

This study uses quantitative methods with probability statistics which are statistical techniques used to analyze sample data, and the results will be applied to the population through testing the significance level of sample data on population parameters through the t-statistics on the confidence interval of 95% and the risk of error at $\alpha = 5\%$.

The research hypothesis will be tested using the Structural Equation Modeling (SEM) method approach with the help of Lisrel statistical software. In this study, the construct or latent variable cannot be measured directly using observed variables or indicators. So that it must be lowered first in the form of dimensions, then can it be reflected through the indicators according to the theory used. Indicators used to measure latent variables must be tested for the validity and reliability of the instrument. The test uses the concept of Confirmatory Factor Analysis (CFA). According to Wijanto (2015), a variable is said to have good validity for constructs or latent variables if the value of the t-factor is higher than the critical value ($t_{value} \geq 1.96$) and the standard factor loading ≥ 0.70 . Meanwhile, Hair et al. (2014) stated that the value of factor loading ≥ 0.50 is very significant, and the indicator can be declared valid.

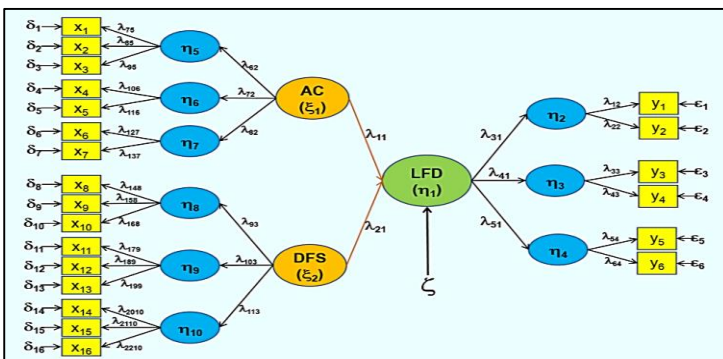


Figure 2. Flowchart Research Model

In SEM reliability testing uses a composite reliability measure and variant extracted measure. A construct that has good reliability is if the value of Construct Reliability (CR) ≥ 0.70 and the value of Variance Extracted (VE) ≥ 0.50 . Next is the preparation of a flowchart, which aims to examine the effect of independent variables (exogenous) on the dependent variables (endogenous), as shown in Figure 2. Based on Figure 2, then the structural model in this study are formulated mathematically, as follows:

$$\eta_1 = \gamma_{11} \xi_1 + \gamma_{21} \xi_2 + \zeta$$

Description: ξ_1 = auditor competency variable; ξ_2 = digital forensic support variable; η_1 = the level of fraud detection variable; γ = path coefficient between exogenous latent variables; and ζ = measurement error of endogenous latent variables

The stages of data analysis in this study were developed using the concept of SEM. Furthermore, only the over-identified model that meets the requirements for analysis is based on the following degree of freedom formula requirements:

$$df = \frac{1}{2} (p+q)(p+q+1) - t > 0$$

Description: p = number of observed exogenous variables; q = number of endogenous observed variables; and t = number of parameters to be estimated

The model in this study has a value of p = 16, q = 6, t = 56, with a value of $df = \frac{1}{2} (16+6) (16+6+1) - 56 = \frac{1}{2} (22)(23) - 56 = 253 - 56 = 197 > 0$, then this research model is identified to over-identified so that it can be continued into the parameter estimation stage. The author chose to use the Maximum Likelihood (ML) method to estimate the parameters of this research model. The next step is to evaluate the Goodness of Fit (GoF) between the data and the research model. After the model is fitted with the data, the hypotheses built into the research model can be tested.

3. RESULTS

1. Descriptive Statistics Analysis

Based on the answers of 150 respondents, the descriptive statistical analysis provided data on average scores and categorization of answers for each variable, as presented in Table 3. The variables have a total score and average categorized as "good and very good". For the average score of the research, the variable is 4.24, so that in general, all research variables included in the category of very good.

No.	Variable	Σ Score	Mean	Categorization
1	Auditor Competency (AC)	4,503.50	4.29	Very Good
2	Digital Forensic Support (DFS)	5,835.00	4.32	Very Good
3	The Level of Fraud Detection (LFD)	3,711.00	4.12	Good
Total		14,049.50	4.24	Very Good

Source: Data Processing Results (2019)
 Table 3. Analysis of Research Variabel Scores

2. Confirmatory Factor Analysis (CFA)

Suitability of the measurement model was tested using confirmatory factor analysis to find out the unidimensional of the indicators that explained a factor or variable formed. The following are described confirmatory factor analysis in each research variable.

3. Auditor Competency (AC) Variable

This exogenous variable is measured by 3 dimensions consisting of 7 indicators. The results of CFA testing with the second-order model for AC Variable are shown in Figure 3. Based on Figure 3, there is one indicator that has not to factor loading > 0.5, which is X3, so that it must be reduced from the model. Furthermore, the results of re-specification in Figure 4 show that all indicators already have factor loading > 0.5 so that it can be concluded that each indicator is valid as a measure of AC Variable. In addition, P-value = 0.14727 > 0.05 and RMSEA value = 0.060 < 0.08. To detail, the value of factor loading can be seen in Table 4.

Based on Table 4, the results of the first-order test on the dimensions of KBPE, SS, and Abi, all the indicators have factor loading > 0.5 so that all indicators are valid in measuring each dimension. For the CR value, there are still close to 0.7 and all values of VE > 0.5 so that it is reliable. This shows that the indicators have consistency in measuring each dimension.

In the results of the second-order test on AC Variable, all dimensions have factor loading > 0.5 so that all dimensions are valid in measuring AC Variable. Thus, the factor loading of SS Dimension has the highest value, making it the strongest in reflecting AC Variable while the Abi Dimension has the lowest value so that the dimension is the weakest in reflecting AC Variable. For the value of CR is 0.928 > 0.7 and the value of VE is 0.812 > 0.5 so it is reliable. This shows that the three dimensions have consistency in measuring AC Variable.

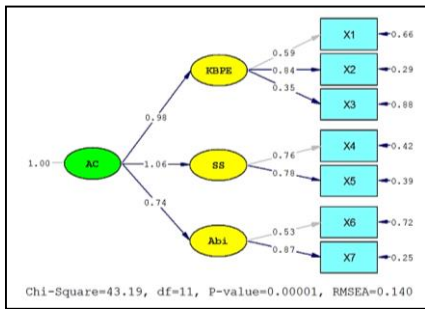


Figure 3. CFA Test of AC Variable (Standardized)

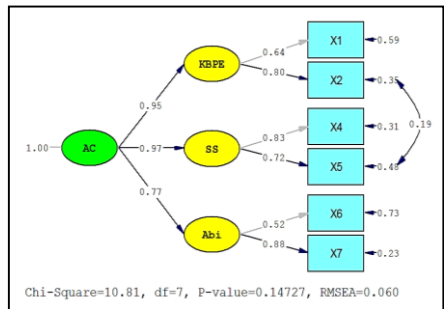


Figure 4. CFA Test of Re-specification of AC Variable (Standardized)

Latent Variable	Indicator	λ	λ^2	ϵ	CR	VE	Information
<i>First Order</i>							
KBPE	X1	0.64	0.41	0.59	0.69	0.52	Reliable
	X2	0.80	0.64	0.36			
SS	X4	0.83	0.69	0.31	0.75	0.60	Reliable
	X5	0.72	0.52	0.48			
Abi	X6	0.52	0.27	0.73	0.67	0.52	Reliable
	X7	0.88	0.77	0.23			
<i>Second Order</i>							
AC	KBPE	0.95	0.90	0.10	0.93	0.81	Reliable
	SS	0.97	0.94	0.06			
	Abi	0.77	0.59	0.41			

Source: Data Processing Results (2019)

Table 4. Validity and Reliability Test Results of Re-specification of AC Variable

4. Digital Forensic Support (DFS) Variable

This exogenous variable is measured by 3 dimensions consisting of 9 indicators. The results of CFA testing with the second-order model for DFS Variable are shown in Figure 5. Based on Figure 5, there is an indicator that has a value of factor loading above 1, namely TDE Dimension. Furthermore, the results of re-specifications in Figure 6 show that all indicators already have factor loading > 0.5, so it can be concluded that each indicator is valid to be a DFS Variable measuring instrument. In addition, the P-value = 0.09560 > 0.05 and the value of RMSEA = 0.051 < 0.08. For details of the value of dilihat can be seen in Table 5.

Based on Table 5, the results of the first-order test on the dimensions of DEA, TDE, and APDE all the indicators have factor loading > 0.5 so that all indicators are valid in measuring each dimension. For all values of CR > 0.7 and VE > 0.5 so that it is reliable. This shows that the indicators have consistency in measuring each dimension.

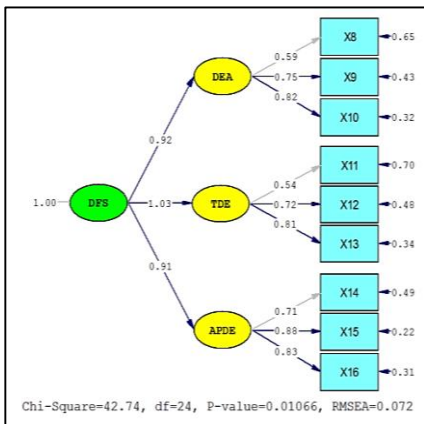


Figure 5. CFA Test of DFS Variable (Standardized)

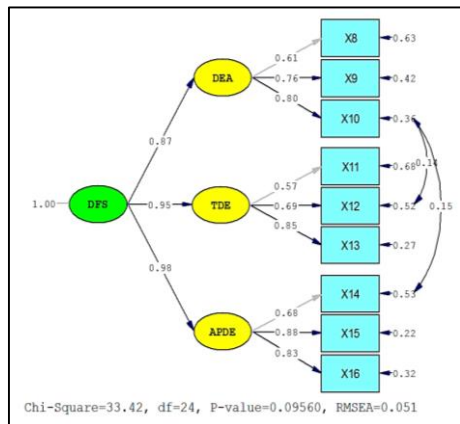


Figure 6. CFA Test of Re-specifications of DFS Variable (Standardized)

Latent Variable	Indicator	λ	λ^2	ε	CR	VE	Information
<i>First Order</i>							
DEA	X8	0.61	0.37	0.63	0.77	0.53	Reliable
	X9	0.76	0.58	0.42			
	X10	0.80	0.64	0.36			
TDE	X11	0.57	0.32	0.68	0.75	0.51	Reliable
	X12	0.69	0.48	0.52			
	X13	0.85	0.72	0.28			
APDE	X14	0.68	0.46	0.54	0.84	0.64	Reliable
	X15	0.88	0.77	0.23			
	X16	0.83	0.69	0.31			
<i>Second Order</i>							
DFS	DEA	0.87	0.76	0.24	0.95	0.87	Reliable
	TDE	0.95	0.90	0.10			
	APDE	0.98	0.96	0.04			

Source: Data Processing Results (2019)

Table 5. Validity and Reliability Test Results of Re-specification of DFS Variable

In the results of the second-order test on DFS Variable, all dimensions have factor loading > 0.5 so that all dimensions are valid in measuring DFS Variable. Thus, the factor loading of APDE Dimension has the highest value, making it the strongest in reflecting DFS Variable while the DEA Dimension has the lowest value so that the dimension is the weakest in reflecting DFS Variable. Thus, the value of CR is $0.95 > 0.7$ and the value of VE is $0.87 > 0.5$ so it is reliable. This shows that three dimensions have consistency in measuring DFS Variable.

5. The Level of Fraud Detection (LFD) Variable

This endogenous variable is measured by 3 dimensions consisting of 6 indicators. The results of CFA testing with the second-order model for LFD Variable are shown in Figure 7. Based on Figure 7, there are indicators that have a value of factor loading above 1, namely IAP Dimension and DFI Dimension. Furthermore, the results of re-specification in Figure 8 show that all indicators already have factor loading > 0.5 so it can be concluded that each indicator is valid as a measure of LFD Variable. In addition, P-value = $0.15872 > 0.05$ and RMSEA value = $0.057 < 0.08$. To detail the value of factor loading can be seen in Table 6.

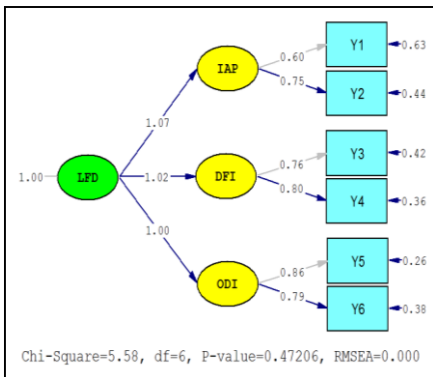


Figure 7. CFA Test of LFD Variable (Standardized)

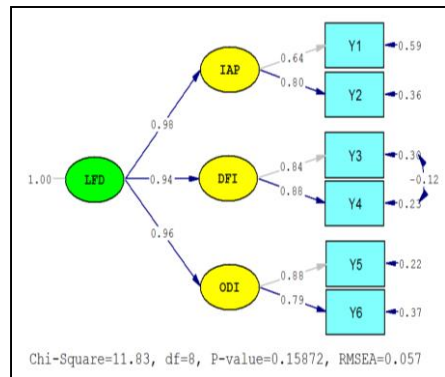


Figure 8. CFA Test of Re-specification of LFD Variable (Standardized)

Based on Table 6, the results of the first-order test on the dimensions of IAP, DFI, and ODI all the indicators have factor loading > 0.5 so that all indicators are valid in measuring each dimension. For the CR value, there are still close to 0.7 and all values of VE > 0.5 so that it is reliable. This shows that the indicators have consistency in measuring each dimension.

In the results of the second-order test on LFD Variable, all dimensions have factor loading > 0.5 so that all dimensions are valid in measuring LFD Variable. Thus, the factor loading of IAP Dimension has the highest value, making it the strongest in reflecting LFD Variable while the DFI Dimension has the lowest value so that the dimension is the weakest in reflecting LFD Variable. Thus, the value of CR is $0.92 > 0.7$ and the value of VE is $0.92 > 0.5$ so it is reliable. This shows that three dimensions have consistency in measuring LFD Variable.

Latent Variable	Indicator	λ	λ^2	ε	CR	VE	Information
<i>First Order</i>							
IAP	Y1	0.64	0.41	0.59	0.67	0.53	Reliable
	Y2	0.80	0.64	0.36			
DFI	Y3	0.84	0.71	0.29	0.85	0.74	Reliable
	Y4	0.88	0.77	0.23			
ODI	Y5	0.88	0.77	0.23	0.82	0.70	Reliable
	Y6	0.79	0.62	0.38			
<i>Second Order</i>							
LFD	IAP	0.98	0.96	0.04	0.97	0.92	Reliable
	DFI	0.94	0.88	0.12			
	ODI	0.96	0.92	0.08			

Source: Data Processing Results (2019)

Table 6. Validity and Reliability Test Results of Re-specification of LFD Variable

6. Test Result of Full Structural Model

In this section, the evaluation results of the fit model and parameter values are estimated from the structural equation model. The empirical model generated from the theoretical model in this study requires full model testing. After confirmatory factor analysis for each latent variable, then carried out the full structural model estimation as shown in Figure 9.

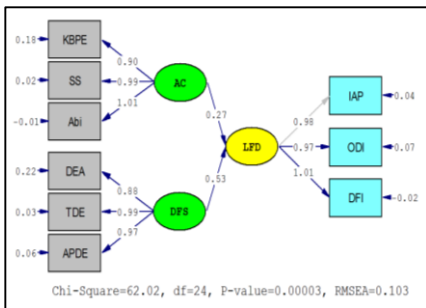


Figure 9. Full Structural Model (Standardized)

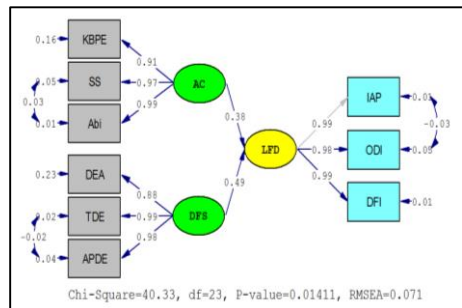


Figure 10. Re-specifications of Full Structural Model (Standardized)

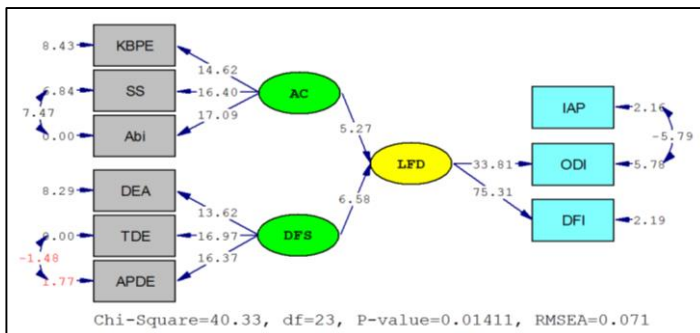


Figure 11. Re-specifications of Full Structural Model (T-values)

Based on Figure 9 there are still indicators that have a value of factor loading above 1, namely Dimensions of Abi and ODI. For this reason, it is necessary to re-specification the Full Structural Model, as shown in Figure 10. Furthermore, the results of the Lisrel based on the re-specifications of the Full Structural Model produce the structural equations are mathematical:

$$\text{LFD} = 0.38 \text{ AC} + 0.49 \text{ DFS} + 0.37$$

Furthermore, to test the full model of SEM is done with 2 types of conformity model testing and model hypothesis testing. Full SEM testing models are used to see the fairness of the model or suitability model. Evaluation of good suitability of structural equation models by comparing the values of recommended fit indices as presented in Table 7.

No.	Goodness of Fit	Target Value	Value	Description
1	Chi-square (P-value)	expected small (≥ 0.05)	40.33 (0.01411)	Small (Not Fit)
2	RMSEA	≤ 0.08	0.071	Fit
3	NFI	≥ 0.90	0.99	Fit
4	NNFI	≥ 0.90	0.99	Fit
5	CFI	≥ 0.90	0.99	Fit
6	IFI	≥ 0.90	0.99	Fit
7	RFI	≥ 0.90	0.98	Fit
8	SRMR	≤ 0.05	0.014	Fit
9	GFI	≥ 0.90	0.94	Fit
10	AGFI	≥ 0.90	0.89	Marginal Fit

Source: Data Processing Results (2019)

Table 7. Evaluation of Indexes Fit of Re-specifications Full Structural Model

Based on Table 7, it can be seen the results of testing the suitability of the overall model almost all GoF indexes have met the fit criteria except P-value so that can be continued at the next analysis stage to test the research hypotheses while the summary of the results of the structural model estimation of the relationship between latent variables through the path coefficient test is presented in Table 8 as the Lisrel results shown in Figure 11.

Relationship	Path Coefficient	T-value	R-square (Simultan)
AC → LFD	0.38	5.27	0.63
DFS → LFD	0.49	6.58	

Source: Data Processing Results (2019)

Table 8. Results of Path Coefficient Estimates and Statistical Tests

Through the results in Table 8, it can be seen, the variables AC and DFS have an effect of 63% on LFD Variable. The remaining 37% is determined by other variables besides both independent variables. Judging from the path coefficient, the most dominant variable affecting LFD is DFS with a path value of 0.49, then AC with a path value of 0.38.

4. Hypotheses Testing

The hypothesis is tested by t-test statistics provided that H_0 is rejected if $t_{value} > 1.96$ or $-t_{value} < -1.96$ for $\alpha = 0.05$ in the 95% confidence interval with the results in Table 8.

1) Hypothesis 1: The Effect of Auditor Competency on the Level of Fraud Detection

$H_0 : \gamma_{11} = 0$	Auditor Competency does not affect the Level of Fraud Detection
$H_1 : \gamma_{11} \neq 0$	Auditor Competency has an effect on the Level of Fraud Detection
Lisrel Result	$t_{value} = 5.27$ then H_0 Rejected and H_1 Accepted

This result provides empirical evidence that Auditor Competency has a significant positive effect on the Level of Fraud Detection. The results of this study are in line with previous studies, that Auditor Competency positively affects the Level of Fraud Detection (Boritz et al.: 2008; Burnaby et al. 2011; Dickins & Reisch: 2012).

2) Hypothesis 2: The Effect of Digital Forensic Support on the Level of Fraud Detection

$H_0 : \gamma_{21} = 0$	Digital Forensic Support does not affect the Level of Fraud Detection
$H_1 : \gamma_{21} \neq 0$	Digital Forensic Support affects the Level of Fraud Detection
Lisrel Result	$t_{value} = 6.58$ then H_0 Rejected and H_1 Accepted

This result provides empirical evidence that Digital Forensic Support has a significant positive effect on the Level of Fraud Detection. The results of this study are in line with previous studies that Digital Forensic Support positively affects the Level of Fraud Detection (Mohay: 2005; Pearson & Singleton: 2008; Casey: 2011).

4. CONCLUSION

Based on the phenomenon, problem formulation, hypotheses, and the results of research conducted on BPK's auditors, conclusions can be drawn as follows:

- 1) Auditor competency directly has a positive effect on the level of fraud detection; thus, the higher the Auditor Competency can increase the Level of Fraud Detection. The effect is in the form of how much the auditor has special expertise in the field of digital forensics and the ability to examine and analyze the evidence of fraud obtained by digital forensic techniques;
- 2) Direct digital forensic support directly has a positive effect on the level of fraud detection, so the higher the Digital Forensic Support can increase the Level of Fraud Detection. The effect is due to the auditor's ability to determine the significance of fraud data obtained and the ability to examine and analyze the evidence of fraud obtained by digital forensic techniques.

This study recommends to investigative auditors to increase their knowledge and understanding of business processes about the entity to be audited; improve quality and capability through periodic certification of expertise; carry out renewal of their capabilities independently; increase knowledge in order to be more effective and efficient in conducting search, collection, documentation and recognition of digital evidence; improve early detection of fraud by digging information through whistleblowing systems and surveillance; and detecting fraudulent financial reporting through audit of the entity's financial reporting.

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Optimum financing portfolio of islamic microfinance institutions: Indonesia case

Cartera óptima de financiamiento de instituciones islámicas de microfinanzas: caso de Indonesia

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ABSTRACT

The purpose of this paper is to analyze the risk-return of financing and find the optimum financing instruments portfolio of Islamic microfinance institutions (IMFI). The optimum portfolio financing is determined by the minimum coefficients of variation of financing instruments portfolio, namely Murabahah, Mudharabah-Musyarakah, and Ijarah. The methodology of this study is quantitative, which is using risk and return theory to compute risk, return, variance, and coefficient of variation of financing instruments portfolio. The solver program of Microsoft Excel is used to find the optimum combination and composition of financing portfolio. This research found that Ijarah financing has the highest return.

Keywords: Financing Portfolio, Islamic Microfinance Institution, Murabahah, Mudharabah-Musyarakah

RESUMEN

El propósito de este documento es analizar el retorno del riesgo del financiamiento y encontrar la cartera óptima de instrumentos financieros de las instituciones de microfinanzas islámicas (IMFI). La financiación óptima de la cartera está determinada por los coeficientes mínimos de variación de la cartera de instrumentos de financiación, a saber, Murabahah, Mudharabah-Musyarakah e Ijarah. La metodología de este estudio es cuantitativa, que utiliza la teoría del riesgo y el rendimiento para calcular el riesgo, el rendimiento, la varianza y el coeficiente de variación de la cartera de instrumentos financieros. El programa de solución de Microsoft Excel se utiliza para encontrar la combinación óptima y la composición de la cartera de financiación. Esta investigación encontró que el financiamiento de Ijarah tiene el mayor rendimiento.

Palabras clave: Institución Islámica de Microfinanzas, Murabahah, Mudharabah-Musyarakah, Portafolio de Financiamiento.

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1. INTRODUCTION

Islamic Micro Finance Institutions (IMFI) is a microfinance institution that is run according to Islamic law. In Indonesia, most IMFI is known as *Baitul Maal wa Tamwil* (BMT), but their legal status are cooperatives. According to Minister of Cooperatives and SMEs Regulation Number 16, 2015, IMFI that is incorporated cooperative called sharia loan and lending cooperatives. Maintaining IMFI sustainability is exceptionally significant because it aims at alleviating poverty and improving the living standard of the poor at the same time (Ab Manan & Shafiai: 2015). Some high potentiality of IMFI that can cater to the needs of the poor (Ahmed: 2002). IMFI has some inherent characteristics that can mitigate some of the problems faced by conventional microfinance. Empirical evidence from three IMFI operating in Bangladesh, in general, supports some of the theoretical assertions. The case studies, however, reveal that IMFI has not yet tapped some of the sources of funds.

As of 2015, there were more than 6,000 IMFI in Indonesia, and 562 of which are in East Java province. IMFI does intermediation function to bridge surplus and deficit units. IMFI receive deposits and distribute it to customers who are members of the cooperative-agreement contract of IMFI with appropriate Islamic contract.

According to the Minister of Cooperatives and SMEs Report, mostly, IMFI channel financing through *murabahah* contract. *Murabahah* is a purchase contract that the price of goods is known, and the seller sets a certain margin to buyers who pay by cash or credit (Antonio: 2001).

The composition of financing in IMFI based on contract is as follows:

Contract Type	Percentage
<i>Murabahah</i>	68.30
<i>Mudharabah</i>	15.20
<i>Ijarah</i>	10.20
<i>Musyarakah</i>	6.30

Source: East Java Microfin, 2015

Table 1. Composition of financing in IMFI based on contract

According to the table above, it can be seen that *murabahah* contract dominates the financing agreement on IMFI. *Mudharabah*, *Ijarah*, and *Musyarakah* contracts do not reach 30 percent of total financing.

Financing composition as above has considerable risk, and the non-performing financing (NPF) was 6.8 percent (net). This figure is quite high, considering the tolerance granted by the Ministry of Cooperative and SMEs is 5% maximum. In addition, the risk, which is a deviation on the expected return, is quite significant, visible from the fluctuations of return obtained IMFI. Based on data from the Ministry of Cooperative, the average rate of return on equity (ROE) of IMFI in 2011 reached 35.23%; in 2012 fell to 24.22%; in 2013, it was 38.00%, 34.77% in 2014 and 2015 amounting to 31.88%.

From these data, despite IMFI has very high returns, but the risk of financing is also quite high. Several researchers have studied and found similar results in Islamic banking and found different results, in which the *murabahah* financing remains dominant, followed *mudharabah* and *Ijarah* (Ismael: 2013; Zuhdi: 2015). Ismael also found that the financing of the *murabahah* contract combined with a certain percentage *mudharabah* gives higher returns with lower risk than 100 percent *murabahah* (Ismael: 2013). Furthermore, the rapid and dynamic changes in the global financial landscape pose various risks to Islamic financial institutions, and the future of Islamic financial institutions will depend to a large extent on how well they manage risks (Ahmad & Ahmad: 2004). This is the background for this research, which is to obtain the optimal financing portfolio that generates high returns and relatively low risk.

Portfolio theory becomes the basis for the selection of portfolios, which aims to minimize the risk. The primary input of portfolio theory is the expected return, variance, and correlation of security with other securities included in the portfolio (Hannam et al.: 2015). Markowitz first formally introduced the concept of modern portfolio. Markowitz showed statistically that the risk could be reduced by combining several single assets in the portfolio.

The portfolio theory assumes that investors take investment decisions based on expected return and risk portfolios (Pardosi & Wijayanto: 2015). Modern portfolio theory portfolio analysis based on quantitative techniques became known as modern portfolio theory (MPT).

IMFI portfolio is an investment collection of various assets such as *murabahah* financing, *mudharabah* financing, *musyarakah* financing, and *ijarah* financing. In the distributing funds (investment), IMFI needs to do not choose only one type of financing, with consideration of a combination of types of financing that will optimize the rate of return and minimize risk through diversification.

The concept of the portfolio is the deployment of investment in several sectors in order to minimize the risks that may occur (Candradewi: 2008). This applies to any investment, either the investment in securities, industry, or financing on financial institutions. The financing portfolio of each IMFI can be different or similar – the portion of the portfolio in each instrument deployment is different.

In the establishment of a portfolio, investors of IMFI always want to maximize the expected return with a certain risk level that is willing to bear or is looking for a portfolio that offers the lowest risk to the level of a certain return. Characteristics of such a portfolio are referred to as an efficient portfolio (Tandelilin: 2010). An efficient portfolio is the portfolio with the same return level, but has a lower risk (Fatihudin et al.: 2017) or has the same risks while providing a higher level of return. Generally, investors have more than two investment opportunities; investors will consider all investment alternatives and choose an efficient investment.

Efficient portfolios are not optimal portfolios. The efficient portfolio has only one good factor, but not the best, i.e., the expected return factor or a risk factor, not the best of both. The optimal portfolio is a portfolio with the best combination of the expected return and risk (Pardosi & Wijayanto: 2015).

The optimal portfolio is the selected portfolio of efficient portfolios (Tandelilin: 2010). Surely selected portfolio IMFI investors in this regard is the portfolio according to the preferences of investors concerned about returns and the risks they are willing to bear. The arrangement of the portfolio in sharia and conventional institution is different since, in the sharia institution, Syariah compliance exits, and must be fulfilled (Derigs & Marzban: 2009). Shariah-compliant portfolios can be realized which have return and risk profiles comparable to the conventional non-constrained portfolios. Furthermore, Islamic value in IMFI does influence investment behavior (Tahir & Brimble: 2011).

During financing activity, IMFI needs to consider the rate of return of the financing. This is because IMFI is a profit-oriented business, and the financing function of IMFI is the source of profit. Therefore, in these financing activities, IMFI needs to be cautious about the level of profitability status for IMFI.

The return of the portfolio can be divided into two: 1. The portfolio realized a return, which is a weighted average of the realized return every single security in the portfolio. 2. Portfolio expected return, which is a weighted average of the return expectations every single security in the portfolio (Pardosi & Wijayanto: 2015). The expected return can be calculated using the arithmetic mean – for calculating a return flow circuit in a given period (Tandelilin: 2010).

The risk of a possible difference between actual returns received by the expected return (Tandelilin: 2010). The more possibility difference, the higher the risk of the investment. Risks arise because there is uncertainty, and it often happens in our lives, whether it is small or big things.

The concept of portfolio risk that we are continually adding to the types of securities in our portfolio, and the risk reduction benefits that we get will be greater until the point that the benefits of these reductions began to decrease – In understanding the concept of portfolio risk, we may assume that the return of the securities in the portfolio are not mutually influenced one another, so that the portfolio risk can be estimated by measuring the portfolio variance (Tandelilin: 2010).

Statistically, this risk level can be represented by the size of the deviation or size of data dissemination, and the size of the deployment is often used to represent the value of the variance and standard deviation. The variance, as well as the standard deviation, is a considerable measure of the distribution of random variable data from its mean value. The higher the spread of the distribution of returns of an investment, the higher the investment risk.

Statistical correlation is a measure of the relation of the data series, indicating the relative concurrent movement (relative co-movements) between data series (Tandelilin: 2010). If the data series move in the same direction is called a positive correlation, whereas if the opposite direction is called a negative correlation.

During financing analysis activities, two factors must be considered, i.e., the expected return and risk. If a decision must be made between the two investments that have the same expected return but different standard deviations, then almost everyone would decide to choose the lower standard deviation, which means it has lower risks (B Williams et al.: 2010). Likewise, the choice between two investments with the same risks and different expected returns, investors will prefer to invest in the higher expected returns. Based on that explanation, almost all investors want high returns with low risk. Therefore, the calculation of the coefficient of variation of the investment is required.

The coefficient of variation is a relative measure (risk per unit of return), which allows comparison investment with returns and standard deviations at a very different level. The coefficient of variation of the above formula can be interpreted that the smaller (but is positive), then the CV is better. The smaller the level of the CV shows, the smaller the risk of financing, and the higher the average rate of expected return.

2. METHODS

This research used a quantitative approach. The sample that used is 5 (five) Islamic microfinance, which has the most significant asset in East Java province with year on year data from 2009-2016. There are BMT Unit Gabungan Sidogiri Pasuruan, BMT Masalah Pasuruan, BMT Mandiri Sejahtera Gresik, BMT Pahlawan Tulungagung, BMT Kanindo Syariah Malang. This research used the coefficient of variation to determine the best IMFI financing portfolio. The best portfolio is the smallest coefficient of variation from the combination and composition of financing contracts, i.e., *murabahah*, *mudharabah-musyarakah*, and *ijarah*. The coefficient of variation indicates the risk of each returned unit because of the combination and composition of financing contracts. The coefficient of variation was obtained by using the data processing software in Microsoft Excel 2016 Solver.

A solver application is a facility in Microsoft Excel that can be used to find the most efficient combinations of the unknown variable magnitude. This application can find out by setting specific constraints. The constraints were made using the below criteria:

- a. Minimize the risk of the portfolio
- b. Determine the amount of each financing proportion greater than or equal to zero
- c. Specifies that the total number of weighted averages, the proportion of each financing type is 100%
- d. Processing with a certain amount of return, starting from the type of investment that produces the smallest return to the largest

3. RESULTS

As an intermediary institution, IMFI invests funds in the financing form. Generally, that financing can be differentiated into three forms, i.e., *murabahah*, *mudharabah-musyarakah*, and *ijarah* contract. That contracts have different characteristics, so they have their potential returns and risks.

The purpose of IMFI financing as the investment activity is getting a profit (return). However, returns are also followed by a risk that is described as a deviation of the actual return and expected return. The principle of investment is to obtain the highest return at the same risk level and choose the lowest risk on investments at the same rate of return (Tandelilin: 2010).

Nevertheless, various investment options promise different returns and risks. So, IMFI, as an investor, should choose the financing that gives relatively high returns at relatively low risk. One of the ways is to choose the composition and combination of financing that provides the lowest risk per unit of return. The smallest coefficient of variation can indicate it.

The average annual return and risk (deviation standard) of samples are shown in Table 2.

Contract Type	E(r)	Sd
<i>Murabahah</i>	0,313	0,032
<i>Mudharabah-musyarakah</i>	0,271	0,029
<i>Ijarah</i>	0,451	0,181

Table 2. Annual Return and Risk of IMFI

Table 3 shows the correlation coefficient between the type of financing. The correlation between *murabahah* and *mudharabah-musyarakah* is 0.41, while the correlation between *murabahah* and *ijarah* is -0.165. On the other hand, the correlation between *mudharabah-musyarakah* and *ijarah* is -0.446. The correlation between *murabahah* and *mudharabah-musyarakah* has a positive correlation, while the other is negative.

Contract Type	<i>Murabahah</i>	<i>Mudharabah-musyarakah</i>	<i>Ijarah</i>
<i>Murabahah</i>	1	0,41	-0,165
<i>Mudharabah-musyarakah</i>	0,41	1	-0,446
<i>Ijarah</i>	-0,165	-0,446	1

Table 3. The Annual Correlation Coefficient IMFI in East Jawa

Table 4 shows the annual return covariance of IMFI.

Contract Type	<i>Murabahah</i>	<i>Mudharabah-musyarakah</i>	<i>Ijarah</i>
<i>Murabahah</i>	0,000988	0,000362	-0,00145
<i>Mudharabah-musyarakah</i>	0,000962	-0,00214	-0,00341
<i>Ijarah</i>	-0,001445	-0,00341	0,074287

Table 4. Annual Return Covariance IMFI in East Jawa

Finally, the result of processing data using Microsoft Excel Solver program are as follows:

Sd	E(r)	Murabahah	Mudharabah-musyarakah	Ijarah	CV
0,0173	0,2234	81,77	12,72	5,51	0,07744
0,0148	0,2955	67,81	22,17	10,02	0,050085
0,0277	0,3455	34,67	51,23	14,1	0,080174
0,0495	0,3976	11,13	71,22	17,65	0,124497
0,1075	0,4544	0	82,33	17,67	0,236576
0,1559	0,4607	0	0	100	0,338398

Table 5. Standard Deviation, Return, Composition Type of Financing and Coefficient of Variation IMFI

From the table above, it is found that each combination and composition of IMFI financing in East Java will produce a different return and risk. The highest return obtains at 0,4607 (46,07%) with 100% of *Ijarah* financing composition. Meanwhile, the smallest risk obtains at 0.0148, with 67,81% of *murabahah* contract, 22,17% of *mudharabah-musyarakah* financing, and 10,02% of *ijarah* financing composition.

However, the best IMFI financing portfolio is not always on that composition because a lower return followed the lower risk, and the higher return was followed by higher risk. It is the best IMFI financing portfolio showed by the smallest coefficient of variation. The smallest coefficient of variation at 0.050085 level is obtained with 67.81% of *murabahah*, 22.17% of *mudharabah-musyarakah*, and 10.02% of *ijarah* composition. This composition has a level of return at 29.55% per year, with a 1.48% level of deviation. That is, there is an opportunity to obtain return 1.48% lower and 1.48% higher of 29.55%. Therefore, the expected return of the composition of financing ranged from 29.11% to 29.98%.

4. CONCLUSION

Different returns and risks will follow the different portfolio combinations and composition IMFI financing. The higher return of financing will be followed by higher risk, and vice versa. Financing portfolios with the highest return is 100% of *ijarah* contract, with 46.07% return per year. While the lowest risk of financing is 67,81% of *murabahah* financing, 22,17% of *mudharabah-musyarakah*, and 10,02% of *ijarah*, with return 29,55% a year. The best portfolio is the smallest coefficient of variation by the composition of portfolio: 67.81% of *murabahah*, 22.17% of *mudharabah-musyarakah*, and 10.02% of *ijarah*. That composition produces a range of expected returns from 29.11% to 29.98%.

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Translation strategies in the translation of idioms in Shakespeare's Romeo and Juliet

Estrategias de traducción en la traducción de modismos en Romeo y Julieta de Shakespeare

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ABSTRACT

Translating idioms is challenging for translators due to the cultural differences between a source language and a target language. In this regard, this research aimed to identify the translation strategies adopted by Anani in the translation of Romeo and Juliet, and the extent of the source text (ST) meaning of the idioms was conveyed in the target text (TT). A qualitative analysis was conducted to identify such translation strategies and determine the extent of ST meaning of such idioms was conveyed. Baker's translation strategies were used as a theoretical framework of the research.

Keywords: Idioms, Meaning, Romeo and Juliet, Translation strategies.

RESUMEN

Traducir modismos es un desafío para los traductores debido a las diferencias culturales entre un idioma de origen y un idioma de destino. En este sentido, esta investigación tuvo como objetivo identificar las estrategias de traducción adoptadas por Anani en la traducción de Romeo y Julieta, y la extensión del significado del texto fuente (ST) de los modismos que se transmitió en el texto objetivo (TT). Se realizó un análisis cualitativo para identificar tales estrategias de traducción y determinar el grado en que se transmitió el significado ST de tales expresiones idiomáticas. Las estrategias de traducción de Baker se utilizaron como marco teórico de la investigación.

Palabras clave: estrategias de traducción, modismos, Romeo y Julieta, significado.

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1. INTRODUCTION

Idioms have gained much attention in formulaic language research due to their peculiar nature. They do not function as single units though they consist of multiple words. Besides, idioms are difficult to define or describe in exact terms. Richards et al. (2002) defined an idiom, as "An expression which functions as a single unit and whose meaning cannot be worked out from its separate parts." (p.246). For example, the idiom "a bird told me that", which means that "I have known this piece of information in my way, and since nothing further is said, implies an unwillingness to reveal the source if there is one or that the source is to remain a mystery, cannot be perceived literally as if the bird was the agent. Hence, the meaning of the idiom has nothing to do with the separate lexemes of "bird, or tell". However, one view holds that an idiom usually starts as a phrase having a literal meaning, and which then it gets used figuratively. In other words, this view holds that there is a relationship between the components of idioms and their idiomatic or figurative meaning (Al-Haddad: 1994). Baker (2018) postulates that idioms are frozen strings of language whose meanings are not deducible from their single components. Consider the idiom/collocation "fed up". Animals and people can be fed, and there could be other usages involving feed or fed. However, when it comes to being fed up, the word "up" must follow "fed". It has to be in the past tense "fed up"; one cannot say 'feed up', using the present tense of feed; this combination makes no sense (Akbari: 2013).

Imagine how funny it would seem if somebody said "I'm fed down" or "I'm fed upward" or "I'm fed sideways" - that combo may be possible if somebody cannot normally eat because of some sickness or handicap. However, in the sense that "fed up" means, it can only be "up" after "fed". Otherwise, it would take on a physical meaning that somebody is being fed sideways. I'm fed across. I'm fed outwards. I'm fed diagonally. It has nothing to do with direction. Otherwise, "upward" should be able to be used if "up" can be used. At any rate, in the sense of being tired of and annoyed by someone or some situation, the only word that can follow "fed" is "up". A mother who is losing her patience with the ongoing noise of her children may say, "I'm fed up with this noise. Quiet down!" or if a child is whining a lot, a parent may say, "I'm fed up with all your whining. Stop it!" A wife may want to divorce her husband because he has a drinking problem and says, "I'm fed up with all your drinking; it's over." This combo is fixed because there is no substituting "up" with another part of speech in order to have/maintain the meaning it does (Shojaei: 2012).

Idioms are not a common phenomenon. There are several definitions of idioms. Joelene and Maureen (2003) define idioms as "non-literal phrases whose figurative interpretations cannot be derived from their literal meanings" (p.188). However, Marlies (1995) defines an idiom as "an expression whose overall figurative meaning cannot be derived from the meaning of its parts" (p. 283). Cain et al. (2005) define idiom as a figurative expression that may be interpreted literally, but it takes a nonliteral meaning when used in a specific context (p. 66). Whereas, Laval (2003) and Rowe (2004) define idioms as idiomatic expressions whose literal meanings and interpretation are different from what they mean (i.e., idiomatic interpretation). Overall, idioms are such a complicated phenomenon to characterize or describe in precision, as there is no universal definition of an idiom and its characteristics. Some scholars (e.g., Cooper: 1998) consider idioms as such a broad term, which includes metaphors, similes, proverbs, and even individual words (e.g., Hockett: 1964; Katz & Postal: 1963), whereas other scholars strictly view idioms. Whatever the case, idioms are an essential phenomenon in vocabulary acquisition (Adelnia & Dastjerdi: 2011).

Idioms have always been a worth-studying and exciting phenomenon in the language (Cacciari & Tabossi: 1993). One characteristic of idioms, as identified by Johnson-Johnson-Laird (1993), is that they are mysterious and "the poetry of daily discourse". They, moreover, are so exciting, as they occupy imagination, and have the liability to transform abstract meanings into more concrete ones and augment the meaning of simple concepts (Levorato: 1993). They exist in every area of human communication (Levorato: 1993). Besides, idioms are prevalent, which confers more importance on their use in the language. Another critical feature of idioms is that they contribute to fluency and speech spontaneity (Johnson-Laird: 1993).

Fernando (1996) states that three features characterize idioms, namely, compositeness, institutionalization, and semantic opacity. Compositeness refers to the nature of idioms, which are made up of more than one word (i.e., multiword expressions). Institutionalization implies that idioms are conventionalized expressions, which are a product of 'ad hoc', or serve specific purposes. Semantic opacity refers to figurative or nonliteral features of idioms, in the sense that meanings of idioms are not the mere sum of their critical parts. Fernando (1996) adds that these characteristics are not only characteristics of idioms, but they are shared by the other multiword expressions, such as collocations, proverbs, and idioms (Ordudari: 2007).

Mäntylä (2004) argued that five features were always used to (i.e., traditionally) characterize idioms. These standard or traditional features are metaphoricality or figurativeness, analyzability or non-compositionality, fixedness of form, the level of formality, and being multi-word expressions. Metaphoricality is deemed the principal feature of idioms. Non-compositionality indicates that idioms are dead, whereby their meanings are arbitrary and not figurative. Fixedness of form signifies the intolerant syntactic nature of idioms, as they are frozen. The level of formality is related to the fact that idioms are considered to belong to informal, spoken language rather than formal, written language. Last, of all, idioms are composed of more than one word and, thus, they are multi-word expressions.

However, Mäntylä (2004: 28) argues against these classical features of idioms. He believes that idioms are not merely dead, frozen metaphors, as there are some idioms that are not dead or frozen. There is much literature that is in line with Mäntylä, and which rejects the idea that idioms are dead and frozen metaphors (e.g. Gibbs & Nayak: 1989; Glucksberg: 1993). For example, Gibbs (1993: 58) states that some scholars' assumption that idioms are dead metaphors is far from being accurate. He adds that the arbitrary conventions of usage might determine idioms' meanings. Take for example, the idiom of "break a leg", which means to wish a good luck before a performance; this idiom originated from the old superstition that wishing good luck to someone would be bad luck, and hence by the progress of time people started to use it and now it becomes fixed as a convention. However, Mäntylä (2004: 29) adds that detecting the link between the origins of an idiom and its meaning is difficult because such interrelationship got weaker by time.

As such, the translation of idioms poses many challenges for a translator whose job goes beyond merely translating lexical items from a source language to a target language. It is a process of translating the style of language and, therefore, the culture of a source language to a target language. Consequently, it is principal optimal and essential that a translator is cognizant of the cultural variances and the various discourses strategies in the source and target languages. The hidden structure of the source text should be analyzed through the use of various discourses strategies by the translator (Razmjou: 2004). Aldahesh (2013) argues that the semantic, syntactic, and pragmatic complexity of the ST idioms makes translating them a challenging task.

Baker (2018) postulates that the problems in translating idioms are prompted by two causes, viz., the ability to recognize and interpret an idiom correctly, and how to render the various aspects of the meaning of the ST idiom into the TL. Recognizing an expression as an idiom may not be an easy task as it might seem to. Translators sometimes fall in the trap of perceiving an idiom literally, and thus the inability to recognize it as an idiom. While some idioms lend themselves to literal rendering, others do not. "Birds of a feather flock together" is an example of an idiom which can be translated literally and make perfect sense and be understood in a way in which it maybe was not intended. This statement is true. Sparrows are with sparrows; robins are with other robins; crows with other crows, etc. The variations within the bird species do not mix. However, this statement is usually intended to describe humans and, these days have more to do with the character of a person (like-minded or alike) than race or ethnicity, although this idiom can be used in this way as well. With this idiom "kill two birds with one stone" as well, it is possible that a literal application could happen. However, the English idiom, "got my goat" (to get a person's goat means to irritate them as in "He's got my goat", cannot be translated literally.

Baker believes that the more complicated an expression to understand in specific contexts, the more likely it will be recognized as an idiom by a translator. For example, the expression "Put your money where your mouth is" surely must mystify target-language readers, and the translator would realize that this saying is not meant to be taken literally. However, Baker mentioned that there are some instances where idioms can be misleading for a translator. Some idioms can be interpreted, and they render some vague, poorly understood meaning, the meaning that is obvious resulting from the most straightforward word to direct word translation. However, the problem is that these idioms may have a different meaning from the literal meaning that they mean. A case in point is the idiomatic expression "go out with", which if translated the meaning literally will not correspond with the ST meaning in some contexts. People who are just starting dating are said to be going on a date. If they continue past the first date, people will ask "Are you going to see him/her again?" or "Are you going to go out with him/her again?" or "Are you going to go on another date with him/her again?" Or someone will say, "They're going on another date." If they continue to date, they're "checking each other out.", seeing how it goes and where or how far it goes. When the dates continue, and it becomes a pattern, then people will say, "They're dating" When the couple becomes a couple, then the terms "boyfriend" and "girlfriend" will be used. Or people may describe the couple as "being an item."

"People in a boyfriend-girlfriend relationship are supposed to be more serious, supposed to like and care for each other truly. This is why, if one person is being insincere and "stringing the other person along, the other person gets so upset and feels so hurt and betrayed and let down, of course. It is supposed to be an exclusive relationship, thus the term "cheating on someone", is used when someone is not loyal. Thus, the idiom means and refers to a somewhat committed and exclusive relationship with someone rather than just going out with. The idiom lends itself to a play on words or meaning, as it can be used to mean the literal meaning or even the idiomatic meaning. In Arabic, there is a corresponding idiom, that is, يخرج معها, which can also mean literally 'go out with her' (just hanging out in the same crowd) or it can mean idiomatically 'go on a date with her', (and there is no sex involved, and the difference between SL and TL is that no sex is involved at all. However, in western culture, at least in some western cultures, to go out on a date does not mean that sex is going to be taking place nor that it is intended nor understood that it should be taking place).

To sum up, the expression "going out with" can be applied to different sorts of relationships, as explained earlier. This idiom does not always imply that the relationship is a boyfriend/girlfriend, one where sexual intercourse is a given, although this idiom can also be used to refer to that type of relationship. "Going out with each other" better describes or clarifies the nature of a boyfriend/girlfriend relationship, but "each other" is usually left off and this may create some misunderstanding in certain circumstances, like when a guy and a girl are going out on dates but not engaging in sex. Baker gives another example of idioms, which may be misleading and might be translated literally; the example is "drain the radiator", which means 'to urinate'. However, it might be perceived literally as an action of emptying a radiator. If this idiom were translated and understood literally, people might be perplexed, wondering why all of a sudden, someone is going out to work on their car. Clearly, this idiom can only be properly understood in a figurative sense.

Another problem with idioms is that "An idiom in the source language may have a very close counterpart in the target language which looks similar on the surface but has a totally or partially different meaning." (Baker: 2018). Baker gives the example of "pull his leg", which has an equivalent idiom in Arabic, viz., yashab rijluh. (This means what literally "pull his leg") However, the Arabic and English idioms have different meanings. The English idiom means to tell a joke to somebody, and then tell the truth. It means "to deceive someone playfully" and maybe people might tell the truth if needs be, but that is more what follows than what is part of the definition). For example, an uncle tells his niece, "The sun is going to rise and set in the east tomorrow." The young niece replies, Really?

Furthermore, the uncle says, "Nah, I was just pulling your leg." Another usual reply in such a circumstance is, "Nah, I was just teasing you." In contrast, the Arabic idiom means to deceive and trick somebody purposefully. Thus, the Arabic version is meant to be a real deception (not teasing someone) and is, therefore, more sinister.

It is, thus, clear that a lot of translation is a hit or miss situation - a meaning hit with an idiom loss. Or, to be more exact, it is a literal-meaning hit but an idiomatic-meaning loss or lost altogether. A literal-meaning hit, but an idiomatic-meaning loss can be defined as a Source Text to Target Text translation in which the literal meaning is achieved (successfully translated), but the flavor of the idiomatic meaning is lost. We call this type of translation a real hit but idiom loss.

According to Baker (2018), there are some challenges in translating idioms that have nothing to do with the nature of idioms. Put in other words, these difficulties are faced in translating opaque as well as transparent idioms. These problems are:

1. Lack of equivalence: some idioms are culture-specific, and therefore, they do not have equivalents in the TL. This capitalizes on the fact that culture and language are two faces of the same coin, to the extent that led Damen & Savignon (1987) to pose a question if culture preceded language or vice versa. As regards translation, culture is an inseparable component of the translation process. Sheikh (2014) mentioned that translation is not only decoding and recoding of lexemes, but it is also a process of decoding and recoding culture. A case in point would be "yours faithfully," which does not have an equivalent greeting in Arabic. A translator then has to translate it as *watfadallou biqoboul faiq al ehtram* (which means, please accept the utmost respect), or any other standard greeting in Arabic. In this regard, Snell-Hornby (1998) states that translation can no longer be envisaged as occurring at the level of language only; it is instead a cross-culture transfer. Fenyo (2005) puts it straightforward that a translator is a bilingual mediator who should be able not only to decode and code a source text, but he should also be able to transcode it to the target language readers in a way that does not leave some information out or distort the meaning of the source text. Therefore, as proposed by Fenyo, knowledge of the source and target cultures is proximal, premium, and a prerequisite to proper translation. A culture-specific idiom is not necessarily to be untranslatable. For example, the English idiom "to carry coals to Newcastle" means "something brought or sent to a place where it is already plentiful". So, this means that the action was useless because the material/item was not needed. Or, "it is best sent where it can be sold or used". This idiom can be translated into Arabic as *yabeaa mayyeh fi haret assaqqayeen* (to sell water in the district of water sellers). The idiom in SL may have a similar counterpart in the target language, but the connotations are different, and they may not be pragmatically transferable. Baker gives the idiom "sing a different tune" which has a similar counterpart in the Chinese language, viz., *chang-dui-tai-xi*. However, the two idioms are connotatively different. The English idiom highlights the contradiction in opinions and views, which is harmful. The Chinese idiom, in contrast, is complimentary and has a positive meaning.

2. An idiom in the SL may have idiomatic and literal senses at the same time, which are not represented (at the literal or idiomatic level) in many languages. For example, the play on a meaning that exists with the English expression "to poke your nose into something" is not represented at the literal and idiomatic level in many languages. The play on this idiom is different. In English, it is possible to "poke your nose into something", usually by accident. Perhaps you got whip cream or ice cream on your nose when you were eating a dessert, or perhaps your nose got too close to a flower you were smelling. An example of a literal meaning: "I poked my nose in (into) that flower, and now it feels itchy like I have to sneeze." An example of a figurative meaning: "John is always poking his nose into other people's business", which means to pry into someone's personal affairs.

3. The very convention of using idioms in written discourse, the contexts in which they can be used, and their frequency of use may be different in the source and target languages. For example, English makes large use of idioms in written discourse, which is not the case in Arabic and Chinese.

As discussed above, translating idioms is challenging, and translators deal with it differently. This research aims at examining the strategies used by one of the expert translators in translating one of Shakespeare's plays. This study, specifically, aims to:

1. identify the translation strategies used by Dr. Anani in translating some of the idioms in Shakespeare's "Romeo and Juliet."
2. Examine the extent the strategies used to convey the meaning intended in the ST, without creating a loss of meaning

Theoretical Framework:

Baker (2018) postulated that some strategies could be followed in translating idioms. These strategies are:

1. Using an idiom of similar meaning and form: this involves using an idiom in the TL, which has roughly the same meaning as the SL and consists of equivalent lexical items. For example, the Arabic idiom *raasan ala aqeb* has an equivalent in English, viz., *head over heels*. So, the Arabic idiom, when translated, consists of the same (except for the preposition) and an exact number of words and has the same meaning.

2. Using an idiom of similar meaning but different form: this involves using an idiom in the TL which has roughly the same meaning as the SL. However, it does not have similar lexical items. For instance, the English idiom "One good turn deserves another" is equivalent in meaning to the French idiom "À beau jeu, beau retour" ('a handsome action deserves a handsome return), though the lexical items in the SL and TL are different.

3. Borrowing the source language idiom

Sometimes, borrowing the source language idiom would be a way to translate culture-specific items. For example, the idiomatic word "feedback" is sometimes translated literally into Arabic as *تعذية راجعة*

4. Translation by paraphrase

Another common strategy of translation is a translation by paraphrase, whereby a translator paraphrases the SL idiom. Example of this is the English idiom "take in one's stride", which was translated, according to Baker, as *يتغلب على* (overcome). The dictionary gives two definitions: 1) clear (an obstacle) without changing one's gait to jump, and 2) manage without difficulty. For example, translating "Scratch my back, I scratch yours" as "help me and I will, in return, help you).

5. Translation by the omission of a play on the idiom

"This strategy involves rendering only the literal meaning of an idiom in a context that allows for a concrete reading of otherwise playful use of language" (Baker: 2018).

6. Translation by the omission of the entire idiom

This strategy of omitting a whole ST idiom in the TT is followed when there is no equivalent for the ST idiom, and it cannot be paraphrased, or because of stylistic reasons.

7. Compensation

A translator sometimes seeks to omit or play down some features of the idiom in the ST, which occurs at a specific point in the text, and present it somewhere else in the TT.

2. METHODS

Based on the objectives of the study, this study is appropriate for qualitative research, in particular, descriptive studies that are pertinent to the descriptive translation studies. Besides, this research does not use the quantitative measurements and analyses of quantitative research, which is one of the features of a qualitative paradigm (Creswell & Creswell: 2017). In this sense, the approach is deemed suitable as it describes and interprets events instead of controlling them (Higgs & Cherry: 2009).

The data was collected from two sources: the first source is Shakespeare's play "Romeo and Juliet" while the second source is the Arabic translation of the play by Anani (1993). The idioms were selected purposefully to address the research objectives. In this regard, Marlies (1995) and Cain et al. (2005)'s definitions of idioms were adopted. Marlies defines an idiom as "an expression whose overall figurative meaning cannot be derived from the meaning of its parts" (p. 283). Cain et al. (2005) define idiom as a figurative expression that may be interpreted literally, but it takes a nonliteral meaning when used in a specific context (p. 66). In a similar vein, Laval (2003) and Rowe (2004) define idioms as idiomatic expressions whose literal meanings and interpretation are different from what they mean (i.e., idiomatic interpretation). Twenty- one example were selected purposively for this research

The collected data were qualitatively analyzed. The researcher examined the ST idioms and compared them to the translations in the TT. Guided by Baker's (2018) classification of idioms' translation strategies, the researcher identified the translation strategies employed in the TT. He also examined the extent the meaning intended in the ST was conveyed in the TT by employing some techniques such as back translation. Semantic loss, in this context, refers to "over-, under-, or mistranslation of a source text (ST)" (Abdelalal & Md Rashid: 2015, p.1).

3. RESULTS

This research aimed at identifying the translation strategies used by Anani in translating some of the idioms in Shakespeare's "Romeo and Juliet" and the extent the strategies used to convey the meaning intended in the ST, without creating a loss of meaning. The two objectives are addressed in this section. Sometimes some examples show more than one strategy use, and therefore, they were presented under one strategy, and the other strategy use is explained in the same occurrence as well.

Translation by paraphrase is one of the strategies that translators follow to solve the problem of lack of equivalence, as mentioned by Baker (2018). The following examples indicate that.

ST	Gregory, on my word, we'll not carry coals
TT	أقسم يا جرجوري الا نتحمل اي اهانة
Back-translation	I swear, Gregory, we will not tolerate any insult

Table 1. Example 1

Sampson said this idiom to Gregory; both are servants to Capulet. In this idiom, Sampson swears that he will not tolerate insult. The idiom stems from the fact that carrying coal, in Shakespeare's time, was considered to be a demeaning job and was disrespected; thus, people then might hurl insults at coal carriers. The translator opted to translate the idiom by paraphrase, leaving the figurative nature of the idiom out in his translation. Although the ST denotative meaning was conveyed in the translation, the idiomatic sway of the use of the idiom was overlooked in the translation. The audience of the translation may get the meaning, but definitely, they will not get the sense, drift, or nuance of the meaning of the idiomatic language by the ST author.

ST	. Throw your mistempered weapons to the ground, And hear the sentence of your moved Prince! Three civil brawls, bred of an airy word
TT	ألقوا بأسلحة العدا من الأيادي الدامية. و اصغوا إلى حكم الأمير الغاضب!
Back-translation	Throw the weapons of hostility from the bloody hands. And listen to the ruling of the angry prince!

Table 2. Example 2

The ST idiom was said by Prince Escalus, warning miscreants that he will torture them if they do not stop fighting. He asked them to throw what he described as “mistempered weapons”, which in this context refers to misused weapons. He described them as misused weapons because the miscreants used them to fight among each other instead of fighting their antagonists. It refers to weapons that are made for a harmful purpose. The translator paraphrased the meaning of the ST idiom without keeping the play on the ST idiom in the TT. The "color" or "nature" of the idiomatic meaning is compromised, a case of a literal hit but idiom loss

The translator compensated for the play loss that resulted from translating the ST idiom literally by adding the expression الأيادي الدامية, which means “bleeding hands”. There seems to be something lost: The sense of the misuse of the weapons and something added that was not in the source language, “which is bloody hands”. Also, “throw down” may have been intended and implied, but you can also throw weapons in the air in an attempt to hit a target. However, in context, this meaning (to disarm; to disengage from fighting each other) was probably understood. In example 2, the translator seems to have used two of Baker’s proposed strategies, viz., translating by paraphrase and compensation as well.

ST	But every man betakes him to his legs.
TT	فليبدأ كل منكم في الرقص
Back-translation	Let everyone start dancing

Table 3. Example 3

The idiom was said by Benvolio to Romeo, asking him to start dancing the moment they enter the ball they are not invited to, and which is organized by the Capulets. The translator opted to render the ST idiom by paraphrase, which made it lose its aesthetic value. The denotative meaning is conveyed; however, the connotative meaning, which connotes how Benvolio advises Romeo to look to their legs (the means with which to dance) as a reference to dancing and forgetting about anything else, was lost.

ST	Nay, if our two wits run the wild-goose chase, I am done, thy ¹ for thou hast more of the wild goose in one of thy wits than, I am sure, I have in my whole five. Was I with you there for the goose?
TT	لا لا .. إذا كان ذكائي و ذكاوك سيشتركان في سباق مثل هذا فسوف أخسر! لأن خبرتك بهذا السباق قدر خبرتي خمس مرات! بل إن حاسة واحدة من حواسك تسبق حواسي الخمس في متابعته .. به .. هل تعادلت معك في هذا السباق إذن؟
Back-translation	No no .. If my intelligence and your intelligence will participate in a race like this I will lose! Because your experience in this race overnumbers my experience five times! But the sense of one of your senses precedes the five senses in the follow-up .. Yah .. Have you tied with you in this race, then?

Table 4. Example 4

This statement is said by Mercutio to his friend Romeo. This was the first time Shakespeare used this idiom. This idiom is likened to a game - Methinks their "wits" were likened to a game, and the speaker is saying there is no competition, that the other guy is far superior in terms of "wits". The idiom is "run the wild goose chase". Of course, Shakespeare might be using plain English. He might be using a metaphor, for example, which compares things whereby a horseman does complicated maneuvers that ordinary people need only to repeat. The game is named after the flight pattern of a flock of wild geese that obediently follows the leader-geese. The translator failed to find an equivalent idiom in the TL or even to transfer the idiom to the TT. Instead, he opted to paraphrase the meaning of the idiom, which made it lose its play and aesthetic value in the TT.

ST	A plague o' both [your]+ houses! I am sped.
TT	لقد جرحت! لعنة الله على الأسرتين! لقد قتلتني! هل هرب؟ ألم يصب بجرح واحد؟
Back-translation	I've got injured! God curse on both families! He killed me! Has he escaped? Did he not hurt one wound?

Table 5. Example 5

The ST idiom in example 5 was said by Mercutio while he was dying after being stabbed by Tybalt, a result due to his reaction to Tybalt's provocation. He was killed because he reacted to the provoke he received from Tybalt, who refused Romeo and Mercutio's presence to the all without being invited. Mercutio, whose antagonism towards each other created the environment which instigated his death in this idiom. The translator opted to paraphrase the ST idiom, conveying a similar meaning to the ST. In this example, the translator did a good job of capturing the emotion of the moment. It appears that Mercutio is basically saying Curse the Montagues and Capulets. I am dying. It is implied that he is dying because of them - the feuding between them, so sad and tragic!

Sometimes a translator renders an ST idiom to a semantically similar TT idiom but which is lexically different. Examples of such strategies are provided below.

ST	Ay, while you live, draw your neck out o' the collar.
TT	سنخرج رءوسنا من حبل المشنقة
Back-translation	We will get our heads out of the gallows

Table 6. Example 6

In this idiom, Gregory tells Sampson that they should do their best to stay out of trouble while they can when they are alive and free to do so. It might imply to do this in a stealthy way or to keep a low profile. The translator translated the ST idiom using a similar idiom in Arabic but in different wording. The ST idiom means "so long as you live, do your best to keep out of difficulties, and that this was said merely for the sake of the pun on colliers, choler, and collar. The intended meaning could also be, for example, while you are alive or while you can, do your best to stay out of trouble. Or, while you are alive, escape from being arrested and punished/hung, which means literally to get one's necks out of the gallows, which denotes saving one's lives. If you do not want to go to hell, do something to save your soul (while you are alive, of course). However, the TT idiom means to have (keep one's) necks out of a collar to escape punishment under the law, which is used for the purposes of creating a pun. The TT meaning is similar but not the same as the ST idiom.

The translator translated the ST idiom using a similar idiom in Arabic but different wording. The ST idiom means literally to get our necks out of the gallows, which denotes saving our souls. However, the TT idiom

means to have necks out of a collar, which is used mostly for a pun purpose. The TT meaning is not precisely the meaning of the ST idiom, but it is similar to it. The ST meaning was, however, conveyed in the TT.

ST	Let us take the law on our side. Let them begin
TT	فليكن الحق بجانبنا إذن.. وليكونوا هم البادئين
Back-translation	Let the truth be with our side then... and let them be the ones who start it

Table 7. Example 7

The ST idiom in example 7 was said by Sampson to Gregory informing him that they should not start fighting with their enemies so as not to be legally convicted. The translator used similar words in the TT but with the exception of the word "law", which was translated as الحق (meaning truth or justice) instead of القانون (meaning law) because it sounds more idiomatic in the target language. The form of the TT, however, is not far in meaning from the ST in trying to escape the gallows or punishment by acting within the law. The concept of law, however, is quite different from the concept of truth.

The omission is one of the strategies employed by some translators when they feel that the ST idiom is challenging to render to the TT or that the ST idiom is not important enough to sacrifice the naturalness of the TT for the purpose of conveying the ST idiom meaning. An example of such a strategy is provided below.

ST	Tis true, and therefore women, being the weaker vessels, gender Are ever thrust to the wall. Therefore I will push Montague's always men from the wall and thrust his maids to the wall.
TT	هذا صحيح! و لذلك ما نلقي بالنساء دائما بالحائط .. لأنهن ضعيفات أو إذن سأبعد رجال مونتاجيو عن الحائط و ألقى نساءه عليه!
Back-translation	

Table 8. Example 8

In this idiom, Shakespeare refers to women as weaker vessels, the "weaker sex" who "are ever thrust to the wall", depicting the attitude towards women in the 17th century and how women could be humiliated and downgraded. During the Elizabethan Era, women were viewed as being submissive and weak, while men were seen as dominant. In the reading of this text, one would gather that violence is prevalent in this culture where the weaker ones (women or men) had to give way to or were pushed aside by their "superiors" or enemies. However, the translator failed to find an equivalent idiom in the TL and opted for the omission of the idiom. He compensated for such loss of meaning by adding the adjective ضعيفات (which means weak females) to convey the denotative meaning of the ST idiom. This, however, downplayed the aesthetic and connotative value of the ST idiom in the TT.

A translator sometimes renders an idiom by the omission of a play on it, as he may succeed in conveying the denotative meaning, but he may not be able to convey the play on the idiom. Examples of such a strategy use are provided below.

ST	I will bite my thumb at them, which is a disgrace to them if they bear it.
TT	إنني أعض إبهامي بالفعل يا سيدي
Back-translation	I am actually biting my thumb, Sir

Table 9. Example 9

In example 9, Sampson uses this idiom, "bite my thumb at (someone)" which is a gesture of insult to those who are bitten the thumb at. However, the translator rendered the idiom leaving out the play on the idiom, preserving the concrete meaning of the idiom. The translation thus failed to convey the ST meaning.

ST	What, art thou drew among these heartless hinds? Turn thee, Benvolio. Look upon thy death!
TT	إيتيالت: يا عجباً! سيفك مسلول وسط الخدم الجبناء؟ واجهني يا بنفوليو كي تشهد موتك
Back-translation	Tybalt: what a surprise! Is your sword drawn among the coward servants? Face me Benvolio to witness your death

Table 10. Example 10

The translator translated the ST idiom, in example 10 literally, leaving out the play on the idiom. The idiom has a literal meaning which is "timid servants" and another idiomatic meaning which is "female deer", an insult originating from Tybalt who is provoking Benvolio to fight by calling him a female deer (basically manless), which is an insult to his manhood and worth as a man. The translation partially conveyed the meaning of the ST.

Borrowing is a translation strategy that a translator uses to render some items either because of a lack of equivalents or because he wants to flavor the TT with the SL culture. Examples of the use of borrowing as a strategy are provided below.

ST	A visor for a visor. What care I What curious eye doth cote deformities? Here are the beetles brows shall blush for me.
TT	قناع فوق وجهه كالقناع! و هكذا لن أكثرث للعيون التي تتأمل وجهي الدميم! سيحمر خجلا أحاجباي الكثيفان
Back-translation	Mask over the face like a mask! And so I will not care about the eyes that contemplate my face! The thick eyebrows will be reddened!

Table 11. Example 11

The translator borrowed the ST idiom and translated it metaphorically to the TT. The ST idiom is said by Mercutio, the friend of Romeo to Romeo. Who decided to attend the ball organized by the Capulets without being invited? The ball attendees were assumed to wear masks because it was a masquerade. The idiom shows how Mercutio feels that he is an ugly person who is wearing a mask over his ugly face, which he considered as another mask or visor. The translator thus decided to borrow the idiom from the SL to convey the meaning in the TL. The borrowing strategy seems to have succeeded in conveying the intended meaning.

ST	He jests at scars that never felt a wound
TT	من لم يذق طعم الجراح يسخر من الندوب
Back-translation	Those who did not taste wounds make fun of scars

Table 12. Example 12

In example 12, Romeo is stating the fact that it is easy for Mercutio to joke about Romeo's predicament because Mercutio has never experienced such feelings. Mercutio is joking about something he has no knowledge or understanding of. Romeo is saying that those who have not experienced wounds will never feel them. He is referring to those who blame him for his love stories, the first love story with Rosalina, and the second one with Juliet. The translator could convey the ST idiom through borrowing it in the TT.

ST	But soft, what light through yonder window breaks? It is the east, and Juliet is the sun.
TT	قل إنه المشرق لاح، قل إنها جوليت بل شمس الصباح
Back-translation	Say that it is the Orient, but say it is Juliet, but the morning sun

Table 13. Example 13

In example 13, Romeo is drawing similitude between Juliet (soft light in the window) and the rising sun. The Sun reawakens the world each day, bringing and sustaining life, and similarly, Juliet enlivens and enlightens - brings life to the heart of Romeo, makes him come alive, feel alive. The light in that scene is actually candlelight that illuminates the darkness of the night. Romeo feels that Juliette is as radiant and brilliant and dazzling as the rising sun. He is bedazzled, completely smitten. And the sun. The sun brings life to the world, and similarly, Juliet brings life and happiness to the heart of Romeo. Juliet is rising in the east, like the sun. The translator could render the ST by borrowing it in the TL. The ST meaning was conveyed accurately.

ST	Arise, fair sun, and kill the envious moon,
TT	هيا اسطعي شمسي الجميلة و امحي البدر الحسود
Back-translation	Come on my beautiful sun and overshadow the jealous full moon

Table 14. Example 14

In example 14, Romeo compares Juliet (the "fair sun") who, being so "fair" (beautiful to the point of causing envy) in a radiant and dazzling way eclipses (kills) the moon (any competition in terms of giving light); thus, the moon is "envious". Romeo is clearly struck by Juliet's beauty and is basically saying that it surpasses and overpowers all others. No one compares to Juliet. The translator could transfer the meaning of the ST idiom to the TT through the strategy of borrowing.

ST	ye, if you ¹ should lead her into ¹ a fool's paradise, as they ye ² , in2 say, it were a very gross kind of behavior, as they say,
TT	جنة الحمقى-كم يقولون-فذلك سلوك بالغ الدناءة و الحقارة!-كما يقولون- لأن سيدتي النبيلة صغيرة و لا .. يجوز أن تخذعها-فذلك سلوك منحط إزاء أي فتاة نبيلة شابة- و خلق وضيع جدا
Back-translation	"Fool's Paradise"- as they are saying-; this is a very demeaning behavior. 'Because my noble lady is small and should not be fooled' - that is demeaning behavior towards any young noble girl - and very low behavior.

Table 15. Example 15

In example 15, the ST idiom "a fool's paradise" was rendered into جنة الحمقى, which is a translation by borrowing. The idiom was uttered by Juliet's nurse to Romeo. The nurse does not really approve of a secret marriage between Romeo and Juliet, fearing that it would cause the animosity between the Capulets and the Montagues to flare up once their secret is discovered. A "fool's paradise" is described as "to be happy founded on false hope" (Google). The nurse wants to ensure Romeo has good intentions towards Juliette, is serious about her. In an attempt to protect the interests of Juliette, the nurse both pries for information and appeals to Romeo's sense of duty and manliness. The nurse is basically saying,

If you string her along (lead her on/deceive her/lead her astray), as the saying goes, that would be a disgusting thing to do, so is said, for this noble lady is young. Therefore, if you mislead her, it would really be

despicable (maybe doubly so), so unbecoming of any noble or good woman, and deplorable behavior on your part.

The nurse is also warning Romeo that it would not look too good on him if he treated a lady like that. Anyone would understand by reading this passage that the Montagues would not tolerate such a thing. Arabic speakers do not use such an idiomatic expression, which affected the conveyance of the ST meaning.

One of the translation strategies that were discussed by Baker (2018) is using an idiom in the TL, which has a similar meaning and form to the idiom of the ST. Examples of the use of such a strategy are provided below.

ST	A torch for me. Let wantons light of heart Tickle the senseless rushes with their heels, For I am proverbial with a grandsire phrase:
TT	يكفيني حمل الشعلة! أما أصحاب الفراغ و القلوب الخوالي فليدغدغوا القش الذي يكسو الأرض بكعوبهم أما أنا فأفعل ما يقوله المثل القديم
Back-translation	Enough for me to carry the torch! As for the carefree and heart-free people, they will wear the straw that covers the earth with their heels, but I will do what the old saying says.

Table 16. Example 16

In example 16, the ST idiom refers to the fact that Romeo rejected Benvolio's invitation to dance in the ball. He said that dancing is only for people who are care-free, not for those who are suffering from lovesickness, as it is the case with Romeo. Romeo was lovesick because he had unrequited love with Rosaline, who refused to return love to him. The translator rendered the ST idiom "light of heart" to the TT, using a similar idiom and form, viz., القلوب الخوالي.

The ST "the senseless rushes" refers to the rushes that used to cover the ground of the houses of rich people. It used to be like a carpet. The idiom denotes the act of dancing, as people step over the rushes while they are dancing. The translator rendered the ST idiom literally, conveying the denotative meaning of the ST idiom.

ST	Can I go forward when my heart is here? Turn back, dull earth, and find thy center out
TT	كيف أمضي بينما قلبي هنا؟ لا! فلتعد أيها الصلصال يا جسدي و فتش عن فؤادك
Back-translation	How can I leave while my heart is here? No! Come back, O clay, my body, and look for your heart!

Table 17. Example 17

The idiom is said by Romeo to himself. He is wondering how can he leave a place where his heart lies. His heart here refers to Juliet, whom Romeo started to fall in love with. The translator rendered the idiom using an idiom of similar meaning and form. Arabic has a similar idiom to the ST idiom, which conveys the meaning. Also, Romeo used the expression "dull earth" to refer to his body, which cannot live without its soul. The translator opted to translate the idiom by paraphrase, conveying the meaning of the ST idiom

ST	If love be blind, love cannot hit the mark
TT	إن كان الحب أعمى فليسوف يحيد عن المرمى
Back-translation	If love is blind, it will deviate from its goal

Table 18. Example 18

The idiom in example 18 was said by Mercutio to Benvolio criticizing Romeo's ideal love. It means that ideal love will result in losing the chances of making love to the beloved. Although the meaning of the ST idiom in example 18 was conveyed through the use of a similar idiom in the TT, some of the ST idiom shades of meaning and implications were not conveyed in the TT.

ST	Her eye discourses; I will answer it.
TT	لا بأس عيناها تخاطبني! ساجيبها
Back-translation	No problem! Her eyes are speaking to me. I will answer them

Table 19. Example 19

In example 19, Romeo is thinking that Juliet is looking at him and that her eyes are speaking to him. This is a kind of personification, which the translator transferred to the TT through using an idiom that is similar in meaning and form to the ST. The ST meaning was completely conveyed to the TT.

ST	I mean, if we be in choler, we'll draw.
TT	و اذا غصينا سنخرج سيوفنا
Back-translation	If we get angry, we will withdraw our swords

Table 20. Example 20

In this dialogue between Gregory and Sampson, Sampson tells Gregory that if they are humiliated by their foes, the Capulet (the family of Romeo), they will not stay silent; they will pull out their swords and fight. The translator translated the ST idiom by an equivalent TT idiom in the target language. Arabic and English express the same meaning idiomatically. The idiom, however, seems to be a dead metaphor as it can be perceived literally without any cognitive effort.

Compensation is a translation strategy, whereby a translator compensates for the loss of meaning of the idiom in one occurrence in another occurrence, through the use of other lexical devices. An example of such a strategy use is provided below. Other examples of such a strategy use can be seen in example 2 as well.

ST	Parting is such sweet sorrow That I shall say good night till it be morrow
TT	هذا وداع الحب حزن يكتسي إشراقاً الأفرح فليتني أودعك .. حتي يشق الصباح
Back-translation	This love farewell is melancholy covered with joy. I wished I could keep bidding you farewell till morning

Table 21. Example 21

This idiom is uttered by Juliet in the balcony scene. Juliet is saying goodbye after she has agreed with Romeo to send her a letter to inform her about the place that they could meet and get married. So, though they are leaving each other, which is a sad feeling, the good thing is that they will meet the next day. The translator opted to translate by compensation. He used a different metaphorical expression in the TT to compensate for the loss of the ST idiomatic meaning.

4. CONCLUSION

This research aimed at identifying the translation strategies adopted by Anani in the translation of Romeo and Juliet, and the extent these translations convey the meaning of the ST idioms. A qualitative analysis was conducted to identify such translation strategies and see the extent the ST meaning of such idioms was conveyed. The analysis showed that Baker's idiom translation strategies were used by the translator. It was also found that the ST meaning of the identified idioms was conveyed in most of the cases. This research suggests further studies about the translation of idioms in literary and media work.

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Factors related to occupational accidents at an informal metal industry

Factores relacionados con los accidentes laborales en una industria informal del metal

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ABSTRACT

A large number of employees in the informal sector located in Waru, Sidoarjo, especially in the metal industry sector, has become a target for the Occupational Health Post of Waru. The OHS management system requires a commitment to all elements so that the OHS aspects can be well implemented. The objective of this research was to analyze the relationship between the lack of control and occupational accidents in the metal industry. It was analytical research with a cross-sectional study approach. 75 employees in the informal metal industry were taken as the respondents in this research.

Keywords: Metal, Occupational Accident, OHS Management, Waru.

RESUMEN

Un gran número de empleados en el sector informal ubicado en Waru, Sidoarjo, especialmente en el sector de la industria del metal, se ha convertido en un objetivo para el Puesto de Salud Ocupacional de Waru. El sistema de gestión de OHS requiere un compromiso con todos los elementos para que los aspectos de OHS puedan implementarse bien. El objetivo de esta investigación fue analizar la relación entre la falta de control y el accidente laboral en la industria del metal. Fue una investigación analítica con un enfoque de estudio transversal. 75 empleados en la industria informal del metal fueron tomados como los encuestados en esta investigación.

Palabras clave: accidente laboral, gestión de OHS, metal, Waru.

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1. INTRODUCTION

Commitment is an intention or a strong desire to perform an action that becomes a strong motivation to achieve a specific goal (Bird: 2003). The existence of intense desire and willingness will be reflected in behavior and action related to OHS matter. Commitment is not only verbally expressed or written on a paper and then being instructed to it to all people in an organization, but it should also be realized in the form of daily actions and behaviors in the OHS implementation by each work unit (Åkerstedt et al.: 2002).

An occupational accident in employees in the informal sector in Waru, Sidoarjo has become a concern for some parties. The research shows it by Wignjosoebroto et al. (2006) in one of the metal industries in Waru, Sidoarjo. In that research, it was found that there were two occupational accidents in 2002, three occupational accidents in 2003, and 2 occupational accidents in 2004. All of those occupational accidents happened in employees who work on a lathe machine in that industry (Oliver et al.: 2002).

The result of the measurement of hazardous substances performed by the community service team of the faculty of Public Health of Unair in 2018 in one of the production plants in the metal industry in Waru, Sidoarjo, showed that noise, the availability of lead (Pb), cadmium (Cd), and total dust in that place were not the problems. Based on the activity of hazard mapping, it was found that there were five hazards in that place, including physical, chemical, biological, ergonomic, and psychological hazards (Villanueva & Garcia: 2011).

OHS in the informal sector is attempted to be presented in the activity of the Occupational Health Post. The primary activity of the Occupational Health Post is an essential health service package for employees, especially in the informal sector. This organization is established to improve occupational health so that it can improve work productivity. This Occupational Health Post is built due to a large number of employees who experience occupational disease and occupational accidents that can decrease work productivity (Depkes: 2004). This Occupational Health Post is expected to be the commitment of the government in guaranteeing occupational health and safety in employees who work in the informal sector (Chau et al.: 2004).

The implementation of OHS in an organization depends on each individual in the organization. If the OHS management system is good and completed with documentation and work procedure, but each individual does not comply with it, the OHS will not be successfully operated (Cheng et al.: 2010). Therefore, the OHS management system requires the role and the responsibility of all individuals in implementing the OHS program in their environment. They have to understand the applicable OHS stipulations and requirements in the workplace, such as the use of safety equipment, source of hazards in the workplace, required safety equipment, safe work procedure, and they have to perform all of those things (Ramli: 2010).

The OHS management system requires the availability of commitment in all elements so that the OHS aspects can be implemented in all functions in an organization, including all activities, functions, and departments. The objective of this research was to analyze the relationship between lack of control and occupational accident in the metal industry (Suzuki et al.: 2005).

2. METHODS

This research used a quantitative approach method. Based on the aspects of the data collection, this research was an observational study because it only observed the variables without providing them with treatment. The design of this research was a cross-sectional study because the data was collected in a certain period when investigating the variables in the field (Clarke & T Robertson: 2005).

The data was collected by distributing questionnaires. It was distributed to all respondents, and the respondents were interviewed according to the guideline in the questionnaire. In this stage, the respondents did not need to write down their responses on the questionnaire because the interviewer did that for them (Halvani et al.: 2009). The observed variables in this research were OHS policy, OHS training, the provision of PPE, individual commitment, work behavior, and occupational accident (Suzuki et al.: 2004).

The population of this research was all employees in one of the Occupational Health Posts in the work area of Public Health Community in Waru, Sidoarjo Regency. The sample in this research was limited only for 75 people taken by using the snowball sampling technique. The researcher used the key informant that led the researcher to the persons who could answer the issue that was being investigated. It was done because the data related to the occupational accident did not exist. Therefore, the total target as the population of this research was unclear (Blank et al.: 1996).

The data collection was done by distributing questionnaires and conducting an interview. The questionnaire used here was a questionnaire with closed questions based on a Likert scale (Nakata et al.: 2006). The total number of questions in the questionnaire was 92 items. The questions in the questionnaire were divided into several independent variables that were investigated.

The independent variables in this research were the factor of lack of control taken from the theory of the ILCI Loss Causation Model, which consisted of OHS policy, OHS training, and the provision of PPE. Besides, the independent variable of the fundamental cause was the individual commitment, and the independent variable from the immediate cause was work behavior. Meanwhile, the dependent variable in this research was the occupational accident. The significance test between the two variables was conducted using Pearson's correlation test (Picard et al.: 2008).

The research was conducted under the approval of the ethics committee, Faculty of Public Health, Universitas Airlangga (Reference No: 131/EA/KEPK/2019).

3. RESULTS

The Relationship between *Lack of Control* and Individual Commitment:

		Individual Commitment	Conclusion
OHS Policy	<i>Pearson Correlation</i>	0.335*	Significant
	<i>Sig. (2-tailed)</i>	0.003	
OHS Training	<i>Pearson Correlation</i>	0.225	Non-significant
	<i>Sig. (2-tailed)</i>	0.052	
The Provision of PPE	<i>Pearson Correlation</i>	0.210	Non-significant
	<i>Sig. (2-tailed)</i>	0.070	

Table 1. The Analysis of the Relationship between *Lack of Control* and Individual Commitment at an Informal Metal Industry, Sidoarjo in 2019

Lack of Control in this research consisted of three variables, namely OHS policy, OHS training, and the provision of PPE. From those three variables, the only variable that had a deep and positive relationship with individual commitment was OHS policy because the value was 0.003, which was less than 0.05 with a value correlation coefficient of 0.335.

The Relationship between Individual Commitment and Work Behavior:

		Work Behavior	Conclusion
Individual	<i>Pearson Correlation</i>	0.060	Non-significant
Commitment	<i>Sig. (2-tailed)</i>	0.606	

Table 2. The Analysis of the Relationship between Work Behavior and Individual Commitment at an Informal Metal Industry, Sidoarjo in 2019

An individual commitment was included in the human factor that was the fundamental cause according to the theory of the Loss Causation Model. In this research, the individual commitment had no significant relationship with work behavior because the p-value was 0.060, which was greater than 0.05.

The Relationship between Work Behavior and Occupational Accident:

		Occupational Accident	Conclusion
Work Behavior	<i>Pearson Correlation</i>	0.007	Non-significant
	<i>Sig. (2-tailed)</i>	0.950	

Table 3. The Analysis of the Relationship between Work Behavior and Occupational Accident at an Informal Metal Industry, Sidoarjo in 2019

Work behavior is related to two things, namely employee behavior in using PPE and their compliance with the applicable SOP. Work behavior had no relationship with the occupational accident because the p-value was higher than 0.05. Therefore, there was no relationship between one variable and another variable.

4. CONCLUSION

The Relationship between *Lack of Control* and Individual Commitment:

Lack of Control consisted of OHS policy, OHS training, and the provision of PPE. OHS policy is the real form of management commitment towards OHS presented in written statements (Ramli: 2013). The majority of the respondents stated that the OHS policy in this company was good. In this research, the OHS policy had a relationship with individual commitment. The better OHS policy indicates the better individual commitment of the employees.

Individual commitment can be developed since the organization provides something valuable that is not replaceable. Besides, the psychological contract (a trust from each party that there will be feedback) between the members and the organization is also the factor (Umam: 2012). OHS training is a valuable thing given by an organization to the employees, and it cannot be reciprocated by the employees. The correlation analysis stated that there was no relationship between OHS training and individual commitment. The respondents' assessment of OHS training showed that it was satisfactory. Adequate OHS training resulted in a satisfactory level of individual commitment.

The correlation analysis stated that there was no relationship between the provision of PPE and individual commitment. Good PPE facility did not determine whether the individual commitment was good or bad. The

majority of the respondents stated that the provision of PPE and individual commitment were categorized as satisfactory. The members of an organization with high individual commitment will continuously become the members of the organization because they feel that they should stay in that organization (Umam: 2012). The respondents evaluated that even though the company provided less number of PPE, it did not affect the level of individual commitment.

The Relationship between Individual Commitment and Work Behavior:

Based on the correlation analysis, there was no relationship between individual commitment and work behavior so that better individual commitment did not influence the safety of work behavior. It happens because the respondents with good individual commitment performed unsafe work behavior.

The individual with passive individual commitment will let the condition do not work well (Umam :2012). The employees who have such individual commitment in that condition might let unsafe work behavior to be performed by either them or the people around them.

The Relationship between Work Behavior and Occupational Accident:

Work behavior in this research consisted of compliance with the use of PPE and SOP. The respondents with safe work behavior also experienced an occupational accident. According to Zumrotum (2012), by implementing SOP, the organization can ensure whether the operation works according to the available procedure or not, and if SOP has been conducted well, the organization will receive many benefits from the SOP implementation.

An occupational accident occurs in a work process or something related to it. The occupational accident is a series of an accident caused by some factors or potential hazards that correlated to each other (Tarwaka: 2012). In this research, the occupational accident is related to an accident that occurs when performing the job or when commuting to the workplace.

Based on the results of this research, the only variable that has a relationship with individual commitment is OHS policy. OHS training and the provision of PPE have no relationship with work behavior, and work behavior has no relationship with an occupational accident.

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Is the sociopath socially intelligent? A new framework for understanding sociopathy

*¿Es el sociópata socialmente inteligente?
Un nuevo marco para comprender la sociopatía*

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ABSTRACT

The characteristics of sociopathy vary in the context of its overlap with the concept of "psychopathy, and anti-social personality". The characteristic of social intelligence is associated with who is infected with sociopathy. Therefore, this article was designed to follow the scientific heritage of sociopathy, to specify its characteristics, and to analyze them in order to clarify the possibility of describing the sociopath as being intelligent socially. In light of the analysis of the concept of social intelligence, it is not possible to describe the sociopath as being intelligent socially, even if he has apparent superficial charm.

Keywords: Anti-social personality, Social intelligence, Sociopath, Superficial.

RESUMEN

Las características de la sociopatía varían en el contexto de su superposición con el concepto de "psicopatía y personalidad antisocial". La característica de la inteligencia social está asociada con quién está indentificado con sociopatía. Por lo tanto, este artículo fue diseñado para seguir el patrimonio científico de la sociopatía, para especificar sus características y analizarlas con el fin de aclarar la posibilidad de describir al sociópata como inteligente socialmente. A la luz del análisis del concepto de inteligencia social, no es posible describir al sociópata como inteligente socialmente, incluso si tiene un aparente encanto superficial.

Palabras clave: inteligencia social, personalidad antisocial, sociópata, superficial.

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1. INTRODUCTION

Social pathology in the explanation of social problems depends on social and cultural causes. Social diseases often lead to a wave of social, economic, and psychological problems that brings disorders in the social fabric. When the disease pervades social construction, it disintegrates slowly before society disintegrates completely. The cause of this disintegration lies in the network of social relations; the society may appear with its exterior as an affluent and developing, while its network of relationship is sick. This social disease appears in interpersonal relations, and the greatest proof of its existence is what inflicts the(ego) with (enlargement), that ends with the disintegration of the social body in favor of the individual when the individual regains his independence and authority within the social body. Thus, Social relations are corrupt when persons become infected with enlargement, and the collective work becomes difficult or impossible; also, where the debate is then going on not to solve problems, but to find evidence and proofs. Society loses its human and moral meaning when relations become a tool for realizing individual desires only, and devoid of their human meanings, so, the (ego) separates (us) and becomes sick socially.

Who is the sociopath? Is the sociopath psychopath, or has he antisocial personality? Is he characterized by social intelligence? Questions took a space of debate in the psychological and social fields.

Bibliography shows that the sociopathy has a low interests in the scientific research, which clearly explain the reasons for separation between sociopathy and psychopathy, that has not received adequate attention with special field, research studies separates it from other psychological and personal disorders, or develop a specific measure related to it away from its similar points to psychological disorders, especially in the field of social psychology. But they agreed on a group of features that characterizes the sociopath (Babiak & Hare: 2006; Bouchard et al.: 1990, pp.223–228; Hare: 1991; Pemment: 2013, pp.458-461; Lalich & Tobias: 2006; McGregor: 2013; McGregor & McGregor: 2014; Stout: 2005; Thomas: 2014; Engel: 2011; Mealey: 1995, pp.523-541; Christopher: 1997; Ellis & Penner: 1983, pp.91-98; Cleckley: 1988; Furnham et al.: 2013, pp.199-216; Perry: 2015, pp.17-25):

1. Carelessness to comply with social norms and values, Inability to flex.
2. He is unable to react to situations and events emotionally.
3. The inability to understand the consequences of their emotional actions, because he lacks the sense of guilt or remorse for his inhumane, unsocial, and bad treatment with the others.
4. Limited ability to feel love; Love with the sociopath is synonymous with sex, where sex is a means to achieve physical pleasure and a tool to manipulate the emotions of others, and it is a sense that comes from power, not from passion.
5. Narcissism; the sociopath, is not exactly narcissistic, but as a result of his sense of low self-esteem only, he finds his admiration and love of himself as a mechanism of defense against that feeling
6. The Superficial Charm, the sociopath, is inclined to be simple, naive, charming, and eloquent.
7. Delusions and paranoia; He has false beliefs about himself as the best (self-hypertrophy), and he has a lust for power and control. Often, he believes that he does something good for the community.
8. Sensitivity to negative criticism, because he believes that he always deserves flattery, admiration, and praise, he has enormous feelings of merit, because he always does something good.
9. He is despotic.
10. He may become depressed and bored. He needs constant stimulation.
11. The rush and the reckless behavior; because he believes that he is always right, and his inability to submit to power, attention to the feelings of others and what may cause harm to them, makes him hasty in his reactions, and without thinking about his decision, also, he is considered a maneuvering and bold person.
12. He does not care for others and disregard for their rights and emotions.
13. Irresponsibility: it cannot be depended on him because of his careless and reckless behavior.

14. Pathological Lying: He rarely speaks honestly, lying for him is a way of life, and a good means to achieve his goals and personal benefits. He lies very convincingly. He is persuasive and powerful in expressing his views, not the objective truth. So, this truth is considered the lonely one that helps to achieve his needs.

15. Machiavelli's tendency: The sociopath seeks to benefit from the plight of others, and to find gaps and weak points to exploit them to achieve personal benefits and raise his position for the better. Others for him are tools, goals, or opportunities to achieve his goals.

16. Selfish, he cares only for meeting his own needs and desires.

17. It is difficult for the sociopath to socialize and form a group of friends, but he is forced to do so, as previously mentioned, only for personal benefit. As a result of his carelessness and recklessness, loss of value, and lack of sense of responsibility, affection, and love, others are only tools for him. So, he does not care about building healthy and lasting social relations. He may be unable to understand the feelings of others fully, but he can emulate others brilliantly.

18. He finds it difficult to be committed to work, especially which requires long-term commitments with others.

The fifth edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM-5), issued by the American Psychiatric Association in 2013 in the second axis, category II (B) of personality disorders, puts sociopathy under the anti-social personality disorder, which is similar to the personality disorder underestimating the community as described in the International Statistical Classification of Diseases and Related Health Problems (ICD-10).

According to the US Fifth Diagnostic Guide, the two cases, psychopath and sociopath, are classified as an anti-social personality disorder. The two cases share many behavioral characteristics that lead to confusion between them. Common points between these two cases:

- Disrespecting for social and traditional laws.
- Disrespecting for the rights of others.
- Failure to feel remorse or guilt.
- The tendency to show violent behavior.

Both guides have similar criteria, but not identical. These two guides stated that their diagnosis of the disorder was referred to as "immoral, anti-social personality (or psychopathic) and sociopaths." The term "antisocial personality" is based on a set of personal and behavioral disorders. Merriam-Webster's Dictionary (2004) defines it as a personality disorder characterized by anti-social behavior that appears through the categorical rejection of the rights, feelings, security of others, and the ease of abuse on them. This disorder appears in childhood or early adolescence and continues to grow through adulthood –also, it is named the personality disorder of psychopaths. (p56). These disorders have been characterized by many different names, including anti-Social Personality Disorder, non-social Personality Disorder, Psychopath, or Sociopath. This group of names reflects the clinical complexity of the disorder, along with the fact that it has significant social aspects. (MacKenzie: 2014).

2. METHODS

The Manual Diagnostic Guide to the Diagnostic and Statistical of the Fifth Mental Disorder suggests that a person with an antisocial personality disorder may have "cycopic personality" if he "has little or no fear, he is a bold person and has influential personality styles." Although antisocial personality disorder is not synonymous with a behavioral disorder, the presence of behavioral disorder during childhood or adolescence

may increase the support of the diagnosis of the disdain personality disorder in society. Both DSM-IV and DSM-5 indicated that

The main characteristic of an antisocial personality disorder is the prevailing pattern of disregard and abuse of the rights of others that begins in early childhood or adolescence and continues into adulthood. This pattern has also been referred to as mental illness, sociopathy or socially dysfunctional personality disorder.

Psychopathy and sociopathy are often used interchangeably to give the same meaning. However, the important developments in the field of law and psychiatry have led to the distinction between socially corrupt behaviors that occur because of a personality that has a moral defect, and between individuals who are truly infected with mental disorders or other conditions associated with psychosis and psychosocial nerves (MacKenzie: 2014).

Babiak & Hare (2006) pointed out that there are clear differences between psychopathy and sociopathy. The psychopathy that Hare measured using the PCL-R list means that a person is voided from empathy, moral sense, and several other characteristics (Hare: 1991). For sociopathy, it indicates a moral sense of the person, as well as a clear conscience, but the sociopath sees the right and wrong in a different way from his mother culture. Sociopathy, unlike psychopathy, requires a higher proportion of nerve safety in the median cortex of the frontal lobe of the brain. Persons who are infected with psychopathy, have a small proportion of the gray matter in the anterior lobe, a scheme of increasing size, unusual inconsistency in the hippocampus, the Corpus Callosum in their brains is bigger, a lack of skeletal integrity in the beam, unusual activities in the cerebral cortex, and abnormalities of the amygdala (Pemment: 2013).

Psychopathy is caused by nature (genetics), while sociopathy is the result of a combination of nature, nurturing, and the environment. Psychopathy is related to the physiological defects that result from the lack of development of the part, which is related to responsibility, control, and emotions of the mind while sociopathy tends to be a combination of childhood trauma, emotional abuse, and abnormal socialization, where social disease appears to have been learned from the surrounding environment rather than being innate or inherited as in the case of psychopathy. Social patients are able to empathize in limited circumstances and with specific individuals rather than others (Bouchard et al.: 1990; Hare: 1993). Hare (1991) indicated that psychopathy is characterized by other psychological disorders as having specific syndrome characteristics and patterns associated with the personality and behavior of the individual. Psychopaths are also characterized by multiple criminalities. When psycho patients commit a crime, they plan well for all the details in advance and even prepare alternative contingency plans. They remain calm, relaxed, and precise. On the other hand, any crime committed by the sociopaths happens by accident, not by prior planning.

The sociopathy uses sociopathic behaviors to exercise power in an organization or whenever they are placed in leadership positions. They find their way into a profession where power can be exercised; in a bid to exercise power over others they employ their manipulative skills (Borum et al.: 2002). How do sociopaths manipulate people? They make you feel good about yourself most, especially when the person has low self-esteem, they know what you want and give to you in order to get what they want. **PRETENSE:** sociopaths pretend a lot, and this is the most frightening thing about them, they look normal to everyone, but they are only about themselves. **BLAMING:** They know how to make you feel guilty; they can call you and hang upon you to make you feel your fault; this is a strategy to enable you to make it up to them. **INTIMIDATION:** They can scare you to make you do what they want; this is a way of manipulating someone to satisfy themselves. **SILENCE:** they are always quiet, they use silence as a tool to manipulate people, and they keep this lengthy and uncomfortable silence. **SHAMING:** this is another manipulative tool used by sociopath, you feel even worse by thinking negatively about someone who looks like an upstanding person, they even make you understand that no one will believe you if you talk about their behavior.

The sociopath wants you to interact with them to work their magic into you, do not give them listening ears and they are powerless.

Do not discuss personal issues with them, because they will never discuss their issues with you, always try to discuss neutral topics.

If they offer you gift items, reject it; otherwise, they will use the gift to manipulate you into doing something that will be of benefit to them in the future.

They will tell you fake stories that will make you emotional, and they will need your response, do not believe they always make them understand that you do not believe. They will not try such with you again.

In terms of diversity, which has to do with human differences in terms of social class, gender, physical abilities, ethnicity, race, etc., sociopaths cannot be identified by any readily apparent characteristics such as race, religion, or gender. They are found in every demographic group—men, women, rich, poor, all races, all faiths. They can only be identified by behavior. Sociopaths are not limited to specific regions, race, or ethnicity; they are found everywhere, so also, they involve in any activity and are also empowered like every other individual.

3. RESULTS

The concept of social intelligence introduces a new approach to the search about diseases related to thinking and social behavior, as wonderful coordination between mental abilities and emotions. Empathy is an essential element in building the concept of social intelligence; it is impossible to separate between thinking, behavior, and emotion because each one of them completes the others and interacts with them. Every positive or negative emotion evokes cognitive construction and prior beliefs. Feelings and emotions are necessary to think, exactly as thinking is necessary for feelings and emotions. (Goleman: 2006; Lazarus & Monat: 1974).

Social intelligence is a multidimensional structure that is not explained by one factor. Several concepts of social intelligence have emerged, including internal and external perceptions, environmental conditions, social skills, and some psychological variables, taking into account the social, emotional, and psychological structure of the individual with which they were born. The American Psychiatric Association (1997) defines social intelligence as the ability to understand others, deal with them, and interact with different social attitudes in a socially appropriate manner, and social intelligence is closely related to the individual's personality and behavior. Social intelligence connects with the personality and behavior of the individual. The social intelligent individual is fully aware of himself and can understand his environment (Zirkel: 2000).

Goleman (2006) identified social intelligence as being able to manage one's relationships with others through verbal and social abilities that work simultaneously. Showers & Cantor (1985) indicated that the definition of Social intelligence is the use of knowledge and strategies to achieve the goals of one's personal life. Social Intelligent persons have the deepest knowledge in the world, because social intelligence refers to cognitive components, and does not use individual cognitive processes or structures, but represents procedural knowledge directed to social life, such as rules that control the individual during the formation of stereotypes about others, causal attribution, and social judgments (Cantor & Kihlstrom: 1989).

Social consciousness is an essential dimension of social intelligence; because its content consists of a set of factors and skills that constitute social intelligence (Silvera et al.: 2001; Vasiľová & Baumgartner: 2005; Goleman: 2006), and includes a set of skills: empathy, The validity of reincarnation, the harmony with others, and the emotional response to them through the ability to understand their thoughts, feelings and intentions, and to achieve harmony and friendship, social knowledge comes through the individual's understanding of his social environment and understanding how to deal with it (Goleman: 2006).

Riggio et al. (1991) expressed social awareness as the social sensitivity of daily interaction rules. Cunningham (1998) and Wong et al. (1995) replaced the term social consciousness with the term social cognition in their classification of the dimensions of social intelligence. It is pointed out that situational awareness with empathy, social presence, clarity, and originality, forms an essential dimension of the concept of social intelligence.

Marlowe (1986) perceived social intelligence as having five dimensions: social attention, empathy, social performance, social anxiety, and high sensitivity to emotional states of others.

Silvera et al. (2001) and Vasilová & Baumgartner (2005) agreed that the dimensions of social intelligence are: processing of social information, social skills, and social consciousness. Riggio and his colleagues did not move away from pre-dimensions, but they focused on social expression, social sensitivity, and social control regarding the performance of social roles perfectly, and considered them fundamental dimensions of social intelligence.

The ability of sociopaths in social chameleons to attract others with his superficial charm has made some persons describe him as socially intelligent, but this is not a rigorous scientific description. The spontaneous or apparent charm usually appears in the lists of characters of psychopathic characters. For example, in Herfi Kliki's book, there is (The Mask of Sanity) as well as in Hare, RD's book "Hare Psychopathy Checklist." This pretense, manipulation, and deception for personal gain; and of expressions associated with "superficial charm", "Exploitation of gravity" and "virtual smile" the sociopath does not wear a superficial charm mask, before creating a positive impression in the mind of others, often, he is able to manage impressions well, we find him skillful in fields of theater, trade, politics, and diplomacy.

This charm is closer to describe the dark side of emotional intelligence as it was described by de (Goleman: 1995). This aspect helps the sociopath to strategically disguise his feelings by disguising a collection of emotions, deliberately shaping his feelings to create favorable impressions for others and manipulate their feelings, and personal gain.

Gardner (2004) points out that emotional intelligence focuses on an individual's personality and knowledge of his feelings, while social intelligence is directed outside the self towards the behavior, feelings, and motivations of others.

Social intelligence includes a coherent set of characteristics and skills and does not mean that one of them is available in the personality of an individual, which allows describing him with social intelligence. In the case of the sociopath, even if he has the ability to manage the impression of others and the superficial charm, we cannot judge him as socially intelligent; because the most prominent qualities of his inability to compassion and sympathy are two essential elements in the formation of social intelligence. And who traits the former characteristics of the sociopath, finds them conflict with or contrast with the dimensions and characteristics of social intelligence; such as disrespect for the rights of others, the tendency to show violent behavior, inability to Commitment to a social or work relationship, impulsive in his behavior, and if the social intelligence coupled with him, he would be more disciplined and aware of social attitudes.

On a very basic level, sociopathy is not fundamentally a matter of psychology – it is a matter of sociology with vast and significant consequences in regards to the organization of individuals in each division of human undertaking. Its quality requires a broad knowledge of what a sociopath is and the identification of his/her improvement at an early age to put them into some ethical framework before it is past the point of no return. Additionally, of need is the screening of sociopaths from getting into or remaining in occupations that include potential brutality and physical maltreatment. At long last, it is essential to ingrain general and organized mindfulness, in every single workplace, of their identity. The strategic maneuver senses of a sociopath frequently make an example of unethical activities that will make them perceivable. However, the subjective activity of building up this example in our mind, or others, requires a proper intellectual framework that comprehends what a sociopath is, just as an individual adherence to an ethical code that on a primary level rejects the sociopath from being romanticized, endured, or imitated

4. CONCLUSION

The sociopathy is considered one of the social diseases, the ailment of individuals is a response to the ailment of the social and cultural construction of their society, which appears in their personality and interaction with others. They are living by the "principle of pleasure," and selfish that makes them unable to sympathy, and they love the power and control of what they have false beliefs about their preferences. So, they tend to disregard the standards and social values, seeking to take advantage of the miseries of others by coloring and lying, unable to engage in social relationships, and form a group of friends. Social intelligence is the result of a combination of factors and skills, most notably: compassion, empathy, social interest, social performance, social awareness, and high sensitivity to emotional states of others. However, he may have a low level of emotional intelligence due to his lies and recklessness. His trick and denial will not last long, especially in light of his inability to continue in social relations.

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BIODATA

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Non-verbal barriers to effective intercultural communication

Barreras no verbales para una comunicación intercultural efectiva

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ABSTRACT

Although globalization and communication technology are bringing the world closer together in a global village, language barriers constitute a common challenge to individuals, groups, international companies, governments, nations, and the whole world. This qualitative study aimed at exploring the factors that cause non-verbal language barriers, their types and impact on effective communication, and our life, as well, are making people aware of the importance of overcoming them. This study concludes that misunderstanding, miscommunication, and misinterpretation of non-verbal messages arise when the sender (speaker) and receiver (listener) do not fully understand each other's language and culture.

Keywords: Communication, Language Barriers, Misinterpretation, Misunderstanding.

RESUMEN

Aunque la globalización y la tecnología de la comunicación están uniendo al mundo en una aldea global, las barreras idiomáticas constituyen un desafío común para las personas, los grupos, las compañías internacionales, los gobiernos, las naciones y el mundo entero. Este estudio cualitativo tuvo como objetivo explorar los factores que causan las barreras del lenguaje no verbal, sus tipos e impacto en la comunicación efectiva, y nuestra vida, así como las formas, están haciendo que las personas sean conscientes de la importancia de superarlas. Este estudio concluye que los malentendidos, la falta de comunicación y la mala interpretación de los mensajes no verbales surgen cuando el emisor (hablante) y el receptor (oyente) no entienden completamente el idioma y la cultura del otro.

Palabras clave: barreras del lenguaje, comunicación, malas interpretaciones, Malentendido.

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1. INTRODUCTION

Human communication is a social interaction process. It is an essential part of our daily life. It is a process of creating, exchanging, sharing ideas, information, opinions, facts, feelings, experiences attitudes between a sender and a receiver. Communication is fundamental to the existence and survival of individuals, groups, societies, and nations. Language is the most common tool of communication. It plays a vital role in helping people build a bridge of relationships. At the same time, language acts as a destroyer of bridges of human relations, because it separates people from each other. Language continues to remain a barrier to convey our messages to people in the globalization and communication era. Non-verbal Language barriers are a common challenge in international business, aviation, social settings. They affect our daily life. Non- verbal language barriers are the root causes of many problems or obstacles in health care, negotiation, politics and business, and education. There is an overwhelming international consensus on the negative impact of verbal, non-verbal language, and cultural barriers on our lives.

What is the definition of human communication?

It has numerous definitions: (Riemer & Jansen: 2003) (1) Sharing: of meanings, ideas, opinions, facts, feelings, experiences, information between a sender and a receiver. (2) Meeting of Minds: mutual understanding or agreement between the sender and the receiver on common issues. Communication occurs only when the message has been understood, and understanding occurs in the mind of the receiver. So we should speak to people according to their level of understanding to get our messages across to them (3) Understanding: effective communication happens when the receiver understood the message (4) Getting feedback: feedback or response is critical to ensure that accurate understanding of the message has occurred. A simple definition of communication is that the process of exchanging ideas, feelings, opinions, facts, information, and experiences between the sender and a receiver verbally (spoken, written and non-verbally, sign-language, and body language.) through a channel of communication. To understand the human communication process, one must understand how people relate to each other.

What are the Forms of Communication?

A language is a valuable tool that helps people communicate with people around themselves and the world. "Language is a set of symbols shared by a community to communicate meaning and experience." (Jandt: 2017). It takes two forms: (a) Verbal Communication: the exchange of ideas, thoughts, feelings, opinions, and experiences through spoken or written words. (b) Non-verbal Communication is an exchange of ideas, thoughts, information, emotions, opinions, feelings, attitudes and experiences through both sign language (charts, photos, pictures, symbols) and body language (facial expression, eye-contact, head, hand and leg movements, posture, physical appearance, and space). Body movements are culturally specific symbols, and they are always based on a specific communication context.

Our body Talks: We use body language from the day we firstborn. We did most of it unconsciously. The movements of our body parts (behaviors) are a reflection of our inner and emotional state, culture, identity, personality, religion, and nationality. They communicate both positive and negative wordless powerful messages. Most information is exchanged through behavior. Our body speaks words (a nod of a head can be yes or no), sentences, phrases, and punctuation. "Language speaks louder than words", and speaks all the languages of the world. There are vast differences and diversities of non-verbal language among different cultures, races, and regional. It has been estimated that human beings can produce up to 700,000 different physical signs. The face alone can produce 250,000 expressions, and at least 5,000 distinct hand gestures have been attributed to verbal equivalents. Another researcher has cataloged 1, 000 postures, and their accompanying gestures. (Axtell & Fornwald: 1991) Non-verbal communication plays an important role in our daily life. The majority of our communication is expressed through our bodies 90% of our emotions are expressed non-verbally (Spinks & Wells: 1997). However, body behaviors have different meanings in different cultures. What is considered rude behavior in one culture may be welcomed as friendly or polite in another culture. Our non- verbal messages let others read our ideas and personalities and know how we feel about

ourselves, the environment, and about them. Figure: 1 Presents the communication process, and how does communication take place? The Communication Process is composed of the model or map of the communication process that shows the relationships between the elements or components of the communication process.

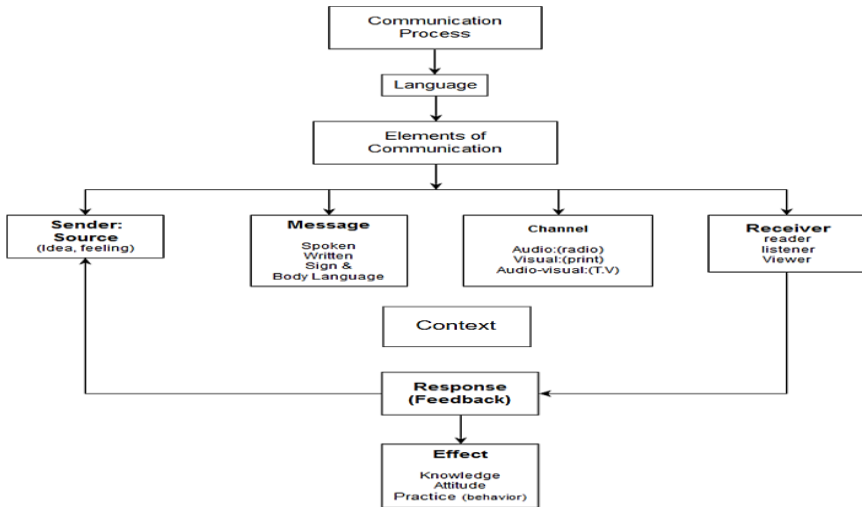


Figure 1. The communication process

The steps or elements or components of the communication process :

Sender (Source): The initiator of communication and the originator of a message. He is responsible for being sure that the message is accurately received and understood. (2) Encoding: a process in which the ideas to be conveyed are translated into a code or set of symbols or some other format of expression. (3) Message: the idea, information, opinion, fact, feeling, etc. It is the heart of the communication process. It can be a Spoken, written word, sign language, and body language. (4) Channel: the medium used to convey the message to the receiver. The media of communication include radio, newspaper, telephone, TV, and internet. (5) Decoding: is the process of translating the message into a language that can be understood by the receiver. (6) The receiver is the individual or individuals to whom the message is directed. (Listener, reader, and viewer). (7) Feedback: verbal and nonverbal reaction or response to the communicated message. It can be either positive or negative. It allows the sender to be confident that his receiver has understood his message. Understanding of a message is based on the receiver's ability to decode it and his educational, social, religious backgrounds and experiences. If the message is not understood, the receiver the sender has to send it for the second time. (8) Effect: Everyone communicates in different ways for a variety of purposes. Measure the success of your communication by the outcomes you get. So, the sender communicates in order to influence the receiver's knowledge, attitudes, and practice or action or behavior (KAP). Context: The situation (environment or circumstances, place, time, location culture, international culture. etc.) in which a message is delivered to the receiver. Non-verbal communication depends on context: body language in certain situations might not mean the same in another. For example, someone is scratching his nose might have an itch, rather than concealing a lie. Context gives a big picture. On-verbal behavior, intentionally or unintentionally, communicates messages .

How does the communication process happen?

(a)The sender has an intention or idea or feeling and meaning that exists in his mind. He encoded them into a message. (b) The sender transmits his message through the right channel to the receiver. (c) The receiver gets the message, decodes and interprets it based on his understanding of the meaning of the language and reacts or responds by sending feedback (new message) to the sender. Thus, he becomes a sender. (d)The original sender now becomes a receiver and reacts to the response of the sender (receiver). Based on the results of the communication process, the change may happen in the knowledge, attitude, and behavior (action) of the receiver. Communication is an interactive process; its effectiveness is judged by how closely the receiver's understanding matches the sender's intention.

What is Effective communication?

It is a communication between two or more persons in which the intended message is encoded correctly, delivered through an appropriate channel, received and adequately decoded and understood by the receiver or receivers. (9) It is a two-way process. It is crucial for communicating successfully with others. It helps people build trusting relationships and maintain them and accomplish goals, jobs, and tasks. Merely speaking, effective communication is the process of sending the right message to the right receiver through the right channel at the right time and place with the right feedback.

What is effective intercultural communication?

Koester & Lustig (2012) defined "intercultural communication is a symbolic, interpretive, transactional, contextual process in which people from different cultures create shared meanings." It is a two-way process of communication that allows a speaker and a listener to understand each other regardless of their cultures.

WhaT are the barriers to Effective Communication?

They are obstacles or problems or challenges that breakdown the communication process because they prevent the flow of information between a sender and a receiver. There are numerous barriers to communication, and these may occur at any stage in the communication process. They can be classified into the following categories: mechanical, physical, psychological, social, noise, religious, cultural, and verbal and non-verbal language barriers.

What is the impact of language barriers on communication?

Language is the most powerful tool of communication. Its function includes the: communication of ideas, thoughts, opinion and emotional expression, social interaction, using the power of sound, recording facts, expression of identity. However, it is, at the same time, a common barrier to effective communication. Language barriers arise when a lot of words or symbols or signals have more than one meaning, and a sender and a receiver try to communicate in the language, which themselves do not understand properly. So, communication is not always successful. There may be some obstacles in the communication system, which may prevent the message from reaching the intended receiver or its destination. Language barriers are generally arising in five areas: the way a message is originated and sent by a sender, the context (environmental interruptions), and the way it is received and understood by a receiver. Verbal and non-verbal language barriers are significant because they are often an impediment to building and maintaining relationships with others. They can cause misunderstandings that lead to conflict, frustration, offense, embarrassment, racism discrimination, hate crimes, violence, hurt feeling, frustration, disappointments, and wasting time, effort, money, and lives of the people. Summary, language barriers are problems or issues that interfere with a person's ability to send, receive, and understand a message. They are one of the main obstacles that limit or block effective communication. They can lead to misunderstandings and misinterpretations or verbal and non-verbal messages between people across cultures. They can also refer to the complete absence of communication between the two people who speak different languages and from different cultures.

2. METHODS

This study aimed at identifying non-verbal language barriers to effective intercultural face-to-face communication, their types and root causes and discusses their impact on our ways of exchanging messages and making people, groups, governments and nations aware of the importance of recognizing and learning them in order to reduce or limit them and make recommendation based on the study results for improving the effectiveness of intercultural communication. Because understanding non-verbal barriers to effective intercultural communication of various cultures is essential due to the current trend of globalization.

In today's globalized world, it is essential to build relationships between people by using body language (behaviors) as a bridge of communication in politics, tourism, business, negotiations, hospitals, religions, education, and the military. At the same time, body language can act as a barrier (wall) or a challenge that separates and prevents people from different cultures exchange simple, clear, and accurate non-verbal messages because misreading body language may cause misunderstandings of the non-verbal messages that lead to destroying relationships between people. Therefore, the most important questions are: how can we communicate with people from another culture who speak a different language successfully? Moreover, how to bridge the gap of communication between people in different intercultural communication situations in order to have a mutual understanding? In a culturally diverse world, understanding what people mean through their body language can be a challenge. Even a simple handshake can vary from culture to culture.

The study focuses only on the non-verbal language (body language) barriers to effective intercultural communication.

A qualitative methodology was chosen as the best suited to analyze in-depth communication process, and the meanings of body language in intercultural communication. The paper also presents research aiming to explore factors, which cause non-verbal language barriers in face to face communication in real life, give examples about the effectiveness of non-verbal language barriers on the intercultural communication process, and discuss the strategies of reducing or overcoming the non-verbal language barrier to effective intercultural communication.

Research Questions:

(1) What is the definition of communication? (2) What are the non-verbal barriers to effective intercultural communication? (3) What are the barriers to effective communication? (4) What is the impact of non-verbal language barriers on intercultural communication? (5) What are the root causes of non-verbal barriers to effective intercultural communication? (5) What are the strategies of reducing or overcoming non-verbal barriers to effective intercultural communication?

Why does non-verbal intercultural communication breakdown? There is an overwhelming international consensus on the negative impact of verbal, non-verbal language, and cultural barriers on our lives. For example: Accent 10%, time zone 40%, culture differences 45% and language barriers 47 % (Kai et al.: 2005).

How do non-verbal language barriers of communication have a great influence over the social environment and the whole communication process?

When analyzing the meanings of the non-verbal communication cues, we should take into consideration the following factors : (a) Context: body language depends on the context. It is in a certain situation that might not mean the same in another. For example, somebody rubbing his eyes might indicate irritation, rather being tired or disbelief or upset. (b) Evidence: A single body language signal is not as reliable as several signals. Clusters of body language signals provide a much more reliable indication of meaning than one or two signals in isolation. (c) Culture: norms, rules, language, and customs. Here are some examples which show cultural differences in terms of the interpretation of non-verbal communications in different contexts:

1- Cultural differences: certain body language is universal, for example, smiling, frowning, but somebody's language is specific to a culture. For example, "O. K.," gesture has different meanings to different people: U.S "Okay", France - "Zero," or Worthless, ", Japan – "money, ", Germany and Brazil – "vulgarity." (Desmond: 1994).

2- Language differences: Non-verbal language can be a barrier to intercultural communication not only in terms of the level of knowledge about a foreign language but also because language shapes the way we see

or perceive the world our style of communication and the way we behave in social interaction. Therefore, language is an obvious obstacle to intercultural communication because people from different cultural backgrounds tend to misinterpret each other's meaning. Even when cultures use the same language, there are still differences in the meanings of body language cues or behaviors. For example, touching the back of the head of a friend in Jordan is acceptable, but touching the back of an Egyptian's head is very offensive.

3- Ambiguity: Non-verbal communication is ambiguous. It does not have one specific meaning. Therefore, it often leads to misunderstandings and misinterpretations of body language. It is culture-bound because "the meaning of body language cues varies depending upon cultural factors described as languages of context, time and space" (Bash et al.: 2009, pp.475-483). For example, head nodding is confusing, moving the head up and down interpreted in the western culture as agreement, whereas in India, it means disagreement. Moreover, moving the head from side to side means an agreement in India and disagreement in Western cultures (Samovar et al.: 2007). Non-verbal language is always based on both specific culture and context.

Physical Appearance is another form of non-verbal communication. It includes body shape, weight, hair, skin color, the color of the face, clothes all can affect the communicated message. People are judged by their appearance. Clothing has the power of influence "dress to impress". Physical appearance can communicate many positive and negative messages: moral character, religion, social background, social position, and positive and negative impressions or assumptions. For example, when I was studying in America, I noticed that the Americans have wrong assumptions about Hijab (head covering) of Muslim women: "covering the head is covering the mind" it means that Muslim women are closed-minded. Another wrong assumption that Muslim women cover their heads is because they are bald. A Muslim woman responded to these claims: "I decided to cover my head but not my mind." As a result of these assumptions, some of the American companies did not hire Muslim women because they are closed-minded. Head covering is a traditional dress of both Catholic Nuns and Muslim women despite huge differences in their religious beliefs. However, for the Roman Catholic Nuns, they call it modesty a habit.

4- Aggression: One of the non-verbal barriers to intercultural communication is aggression. It is an unpleasant, frightening, and intimidating behavior. It takes a variety of forms and can be mental, verbal, and physical. For example, In July 2009, An Egyptian Muslim woman Marwa Al-Sherbini (Headscarf Martyr) Germany, was stabbed to death 18 times by a German man in a court during hijab trial, which fuels protests in both Egypt and Germany (Hurn & Tomalin: 2013).

5- Deception: Non-verbal communication influences others. Some people control their body language in order to hide or conceal information to deceive others. For example, "a female airport security officer reported that she had apprehended a woman who had been carrying drugs strapped to her body. The woman looked pregnant, but, according to the security officer, her suspicions were aroused when she noticed that the suspect did not have a 'pregnant face'. Such sensitivity to detail (the language of the body) has much to do with intuition, or 'having an experienced eye for the unexpected". Men disguise in women dress to steal things.

6- Taboo Touch: communication through touch is an important form of non-verbal communication that conveys positive and negative messages. For example, shaking hands, hugging, kissing, and touching both a Muslim and an Arab woman outside the family is taboo, because Arab and Islamic communication style is deeply rooted in the Arabic language and in both Arabic and Islamic cultures. But it is the opposite of western cultures. Muslim and Arab women greet the others by putting their right hands to their hearts with a slight bow. Another example, In Poland and Germany it is common to greet children by patting their heads, but it is both an offensive and taboo in both Thailand and India because the head is the most sacred part of the body (Axtell: 2007).

7- Misinterpretation of the message: when someone misreads a person's body language. For example, someone with their arms folded and tapping their feet might be impatiently waiting for some else who is late, but you might look at them and assume that they are cross with you. This can put you off, asking for help.

8- Racial Prejudices: irrational hatred or hostility towards others based on the individual's belief, nationality, country, race, the color of the face. For example, the color of the face is a form of non-verbal

communication, but for biased Westerners, blackface means inferiority, slavery, crimes. Prejudices or biases often serve as barriers to effective intercultural communication. They exist in all cultures around the world. They can be reduced by eliminating social status differences between the sender and the receiver (black and white) and by showing tolerance to others.

9- Perception and Viewpoints: covering the face of a Muslim woman and communication. Veiling is non-verbal communication. Its meaning varies by culture and context. The veil in Islam symbolizes piety, modesty, and religious identity. To Westerners, a veil is a threatening symbol of political Islam, oppression, terrorism, violence, barbarity, and backwardness (Bullock: 2002).

Bullock (2002). *Rethinking Muslim Women and the Veil: Challenging Historical and Modern Stereotypes*. London: The International Institute of Islamic Thought.

10- Posture: sitting cross-legged and showing the sole of the shoes or feet means relaxation in America. However, showing the soles of one's shoes and crossings legs are considered a sign of disrespect or offensive and rude behavior in both the Arab and Islamic world, especially in the presence of someone older or more respected than you. We should respect the other's culture.

3. RESULTS

Summary, the examples mentioned above show how powerful body language in intercultural communication can be, and also show cultural differences in terms of the interpretations and analyzing non-verbal communication. Therefore, without proper meaning of body language, misunderstanding and misinterpretation often prevail between cultures because what is appropriate behavior for one culture can be inappropriate in another. So, communicators must strongly consider the cultural factors of the language of context body language because context gives us the big picture of the communication event. All in all, not accepting the cultural differences will cause embarrassment, violence, confusion, aggression, prejudices, biases, hate crimes, conflict, disappointment. So, we should study, analyze, understand, and accept cultural differences in order to reduce or limit those barriers in order to have effective intercultural communication. Respecting cultural differences is the key to delivering successful messages.

How to Overcome Language Barriers?

Strategies of overcoming, reducing, or limiting non-verbal barriers of intercultural communication. Non-verbal language barriers prevent people from sharing their ideas, thoughts, and feelings, experience, information, and expectations, give feedback or communicate effectively. It blocks the communication process. Here are some of the main solutions to reduce or eliminate them: It is extremely important to raise awareness of the cultural differences and the tremendous role of non-verbal communication among people from all over the world.

Use the receiver's body language .	Frequently check for understanding by asking for feedback.
Politely ask for clarification and avoid any assumptions.	Build awareness of body language of the peoples from different cultures.
Use non-verbal messages appropriately.	Observe and try to do like the others.
Avoid stereotyping.	Hire qualified interpreters and translators
Adjust your behavior according to the cultural context or situation or environment.	Do not judge immediately body language has different meanings in different parts of the world.
Respect cultural differences.	To communicate effectively you need to learn the other's body language and to use it with words.

Check meanings. When communicating across cultures, never assume that the other person has understood your message.	Do not judge people's behavior from the first impression.
Use pictures, diagrams, graphics charts, because they speak a thousand words, communicate across language, and explain complicated concepts to help the receiver understand what the sender is trying to convey.	Do not judge gestures individually but in a cluster. Do not interpret hand or face gesture in isolation, because a whole cluster is more reliable than trying to interpret individual behavior.
Forgive of others and yourself – give the benefit of the doubt.	Individual linguistic ability is important train your people.
Have an understanding of how the message may impact the feelings of the receiver.	Thinking about your receivers and how they best receive your message.
Do not take stranger's non-verbal behavior personally, even if it is insulting in your culture.	Do not judge someone from other cultures by your own cultural values until you know them well.
Be patient with the people that have a different culture.	Develop an awareness of your own non-verbal communication patterns that might be insulting in certain cultures.
Recognize that you cannot change a culture (or Yourself) overnight.	Be open to understand and to respect others' cultures.
Do not assume you understand any non-verbal signals or behavior unless you are familiar with the culture.	-To be sensitive to the actions of the people and try to understand without any judgment
Avoid using body language that contradicts your words, for example smiling when irritated, laughing when worried.	Cultural competence of other cultures.

Table 1. Strategies of overcoming or reducing or limiting non-verbal barriers

Knowing to read, use, and interpret body language effectively in intercultural communication is the best strategy to reduce or limit non-verbal barriers to effective communication. For example, in 2006, The U.S. Army Training Command and Doctrine issued a handbook. No. 2, titled " Arab Culture Awareness: 58 Factsheets." To be distributed to the American soldiers working in Iraq in order to make them aware of the Iraqi culture in order to avoid misunderstandings that might lead to conflict.

4. CONCLUSION

Nonverbal communication is any information or emotions communicated by body language due to behaviors. It differs from culture to culture. Cultural differences play a significant role in non-verbal communication, for it makes people differ in the interpretation and meaning of specific non-verbal cues. Non-verbal language barriers are the obstacles or problems or walls which separate people and prevent them from understanding each other. They are a common challenge to individuals, groups, international companies, governments, nations, and the whole world. The study concluded that misunderstanding cultural context during intercultural communication and misreading human behavior generate non-verbal cultural barriers. Misunderstanding, miscommunication, and misinterpretation of non-verbal messages will arise when the sender (speaker) and receiver (Listener) do not fully understand the cultures of each other.

Therefore, Non-verbal language barriers can create problems of miscommunication between people in intercultural communication such as misunderstanding, misinterpretation of messages, distorted messages, misinformation, confusion, mistrust, uncertainty, frustration, embarrassments, poor and wrong feedback,

deaths, tension, conflict, stereotyping, racial prejudices, discrimination, wrong assumptions. Violence among people can lead to Factors that hindering effective communication. The best strategy to promote effective intercultural communication and get messages across is to bridge the language barriers by hiring qualified and licensed translators, cultural competency, learning cultures, and have training programs about intercultural communication. The future of individuals, groups, societies, and nations depends mainly on their ability to communicate effectively with others in a globalization and communication era.

Recommendation: Based on the above findings the study recommends nations and higher education cultural ministries and multinational companies to start their training programs about intercultural communication.

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Model for microeconomic empowerment: islamic microfinance institutions (Imis) in East Java

Modelo para el empoderamiento microeconómico: instituciones islámicas de microfinanzas (Imis) en Java Oriental

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ABSTRACT

East Java is one of the provinces in Indonesia in which the government has strongly supported the development of Islamic economics. The implementation of Islamic economics is expected to contribute to the economic development of East Java. Therefore, this research examines the economic empowerment of micro-enterprises conducted by Islamic Microfinance Institutions. Qualitative research methods were used, with particular reference to case studies. The results showed that Islamic Microfinance Institutions financing channeled towards microenterprises was capable of empowering them.

Keywords: Empowerment, Financing, Islamic Microfinance Institutions, Microenterprises.

RESUMEN

Java Oriental es una de las provincias de Indonesia en las que el gobierno ha apoyado firmemente el desarrollo de la economía islámica. Se espera que la implementación de la economía islámica contribuya al desarrollo económico de Java Oriental. Por lo tanto, esta investigación examina el empoderamiento económico de las microempresas realizadas por las instituciones islámicas de microfinanzas. Se utilizaron métodos de investigación cualitativa, con referencia particular a estudios de casos. Los resultados mostraron que el financiamiento de las Instituciones Islámicas de Microfinanzas canalizadas hacia las microempresas fue capaz de empoderarlas.

Palabras clave: empoderamiento, financiamiento, instituciones islámicas de microfinanzas, microempresas.

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1. INTRODUCTION

Implementation of Islamic economics includes the establishment of microfinance institutions that appropriate to Islam, i.e., (IMIS). According to (Sudarsono: 2007), IMIS is Islamic microfinance which aims to support the business activities of the people based on Islamic jurisprudence. These efforts are part and parcel of IMIS as a supporter of small community economic activities based on Sharia, in which its primary purpose is to ease the economic problems confronting fellow Muslims in order to achieve more significant benefit.

IMIS has a critical role in empowering microenterprises as businesses that have significant problems, namely capital. Various types of financing are offered by IMIS to meet the needs of capital for microenterprises, and *mudharaba* financing is one of them. *Mudharaba* is a form of business organization in which someone provides capital to others in order to do business; then, they split the profit between themselves according to an agreement. Capital providers are called *shahibul maal* and the fund manager known as *mudharib*. In this regard, *mudharaba* financing is provided to customers or applicants. IMIS grants funds with a profit-sharing system where IMIS acts as *shahibul maal* and the customer acts as *mudharib*. The purpose of *mudharaba* financing performed by IMIS is to increase microenterprise development, which can be seen in the success of microenterprises, namely in the form of increased income and also in their sales after obtaining financing. *Mudharaba* financing is a profit/loss sharing system and is appropriate for financing channeled towards microenterprises, which is a hazardous endeavor (Sutawi: 2008). An increase in financing of IMIS can be expected to increase business development. As stated by (Grönroos: 1996), the increasingly strong relationship between small businesses and financial institutions leads to better performance. In the process of disbursing financing, IMIS must have a visible role in developing efforts, especially in the field of microenterprises.

Alam et al. (2008) similarly stated that microloan funds received from financial institutions would encourage good performance in the financial institutions that are proactively engaging with the venture. Thus, after obtaining IMIS financing, it is expected that venture capital or facilities needed by micro-entrepreneurs are fulfilled so that they are able to improve their performance, namely facilitating production activities and marketing of the product in order to increase their business profits.

The focus of this research is to provide an in-depth description of how the empowerment model of microenterprises functions in IMIS in East Java. This study uses qualitative research methods, which are the scope is the financing role of IMIS in developing microenterprises. The purpose of this research is expected to generate output in the form of the Islamic business model based on the role of IMIS in developing efforts. The value of this research is related to the urgent need to review in-depth the success of IMIS in developing microenterprises. As for the benefits of the study, the findings can be used as constructive input for related parties, in this case, the IMIS micro-entrepreneurs and the government, among others, as well as the Department of Cooperatives and Small Medium Enterprises (SMEs), and Disperindag.

The primary of sharia financing is:

1. The principle of profit-sharing, if applied in *kaffah* will lead the SMEs independently in the financing; in other words, reduce the dependence of SMEs on debt.
2. Based on Al Qur'an, Hadith, *ijma'* thus guaranteed of the world and the hereafter.
3. There is a product based on *qard* virtues, regardless of profits. Warranty exists if deemed necessary, not for the results but only for voluntary contributions; administrative expenses or origin are not exchanged at the time the marriage contract is made.
4. There is *zakah*, which can be distributed.
5. The benchmarks of the faith in the determination of the *mudharib* candidate will reduce the occurrence of a default or Non-Performance Financing (NPF).

The sense of empowerment is linked to the effort of making the economy strong, large, modern, and highly competitive (Mardi: 2009, p.11). Chambers (as cited in Kartasmita: 1996) explained that community

empowerment is the concept of economic development which encapsulates social values. This concept shows the existence of a new paradigm of development, namely, the construction of that which is "people-centered, participatory, empowering and sustainable". In the concept of empowerment, a human being is a subject of themselves. The process of empowerment places emphasis on the process, which gives the ability to society to be empowered and encourages or motivates the individual to be empowered to determine choices in his/her life.

According to (Sumodiningrat: 1998), community empowerment is an attempt to stand alone in society through the realization of the potential of one's ability. Empowerment is an effort to build up power itself, by encouraging, motivating, and raising the awareness of one's potential, as well as working to improve it.

The main targets of empowerment are fulfilling basic needs (clothing, food, housing, education, and health), ensuring the right to productive employment, creating self-employment, and developing the means of enabling production. Thus, empowerment is essential to transform the community into the role of active development actors, rather than passive recipients. The concept of a community empowerment movement in development prioritizes initiative and creation in society, with the primary strategy being to give power to the community. Communities that have understood their problems are empowered so that they are better able to recognize their needs, formulate plans, and implement development independently and self-reliant.

Empowering the community can be seen from three perspectives (Kartasasmita: 1996):

1. Encourage, motivate, and awaken awareness of the potential they have and strive to develop it.
2. There needs to be a unique program for people who are less empowered because the general programs that apply to all cannot always touch the empowered community.
3. Protecting can be seen as an effort to prevent unfair competition and strong party exploitation of the weak.

Empowerment does not make the community more dependent on various programs of giving (charity), because what they have can be generated by their efforts. Thus, the ultimate goal is an independent society that is capable of advancing members towards a better life in balanced

In general, some underlying assumptions have emerged in the empowerment discourse (Mosedale: 2006). First, to be "empowered", microenterprises previously must be in a "disempowered" condition. Second, empowerment is not a gift from other parties but must be achieved by the parties who want to be empowered. Third, empowerment is a process that is dynamic, not static, and that concerns the continually changing pattern of relationships among individuals, groups, and institutions.

Implicitly, the empowerment of SMEs is an effort to establish SMEs, including the mastery of technology, capital ownership, as well as access to the market and sources of information and management skills. In terms of capital, directed to SMEs can make capital fertilization sourced from his effort and in turn, generate income that can be enjoyed by microenterprises.

In Islamic economics, the Islamic commitment to empowerment is explicitly explained, especially economic empowerment, which means that Islam requires its people to uphold justice and economic empowerment and to hate injustice. Thus, in the economic review of Islam, the empowerment of microenterprises can also be indicated as the ability of *zakah*, *infaq*, and *shodaqoh* payment.

Thus, the indicators of the realization of empowerment are the existence of administrative completeness, liveliness in business groups, development of design or technology, modern management, the motivation of group members or employees, and access to Islamic banks or government agencies. In terms of empowering SMEs by Islamic financial institutions, the results obtained emerged from the creation of capital capabilities, technological capabilities, modern management, the motivation of members of the group or employees, access to Islamic financial institutions or government agencies, and employment.

Previous research related to the present study was conducted by Giamartino (1991). The author explained that in the development effort, SMEs need capital or financing, but it still difficult for them to access formal financial institutions, so not infrequently, their capital requirement is financed by the loan shark.

Alam et al. (2008) Discussed the creation of business groups, new technology, trends, and employment, and explained that capital or financing problems could be answered by Islamic economics by empowering *zakah*, *shadaqah* through sharia microfinance institutions, such as Islamic Microfinance Institutions or sharia

cooperatives. Some research and case studies have suggested that a model for microenterprise development based on a sharia economy is required. Shariah microfinance institutions should be seriously empowered, especially by the government, because they are relatively easy to access by SMEs. Paseková et al. (2010) explains about SMEs willing to report under IFRS. Gavalas & Syriopoulos (2014) and Strouhal et al. (2015), explain about bank credit risk in the business cycle.

Lukyatawati (2011) Stated that the need for capital is essential for the continuity of SMEs from the process of establishment, SMEs need capital to meet the needs of raw materials and the production process until marketing, so that products come to the consumer. Capital is the main problem of UMKM. The majority of MSMEs do not have access to formal financial institutions due to collateral requirements. MSMEs are feasible but non-bankable for formal financial institutions, which is related to high transaction costs, availability of guarantee, and risk of return. The development of MSMEs with the strengthening of access to capital is expected to increase turnover and operating profit, as well as job opportunities, and thus ultimately reduce poverty.

2. METHODS

This research was conducted using the qualitative method of the case study. According to (Aberdeen: 2013, pp.69-71), "An empirical research study investigates the phenomena in the context of real-life, when the limits or the boundary between the phenomena with the context do not seem firm and multiple sources are used". The case study method was chosen because there are phenomena to be discovered by researchers, which are associated with the formulation of research problems, namely, how the empowerment model of microenterprises in East Java was performed by IMIS.

A thinking framework functions to explain the research steps that will be undertaken. IMIS has a high commitment to financing microenterprises. The presence of IMIS is of concern to microbusinesses, especially since disbursing financing is expected to help them be able to solve the problem of capital limitations in the business. After obtaining microbusiness financing, it is expected that the business will be able to empower itself so that the microenterprise can be independent. Micro-entrepreneurship independence is demonstrated by several indicators, such as the increased ability to obtain financing funds, and ukhuwah (togetherness) among fellow microbusinesses, as well as IMIS.

Figure 1 below shows that the financing of IMIS is expected to empower micro-enterprises. The empowerment indicators used in this study are a capital capability, the motivation of group members or ukhuwah, and access to IMIS or government agencies.

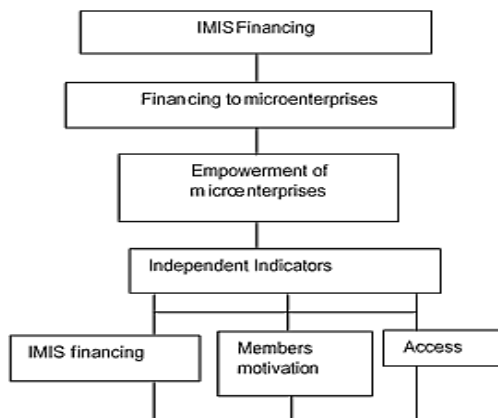


Figure 1. Frame of Mind

3. RESULTS

The following aspects will be discussed in relation to all the findings of researchers in the field, either through in-depth interviews or by observing the informant during the research process.

The Role of IMIS in Empowering Microenterprises:

The results of the in-depth interviews with informants whom the IMIS manager information obtained, that almost all vision of IMIS is to be trusted as a partner selection of microenterprises. Meanwhile, following the mission of IMIS, microbusinesses are realizing growth and sustainable profits, giving priority to the association's fund members and the channeling of funds for the microbusiness segment, as well as developing universal Islamic values (Obaidullah & Latiff: 2008).

On the next question about the development of the microenterprise financing per year, there was a trend of a significant increase for all types of financing. The role of IMIS financing, according to the informant, enhanced the empowerment of the microenterprise and continuously attempted to manifest the cooperation with relevant agencies, both the government and private agencies.

On the next question about the development of the microenterprise financing per year, there was a trend of a significant increase for all types of financing, with the largest percentage of *murabaha* financing. According to the informant, IMIS capability was more associated with financing, whereas to do coaching is so defenseless, IMIS microenterprises are lacking human resources. This is due to the number of clients who received hundreds of financing so that the existing IMIS employees are currently far from sufficient to perform the coaching. However, in an attempt to establish continuous cooperation and coaching for microenterprises, IMIS has not been intensively to do it.

Among some of the problems faced by microenterprises, the problem of capital is a crucial one, in addition to marketing issues and human resources. Islamic economics has offered a solution by providing IMIS financing or more sharia finance institutions. The indicator of the fulfillment of capital is the satisfaction of the needs of both the micro venture capital private equity or capital from IMIS or other financial institutions.

The results of the interviews conducted with the microenterprises showed that all informants stated that capital needs had been met after receiving financing from IMIS. Table 1 below shows a comparison of the fulfillment of the capital before and after obtaining financing from IMIS.

Informant	Financing Fulfillment		Percentage Increase (%)
	Before	After	
Microenterprise 1	Rp 1,000,000	Rp 3,000,000	300
Microenterprise 2	Rp 1,000,000	Rp 4,000,000	400
Microenterprise 3	Rp 500,000	Rp 3,000,000	600
Microenterprise 4	Rp 5,000,000	Rp 20,000,000	400

Source: Data processed

Table 1. Microenterprise Financing Fulfillment Indicators Before and After Receiving IMIS Financing

As can be seen from Table 1, all types of microenterprises obtained financing from IMIS so that the capital requirements were relatively met. Microenterprise informant 1 obtained financing information from a friend of his fellow traders' market. Through financing by IMIS, microenterprise informant one obtained loan funds of Rp 3 million, without a guarantee. This type of financing has been obtained for two years. The type of financing received is the *mudharaba*.

The mechanism of payment is a daily payment after trading. The experience of obtaining IMIS financing felt more profitable than with Bank "Thithil" which was perceived as having higher costs due to interest expenses of Bank "Thithil". The progress of his business proved more blessed by using IMIS financing, it can

be perceived by their ability to buy a motorcycle that makes it easy to transport, making it easy to sell, if not exhausted in the market he could trade around the village to sell the fish by coming to the customer, so that the relative increased sales results.

Microenterprise informant 2, obtained information about IMIS financing from his friend's fellow traders' market. Through the financing from IMIS, informant 2 obtained a loan of Rp 4 million, without collateral. This type of financing has been obtained for two years. The type of financing received is the *mudharaba*.

Microenterprise informant 3, obtained information about IMIS financing from his father. Through financing provided by the IMIS, informant three obtained loan funds of Rp 3 million, with a motorcycle as collateral. This type of financing has been obtained for two years. This type of financing received is *murabaha* that was used to buy a machine. The mechanism of payment was a monthly payment. The experience of obtaining IMIS financing felt more profitable than with a conventional bank, which was perceived as having higher costs due to interest expenses. The progress of his business quite significantly by the presence of a coveted machine for this job, tire retreading production can meet the demand. Sales distribution is increasing, especially in the area of cities in East Java, or outside, that marketing felt pretty good, so the perceived growing financing needs. This has resulted in increased sales turnover assets, and the employees absorbed increases.

Microenterprise informant 4, learned information about IMIS Sharia financing from his companion. Through financing provided by IMIS, the informant received a loan fund of 20 million rupiahs with collateral of house certificate. This type of financing has been obtained for one year. This type of financing received is *murabaha* that was used buying pick up the car. The mechanism of payment was monthly installments. The experience of obtaining financing IMIS felt more profitable than with conventional banks felt the installment higher due to interest expenses. The progress of his business gets quite significantly by the presence of financing its business, guaranteeing the smooth performance of IMIS, particularly in supplying fruit at shopping malls. This has resulted in increased sales turnover assets, and the employees absorbed increases.

Member Motivation Indicators (Ukhuwah):

The empowerment of microenterprises by IMIS is indicated by the ability of microenterprises to motivate their members, both fellow employers, and employees. This means that microenterprises have invited business friends and employees to promote their activity through business cooperation, for example, when this is done, especially after obtaining financing from IMIS. In summary, the empowerment of microenterprises indicated by technological innovation is shown in Table 2.

Informant	Member Motivation		Note
	Before	After	
Microenterprise 1	Yes	Yes	Increased Performances
Microenterprise 2	Yes	Yes	Increased Performances
Microenterprise 3	Yes	Yes	Increased Performances
Microenterprise 4	Yes	Yes	Increased Performances

Source: Data processed

Table 2. Indicator of Member Motivation of Microenterprises Before and After Receiving IMIS Financing

Table 2 shows that microenterprises 1 and its partners have motivated employees and fellow business partners to advance the business both before and after obtaining IMIS financing. After receiving IMIS financing, this activity was done more intensity.

Empowerment of microenterprises, as indicated by the existence of access to IMIS or other institutions, means that microenterprises are able to access financial institutions, especially IMIS, or are able to have

intensive relations with the government or private institutions when this is done especially after obtaining financing from IMIS.

Informant	Creating Network		Note
	Before	After	
Microenterprise 1	Unable	Unable	-
Microenterprise 2	Unable	Unable	-
Microenterprise 3	Able	Unable	-
Microenterprise 4	Able	Unable	-

Source: Data processed

Table 3. Indicator of IMIS Access and Other Institutions

Before and After Microenterprise Acceptance of IMIS Financing

Table 3 above shows that microenterprise 1 and microenterprise 2 have not been able to access other agencies, either governmental or private, to advance their business both before and after obtaining IMIS financing. Microenterprise 3 and microenterprise 4 have accessed IMIS effectively, but have not been able to establish relationships with other institutions before and after obtaining IMIS financing.

All the microbusinesses interviewed stated the importance of fulfilling financing or capital needs. Microenterprises expressed ease in the process of obtaining financing by IMIS. The margin load was lighter than the interest expense on renters and conventional banks.

By obtaining IMIS financing, the majority of *murabaha* financing is constructive for the sustainability of microenterprises. However, it is expected that more financing will be obtained with a contract other than *murabaha*, such as *mudharaba*, or *musharaka*. Thus IMIS financing can fulfill micro-business capital.

Indicator of Member Motivation (Ukhuwah):

Member motivation indicators are intended as the ability of a microenterprise to motivate members of its group, or fellow entrepreneurs in the same line of business, or its employees to be eager to advance the business. This motivation is essential, especially in the face of possible business failures and also to achieve business opportunities that lead to business progress.

The results of this study indicate that all types of microenterprises have motivated their fellow business partners and employees to develop their business. The majority of them did so independently without the assistance of IMIS and government agencies.

IMIS access indicators and other agencies are intended as the ability of microbusinesses to access IMIS or establish relationships with other agencies. This access is essential not only in funding but also in establishing relationships with other agencies, especially in obtaining information essential to the progress of microenterprises, for example, in marketing.

The results of this study indicate that all kinds of micro business have got funding from IMIs with easy process. The problem is with access to the government. Not all micro-businesses establish relationships with government agencies such as Cooperatives and SMEs and the Office of Trade.

Based on the analysis above, the relation between IMIS and its function to realize economic welfare and sustainability of microenterprises is illustrated in the model in Figure 2.

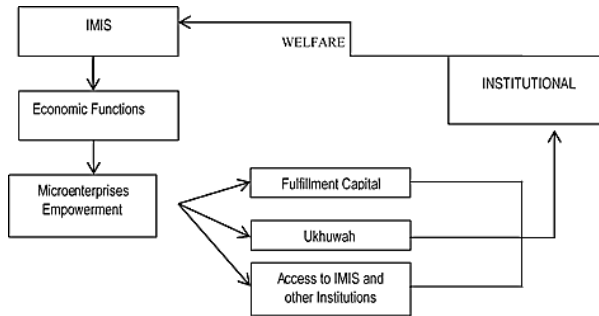


Figure 2. Model of Microenterprise Empowerment by IMIS

4. CONCLUSIONS

Based on the data collected and the analysis that has been done, the following results have emerged:

1. IMIS in East Java empowered both members and non-members in society. This can be seen from the vision and mission of IMIS, as well as the purpose of establishing it. The presence of IMIS has reduced the losses of people who are trapped in loan shark. Also, it can be concluded that from the financing process disbursed to members or non-members or communities around IMIS, the majority of financing is *murabaha* financing, but not a few are *mudharaba* financing.
2. Microenterprises face various problems, but the main problem is financing. With the fulfillment of financing for microenterprises from IMIS, there is the possibility to empower microbusiness, although sometimes without assistance from IMIS or from other related institutions. Indication of empowerment of microbusiness, among others the fulfillment of financing, freed from a loan shark, giving motivation to members, to IMIS or related institutions. Microbusinesses still need to be empowered from the management side and have the ability to maintain business continuity.
3. Although IMIS is only capable of supervising and assisting microbusiness, the financing distributed by IMIS is very helpful for the smoothness of microbusiness, because, without financing, the microbusiness has difficulty in maintaining the sustainability of its business activities.

Suggestions:

Based on the analysis and the discussion of the findings of this study, the following suggestions may be made for the benefit of concerned parties:

1. The ability of IMIS to empower microenterprises is more related to financing and supervision to carry out the development effort for microenterprise empowerment; IMIS lacks sufficient manpower. This is because the number of customers who receive financing hundreds, whereas existing employees are far from sufficient to do, but in the effort to establish sustainable cooperation and coaching to microenterprises, IMIS should conduct cooperation with related institutions both government and private sector more intensively.
2. The government should be aware of the limitations of IMIS, and proactively and intensively cooperate with IMIS in designing microenterprise development programs. Likewise, they should maintain the trust of IMIS that its existence is to encourage the success of microbusiness, not vice versa.

3. For future research, there are many issues related to IMIS that can be further investigated in the field of economics, management, and accounting. Thus, to be more comprehensive, the next research could be expanded by integrating quantitative methods.

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Character education in the era of industrial revolution 4.0 and its relevance to the high school learning transformation process

La educación del carácter en la era de la revolución industrial 4.0 y su relevancia en el proceso de transformación del aprendizaje en la escuela secundaria

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ABSTRACT

This study aims to discuss the approach to the implementation of character education management in the era of industrial revolution 4.0 (IR 4.0) and its impact on student learning transformation. The research method in the process of data collection is done through literature studies and interviews of character-building teachers and high school students. The results of this study showed that the teacher's lack of understanding of IR 4.0 had an impact on the use of the character education approach used by teachers.

Keywords: Character Education, Industrial Revolution 4.0, Learning Transformation, Literature Studies.

RESUMEN

Este estudio tiene como objetivo discutir el enfoque para la implementación de la gestión de la educación del carácter en la era de la revolución industrial 4.0 (IR 4.0) y su impacto en la transformación del aprendizaje de los estudiantes. El método de investigación en el proceso de recopilación de datos se realiza a través de estudios de literatura y entrevistas con maestros de formación de carácter y estudiantes de secundaria. Los resultados de este estudio mostraron que la falta de comprensión del maestro de IR 4.0 tuvo un impacto en el uso del enfoque de educación del carácter utilizado por los maestros.

Palabras clave: educación del carácter, estudios de literatura, revolución industrial 4.0, transformación del aprendizaje.

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1. INTRODUCTION

The industrial revolution 4.0 not only “shakes” the existence of management education but also challenges the progress of better education in the future (OECD: 2018). As the presence of the industrial revolution 4.0, managers must be aware of being able to prepare graduates who are mentally prepared to create knowledge-based and character-based jobs. They must have new expertise, adapt, manage, and utilize IR 4.0 by becoming critical thinkers, problem solvers, innovators, communicators and providing value-based leadership. All of these criteria cannot be separated from character education (Gray: 2016).

The study of the character education approach is overgrowing. The implementation of character education is inseparable from the learning method, Auster & Wylie (2006), Watson & Sutton (2012). Auster & Wylie (2006) states that there are at least four dimensions of the learning process: setting the context, preparation, delivery, and continuous improvement. Another study by Begley et al. (2007), Russell III & Waters (2010), Berkovich & Eyal (2018), Pourrajab & Ghani (2017). Russell III & Waters (2010) used a character education approach by watching films and discussions. Another approach, dividing students into three categories: pre-conventional reasoning, conventional reasoning, and post-conventional reasoning (Kohlberg: 1964). There is also an approach in four stages: the initial stage, the formal stage, the transition stage, and the stage of meaning (Lockheed & Verspoor: 1991). In the Indonesian context, character education uses a class-based approach, school culture, and society (Hendarman et al.: 2018). The approaches to character education in school prioritize the formation of the intact personality of students (Mak: 2014). The whole personality reflects harmony and harmony in mind/intelligence, heart/honesty and responsibility, sports/health and hygiene, and initiative/expertise and creativity (Vincent et al.: 2002).

Referring to some of these studies, the character education approach has not had a national agreement. As time goes by, its implementation cannot rely on hold pattern, which regards teachers as the only source of knowledge, having absolute authority over students, while students are only considered spectators. The openness of access to information for students requires learning teachers and students to be productive and have character (Good: 2008). Teachers must be friends, value filters, and even live role models for students (Bashir et al.: 2014).

Compared to others' approaches, this study is the use of a holistic and practical approach. This means that the implementation of character education in the IR 4.0 era must not only be conceptual, but it must also be holistic, involving all parties, actual, supported by facilities and infrastructure, and designed with measurable standards.

2. METHODS

This research was conducted from September 2017 to December 2018 in a Bandung Christian High School. This study involved ten teachers, 30 students, and 20 parents using qualitative methods. The research was carried out with the procedure of collecting qualitative data, namely identifying participants and places, obtaining permission to access research, determining the type of information, determining instruments, and administering data collection (Creswell: 2012). The type of data used consists of 2 types, namely: 1. Primary data includes the distribution of questionnaires. 2. Secondary data is supporting data from the literature and references regarding obstacles to character education programs. Data analysis was conducted in six stages: data collection, transcribing, reading, coding, interpretation, and validation of data accuracy (Creswell: 2012).

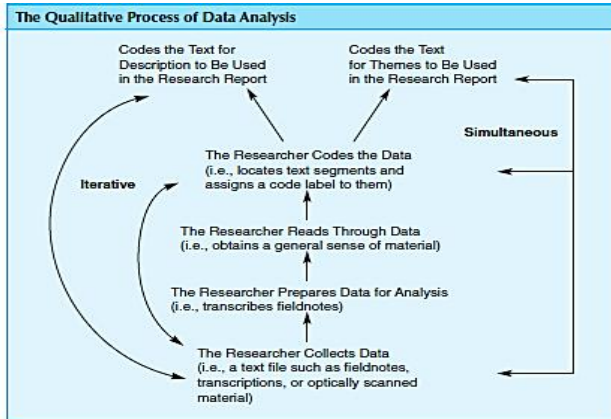


Figure 1. Analytical Process of Qualitative Data (Creswell: 2012)

3. RESULTS

Based on data analysis, it was found that there was a gap between ideal conception and actual conception in the implementation of character education. Ideally, teachers should understand the meaning of character education and actively participate in the implementation program. 65% of teachers still do not understand the concept of character education. As a result, teacher involvement is shallow because they think it is not their responsibility to teach.

While 87% of students felt that character education had been boring. They expect the practice outside of the classroom about the character education program. However, many as 95% of parents did not even understand their responsibilities in character education programs. This due to several reasons: school does not yet have a holistic concept in the implementation of character education, lack of supporting infrastructure, lack of communication and coordination, even the absence of indicators of program success. Regarding the digital character education module, teachers, students, and parents agreed to be provided immediately. Based on the results of the questionnaire respondents, 97% of parents need a digital module with reasons for business, lack of understanding of character values that must be taught, and their desire to know the child's character development. While 95% of students need digital modules to make it easier for them to access and discuss.

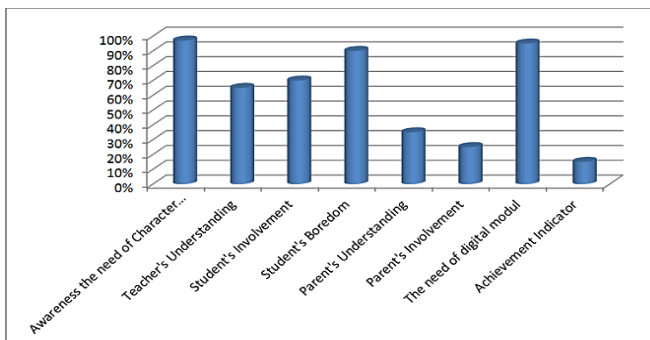


Figure 2. The problem of character education implementation in school

Referring to the results of the respondents above, high school students need the implementation of character education. The results of the questionnaire also indicate the need for improved approaches in character education programs. The approach is that the teacher must involve students more in the learning process. For the sake of program optimization, the involvement of all parties is needed, and the use of digital modules that can be easily accessed by both students and parents. Besides, indicators of achievement also need to be emphasized. As a result of the research, the researcher recommends a digital module that can be accessed at www.cekristal.com.

Based on the above problems, a conception of shared understanding is needed on character education both for private school (teacher and students) and external schools (parents). So, in its implementation, it requires a carefully designed character education program.

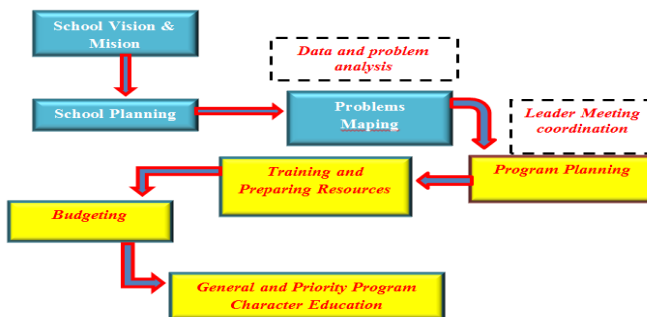


Figure 3. Character Education Planning Scheme

Referring to the issue of understanding the concept of character education, a discussion of this matter is needed. The following discussion will explain the concept of character education in the era of IR.40.

Based on research, the implementation of character education still does not involve many students. The teacher method dominates the class and makes students as listeners become one of the obstacles to the effectiveness of the character education program. This condition is inversely proportional to the learning theory and expectations of students, especially in this digital era. This involvement of students using digital technology and computers significantly helps increase students' understanding of learning in this digital era (Akcaý et al.: 2006). Learning psychology theory mentions four basic needs of students: the need for competence, the need for autonomy, the need for relatedness, and sustainable learning (Niemic & Ryan: 2009). Education in the IR 4.0 era emphasizes the expertise of students known as 4 Cs (creativity, critical thinking, communication, and collaboration). Critical thinking is a feature of education that needs to be developed digitally, and this requires student involvement (Facione: 2011). Based on this learning theory, character education must actively involve students in the learning process.

Character education is a genuine deliberate effort to help someone understand, care, and act on the core foundation of ethical values (Lickona: 2009). Based on this concept, character education is a deliberate and planned effort to instill, grow even as a step to restore increasingly massive character degradation in the lives of students. Efforts to produce good characters are not things that can happen automatically (Lickona: 2001). In the context of schools, true character education requires the cooperation of various parties and even the development of the right system. Character education is a national movement creating schools that foster ethical, responsible, and caring young people by modeling and teaching good character through an emphasis on universal values that we all share (Pala: 2011). In other words, efforts to actively engage students to become a culture that must be developed in character education.

Concrete actions in adopting learning methods that involve students actively can be done by blended learning. The blended learning method is the incorporation of face-to-face learning in the classroom with online learning (Wilson: 2015). The new literacy movement that focuses on three main literacies: digital literacy, technology literacy, and a human literacy, emphasizes changes in learning methods (Aoun: 2017). In other words, the teacher must be aware that the key to learning success now is learning with the student-centered learning and modeling method. The teacher must be the model that students follow (Gough: 1998). All of these concepts support the “cekristal” digital module that researchers recommend in character education.

The history of the industrial revolution starts from industry 1.0, 2.0, 3.0, to industry 4.0. Industry 1.0 is characterized by the mechanization of production to support the effectiveness and efficiency of human activities. Industry 2.0 is characterized by mass production and quality standardization. Industry 3.0 is characterized by mass adjustments and the flexibility of automation-based manufacturing and robots. Then Industry 4.0 is present to replace industry 3.0, which is characterized by cyber-physical and manufacturing collaboration (Irianto: 2017).

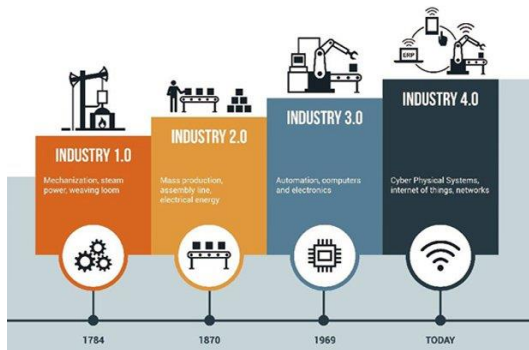


Figure 4. The History of the Industrial Revolution, <https://cdn.sindonews.net>

Some sources say the term industrial revolution 4.0 originated from a project initiated by the German government in promoting the computerization of manufacturing. Industrial Revolution 4.0 (IR4.0) was first published in Davos in 2016. The IR4.0 terminology itself was widely accepted after German Chancellor Angela Merkel highlighted it at the Hanover Fair in 2011, which made the German industry increasingly known and competitive. The era of industrial revolution took place around 2010 through engineering intelligence and the internet of things as the backbone of the movement and connectivity of humans and machines, (Prasetyo & Trisyanti: 2018).

The industrial revolution in each era had an impact on social change in society (More: 2002). For example, industrial revolution 4.0 changes socio-economic societies in Russia, while changing more individual social behavior (Popkova et al.: 2019). The industrial revolution was also referred to as the digital era and disruption. Disruption is defined as a fundamental or fundamental innovation change (Kasali: 2018). In the era of disruption, there were fundamental and massive changes in society in the field of technology in every aspect of life. The characteristic of the disruption era is known as the VUCA expression, which is massive, rapid change, with unpredictable patterns (Volatility), causes uncertainty (Uncertainty), the occurrence of the complexity of relationships between factors (Complexity), ambiguity (Ambiguity), Reeves & Reeves (2015).

In the socio-economic aspects, the challenges of industry 4.0 are: (1) industry readiness; (2) trusted workforce; (3) ease of socio-cultural arrangements; and (4) diversification and job creation (Irianto: 2017). All these aspects are not only related to economic factors but social behavior. Indonesia's demographic bonus in 2040 has 195 million people of productive age.

Problems arise when the industry prefers the use of technology to replace human power. The inability of the industrial sector to absorb labor is sure to bring about social turmoil. The role of education is not only to prepare a skilled and ready-to-use generation in the industry but to give birth to a generation of creative, innovative, resilient, and independent. The role of character education is expected to be the accelerator of mental revolution and forming dignified mental competitiveness. Students must be trained to become creative entrepreneurs. The right response to the challenges of industry 4.0 is needed so that it can be managed as an opportunity for dignity. Planting strong character concepts will help responsive and resilient students as independent individuals and characters.

The preparation of Indonesian human resources in the era of IR 4.0 is very important. In era IR 4.0, 75% of jobs involve the ability of science, technology, internet, and lifelong learning (Pannen: 2018). Indonesian education needs to improve the quality of workforce skills, digital talent, and social skills. Besides that, it is also necessary to think about 3 new literacies, namely: digital, technology, and human. That is, amid the flow of technological development, the development of human identity and dignity is the main element.

Technological advances open a new paradigm in learning methods. Now the learning method requires networks that are open, social, personal, multidimensional, and visual (Bilek: 2009). Learning can no longer only be limited in classrooms. The reality of the technological revolution and the use of digital information will automatically change the "traditional" learning method. The use of film and media as a means of learning is an urgent need in the digital generation (Harwood & McMahon: 1997).

Educational institutions in the industrial revolution 4.0 era must be aware of the emergence of learning style trends in students. There are at least 9 trends: first, learning can be done anywhere and anytime; second, education is personal and individual for students; third, students feel entitled to choose the field of learning they want; fourth, students prefer project-based learning; fifth, students prefer learning through experience; sixth, students prefer their data and findings; seventh, students do not like material that is not relevant to them; eighth, students want their opinions to be valued; nine, students are more independent and happy with their own learning methods, (Fisk: 2017). In this context, upholding character values is very important so that students are not cultured individually, and appreciation for humanity is not valued only as a function. Multi-dimensional functional character education is the introduction of human values, appreciation, potential development, and remembering the ultimate goal of life that is God-glorifying.

In the current era of disruption, the world of education is required to be able to equip students with 21st-century skills. These skills include leadership, digital literacy, communication, emotional intelligence, problem-solving, entrepreneurship, global citizenship, and teamwork (Wibawa: 2018). Then the teachers are required to have strong competency cores, namely: critical thinking, creative, adaptive to technology, communicative, and collaborative. Besides, teachers must be able to build an atmosphere that meets the psychological needs of students, which includes: needs for competence, needs for autonomy, and trust.

Today's digital kids think of ICT as something akin to oxygen; they expect it, it is what they breathe, and it is how they live (Brown: 2001). Some characteristics that accompany this generation according to him are: They like to be in control, like choice, they are group-oriented and social, inclusive, practiced users of digital technology, think differently, they are more likely to take the risk, and they value time off because they view life as uncertain.

The digital revolution changes our work, our organization, and our routines (Lonka et al.: 2015). Furthermore, this condition changes the way children and adolescents play, access information, communicate with each other, and learn. Lonka added that the presence of students in the digital era with the emergence of information technology development requires a different learning approach. Today's students are active learners rather than spectators. So, they need an open dialogue not only to understand what, or how, but to be able to answer why and attract meaning. This is where dialogue and interaction between students and teachers are needed in deciding the true value of life.

Radical changes in the assessment and application of character values have occurred since the advent of baby boomers (1946 - 1964), generation X (1965-1980), and Generation Z or I generation (1995-2010).

The common characteristics of generation Z are users of technology and applications. They are very familiar with smartphones or social media, creating communities through social networks: FB, twitter, line, WhatsApp, Instagram. His behavior became freer to express what he felt and thought spontaneously. Finally, they tend to lack verbal communication, egocentricity, individualism, want to be instantaneous, and change their ethical behavior (Josephson: 2006). The generation Z challenge is characterized: a reasonably high distraction potential in each individual, information overload, dominant in virtual interactions and a shift from the presence of learning to distance learning. These characteristics reaffirm the change in character values they hold along with access to information that is sweeping globally. These are the present high school student's characteristics. That is, the teacher must be the answer to changes in the behavior of generation Z.

The next challenge is related to information overload. Ease of access to information allows high school students to see, download, and even imitate whatever they think is good. Teachers are now challenged not only to hear and become students' friends but also to filter information and values believed by students. The teacher must be able to confirm the concept of true value in the middle of the relativism flow.

The main initiator of the theory of relativism is said to be Protagoras. Ethical relativism holds that judgment is good and right depends on the person. The theory of religious relativism in the end also has the right to determine whether God exists or not. In short, they believe that there is no absolute truth. If this belief does not get the right explanation, then students will always question the wrong as they wish. Filtering information and values by teachers is a guide to re-establishing the meaning of truth.

Permissive is an act of omission. The permissive society begins in a family upbringing. This pattern is characterized by the characteristics of not guiding children, approving all children's behavior, the absence of clear sanctions. This upbringing results in the child doing maladaptive behavior: promiscuity, free sex, rule rebellion, and other bad actions.

Adolescence is a period that is vulnerable to the crisis of psychosocial aspects (Cook: 2015). Without right and wrong affirmation, teens will be confused with the value of life. They will only follow what is usually done in society without thinking about values. The crisis of psychosocial aspects of adolescents demands an active role from parents. In adolescence, the values and moral standards of parents are considered important by adolescents and proper parental control is needed (Brown: 2016). The four dimensions of parenting are parental control, clarity of parental communication with children, demands maturity and affection, (Huver et al.: 2010). The role of parents really cannot be represented. In fact, many parents do not understand or even do not care about their responsibilities. Permissive upbringing produces aggressive children uncontrollably. Eventually, it will also create a permissive society.

There are 5 industry challenges IR 4.0: 1) information technology security issues; 2) reliability and stability of the production machine; 3) lack of adequate skills; 4) reluctance to change by stakeholders; 5) a lot of work is lost because it turns into automation, (Sung: 2018, pp.40-45). All indicators of this challenge cannot be separated from law enforcement and value learning played by the media. Focusing on the first and fourth challenges, the act of breaking through technology security is impossible for machines. The reluctance of law enforcement exacerbates conflict and social problems in this era of the industrial revolution. The omission of enforcement of character values by the media adds complexity to the character problem. Media can actually be used by humans as a justification for their crimes.

The term approach in the context of learning is how to manage learning activities and student behavior. The goal is to be able to actively carry out learning tasks so that they can obtain optimal learning outcomes and experience the expected life transformation. The teacher as a facilitator must be able to accommodate, inspire and explain learning with theoretical coverage and concrete examples.

The era of globalization and digitalization has impacted on the opening of the transculturalization era, transnationalisation even more severe transreligiosity (changes in service or loyalty to religious values). Adopting these values often results in lifestyle exchanges. Many high school students are prouder of outside culture than their own culture. In turn, this condition will create acculturation and assimilation of lifestyle. If this

happens, it is difficult to affirm the national identity rooted in local wisdom. Real steps are needed from education policymakers to respond to this increasingly complex reality. The character education approach that can be proposed uses 3RT principles namely rethinking, reframing, rebuilding and transforming:

Rethinking is an effort to detect various misconceptions that have been built up in connection with character education. The history of character education programs in Indonesia, which was used as a means of "propaganda" of power in the New Order era, has become part of history. The momentum of awakening awareness to restore character education to its original goal through the national education system law marks new hope for this program. The presence of government regulations on strengthening character education adds to the basis that reinforces the implementation of character education in schools. Citizenship education is needed to develop the political competence of citizens who are democratic and responsible (Gainous & Martens: 2012, pp.232-266). Rethinking steps are needed to avoid counter-productive impacts that might arise. That is, character education programs must not stop only at a mere conceptual level; it must also be considered concrete policies and their accompanying impacts.

Reframing, this step is an effort to reshape the framework of the implementation of character education that is only segmental and local in nature to a new frame of reference that is holistic and integrative. This step confirms that the implementation of character education is no longer sufficient as part of school education. This program must also involve the contribution of external schools such as parents, religious institutions, social friends, and even the community. Reframing will result in real collaborative efforts of all parties in realizing the goal of character education, namely forming the character and behavior of students based on the noble values of humanity. Reframing will also result in technology integration within the scope of learning. This means that the use of technology in character education is a necessity. Digitizing material means of communication and evaluation makes character education contextual in the lives of students or millennials.

Rebuilding, character education which from the beginning become an educational pulse must be turned on in a real way. The complexity of the lifestyle of the global and digital era today demands the emergence of life role models. Character education should be able to build a pilot community in the midst of an increasingly stinging lifestyle flow. Pilot communities can be built starting from teacher exemplary, rewarding exemplary students, disseminating news of high achieving students, and value filtering. All of this will certainly produce an educational building that includes all components of the school as a learning community capable of upholding national identity.

Transforming (manifest change) at the school level, there need to be clear standards related to behavioral changes that are expected to occur during the learning process. More than that, changes that occur should not only take place because of threats or sanctions by school rules. Changes in student behavior are expected to be born from awareness of dignified behavioral needs. Habituation and establishment of a dignified lifestyle must be part of the lives of students (Agung: 2011). Transforming gave birth to students who contributed positively to his era. Students with all technological fluency and the media consciously disseminate achievement, innovation, optimism, and integrity of life born of conscience. At the school level, there must be clear indicators of achievement for this program. These achievement indicators are also useful to measure the effectiveness of the program modules used and the involvement of all parties to realize social transformation.

The description of the steps in the character education approach confirms the importance of changes in the education system. This is clearly illustrated by Wardani (2018):

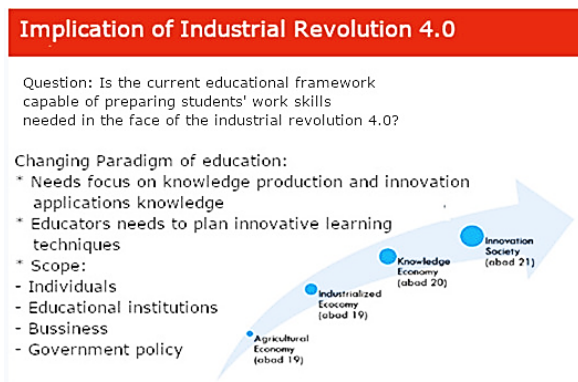


Figure 5. *The Industrial Revolution 4.0 Implication in Education* (Wardani: 2018)

Changes in time require the sensitivity and creativity of education practitioners to change the educational framework. In the midst of global competition, education must emphasize character strengthening. Skill ability without being offset by fighting power will only produce generations that are easily broken up. As a follow up to the steps in the character education approach, a revitalization movement is needed on various elements of education. The term revitalization is a process or act of reviving, reviving various programs of any activity. In order to realize the concept of 3RT, it requires a revitalization movement in various aspects. The concrete revitalization movement in the era of industrial revolution 4.0 in the field of character education includes:

The quality of teachers in Indonesia is still low. This is evident from the results of the teacher competency test (UKG) in 2012: the average value of high school teachers in West Java Province is only 55.35, while the minimum UKG value for 2017 is 70 (Fajar et al.: 2017). Other data shows: 62.15% of high school teachers rarely use Information and Communication Technology (ICT) in learning, 34.95% of teachers lack mastery of ICT (Syukur: 2014). This condition shows the importance of the hard work of the education office in improving teacher competencies related to ICT in order to improve the quality of education in this digital era.

Referring to the Regulation of the Minister of National Education Number 16 of 2007, ICT competencies for teachers have at least two functions, namely ICT as self-development and ICT, as supporting the learning process.

Character education affects the way of thinking and behavior of students. Therefore character education must not claim to be impartial or neutral in enforcing values. Character education must fulfill the goal of arousing the mental revolution of students. The transformation of students should be born of conscience and encouragement. The fact is that many students do the right thing but for the wrong reasons. For example, they do not cheat not because they realize it is wrong but are afraid of being found out or sanctioned. The mental revitalization of students results in an understanding that character education should not be a threat, fear or pressure. Character education must build a culture of character awareness.

The era of digitalization within ASEAN has given rise to a positive response from the government. According to Coordinating Minister for Economic Affairs Darmin Nasution, stressed: "Indonesia has great potential for capital development in the digital economy. In 2016, the potential of information technology infrastructure covers 90% of the population with more than 62% of mobile phone penetration, with 52% of mobile users from Indonesia's total population. "

The great potential in utilizing digital technology will be a boomerang if educational institutions do not provide adequate infrastructure for training and developing the potential of ICT for teachers and students. The reality shows that there are gaps in ICT facilities in urban areas, especially in rural areas. Revitalizing educational facilities cannot be delayed considering the time and unstoppable technological developments.

A holistic approach to deeply redesign the curriculum by offering a complete framework across the four Dimensions of education: knowledge, skills, character, and metacognition (Bialik et al.: 2015, pp.23-180). A quality character describes how someone is involved with and behaves in the world. Metacognition fosters a process of self-reflection and how to learn, as well as building the other three dimensions.

Government policy on *Penguatan Pendidikan Karakter* (character education strengthening) and 2013 Curriculum is a positive step. The focus of this approach in the 2013 curriculum is on class-based character education. That is, character education is the overall interaction between educators and students in the learning process. Therefore, teachers must understand how to prepare and integrate the learning process through the selection of learning methodologies, classroom management, and how to make evaluations. Based on the report, in 2016-2017, the Indonesian Ministry of Education and Culture has held training in various schools:

No	Activities	2016		2017	
		Number of school	School impact	Number of school	School impact
1	Character Education Strengthening (CES) for elementary school	271		812	± 2.710
2	Character Education Strengthening for junior middle school	271		1.352	± 1.355
3	Socialization of CES for elementary school teacher training			4.552	± 45.520
4	Facilitator training CES for junior middle school teacher			740	± 7.400
5	Socialization of CES for junior middle school teacher			244	± 4.522
	Total	542 schools		2.164	61.507

Figure 6. Teacher's Training (<http://www.cerdasberkarakter.kemdikbud.go.id>)

Strengthening Character Education uses three basic approaches: class-based character education, school culture, and society. Conceptually, this program provides space for teachers to create local policy learning materials. All material should be designed by involving students to explore study and draw lessons on character values from various sources including the internet.

In the mid of the digitalization era, character education in schools is demanded to make a change of approach. The system approach in question is holistic: starting from materials, strategies, methods, utilization of digital technology, to indicators of program evaluation. Teachers must be sensitive to students' negative assumptions about character education. The importance of changing the learning system is very apparent, as explained by Wardani (2018):



Figure 7. Industrial Revolution's Impact on education (Wardani: 2018)

The description of education in each period of the industrial revolution proves that the learning system experiences metamorphosis along with the demands of its context. Character education must be adapted to the learning approach. For students, the rigor and monologue of teacher teaching must be replaced by dialogue. The teacher must create a holistic learning method that is creative, communicative and relevant to them. Therefore, a collaborative learning system is needed, both students and teachers, field practice, involving parents, and even presented in digital form. The use of digital technology will help overcome the limitations of space and time between teacher students and parents. All these elements are closely related to character. So, a 3RT approach that is holistic is highly needed: fresh, directed, contextual and relevant in the character education approach.

4. CONCLUSION

Character education is still needed and relevant. The contextualization of praxis requires the renewal of approaches and strategies. It takes hard effort from educators to instill, grow, and build a character culture. The presence of relativism and alternative values that try to obscure the standard is a challenge as well as proof of educators instilling dignity in the younger generation.

The vision for the transformation of character education consists of: education educates, makes it better, and individuals as historical actors. Then the ultimate goal of character education is the ongoing process of social transformation: getting better, fairer and more humane by involving all parties.

The holistic approach of 3RT character education includes the importance of revitalizing education, being fresh, creative and communicative, utilizing technology and involving parents. The balance between the use of technology and character will give birth to a generation that is both competitive and dignified. The involvement of all parties is the key to student transformation. Education readiness in facing the industrial revolution era 4.0 is characterized by improving the ability of human resources in mastering technology. Education system management policies in Indonesia include curriculum suitability, HR competencies (teachers and students), ICT utilization, and development of character values and improvement of technological facilities.

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Muslim friendly tourism and accommodation of Malaysian hotel industries

Turismo y alojamiento amigable para los musulmanes de las industrias hoteleras de Malasia

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ABSTRACT

Malaysia is one of the countries that attract tourist from all over the world. There is no barrier for the tourist to select from a range of halal products and hotel services available. Therefore, several potential attributes of Muslim friendly hotel services were analyzed from two major tourist destination state of Malaysia, namely Kedah and Penang. The analysis was based on three major online accommodation service providers. The findings revealed the significant information of the Muslim friendly hotel services in Malaysia. Therefore, updating the current information of the Muslim friendly tourism services is recommended.

Keywords: Halal Products, Hotel, Malaysia, Muslim Friendly Services.

RESUMEN

Malasia es uno de los países que atrae a turistas de todo el mundo. No hay ninguna barrera para que el turista seleccione entre una gama de productos halal y servicios de hotel disponibles. Por lo tanto, se analizaron varios atributos potenciales de servicios hoteleros amigables para los musulmanes en dos de los principales destinos turísticos de Malasia, a saber, Kedah y Penang. El análisis se basó en tres proveedores principales de servicios de alojamiento en línea. Los hallazgos revelaron la importante información de los servicios de hotel musulmanes amigables en Malasia. Por lo tanto, se recomienda actualizar la información de los servicios turísticos musulmanes amigables.

Palabras clave: Hotel, Malasia, Productos Halal, Servicios Musulmanes Amigables.

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1. INTRODUCTION

Malaysia evolved Muslim friendly tourism as a favorable niche to draw the attention of the Muslim tourist from any part of the world. Due to the government's emphasis on Muslim traveler support, it offers Malaysia as a country of choice for tourists. The Malaysian government concern about Islamic worth not only for daily life but also at the traveler perspective. It has a fashionable Islamic heritage in addition to halal foods, Muslim friendly people, and a vast Islamic environment that allow Muslim tourist with a good Muslim friendly experience while traveling. Thus, Malaysia has made a whole exertion to become an Islamic and halal hub in recent years. It has shaped rules on unethical tourists, which the area of the unit which proscribed by Islam. However, yet some activities such as wearing skimpy clothing, drinking alcohol, sunbath, and serving non-halal food in restaurants are found in some tourist places (Henderson: 2010). It is crucial to reveal Muslim friendly tourism services in Malaysia. Thus, it will reflect the country's potential in branding itself as a Muslim friendly tourist destination (Shafaei & Mohamed: 2017).

Supplying the tourism goods and services required by the demand of Muslim tourists is called Muslim friendly tourism. It facilitates the Muslim consumer's respect and their dietary essential that comply with Islamic teachings which are defined by Islamic Shari'ah law following the Quran (the divine book), Hadith (the compilation of the traditions of Prophet Muhammad) and Fiqah (consensus opinions of a group of Islamic scholars). Therefore, Muslim friendly tourism service has an interpretation with Islamic rules. It is based on the development of Islamic practice for the Muslim traveler from any part of the world incompatible with their faith and practices. Bon & Hussain (2010) suggest that Muslim friendly tourism is a subtype of religious tourism, where the followers of Islam can follow their traveling requirements according to Islamic Sharia law. Each Muslim traveler must need to follow the fundamental Islamic structure. By providing the facilities to follow the Islamic Sharia law in the hotels, it may become Muslim friendly. The growing market of Islamic consumers as a result of international migration, education, and availability of online resources, the hotel industries are increasingly interested in meeting the needs of Muslim friendly tourists (Karim et al.: 2017).

Muslim friendly accommodation attributes referred to the Islamic and sharia compliance accommodation service and hospitality products. It has become one of the attractive segments in the travel and tourism industry in the current world. Figure 1 outlines various attributes of accommodation provision in Malaysia developed by the authors following Razzak et al., 2011 and reviewing different accommodation directories and Muslim friendly hotel websites. Muslim visitors would like to travel the place with the accommodation services that provide facilities and safeguard the interest of Muslim tourists (Henderson: 2016). In line with this, some tourism service provider specifically reveals the Muslim friendly accommodation attributes online. These accommodation attributes may encourage more Muslim tourists, whereas Muslim travelers would like to choose sharia-compliant traveling destination sites and stay at hotels with Muslim friendly accommodation attributes. Thus, attributes of accommodation with Muslim friendly criteria such as praying facilities, halal food facilities, and no alcohol at minibar should attract more Muslim travelers. As Muslim has to perform the prayer, it is necessary to provide places or facilities such as providing praying direction (Qibla) and praying mat or praying room or mosque for Muslim tourist. Al-Hamarneh & Steiner (2004) reported that a prayer room and house of prayer as an important place for the Muslims. Thus, in the hotel room, it provides the prayer direction and praying mat for the assistance of worship for Muslims and next, the availability of halal food in the accommodation. This attribute is very significant in the tourism industry. Halal food means Muslim friendly accommodation provider offers the travelers the food facilities followed by Islamic sharia. This is an essential factor in encouraging Muslim visitors to their hotel choice (Samori & Sabtu: 2014).

2. METHODS

Muslim friendly accommodation attributes determine the Islamic entertainment channels at their accommodations. It is one way to attract Muslim hotel guests to relax and enjoy their holidays. The hoteliers should be alert that both genders have to be separated at the swimming pool and cover up their aura in their hotel facilities. As gender, mixing at the swimming pool is allowable in many hotels. Muslim women's guests will not enjoy such activity because the standard rules require them to wear modest attires in front of both men and women. Muslim friendly Hoteliers should be aware not to allow their guests to drink alcohol and gambling. It has been clearly stated in Al-Quran that alcohol is the mother of the evil deed; thus, it should not be consumed by Muslims (Al-Qaradawi: 1999).

On the other hand, important accommodation attributes should take good care of the cleanliness of the hotel room. A good cleanroom will be suitable for Muslim reading the Al-Quran and perform their prayer. The bathroom is one of the places that is essential for Muslims to take a bath and prepare for the prayer. Besides that, toiletries such as soap are also significant to ensure that this is halal. Another attribute of accommodation services for Muslims is the importance of Islamic finance. The financial operations that set up for serving Muslim tourists must adhere to the Islamic concept. It means that the funds to set up must be from halal sources and not from sources that are prohibited in Islam. For instance, the fund from bank loans with interest is not a Muslim friendly criterion. Besides, no transactions must have any interest, which is strictly against Islamic Shariah. According to Stephenson (2014), hotel management must ensure that *Zakat* has been paid from the hotel's revenue to the people who are poor and in need. Thus, paying *Zakat* is a Muslim friendly accommodation attribute. Lastly, customer satisfaction is vital for the Muslim friendly accommodation attributes in order to evaluate the expectations and perceived performance of the product and services. As customer, pleasure is influenced by the attainable of customer services and their satisfaction became one of the concerns of all business.

3. RESULTS

Service encounter is the interaction between the service provider and customer-relevant to a core service offering. Facilitating the service encounter and create interactions with customers, can be done via online platforms, telephone, physical environments, and catalog or through other media. It is also very essential in Muslim friendly hospitality and accommodation attributes. The staff should know their Muslim customer's cultures or norms to fulfill their needs. The knowledge about customer's cultural, religious views or norms is valuable when dealing with customers from different cultures and religious backgrounds. For example, the staff should serve halal food to Muslim tourists in terms of culinary demands. The excellent staff service among the customers can make the tourist satisfied. Most of the Muslim tourists will concern whether the facility, hospitality, food and beverage, services along with the traveling destination site following the Islamic concept or not. In the hospitality or tourism industry, services may determine the success or failure of the business's destinations (Kamarudin & Ismail: 2017).

The current customer's decision-making process is encouraged by the available online information (Díaz & Koutra: 2013). Hence the content analysis was conducted using smart windows for two popular tourist destinations in Malaysia (Kedah and Penang). The data were obtained from December 2018 to March 2019 using the different online platforms, namely, booking.com, tripfez.com, and crescent.com. Thus about 122 hotels were analyzed from Kedah and 80 from Penang with common and Muslim friendly accommodation attributes.

The online content analysis of different accommodation providers' is included in Table 1. According to Battour et al. (2011), for Muslim friendly tourist support, several accommodation attributes are required, such as the provision of clear direction of Qibla and prayer mats. Another factor is the interior atmosphere in the room. Rooms must be suitably furnished and fitted with spaces allocated for prayer (Henderson: 2010). About

Qibla direction, 41.25 % of hotels from Penang and 31.97 % from Kedah provide this facility. However, according to the online information, none of the 80 accommodations in Penang provide a praying mat in the room, while there are 15 accommodations in Kedah that provide a praying mat for visitors. Since Malaysia is a Muslim majority country, most hotels should provide a praying mat for Muslim visitors along with the direction of Qibla. This can increase customers' satisfaction with the accommodation. Only 51 hotels from both states say that they serve halal food. There may be the accommodations provider those do not display the information regarding halal food online. Some of the restaurants and cafés served vegetarian food rather than being halal certified. Moreover, about the availability of alcohol at the minibar, most of the accommodations at Kedah (about 65 %) do not provide alcohol, where is in Penang 37.5 % provide no alcohol at the minibar inside the room. Other common attributes of hotel facilities that contribute to customers' satisfaction are cleanliness in the hotel. Thus, some researchers argued that hygiene and cleanliness is one of the vital factors for travelers (Dolnicar: 2002).

Here the data in Table 1 is the accommodation attributes provided by hotels from Kedah and Penang based on website content analysis rather than site visits. As Malaysia is promoting it as a Halal hub; therefore, the possibility is very high, there may be more Muslim friendly service offerings available rather than what is online. If the hotels' provider offers more Muslim friendly criteria on the website, it will attract more Muslim tourists not only from Malaysia but also from other countries by providing the positive value of various Muslim hotel's attributes, as stated in Table 1 below.

ATTRIBUTES	POSITIVE	NEUTRAL	NEGATIVE
Muslim Friendly	Availability of halal food	Knowledge staff	Have a minibar with alcohol
	Availability of Prayer room	Family-friendly□	2. Karaoke
	Prayer mat	Free Wi-Fi	Alcohol onsite
	Qibla marker	Provide DVD players and multilingual TV channels	Allow or proximity to gambling
	The place to take ablution	Free parking	Provide adult TV channels
	Cleanliness, Halal soap	Room service	
	Provide Al-Quran	Delivery food on their rooms	
	Information about places of worship	Variety of food for all	
	Fund from Halal Source	Vegetarian Options	
Payment of Zakat			
Female Muslim Tourist	Gender separated gym	Sauna onsite	Non separated open man gym
	Gender-specific swimming pool	Day spa onsite	2. Open spa bath
	Woman specific saloon onsite	Indoor swimming pool	Non separated outdoor swimming pool
		Saloon onsite	4. Non separated outdoor swimming pool
Male Muslim Tourist	Gender separated gym	Indoor swimming pool	
	Gender-specific swimming pool	Day spa onsite	
	Man specific saloon onsite	Saloon onsite	
		Sauna onsite	
		Indoor gym onsite	

Note: assumes that onsite facilities are segregated by sex.
 Table 1. Value of accommodation attributes for Muslim friendly tourism.

4. CONCLUSION

Malaysia is a Muslim majority country that has a higher potential in the development of Muslim friendly tourism industry. During 2014, the United Nations World Tourism Organization listed Malaysia as the 12th most visited country among Muslim tourists. Malaysia is seen as a global hub for the production of halal services and goods because of its Islamic history, heritage, and unique culture. These increased the number of Muslim tourists to Malaysia. In Malaysia, the majority of the hotels may serve halal food accordingly to the Islamic concept. However, it is not reflected in the online content analysis. Muslim tourists care about the product or services that allow in Islam Sharia and free from any substances that forbidden in Islam. The tourists will feel confident and satisfied with Muslim friendly tourism services according to the goods and services that fulfill the need of Muslim travelers. Although the Malaysian accommodation provider provide Muslim friendly positive service

Such as the direction of Qibla, halal food, and no alcohol at minibar, but online information service needs to be updated. This will increase the potentiality of Malaysian accommodation providers to promote Muslim friendly tourism services in Malaysia. The aim of Muslim friendly tourism is emphasizing the principles of shariah in tourism management and service among tourists. However, the scope of Muslim friendly tourism industry in Malaysia is not exclusively limited for only Muslims tourists but also for all other travelers to have trips in Malaysia.

Attributes noted on accommodation provider's website	Penang	%	Kedah	%	Total	%
Halal food	27	33.75	24	19.67	51	25.25
No alcohol at minibar	30	37.5	35	28.69	65	32.18
List of Halal Restaurant	31	38.75	40	32.79	71	35.15
Qibla direction	33	41.25	39	31.97	72	35.64
Praying Mat	0	0	15	12.30	15	7.43
Standard	25	31.25	20	16.39	45	22.28
Toilet paper	40	50	48	39.34	88	43.56
Towels	54	67.5	54	44.26	108	53.47
Slippers	26	32.5	19	15.57	45	22.28
Private bathroom	55	68.75	72	59.02	127	62.87
Toilet	61	76.25	69	56.56	130	64.36
Free toiletries	51	63.75	72	59.02	123	60.89
Hairdryer	45	56.25	46	37.70	91	45.05
Shower	53	66.25	81	66.39	134	66.34
Terrace	17	21.25	27	22.13	44	21.78
Garden	20	25	38	31.15	58	28.71
BBQ	3	3.75	21	17.21	24	11.88
Electric Kettle	38	47.5	64	52.46	102	50.50
Refrigerator	12	15	17	13.93	29	14.36
Swimming pool	25	31.25	50	40.98	75	37.13
Outdoor pool	26	32.5	45	36.89	71	35.15
Indoor pool	5	6.25	3	2.46	8	3.96
Spa	15	18.75	24	19.67	39	19.31

Attributes noted on accommodation provider's website	Penang	%	Kedah	%	Total	%
Sauna	12	15	9	7.38	21	10.40
Fitness center	23	28.75	21	17.21	44	21.78
Sitting area	19	23.75	31	25.41	50	24.75
Flatt screen TV	58	72.5	72	59.02	130	64.36
Cable channels	19	23.75	16	13.11	35	17.33
Telephone	39	48.75	34	27.87	73	36.14
Room service	36	45	51	41.80	87	43.07
Restaurant	41	51.25	54	44.26	95	47.03
Minibar	20	25	35	28.69	55	27.23
Airport service	24	30	29	23.77	53	26.24
Shuttle service	28	35	28	22.95	56	27.72
Laundry	44	55	46	37.70	90	44.55
Dry cleaning	29	36.25	28	22.95	57	28.22
Air conditioning	66	82.5	90	73.77	156	77.23
Car rental	32	40	42	34.43	74	36.63
Safety	48	60	47	38.52	95	47.03
Family room	46	57.5	51	41.80	97	48.02
Non-smoking room	60	75	77	63.11	137	67.82
Ironing	35	43.75	42	34.43	77	38.12
Wakeup service	33	41.25	25	20.49	58	28.71
Wheelchair accessibility	36	45	25	20.49	61	30.20
24 hours	62	77.5	60	49.18	122	60.40
Conceirage service	33	41.25	25	20.49	58	28.71
Baggage storage	47	58.75	52	42.62	99	49.01
Currency exchange	22	27.5	15	12.30	37	18.32
English	57	71.25	88	72.13	145	71.78
Indonesia	11	13.75	9	7.38	20	9.90
Arabic	3	3.75	2	1.64	5	2.48
Free wifi	67	83.75	93	76.23	160	79.21
Free parking	59	73.75	84	68.85	143	70.79
Living area	21	26.25	34	27.87	55	27.23
Balcony	18	22.5	33	27.05	51	25.25
Kitchen	8	10	6	4.92	14	6.93
View	30	37.5	32	26.23	62	30.69
Children's playground	7	8.75	12	9.84	19	9.41
Water park	0	0	1	0.82	1	0.50
Total	122	100%	80	100%	202	100%

Table 2. Online content analysis of accommodation providers in Penang and Kedah, Malaysia

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A critical analysis of customs-business partnership compliance the import and export enterprises with customs law and regulation

Análisis crítico de la asociación aduanera-empresarial y cumplimiento de las empresas de importación y exportación con la ley aduanera y la regulación

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ABSTRACT

This research systematically presents the multifarious information and data from secondary and primary sources to provide the results of articles and papers relative to Customs-Business Partnership that affect the compliance of import and export enterprises based on customs law and regulation. The authors have established the theoretical model to analyze the Customs-Business Partnership in Vietnam. The authors conducted a survey involving 202 enterprises from the cities of Hanoi, Hai Phong, Dong Nai, Ho Chi Minh, Binh Duong, and Vung Tau, respectively, on August 2018. By using and performing a multivariate regression method and analysis, the paper gives predictions following the Binary logistic regression.

Keywords: Binary Logistic Regression, Customs-Business Partnerships, Compliance, Import And Export Enterprises.

RESUMEN

Esta investigación presenta sistemáticamente la información y datos múltiples de fuentes secundarias y primarias para proporcionar los resultados de artículos y documentos relacionados con la Asociación de Aduanas y Negocios que afectan el cumplimiento de las empresas de importación y exportación de acuerdo con las leyes y regulaciones aduaneras. Los autores han establecido el modelo teórico para analizar la Asociación de Aduanas y Negocios en Vietnam. Los autores realizaron una encuesta con 202 empresas de las ciudades de Hanoi, Hai Phong, Dong Nai, Ho Chi Minh, Binh Duong y Vung Tau, respectivamente, en agosto de 2018. Mediante el uso y la realización de un método y análisis de regresión multivariante, el documento da predicciones siguiendo la regresión logística binaria.

Palabras clave: Alianzas Aduanas-Negocios, Cumplimiento, Empresas de Importación y Exportación, Regresión logística binaria.

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1. INTRODUCTION

One of the revenue-generating collecting agencies as the financial arm of the government is the customs that implement the customs laws and regulations that primarily aimed to prevent and interrogate illegal shipments. It is the agency that has been given the authority to access cross-border transactions, which are considered uniquely placed among border agencies (Mikuriya: 2012). Based on traditional functions of customs, the agency primarily acts as collecting agent for taxes and duties at the border, controlling goods that enters and leaves the national territories and imposition of penalties on illegal or unlawful actions or dispositions. However, in most cases, businesses express disappointments in the imposition of regulations and mandate by customs that often the cause of frustrations with the customs officers when making transactions with them. In fact, according to the data provided by Transparency International (2009) on Corruption Perceptions Index 2009, customs was listed among one of the most corrupt institutions with complicated border procedures that mostly become a hindrance on business activities. This is also accompanied by other business complaints that include border delays and miscommunications between custom officers (Grainger: 2010).

However; in continuous commitment to improve, the 21st century has become a gateway for establishment of more improve custom services worldwide and according to Jeannard (2010), the adoption of client-centric policy that emphasized the important role of customs in becoming more responsive to stakeholders by assuring them the specific standards of service delivery and benchmark for measuring service quality. The functions of customs evolve dramatically in response to the changing nature of pressures from both domestic and international environments that paved the way into trade facilitation that aimed at simplifying and harmonizing customs procedures thus, possessing major challenges to the agency. Lots of customs administrations worldwide pursue a partnership with business and reaped valuable benefits in terms of quality of service provision from custom authorities, including revenue collection, trade facilitation, trade security, and citizen/industry protection (Mikuriya: 2012).

The realization has been attained, viewing the importance of implementing efficient and effective customs administration that should start with the customs in facilitating legitimate trade wherein developing and developed countries have to recognize and practice by partnering and interacting with the business. Ireland et al. (2011) highlight the importance of partnerships to counter the incidence of corruption and at the same time, a desirable attempt to reform and modernization efforts. As an example, the trade community will be benefited lower transaction costs, prompt custom clearance, custom procedures, and predictability. However, this is not precisely the case of the customs in Vietnam, where this study is primarily anchored (Chen et al.: 2015).

Nowadays, Vietnam's economy has integrated more and more deeply into the world economy. Import-Export turnovers have increased rapidly in value. In particular, those turnovers grow from USD 203.66 billion in 2010 to USD 349.2 billion in 2016. Besides, Vietnam has also signed and came into force of 10 FTAs, concluded two FTA negotiations, and continued four other FTAs negotiations. The government has also strengthened the enforcement of the Action Plan related to Resolution n^o19-2015/NQ-CP, Resolution n^o36a-2015/NQ-CP, Resolution n^o19-2016/NQ-CP, Resolution n^o35-2016/NQ-CP, and Resolution n^o19-2017/NQ-CP in order to implement provisions of those FTA effectively and efficiently and to improve the fair and transparent business environment. One of the most critical components of the plan is to develop the Customs-Business Partnerships (CBP) which benefits not only efficiency of capacity-building work, customs reform and modernization, but also transparency and predictability of customs procedures, lower transaction cost, and voluntary compliance of import and export enterprises with customs law and regulation. Therefore, the analysis of Customs-Business Partnerships affecting the compliance of import and export enterprises is very significant in the theoretical approach and policy performance (Zhang & Preece: 2011).

The theoretical framework about Customs-Business Partnerships is emphasized in some papers, including: First, Customs-Business Partnerships was based on Public-private partnerships (PPPs) which devoted

to forms of association between the public and private sectors in the mid-1950s (Dahl & Lindblom: 1953; Bower: 1983). Besides, the recommendations of international organizations like the OECD and the World Bank encouraged the application of PPPs as the optimal model for resource allocation (Wettenhall: 2003). In this context, a clear and overall definition of the partnership was given by Brinkerhoff (2002): Partnership is a dynamic relationship among diverse actors, based on mutually agreed objectives, pursued through a shared understanding of the most rational division of labor based on the respective comparative advantages of each partner. The partnership encompasses mutual influence, with a careful balance between synergy and respective autonomy, which incorporates mutual respect, equal participation in decision making, mutual accountability, and transparency.

Second, Customs-Business Partnerships became one of the important and spirit components in the Revised Kyoto Convention (WCO: 1999). It is evident that transitional standard 3.32, and standard 1.3, 6.8, 7.3, 8.5, 9.1 and 9.2 of its General Annex emphasize partnerships between the customs and business informal consultative relationships, application of special procedures for authorized persons, customs control, enforcement of information technology and providing changes of customs law, administrative arrangements or requirements (Wei: 2013).

Third, the Trade Facilitation Agreement including Articles 2, 7.7, 12(1) and 23(2) approaches to CBP through main contents of comment on the proposed introduction or amendment of laws and regulations related to the movement, release, and clearance of goods. Trade Facilitation Measures for Authorized Operators, such as: (i) low documentary and data requirements as appropriate; (ii) low rate of physical inspections and examinations as appropriate; (iii) rapid release time, as appropriate; deferred payment of duties, taxes, fees and charges; (iv) use of comprehensive guarantees or reduced guarantees; (v) a single customs declaration for all imports or exports in a given period; (iv) and clearance of goods at the premises of the authorized operator or another place authorized by Customs (WTO: 2014).

Fourth, WCO (2015) with Customs – Business Partnership Guidance paper analyses vital benefits (Win-Win) of Customs administration, Business and Government in designing and implementing CBP, desirable factors for successful CBP and four phases to develop CBP, including: (i) Strategic Overview and Planning, (ii) Developing Engagement Strategies, (iii) Implementation and (iv) Monitoring and Institutionalization. Notably, the paper looks at main pillars approaching joint integrity, corruption observatory, Bi-directional education/training, and consultation of information technology and customs procedure. Overall, in this context, the significance of Customs-Business Partnership can be explained by Dr. Kunio Mikuriya, Secretary-General of the WCO: 'This CBP means that Customs cannot act alone without taking into account the interests of its partners. It must further develop consultation, promote information exchange and cooperation, and reduce the barriers to the smooth flow of trade by jointly identifying bottlenecks and offering solutions' (Mikuriya: 2010).

Hypotheses of Customs-Business Partnership affect the compliance of enterprises with customs law and regulation. Asymmetric Information Theory (1970) by George Akerlof, Michael Spence, and Joseph Stiglitz refers to three problems related to asymmetric information, such as moral hazard, adverse selection, and principal-agent. In approaching to customs inspection and supervision, those problems have been used to explain the causes, the motivation of tax evasion and non-compliance of Vietnam enterprises (Vu: 2014). Therefore, trust, transparent, and sufficient information are major factors that strongly influence the motivation and the probability of compliance of the import and export enterprise with the customs law.

The Risk-based compliance management Pyramid approached customs management based on assessing and identifying the compliance level of import and export enterprises. It is measured by the results of administrative violations, criminal offenses, the ability to control, and self-assessment for errors in the performance of customs procedures. Factors impacting on the compliance level of enterprises include: (i) partnership between customs and enterprises facilitating customs procedures, providing information and grace in tax payment; (ii) the clarity, transparency and strictness of the customs law fighting against the illicit trade and tax evasion (iii) education and training of owner' enterprises (Ayres & Braithwaite: 1992). Besides,

the Customs - Business Partnership Guidance paper refers to one of the most important benefits of CBP that enhances voluntary compliance from business with customs law and regulation. In particular, impact of CBP on compliance is based on items of increased role in policy consultation and formulation process and customs reform and modernization programs; better understanding and appreciation of customs requirements, laws and procedures; open communication channels with Customs; better and easier access to information and joint education/ training and retraining programmes of Customs, (WCO: 2015).

2. METHODS

The samples of the research are 202 enterprises participating in import and export activities in some cities of Hanoi, Hai Phong, Dong Nai, Ho Chi Minh, Binh Duong, and Vung Tau in August 2016. The sample survey was randomly conducted for import and export enterprises that attended customs training courses, regular meetings, seminars between customs administration and enterprises at five localities having the largest export and import turnover in Vietnam.

The questionnaire is based on the theoretical framework consisting of two main sections: (i) general information of enterprises including 4 questions about type of operation, corporate headquarters, educational level of enterprise director, and duration of activity in the sector, (ii). Assessing the level of the importance of 7 items from Q7 to Q13 which explain contents of Customs - Business Partnership for compliance of the import and export enterprises with customs law and regulation (through 6 items from Q1 to Q6). The questionnaire form is delivered directly to staff members who are working directly in the import and export activities of the surveyed enterprises when they joined in the form of training courses or conferences or seminars or workshops.

Applying descriptive statistics, Cronbach's Alpha test, exploratory factor analyses (EFA), and Binary Logistic regression with the maximum likelihood estimation method, supported by SPSS.20 software.

Based on theoretical research, the regression estimation model and implementation process are proposed as follows:

- Variables of the research model

Dependent variable (Y), the compliance of import and export enterprises with the customs law and regulation, receives binary value, in which $Y = 1$ if the enterprise in compliance with the customs law and regulation, and $Y = 0$ if the enterprise is non-compliance with the customs law and regulation. Y variables are aggregated according to the mean (\bar{y}) of the items from Q1 to Q6 with a 5-point Likert scale, which expresses meanings from none (1) to many (5). The content of items is the application of accounting standards (Q1), audit of financial statements (Q2), applying internal control for customs procedures (Q3), payment of taxes, fees on time (Q4), detected commercial frauds (Q5), and prosecution or administrative penalties of customs offices or over customs offices (Q6).

Independent variables (X_i) reflect the expected factors (contents of Customs -Business Partnership) affecting customs compliance of import and export enterprises. The X_i variables represent the 3 factors proposed in the theoretical model. Support of the customs administration for the import and export enterprises (X_1) represents the four items: Q_7 (enterprises join free training courses and seminars related to new customs law, regulations and requirements organized by Customs), Q_8 (enterprises join free training courses and seminars related to contents of customs valuation, harmonized system of goods, origin of goods, intellectual property rights, and administrative statements organized by Customs), Q_9 (enterprises join free training courses and seminars related to contents of risk management, compliance management in customs context, post clearance audit, and components and operations of VNACCS/VCIS systems organized by Customs) and Q_{10} (enterprises join free annual conference, regular meeting, and seminars organized by Customs); Formal consultation of Customs administration for the import and export enterprises (X_2) represents the 2 items: Q_{11} (enterprises are enthusiastically supported by customs officers about formal consultation in enforcement of

customs procedures and information technology), Q₁₂ (enterprises approach easily to information about new customs law, regulation and requirements on Customs websites or Customs office buildings); Joint integrity, corruption observatory (X₃) represents item: Q₁₃ (enterprises take part in activities of customs, Vietnam Chamber of Commerce and Industry (VCCI) fighting against corruption, illicit trade, tax evasion). Those items are measured by the 5-points Likert scale with the meaning of the scale from disagreement (1) to a very agreement (5) or poor (1) to good (5). Besides, the dummy variable Edu, which is the educational level of owner' enterprises, has to mean value Edu = 1 if the level is over the master's degree and values Edu = 0 if it is below.

The Binary Logistic regression model is applied and based on the Maximum Likelihood estimation method in order to estimate the coefficients (β_i) in the linear relation between independent variables X_i and Ln (Odds) (The probability of the compliance of the import and export enterprises with customs law and regulation) according to the model:

$$\text{Ln (Odds)} = \beta_0 + \beta_1 X_1 + \beta_2 X_2 + \beta_3 X_3 + \beta_4 \text{Edu} + u_i \quad (1)$$

Odds = $P_0 / (1 - P_0)$ where P₀ is the probability when Y = 1 and P = 1 - P₀ is the probability when Y = 0.

The theoretical hypothesis proposes that the coefficients of $\beta_1, \beta_2, \beta_3, \beta_4$ receive a value > 0; on the other hand, X_i affects Ln (Odds) positively.

- The process of implementing the proposed research



Source: Author's proposal

Figure 1. The process of the proposed research

3. RESULTS

Result of Cronbach's Alpha Reliability Analysis:

Carrying out a reliability analysis of Cronbach's Alpha with six items from Q1 to Q6, which measure the dependent variable (Y), the outcome of Cronbach's Alpha is 0.73.

Performing reliability analysis of Cronbach's Alpha with seven items corresponding with 3 predicted explanatory variables X_i; the correspondent results are X₁ (0.858), X₂ (0.6), X₃ (1). Therefore, all of Cronbach's Alpha coefficients are over 0.6, and their corrected item-total correlation coefficients of 13 items are above 0.3. So, those 13 items are selected to carry out Exploratory Factor Analysis (EFA).

Thanks to the basis of Reliability Test Cronbach's Alpha, the research analyzes EFA with six items relating to Y, from Q1 to Q6, and obtains KMO = 0.76 (>0.5), and value of Bartlett's Test with Sig. = 0.000 (<0.05). The percent of the variance in initial eigenvalues extracted at 51.47% (>50%) shows that one selected factor can explain 51.47% variation of data. Hence, the extracted scales are acceptable. The stopping point when extracting the factor with eigenvalue = 2.48 (≥ 1), representing for variation part is explained by each satisfied factor.

Analyzing EFA with seven items from Q7 to Q13, there are two new groups of factors with seven selected items. The percent of the variance in initial eigenvalues extracted at 58.5% (>50%) shows that two selected

factors can explain 58.5% variation of data. Hence, the extracted scales are acceptable. The stopping point when extracting the factor with eigenvalue = 1.367 (≥ 1), representing for variation part is explained by each satisfied factor. KMO = 0.790 (>0.5), and the value of Bartlett's test with Sig. = 0.000 (<0.05) interpret that applying factor analysis is suitable. (Appendix A, B, and C)

In order to perform logit regression between two new factors (FAT_i) and dependent variable Y, the research calculates the values of FAT_i based on items' average value in each factor. The value of response variable Y is converted into the binary form based on the average value of items. If the value is greater than or equal to 3.5, then $Y = 1$, and less than 3.5, then $Y = 0$.

The descriptive statistic of some variables in the model: the dependent variable Y, considered in 202 samples, has 165 samples $Y = 1$ (account for 81.7%) and 37 samples $Y = 0$ (account for 18.3%). The factors FAT_i have mean value and std. Deviation, which respectively is FAT_1 (2.98 and 0.92) including items of Q7, Q8, Q9 and Q10, FAT_2 (3.41 and 0.68) including items of Q11, Q12, and Q13. FAT (explains Customs-Business Partnership) is calculated by mean (FAT_1, FAT_2). It has a mean value (3.19) and std. deviation (0.65). Besides, the dummy variable Edu which is the educational level of owner' enterprises has mean value at 0.38 and 77 values at $Edu = 1$ ($Edu = 1$ if the level is over master degree, account for 46.1%) and 125 values at $Edu = 0$ ($Edu = 0$ if it is below, and equal master degree account for 53.9%).

Among two regressed variables, there are FAT and dummy variable Edu with dependent variable Y. According to the output of regression, the article carries out many tests relating to the model, in which:

The first, Wald Test about the statistical significance of correlation coefficients

Factors	B	S.E.	Wald	Df	Sig.	Exp(B)
Edu	1.176	.486	5.867	1	.015	3.242
Step 1 ^a FAT	1.070	.309	12.011	1	.001	2.915
Constant	-2.099	.924	5.158	1	.023	.123

a. Variable(s) entered on step 1: Edu, FAT.

Table 1. Variables in the Equation

Wald test considers the statistical significance of factor coefficients with regard to the dependent variable (Y) in the model. By accessing table 1, Sig. of factors FAT, Edu and Constant, in turn, have the value at 0.001, 0.015, 0.023 < 0.05 , so that the the relationship between explanatory variables and explained variable has general statistical significance over 95% and same direction with Ln(Odds), being appropriate with theoretical model.

Step	-2 Log likelihood	Cox & Snell R Square	Nagelkerke R Square
1	169.108 ^a	.109	.177

a. Estimation terminated at iteration number 5 because parameter estimates changed by less than 001.

Table 2. Model Summary

With Table 2, the outcome receives the value of -2 Log-likelihood = 169.108^a is quite small and Nagelkerke R Square = 0.177, representing the fair appropriateness of the overall model. It means 17.7% of the variation of the dependent variable (Y) is explained by two significant independent variables in the model, 83.7% remain is determined by other factors outside the model.

- The omnibus test is used for hypotheses:

$$H_0 : \beta_i = 0$$

$$H_1 : \beta_i \neq 0$$

		Chi-square	Df	Sig.
Step 1	Step	23.263	2	.000
	Block	23.263	2	.000
	Model	23.263	2	.000

Table 3. Omnibus Tests of Model Coefficients

According to Table 3 of Omnibus Tests, having Sig. = 0.000 (<0.05), the research rejects hypothesis H_0 . Hence, the overall model indicates the correlation relationship between independent variables and the dependent variable has statistical significance with a confidence interval of over 99%.

Observed			Predicted		Percentage Correct
			Y		
			.00	1.00	
Step 1	Y	0.00	4	33	10.8%
		1.00	3	162	98.2%
Overall Percentage					82.2%

a. The cut value is .500

Table 4. Classification Table^a

By table 4, in 165 export-import enterprises, which their answers are supposed to be compliance with customs law, the model is able to forecast exactly 162 enterprises, at the rate of 98.2%. Among 37 enterprises, which their answers are supposed to be not compliance with customs law, the model predicts precisely 4 enterprises, accounting for 10.8%. Overall, the rate of accurate predictions of the overall Binary Logistics model is 82.2%.

The fifth, Binary Logistic Regression equation is:

Therefore, Binary logistic regression model has the regression coefficient as:

$$\ln(\text{Odds}) = -2.099 + 1.07\text{FAT} + 1.176\text{Edu} \quad (2)$$

Then,

$$P = \frac{e^{\beta^T z}}{1 + e^{\beta^T z}} = \frac{e^{-2.099+1.07\text{FAT}+1.176\text{Edu}}}{1 + e^{-2.099+1.07\text{FAT}+1.176\text{Edu}}}$$

4. CONCLUSION

Based on the results of the regression models and the statistical value (mean, standard deviation) of the 13 items Q_i being statistically significant, some solutions are proposed to improve effectively not only Customs - Business Partnership, but also the probability of compliance of import and export enterprises with the customs law and regulation, in which:

Firstly, it is necessary to enhance support of the customs administration for the import and export enterprises effectively and efficiently because the mean of FAT_1 only achieves 2.98 and mean of items are also not high, in particular: Q_7 (3.3), Q_8 (2.74), Q_9 (2.73) and Q_{10} (3.13). First of all, Customs administration

should increase both quantity and quality of free training and retraining courses, seminars related to contents of customs valuation, a harmonized system of goods and origin of goods, intellectual property rights, and administrative statements. Contents of the courses can approach to case study and scenario research based on real import and export activities and enforcement of customs procedures. It is able to cooperate with the Faculty of Customs and Tax – Academy of Finance to organize the same courses in the provinces.

Next, training courses and seminars related to contents of risk management, compliance management in customs context, voluntary compliance, post-clearance audit, and components and operations of VNACCS/VCIS systems should focus on main topics, such as principles, methodologies, and indicators of risk management and compliance; process of risk management, compliance management, post-clearance audit, also acknowledges about operations of VNACCS/VCIS systems. It is important to select customs excellence experts to take part in those courses. Then, it is possible that Customs administration deals with rapidly the problems and difficulties of the business related to customs procedures, guarantee, deferred payment, tax exemption and drawback procedure in annual regular meetings and seminars. Finally, Customs strengthen to publish and train new customs regulations for import and export enterprises at a customs office building or regular meetings. It is also significant to enhance engagement of business about joint training courses or regular meeting, which is identified the same as one indicator of a compliance evaluation.

Secondly, it is very important to enhance the formal consultation of Customs administration for import and export enterprises. One part, Customs administration should improve not only technical quality of customs officers in terms of customs valuation, harmonized system of goods, administrative statements, and new contents of customs regulations, but also professionalism and consultation attitudes of customs officers. Another part, it is necessary to facilitate import and export enterprises joining formal consultation related to the determination of customs value, harmonized system classification of goods, drawback procedure, and rate of duty. Customs are also to apply a form of automated consultations based on the interactive telephone answering systems.

Thirdly, it is clear that Customs administration should diversify new forms of communication and information exchange related to customs policies and regulations. It is possible to send documents to the email of enterprises, to cooperate with telephone companies in supporting customs regulations to enterprises, or to publish new customs regulations on important TV channels in provinces.

Fourthly, Customs administration needs to encourage customs officers and businesses to enhance customs integrity and fighting against corruption based on the recommendation of the Revised Arusha Declaration: Customs administrations should foster an open, transparent and productive relationship with the private sector. Client groups should be encouraged to accept an appropriate level of responsibility and accountability for the problem and the identification and implementation of practical solutions. Penalties associated with engaging in corrupt behavior must be sufficient to deter client groups from paying bribes or facilitation fees to obtain preferential treatment. Besides, it is able to improve the role of associations in detecting illicit trade, tax evasion, and corruption in international trade and customs declaration (WCO: 1993 and 2003).

The research has achieved the target that finds two significant factors positively affecting the compliance of import and export enterprises with customs law and regulation. Based on domestic and international papers, this research has established a theoretical model of 4 factors with 8 items impacting compliance of import and export enterprises. It used a multivariable regression of Binary logistic model on 202 survey samples and identified two major factors in the same direction statistical significance affecting compliance of import and export enterprises with customs law and regulation, including: (i) Customs-Business Partnerships; (ii) the educational level of owner' enterprises. In addition, the study proposes four solutions derived from the results of the model. However, the regression model should be further studied in order to explain and detect new influencing factors.

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Concept of Idealism philosophy in islamic education According to Imam Al-Ghozali

*Concepto de filosofía del Idealismo en la educación islámica
según el Imam Al-Ghazali*

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ABSTRACT

The philosophy of Idealism is a philosophical system that emphasizes the importance of the superiority of the thoughts (mind). A mind is a form that can realize the world, even as a catalyst and driving force of all human behavior. Throughout history, the philosophy of idealism is related to religion because they both focus on the spiritual aspect. Thus the study of the flow of philosophical idealism towards Islamic education includes issue objectives of Islamic education, Islamic education curriculum, the teaching methods of Islamic education, the learning material of Islamic education, learners' position in Islamic education.

Keywords: Idealism Philosophy, Islamic Education, Mind, Religion.

RESUMEN

La filosofía del idealismo es un sistema filosófico que enfatiza la importancia de la superioridad de los pensamientos (mente). Una mente es una forma que puede realizar el mundo, incluso como catalizador y fuerza impulsora de todo comportamiento humano. A lo largo de la historia, la filosofía del idealismo está relacionada con la religión porque ambos se centran en el aspecto espiritual. Así, el estudio del flujo del idealismo filosófico hacia la educación islámica incluye objetivos temáticos de la educación islámica, el plan de estudios de la educación islámica, los métodos de enseñanza de la educación islámica, el material de aprendizaje de la educación islámica, la posición de los estudiantes en la educación islámica.

Palabras clave: educación islámica, Filosofía del idealismo, mente, religión.

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1. INTRODUCTION

Education is a planned process that has a function to develop the potential that exists in humans to be used for the perfection of his life in the future. If it was seen in the perspective of Islam is to form human beings into a fully human and create a form of an ideal society in the future. Philosophy, as the Master of Science, can answer any questions and problems. Ranging from problems related to the universe until the human problems and all the problems of their life, including the world of Islamic education. The role of philosophy in the educations world is to provide a reference to the field of educational philosophy to embody the ideals of education expected by society or nation.

Idealism is an ideology that the highest knowledge and truth is an ideas or sense of human thought. So that is something that can be realized based on human thought. In the context of education, idealism is an ideology that significantly contributes to the advancement of education. The following will be discussed further how the implications of idealism in the world of education in general, but more particularly on Islamic education.

2. METHODS

Seeing the implicit meaning of the title and the matter that examined, this research is including the kind of literature research with a qualitative approach, which is research that does not hold the calculation data quantitatively (Moleong: 2000). According to Muhadjir (2002) Methods of data collection used as literature, research is a method of documentation, is about data variables in the form of books, notes, transcripts, newspapers, magazines, journals, and so on. While the data analysis technique is chosen is descriptive analysis by using a series of logical thought that can be used to reconstruct several concepts into propositions, hypotheses, postulates, axioms, assumptions, or to construct into theory.

3. RESULTS

A. Biography of Imam Ghozali

Since childhood, Al-Ghazali was known as a child who loves science and the truth seekers, then it no wonders that since childhood, he has studied with several teachers from his hometown. His childhood begins with learning Fiqh (Al-Ghazali: 2003). One famous scholar named Ahmad Ibn Muhammad Ar-Razakani, learned from Abu Nasr al-Ismaili in Jurjan, and finally, returned (Nata: 2015).

As an illustration of his love of science will be told in one day on his way back to Thus, he and his friends were confronted by a herd of robbers who then seized their property and needs they bring. The robbers seized Al-Ghazali bag, which contained the books that he loved, and then with great tolerance, he asked the robbers to return his bag because he wanted to get a wide range of sciences contained inside. The robbers felt so sorry, pity him, and returned the bag. Furthermore, he became more and more diligent in studying and understanding the content of his books and trying to practice them. Even the always keeps the books in a special safe place (Nata: 2015).

After studying at Thus, he then continued his studies at Naysabur, where he was a student of Al-Juwaini Imam Al-Haramain until his teacher died. From him, he learned Kalam Science, Ushul Fiqh, and the other religious sciences. During this period, he worked hard to finish his studies briefly. His teacher boasts and entrusts his position to him. He guides the students to represent his teacher while writing a book. With his outstanding intelligence and willingness to argue everything that is not in line with clear reasoning, Al-Juwaini then gives the predicate *bahrin mughriq* (Abdullah: 2002).

From Naysabur, in 478 H / 1085 M, Al-Ghazali then headed to Mu'askar to meeting with Nidzam al-Mulk, who was the prime minister of the Sultan Bani Saljuk (Nata: 2015). With the more Al-Ghazali's name rising, Nidzam al-Mulk then ordered him to go to Baghdad to teach in Al-Madrasah An-Nidzamiyyah, where everyone

admired his opinions that eventually became the Imam of the population of Iraq, after becoming an Imam at Khurasan. However, in the middle of his fame as a scholar, on the other hand, at this time, he experienced a phase of skepticism (Abdullah: 2002), which makes his situation upside-down. He then left Baghdad with all the positions and the luxury facilities given to him to concern himself with piety (Al-Ghazali: 2003).

The journey then continues towards Damascus where he spent a lot of time on his mission, worship, and religious retreat. From here, he then headed to Baitul Maqdis to perform the pilgrimage. Afterward, he then returned to Naysabur at the insistence of Fakhru'l Mulk, the son of Nidzam Al-Mulk, to teaching again. It is just that he became a professor in another field of study, unlike the old one. During his second period of teaching, he was also religious scholars and the Sufism as well as expert advisor especially in the religious field (Nata: 2015)

After teaching in various places such as Baghdad, Syam and Naysaburi, In 500 H / 1107 M, Al-Ghazali then returned to his yard, profoundly devoured, instilled fear in his heart while filling his time by teaching the madrasahs he founded next to his home for the students of science and placed khalwat for the Sufis. And on Monday, 14 jumadal akhirah 505 H / 18 December 1111 M, Imam Al-Ghazali passed away in his birth, Thus at the age of 55 years (Daudy: 1989).

B. The Essence of Idealism

Etymologically, the Idealism word comes from the English language that is Idealism. This term was first used philosophically by Leibniz in the early 18th century. Leibniz uses and applies this term to Plato's thought that contradicts Epikuros materialism. Idealism is the key to get into the true nature of reality (Lavinel: 2003). From the 17th century until the beginning of the 20th century, this term has been widely used in the classification of philosophy.

The philosophy of Idealism is a philosophical system that emphasizes the importance of the superiority of the thoughts (mind), soul, or spirit rather than other material things. The nature of humans is a soul, a spiritual, that was called "*mind*". A mind is a form that is able to realize his world, even as the catalyst and driving force of all human behavior.

The doctrine of idealism has deep roots in the history of human thought. The first roles play of Idealism in the tradition of philosophy was in Plato's hands, who suggested a certain theory about the sense and human knowledge. This theory is known by the name of "the theory of Platonic forms", Plato's idealism does not mean to abandon the empirical knowledge and objective realities which is not dependent on the region's conception in knowledge. However, Plato confirms the objectivity of rational knowledge that transcends empirical, asserting that the rational knowledge of general forms, such as knowing the idea of human, water, and light has an objective fact that does not rely on the process of sense (Falsafatuna: 1991).

The existence of the idea does not seem outwardly in the form of the original image that can only be taken by a pure soul. According to the view of idealism, nature is an image of the world of ideas caused by its non-permanent position, while the idea is a pure and genuine essence where the existence is absolute and its absolute perfection that cannot be reached by material (Jalaludin and Abdullah Idi, 2009).

The flow of idealism is identical with nature and the environment that it gives rise to two kinds of reality, first seen, that is what we experience as living beings in this environment as there are coming and going, some living and dying, and so on. Second, the true reality, which is the eternal and perfect nature (idea). The whole idea and thought in it have pure and original values, and then its absoluteness and arrogance are higher than it looked because the idea is a substantial form.

Thus, Idealism is the flows of philosophy that considers or views the idea primary and secondary materials is, in other words, consider the material from an idea or created from an idea. Idealism is called the idea, whereas the world is considered mortal without any ideas that become the purpose of life.

C. The Philosophy of Idealism in Islamic Education According to Imam Ghozali

The influence of Idealism philosophy in Islamic education can be seen from the various aspects related to Islamic education, including educational purposes, curriculum, learners, educators, educational materials, learning methods, and Islamic educational tools based on idealism philosophy that embraced by Imam Al-Ghazali.

1. The Purpose of Islamic Education According to Imam Ghazali Perspectives of Idealism Philosophy

Education is an effort by giving various influences to children so that they will help in developing the cognitive, affective and psychomotor systems of children, which will then lead children to an estuary, the estuary referred to here is the achievement of educational goals. Enhancing the values of morals to reach the level of morality of al-karimah is the main goal in education. This goal is congruent with the goal to be achieved by the apostolic mission, which is to guide people to a noble character. Then the noble character is reflected in the attitudes and behavior of individuals in their relationships with God, themselves, fellow human beings, and fellow creatures of Allah SWT and their environment (Jalaluddin: 2002).

Al-Ghazali in an effort to educate children has a special view. He focused more on efforts to draw children closer to Allah SWT. So that any form of activity, education must lead to the introduction and approach of children to the creator (Sanaky: 2003). The road to achieving these goals will be more comprehensive when children are equipped with knowledge.

The intended knowledge is obtained through teaching, then the principle of learning that is instilled in mastering a knowledge according to al-Ghazali to strengthen religion with tafaqquh fiddin, it is one way to deliver to Allah SWT. Many of the virtues of tafaqquh fi ad-din, he explained in the book of ihya ulumuddin as a suggestion that tafaqquh fi ad-din is a noble work (Salim: 1986). Thus the process carried out by al-Ghazali in forming children's character, which is focusing on efforts to get closer to Allah SWT in the purpose of science, this is done because on the basis of Aqeedah and Faith in Allah SWT then noble morals are built, not created noble morals without being based on the foundation.

Here is clearly visible the difference in principle between the views of Western philosophers in general with the view of Imam al-Ghazali in seeing human nature. Western philosophers view humans as beings that are anthropocentric, while al-Ghazali views humans as creatures that are theocentric (Syafi'ie: 1992) So that in education the purpose of education is not only to educate the mind but also to try how-to guide, direct, raise and purify the heart to draw closer to God. Furthermore, in studying science, al-Ghazali said that the primary purpose of learning science is to achieve excellence and virtue. Perfection and virtue in question are perfection and primacy of fields in the world and achieve the hereafter (Safroni: 2013).

In detail, the educational purposes of idealism are based on three things, the goals for the individual, the goals for society, and the purposes related to God. The education of idealism for the individual aims so that students become rich and have a meaningful life, have a harmonious and colorful personality, live happily, be able to withstand the life pressures, and in the end, expected to help other individuals to live better.

The goal of idealism education for social life and society is the necessity of human fellow fraternity. Due to the spirit of brotherhood, there is an approach of one person to another. One does not merely appeal to one's personal right, but one's human relationships with one another are framed in the relationship of humanity with each full understanding and mutual affection while the synthesis purpose is intended as a combination of individual goals with social as well, which is also expressed in life-related to God.

It is also reinforced by Al-Ghazali regarding the purpose of Islamic education that should lead to the realization of the religious and moral goals, with the point of emphasis on the acquisition of virtue and taqarrub to God. Not to seek a high position, or gain the glory of the world

Al-Ghazali divides the goal of Islamic education into two, namely: the long-term goals and short-term goals (Nizar: 2002)

1) The Short Term Purposes of Islamic Education

The short-term purpose is the achievement of the human profession in accordance with talent and ability. Requirements to achieve that goal, human beings must utilize and develop knowledge in accordance with the talent he has.

2) The Long Term Purposes of Islamic Education

The long-term purposes are to get closer to Allah SWT, not to seek the position, splendor, grandeur, or get the position that makes money. If the purpose of education is not directed to get closer to God, it can lead to envy, hatred, and hostility (Muhammad Athiyyah Al-Abrasyi, 1975: 273).

The thought of Al-Ghazali's education does not ignore the balance between the world and the hereafter. It can be seen from the purpose of education, that is, to be learned human, not just learned, but they also practiced in daily life. Learning science is not merely for the knowledge itself, but as a form of worship to God. It also aims for the purposes of Islamic education today.

So it can be concluded that the purpose of Islamic education according to the flow of Idealism is: (1) Purpose of studying knowledge solely for science itself as a form of worship to God. (2) The main purpose of Islamic education is the establishment of akhlaq karimah. (3) To deliver the learners how to reach the happiness of the world and the hereafter.

2. The Learner's Rankings According to Idealism Philosophy of Imam Ghozali

Students are people who are not yet mature and have several basic potentials (*fitrah*) that need to be developed (Suharto & Shaleh: 2006). Students are "Raw Materials" in the process of transformation and internalization, keeping a very important position to see their significance in finding the success of a process. Students are individual beings who have personalities with distinctive features that are in accordance with their growth and development. The growth and development of students are influenced by the environment in which they are located (Ramayulis & Nizar: 2011). Students are members of the community who are trying to develop their potential through a learning process that is available at certain levels, levels, and types of education. Students as a component cannot be separated from the education system. So that it can be said that students are the object of education. In the paradigm of Islamic education, students are people who are immature and have a number of basic potentials (abilities) that still need to be developed (Nizar: 2002). So simply students can be defined as children who do not have maturity and need others to educate them so that they become adults who have a spiritual soul, their own activities and creativity.

Thus, students are individuals who have the potential to develop, and they try to develop their potential through the education process in certain paths and types of education. In the development of these students, they have needs that must be met. Meeting the needs of students to grow and develop to reach physical and psychological maturity. According to Ramli (2015), The needs that must be met by educators include:

First: Physical needs; physical student guidance, such as physical health; in this case, sports become the main material; besides that, other needs such as eating, drinking, sleeping, clothing, and so on, need attention.

Second: Social needs; fulfillment of the desire to interact with fellow students and teachers and others, is one of the efforts to meet the social needs of students. In this case, the school must be seen as an institution where students learn, mingle, and adapt to the environment such as associating with peers of different sex, ethnicity, nationality, religion, social status, and skills. The teacher, in this case, must be able to create an atmosphere of cooperation between students with a hope that it can give birth to a better learning experience.

Third: Intellectual needs; not all students are the same in terms of interest in learning science; there may be more interest in learning economics, history, biology, or others. This kind of interest cannot be forced if you want to achieve optimal learning outcomes.

In the Islamic education paradigm, students are people who are immature and have several basic potential (abilities) that still need to be developed. The paradigm explains that humans/students are subjects

and objects of education that require the guidance of others (educators) to help direct them to develop their potential and guide them towards maturity. (Ramli: 2015). Students are subjects and objects of education that require the guidance of others (educators) to help develop their potential and guide them towards maturity. Potential is a basic ability possessed by students, and will not grow or develop optimally without the guidance of educators (Yasin: 2008)

Al-Ghazali against learners uses the terminology, such as *al-shoby* (children), *al-mu'alimin* (students), and *Thalabul al-ilmu* (students of science). Thus the intended learners (students) are people who are experiencing growth and physical and spiritual development.

At least some traits, tasks, responsibilities, and steps must be met and implemented for learners in Islamic education. It described Al-Ghazali in Ayyuhul Walad, are (Nizar: 2002):

- 1) Learners should stay away from abusive, evil, and immoral acts;
- 2) Learners should always try to get closer to God, and that will not be materialized except by purifying the soul and performing worship to God;
- 3) Learners or students should focus their attention or concentration against science that is being examined or he learned; he should reduce his dependency on worldly problems;
- 4) Learners should not boast themselves with their knowledge and not against their teachers;
- 5) The learners should not engage in debate or discussion of all worldly or the hereafter knowledge before their first study and reinforce the basic view of the sciences;
- 6) The students should not abandon any subjects of praiseworthy knowledge, in addition to looking at the purpose and purpose of each of them;
- 7) Maintain the mind from the arising opposition of various flows.

Thus, the flow of idealism sees learners as a personal being, as a spiritual being. Those who adhere to idealism always show that what they do is an expression of their beliefs, as the central center of their personal experience as a spiritual being.

3. The role of the educator of Philosophy Idealism according to Imam Al-Ghozali

The word educator comes from students, which means maintaining, caring for, and giving training so that someone has the knowledge as expected (about manners, reason, morals, etc.) then by adding the prefix to becoming an educator, meaning someone who educates. In the Indonesian General Dictionary, educators mean people who educate. (Poerwadarminta: 1954). Etymologically in English, there are several words that are close to the meaning of the educator, such as the word teacher, meaning teacher and tutor, which means private teacher, in training centers referred to as trainers or instructors. Likewise, in Arabic we have the words *al-mualim* (teacher), *murabbi* (educate), *mudarris* (instructor) and *uztadz*.

In terminology some education experts argue, according to Tafsir (1992) those educators in Islam are people who are responsible for the development of students with efforts to develop the full potential of students, both the potential for affective (taste), cognitive (copyright), and psychomotor (intention). While Abdul Mujib & Mudzakkir (2008) argues that educators are spiritual fathers for students, who provide soul food with knowledge, foster noble morals, and correct their bad behavior (Ramayulis & Nizar: 2011). Educators can also mean people are responsible for the development and maturity of the spiritual and physical aspects of the child (Maragustam: 2010) In general, also explained by Maragustam Siregar, namely people who provide knowledge, experience, skills, and others both in the family environment, community as well as at school.

From some of the above opinions, it can be concluded that educators in Islam are people who have responsibilities and affect one's soul and spirit. Namely in terms of physical growth, knowledge, skills, and spiritual aspects in an effort to develop all the potential possessed by a person in accordance with the principle and the value of Islamic teachings so that people have morality (Subkan: 2015).

According to Al-Ghazali the role of educators in Islamic education is someone who tries to guide, improve, refine, and purify the heart so that it becomes closer with his Khaliq. This assignment is based on the view that humans are noble creatures. For that reason, educators from the Islamic perspective to implementing the educational process must be directed to tazkiyah an-nafs aspects (Hulawa: 2018).

The philosophers' idealism had a high expectation from the teachers. Excellence must exist from the teacher, either morally or intellectually. There is no one else that is a more important element in the school system in addition to the teacher. Teachers should be "cooperate with nature in the process of combining human, are responsible for creating an educational environment for students, while students are free to develop their personality and talents".

The same way of thinking with the philosopher's idealism over Al-Ghazali describing the duties and responsibilities of professional teachers, are: (1) Teachers are the parents for their students, (2). Teachers as the heir of knowledge of the prophet, (3). Teachers are guides and mentors of religious for their students, (4). Teachers are figures for students, (4). Teachers are motivators for students, (5). Teacher as a person who understands the level of the intellectual development of students, (6). Teachers should understand talent and the psychiatric their students according to the level of difference of age.

Al-Ghazali as follower a flow of idealism, the educational characteristics that may implement Islamic education are (Syari: 2005):

- 1) Teacher has to love his students like loving their own children;
- 2) Teacher does not expect material (wages) as the main goal of the work (teach), because teaching is the inherited task by Nabi Muhammad SAW. While the wages are in the formation of learner who raises the science that is taught;
- 3) Teacher must remind disciples for its goals in demanding science, not for self-pride or seek personal benefits, but get closer to God;
- 4) Teacher should encourage his students to seek useful knowledge, which is the science that brings to the happiness of the world and the beyond;
- 5) In front of his students, teachers must provide a good example, such as fine, polite, gracefully, generous and other praised trees;
- 6) Teacher should teach lessons that suit the intellectual level and the power of the students;
- 7) Teacher had to practice teaching because he became an idol in the eyes of his students;
- 8) Teacher must understand the interests, talents, and souls of students, so the addition would not be wrong in terms of educating, will also be familiar and well-known between teacher and students;
- 9) Teachers should be able to instill the faith in the personal student so that the minds of the students will be imbued the faith;

Thus, the role of the educator did not enough to teach students how to think; it's very important that what students think reality indeed. Teachers here should have the moral and intellectual superiority.

4. The Islamic Education Curriculum According to Philosophy of Imam Ghozali's idealism

Simply put, the curriculum means that the subjects given to the students to instill a certain amount of knowledge in order to be able to adapt to the environment. The curriculum is structured in order to achieve the objectives that have been determined (Samaeng: 2008).

The curriculum, according to the flow of Idealism is based on this principle: first, rich curriculum materials, sequential, systematic, and based on specific targets that could not be reduced as a whole of knowledge, skills, and attitudes that apply in a democratic culture. Second, the curriculum emphasizes proper mastery of the content or material of the curriculum (Syam: 1988)

Of the principles created the guidelines in formulating curriculum of idealism that basically should be in accordance with the needs and abilities of the child, priority on "essential studies" scientific method, which

includes world and organists an-organic human environment (human, cultural, environmental and nature), as well as appreciation against art.

Furthermore, in the curriculum of the school is considered as the Centre of his intellectual training and character building, who are formally trained and developed existing soul power (Mohammad Noor sham, 1988:). Idealism education curriculum contains a liberal education and polytechnic education/practical (Usiono: 2011) liberal education intended for the development of the capabilities of rational and moral. Polytechnic education is intended for the development of the ability of a life/job.

Al-Ghazali's views about the Islamic education curriculum can be understood from his views about science. He divided science into the forbidden, and that must be learned by students into three groups, namely (Nata: 2015):

- 1) The science that is deplorable, with much or little. This science has no benefits for the people of the world and in the hereafter, such as witchcraft, astrologers, and quackery. When science is learned will bring evils principle and would cast doubt on the existence of the truth of God.
- 2) Science that is commendable, a lot or a little. For example, we have the science of monotheism and religious knowledge. This science, when studied, will bring a person to the soul of the sacred, of humility and ugliness as well as it can be closer to God.
- 3) Science that a certain level on the laudable, that should not be deepened, because this knowledge can bring riot faith and ilhad (negate God) such as philosophy.

The third group of the science, Al-Ghazali divides the science into two groups again, science is seen in terms of importance, namely (Syar'i: 2005):

- 1) The science that must be known by all, namely the science of religion, science is predicated on the book of God.
- 2) science that studies the law of obligatory kifayah, namely the science used to facilitate worldly affairs such as medical sciences, engineering sciences, agricultural sciences, and industry.

All can be summed up in formulating curriculum of education according to the flow of Islam idealism. It should correspond to the needs and abilities of the child, priority on "essential studies" curriculum used in the education of British idealism should be focusing more on training and development resource that already exists on the child as rational capabilities and morals as well as the ability of a life/job.

5. Learning Material According to Imam Ghazali's Idealism Philosophy

According to Usiono (2011), knowledge is taught in the school must have the quality of the intellectual. Philosophy, the logic of language, and mathematics will obtain a big portion of the school curriculum. That is, the concept of education be based on the idealism view.

In line with the above opinion, according to Al-Ghazali declare that the knowledge became a learning material in the education of religion be divided to several points of view that is (Muhaimin & Mujib: 1993):

- 1) Based on the knowledge sector consist become as two-sector:
 - a) Knowledge of syari'at as valid knowledge, that knowledge of Ushul (knowledge of principal): knowledge about Al-Qur'an, Sunnah Nabi, opinion of companion and ijma'. Knowledge about Furu' (subdivision branch): Fiqh, knowledge about the spiritual and morals. Knowledge about introductory (mukaddimah): knowledge about the language and grammar. Knowledge about complement (mutammimah): knowledge about Qira'at, Makhrij, al-Huruf wa alAlfads, knowledge about tafsir, Nasikh, and Mansukh, lafaz according to general and specific, lafaz nash and zahir, and biography and history of the struggle of companion.

- b) Knowledge of not syari'at consists: excellent knowledge: knowledge about medical, knowledge about calculate, and dan knowledge about the company. knowledge be allowed (does not adverse): cultural, literature, history, and poetry. Ignoble knowledge (adverse): knowledge about enchantment, magic, and specific part from philosophy.
- 2) Be based on object; knowledge be divided become as three groups:
- Ignoble knowledge by absolutely, fewer or many as magic, azimat, nujum, dan knowledge about enchantment.
 - Admirable knowledge, few or many, but if more admirable, as knowledge of religion and knowledge of the pray.
 - Knowledge in a specific degree have an admirable point, but if understood, it is with ignoble points, such as from naturalism philosophy. According to Al-Ghazali, the knowledge that if be exhausted, will give rise to mental confusion and hesitation, and eventually tend to encourage a human to atheist and reluctant.
 - Based on the status of law to learn to be connected with useful value and can be classified become as two-point first, *Fardhu'ain* must be learned by each individual. For example, knowledge about Religion and subdivisions and second, *Fardhu kifayah*, the knowledge it is not be obligated to each Muslim but, must there are among Muslims for learning it.

According to the flow of idealism, Mathematic becomes a very useful instrument for understanding the knowledge or logical abstract. History and literature have a high position because of this group's value of morals, culture style, and heroism, or about life. It represents the knowledge of nature and science because it explains the relation of cause-consequences. The student understands literature; idealism regard needs a good human configuration. For that, the student not only is encouraged to expand a skill and mind but instill goodness values by instinct inside a soul. (Usiono: 2011).

About the material of religion education, Al-Ghazali declared that Al-Quran with content is knowledge. This Context is useful for life, clean of soul, improve moral and close up to God.

6. Islamic Education Methods According to Imam Ghozali's Idealism Philosophy

According to Plato's best method for learning is dialectic. Basically, Plato believes that we can expand our ideas with the manner to reach a synthesis and universal concepts, method of dialectic tries to integrate a various learning process that conceived a sense (Ozmon & Craver: 2008).

The teacher is not enough to teach students about how the manner of mind, based on important, that is what is student's think become as reality within the behavior. Method of learning advisable of encourage for expand a firmament, encourage of reflect mind, encourage a choice of self-character, give a performance skill or ability for logic mind, give a chance use knowledge for moral and social problems, increase a interest about the context of subject and encourage for student to accept values of human civilization.

Method of education classified by Al-Ghazali into two-part, namely: *First*, specific method about religious education, this method has an orientation to the knowledge of aqidah because religion education, in reality, is harder than other education, because religion education explains about the intuitive problems and more count heavily on student's personality formation. *Second*, method of specific about the education of morals, according Al-Ghazali explain that

such as doctor, if giving patient with one kind of medication alone, certainly it's will kill more sick people, as well as the teacher, if indicate a route to student with the one various from training, certainly will decimate them spiritual but regard about student's disease, age condition, body's character and training about what is enabled that. Based on that, be constructed to training.

That evidence, Al-Ghazali affirms that to make a diagnosis and kids improve an ignoble is prescript for doing otherwise act. As if sick body's medicine is with the manner of descending a fever or medicine is throw away that disease. Therefore, it can be concluded that the method of learning idealism consistent with idealism concept, method of dialectic, dialogue, discussions, and other methods is used to expand student's minds (Muhaimin & Mujib: 1993).

4. CONCLUSION

Idealism is the flow of philosophy that respond to a primary idea regarding the materiality as a secondary idea, with another words regard from an idea or be created from an idea. According to the purpose of education, the concept of idealism is more direct to the development of an idea and student's self-personality, relevantly with the purpose of personality, society, and life that relates to God. The participant's position is free individual in expanding the personality and skills of basics consistently to with the talent, interest, and each skill to them age. Material is used to expand the education of intellectual is knowledge of natural, society, education of technology, mathematics, and education of literature.

The material of education about the moral inside to expand benevolence is the attitude for try reaches self-perfection, equitable attitude, not partiality, the attitude of understanding sameness to humans. Method of learning according to idealism content, method of dialectic, dialogue, discussion, and another method can be used for expanding student's thoughts.

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Enhancing the repeatability quality of feature detector in epipolar geometry

Mejora de la calidad de repetibilidad del detector de características en geometría epipolar

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ABSTRACT

This study discusses evaluating the repeatability quality of feature detector algorithms for image key points in epipolar geometry. Although no one has been able to examine performance in this area; hence, the necessity of conducting research based on improvement. In our method, the image format is converted into YCbCr, using only the Y channel, which is then tested with a variety of threshold values, and Weiner algorithm was applied as noise removal. Therefore, to prove the effectiveness, a comparison is made with the test results before and after method implementation, thus, verifying the success of the technique applied.

Keywords: Epipolar Geometry, Feature Detector, Keypoint, Repeatability Quality.

RESUMEN

Este estudio analiza la evaluación de la calidad de repetibilidad de los algoritmos de detección de características para puntos clave de imagen en geometría epipolar. Aunque nadie ha podido examinar el desempeño en esta área; de ahí la necesidad de realizar investigaciones basadas en la mejora. En nuestro método, el formato de imagen se convierte en YCbCr, utilizando solo el canal Y, que luego se prueba con una variedad de valores umbral, y se aplicó el algoritmo Weiner como eliminación de ruido. Por lo tanto, para probar la efectividad, se realiza una comparación con los resultados de la prueba antes y después de la implementación del método, verificando así el éxito de la técnica aplicada.

Palabras clave: Calidad de repetibilidad, Detector de características, Geometría epipolar, Punto clave.

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1. INTRODUCTION

Contemporarily, face recognition is a very common research topic (Maheshkar et al.: 2012), which applies to numerous fields, including law enforcement and physical access control, health and logical approach (Ahmad et al.: 2016). It is a field in biometric recognition that processes behavioral or physiological characteristics, which are unique, in an attempt to determine individuals' identity (Jain et al.: 2006). There are two approaches, comprising of (1) 2D, which is influenced by environmental conditions, facial orientation, and expressions, as well as makeup. (2) 3D data that helps resolve fundamental problems inherent in the 2D approach (Bronstein et al.: 2003).

3D face recognition has been made using Tof (Time of flight) camera, although the system is unable to be used outdoor, due to backlight (Chincholkar & Bangadkar: 2007; Lietz & Eberhardt: 2017), therefore, another system was developed to overcome this problem, through the use of 2 2D cameras (Alexander et al.: 2018). Furthermore, reconstructing 3D objects requires a minimum of 2 2D images of the same object, which are needed sequentially, using the epipolar geometry method, with accuracy that is highly dependent on similar corresponding key points in both (Seong et al.: 2018). This identification involves the use of a feature detector that is capable of extracting key points from images by analyzing local characteristics centered at a point on the surface. In addition, matching them consists of establishing a set that is based on specific descriptors. Moreover, the main steps in this process are to identify the similarities and search for the most related feature descriptor pairs in two sets (Jain et al.: 2006).

Prior studies (Seong et al.: 2018) discussed this mechanism, based on its use in image recognition, and also measuring accuracy. Besides, some research focused on enhancing its quality (Kumawat & Panda: 2018), through its application to one image only. Meanwhile, a report by Mouats et al. (2018) discussed the characteristics of repeatability in detecting points on two of the same images, one of which experiences a change in angle, and but not to reconstruct the image into a 3D model on epipolar geometry.

This research, therefore, aims at testing a feature detector for the quality of repeatability on two face images of the same object, after conducting pre-processing methods on several images dataset from the database, in an attempt to improve performance. Meanwhile, on instances where face images that are taken from a database are changed to the YCbCr format, only Y channel is used because facial features are available on this channel. The unwanted characteristics are removed through the implementation of global thresholding, and subsequently, the wiener algorithm is used to make sure no more unwanted point lagging occurs. Finally, the image is tested with five popular detector features.

The method performance was successfully tested on two datasets from the database, which include (1) ORL (2) Head Posed, and the effectivity was further exhibited in terms of quality repeatability. The estimation was based on the number of correct and correspondent matches.

Recently, biometric systems have delivered a new aspect to enter control systems, widely used as a reliable and easy tool for users, and one of the most involved is a face (Joshi et al.: 2018). Besides, numerous researchers have offered methods that are capable of increasing the level of security, e.g., the use of a 3D recognition system with a 2D camera. Therefore, an algorithm with the capacity to detect key points was needed for support, and an evaluation of feature detector algorithm performance was derived from the quality of repetition (Qu et al.: 2016).

The Epipolar Geometry theory involving the use of corresponding points between two viewed images in triangulation estimation was conducted to define 3D points in coordinate XYZ. This implementation and 15 key points (Wang & Song: 2014) on database face image are shown in figure 1.

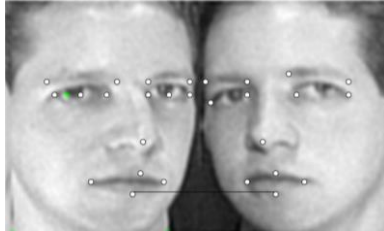


Figure 1. Illustration of Epipolar Geometry implementation and Keypoint on Face Images

It is observed that there are distinctive color formats with uncommon traits, capable of making them reasonable for diverse implementations, and a few well-known examples include RGB, YCbCr, HSV, YUV, L*a*b*. In addition, images are ordinarily portrayed in RGB color format, although in a few applications, they work in others that tend to be more appropriate (Gowda & Yuan: 2018). Furthermore, the utility of YCbCr is based on its ability to decide how the image saw shows up from a simply concentrated or color hue point of view (Zaidan et al.: 2014).

Face pixels have peculiar color characteristics; hence, utilizing color data enhances the possibility of accurately obtaining its feature area. Ordinarily, the regions are darker than other ranges within the picture; therefore, there is a need to require a color format model in order to show it better. Thus, the YCbCr color format, possessing three channels, was utilized, with diverse ranges of channels from RGB (Poynton: 1996). Fig. 2 shows the image in the YCbCr color format, while Fig. 2(b) displays it in the Y channel, and the face area appears very clear in comparison with that of Fig. 2(c) and Fig. 2(d).



Figure 2. Channels in YCbCr format, (a) Original frame, (b) Y color channel, (c) Cb color channel, (d) Cr color channel

Thresholding is a strategy that isolates images pixels into two or more values by comparing each with a predefined limit boundary (Karthick et al.: 2014). Besides, this was applied to reduce weak points through combination into key points. Furthermore, it is also useful to set the number of gray degrees existing in the image, which was determined using formula 1:

$$x = b \cdot \text{int} \frac{w}{b}$$

Where :

w is gray degree value before thresholding

x is value after thresholding

$$b = \text{int} \frac{256}{a}$$

$$g(x, y) = \begin{cases} 1, & (x, y) \geq T \\ 0, & (x, y) < T \end{cases}$$

with $g(x, y)$ as a binary image from grayscale $f(x, y)$, while T is mentioned as values threshold, which is determined in 3 ways, as follows:

1. Global $T = T\{f(x, y)\}$, with T depending on the gray level value of a pixel at position x, y .
2. Local $T = T\{A(x, y), f(x, y)\}$ T depends on neighbor pixel property $A(x, y)$ states neighbor pixel value.
3. Dynamic $T = T\{x, y, A(x, y), f(x, y)\}$ where T depends on pixel coordinates.

This study applies the global type.

The main purpose of implementing the Wiener Filtering Algorithm was to remove unwanted residual points after the thresholding process. This classifies the mean and variance around each pixel (Akintoye et al.: 2018), and five feature detectors are used to test the accuracy of key points match, which includes Harris-Stephen, SURF, FAST, Minimum Eigen Value and BRISK Detector.

2. METHODS

Images with 30° angles were accessed from the databases, as they were chosen to construct the 3D shapes in facial recognition. Besides, Matlab R2018a was used as data processing software, using the following procedure:

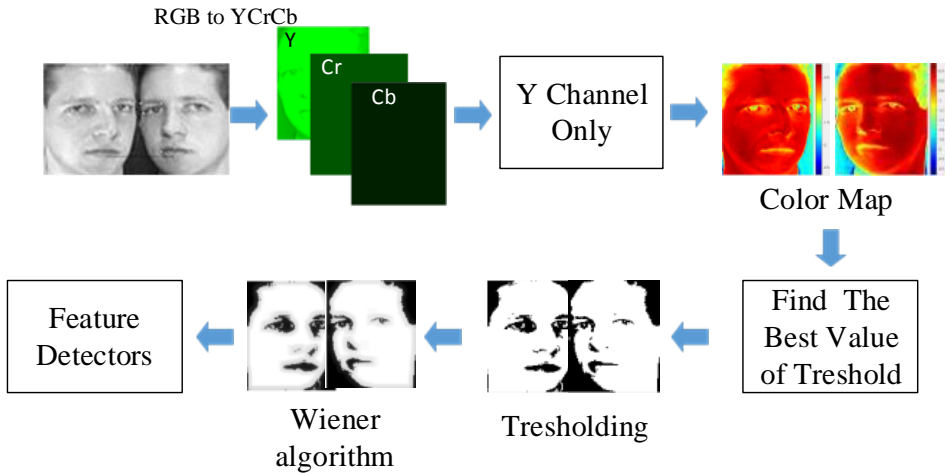


Figure 3. Flow of Method

The procedure is described as follows:

1. The change of RGB color format to YCbCr.

The first step to change a red, green, and blue triple (r, g, b) to YCbCr format is to divide the intensity of each by 255, in order for the resulting triple to have values in the interval $[0, 1]$. Furthermore, $(r', g', b) = (r/255, g/255, b/255)$, and the YCbCr color format is then obtained with a matrix (Ban et al.: 2014, pp.1573-1585), as seen in the equation:

$$\begin{bmatrix} Y \\ Cb \\ Cr \end{bmatrix} = \begin{bmatrix} 16 \\ 128 \\ 128 \end{bmatrix} + \begin{bmatrix} 0.279 & 0.504 & 0.098 \\ -0.148 & -0.291 & 0.439 \\ 0.439 & -0.368 & 0.071 \end{bmatrix} \begin{bmatrix} R \\ G \\ B \end{bmatrix}$$

2. Access the Y channel only

This is because the Y channel represents a grayscale color format.

$$[Y] = [16] + [0.279 \quad 0.504 \quad 0.098][R]$$

3. Image color map was applied to both side images, through the use of threshold value. Therefore, the best was obtained by testing the image result for detectable clarity.
4. Apply the thresholding method to both images
 Identifying the best T values after testing some values, 0.2, 0.3, 0.4, and those obtained from the use of equation 1.
5. Employ wiener algorithm to remove noise (eq.2)
6. Detect both sides images, using five feature detectors
7. Done.

3. RESULTS

The repeatability quality score for a given pair of images was calculated in an attempt to evaluate the feature detectors' performance (Hartley & Zisserman: 2000), and this was based on the number of correct, and also correspondent matches. Therefore, the recall and precision are estimated based on the key point match, as shown in the following equation (Tikkanen et al.: 2000):

$$recall = \frac{\text{Number of correct matches}}{\text{Total Number of Correspondences}} \dots\dots\dots (2)$$

$$precision = \frac{\text{Number of correct matches}}{\text{Total Number of All Matches}} \dots\dots\dots (3)$$

F Score is used to balance the value of Recall and Precision, as seen in the equation below (Sasaki: 2007):

$$F\ Score = 2x \frac{(Recall \times Precision)}{(Recall + Precision)} \dots\dots\dots (4)$$

The success of this method was proven through the comparison of value for F score before and after pre-processing the image, and Table 1 contains the initial value.

No.	Feature Detector	F-Score	
		Head-Pose	ORL
1.	Harris Stephen	0	0,316
2.	SURF	0.167	0.25
3.	FAST	0	0
4.	Minimum Eigen Value	0	0.2
5.	BRISK	0	0.118

Table 1. Calculation of Key points Using Feature Detectors Before Image Preprocessing Method is Performed

In Table 1, the best value for F score was produced by Harris Stephen Algorithm, while that for the Head-pose dataset was only generated by the SURF algorithm. This was influenced by many factors, including the characteristics of key features, which are not different from other keys on an image, and examples of calculations are explained in table 3, for the ORL dataset.

Feature Detector		Harris Stephen	SURF	FAST	Minimum Eigenvalue	BRISK
Left Image	Point	15	15	15	15	15
	Keypoint	5	3	2	7	3
Right Image	Point	15	15	15	15	15
	Keypoint	6	2	1	5	3
Correct Match		3	2	0	2	1
Correspondent		4	1	2	5	2
Recall		0.2	0.13	0	0.13	0.06
Precision		0.75	2	0	0.4	0.5
F Score		0.316	0.25	0	0.2	0.118

Table 2. Calculation of Key points Using Feature Detectors Without Image Preprocessing on ORL Dataset

The explanations to calculations are as follows:

- Count the number of points and key points on the right and left images after being identified by the feature detector algorithms.
- Therefore, some images are shown in Fig 5.
- The correspondent is the point number that aligns between the right and left images.
- The correct match is the corresponding number of key points between the left and right images.
- Recall, Precision and F Score are counted based on equations 2, 3 and 4.



Figure 4. Example of Original Dataset Images Detected by SURF Feature Detector for both Left Image and Right Image. (a) Head Pose Dataset (b) ORL Dataset

Figure 5 shows three pairs of facial images used as a dataset, which were taken from the ORL and Head poses. Table III is, in part result of a feature detector test after the method was implemented for both databases.



Figure 5. In the first row of face, images are from ORL Database, while the second row was from Head Pose Database

Database	Thresholding	Harris Stephen	SURF	FAST	Minimum Eigenvalue	BRISK
Head Pose	Eq.1	0	0.59	0	0	0
	0.2	0	0.52	0.25	0	0.09
	0.3	0	0.5	0.22	0.12	0.08
	0.5	0	0.1	0	0	0
ORL	Eq.1	0.125	0.42	0	0.25	0
	0.2	0.125	0	0	0	0
	0.3	0.25	0.12	0	0	0
	0.5	0.12	0.11	0	0	0

Table 3. Calculation Of F-Score Using Image Processing Methods and Weiner Algorithm

The largest F score was generated by SURF, both for ORL and head pose databases, as seen in Table III. Meanwhile, for the other two image pairs that produced the same result was generated by the SURF algorithm.

- ORL Datasets Analysis

The ORL datasets made at the Olivetti Research Laboratory, Cambridge, contained 400 greyscale images for 40 subjects with 10 different images for each. Moreover, a grey level image in ORL possesses a resolution of 112 x 92 pixels, and all images were observed to be aligned in terms of geometric position, although some had an angle of $\pm 15^\circ$, with varying poses, expressions, and wearing glasses or not. This study indicates that face images taken at angles -15° and 15° simulate the epipolar geometry method.

The ideal detector used exhibited 1 for F Score, while the tests performed on the original images obtained the best value at 0.316. Therefore, within the face images, after implementing the method, an increase was observed to 0.5, with the threshold being 0.3 for SURF algorithm. Meanwhile, F score value on other algorithms indicated an increase, which was also like the FAST algorithm, but not as much increase in comparison with SURF. Furthermore, some algorithms produced value 0, among others Harris Stephen Algorithm, it causes on the fact that the detector identifies numerous non-key points, the algorithms are not able to distinguish between key and non-key points. Our method is unsuccessful in all algorithms, as it only works for the SURF. Implementing image processing methods and Weiner algorithms on the image from ORL database resulted in the increase in the value of F score; to strengthens the evidence, our method was also implemented to the Head Pose database.

- Head Pose Datasets Analysis

This comprises of 15 sets of face images, where each contains 2 series of 93 faces of the same individual at distinctive poses. In addition, 15 within the database wore glasses, or not, and also possessing different skin coloration. The pose or head position was specified by 2 angles, which changed from -90° degrees to $+90^\circ$. Meanwhile, this test use 2 faces at angles 15° from the left and right. The results obtain the same result as ORL databases test, SURF algorithm gets the highest value, elevated from 0.167 to 0.56, with the use of threshold value 0.3. The explanations are the same with ORL Dataset Analysis.

4. CONCLUSION

Five feature detectors were tested based on their quality of repeatability, using two faces from the same object, which were taken from left and right, in order to simulate epipolar geometry. Furthermore, the detector capacity to recognize key points on the face was observed before and after the implementation of pre-processing, and the removal of noise algorithm. Database face image is taken from ORL and Head Pose, and our methods in proven to increase the value of F Score, with the best being generated by the SURF algorithm, occurring from 0.167 to 0.56, raised 3,6 times and the threshold value 0.3.

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Concept of language politeness and building character education

Concepto de cortesía del lenguaje y construcción la educación del carácter

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ABSTRACT

This research is based on the increasingly numerous problems of character degradation in education, particularly the loss of language politeness, whether in verbal or written. This research is a qualitative study. In order to finish this research, the researcher used content analysis toward the verse stated in Al-Qur'an as the primary data source. The result of the research was that there are six language politeness principles in Al-Qur'an, namely qawlan sadida, qawlan ma'rufa, qawlan baligha, qawlan maysura, qawlan layyinan, and qawlan karima. There are 26 translatable maxims in those six principles.

Keywords: Al-Quran, Character, Language Politeness, Qualitative Study.

RESUMEN

Esta investigación se basa en los problemas cada vez más numerosos de la degradación del carácter en la educación, particularmente la pérdida de cortesía del lenguaje, ya sea verbal o escrito. Esta investigación es un estudio cualitativo. Para finalizar esta investigación, el investigador utilizó el análisis de contenido hacia el verso declarado en Al-Qur'an como la fuente principal de datos. El resultado de la investigación fue que hay seis principios de cortesía lingüística en Al-Qur'an, a saber, qawlan sadida, qawlan ma'rufa, qawlan baligha, qawlan maysura, qawlan layyinan y qawlan karima. Hay 26 máximas traducibles en esos seis principios.

Palabras clave: Al-Corán, carácter, estudio cualitativo, cortesía del lenguaje.

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1. INTRODUCTION

According to Socrates, education is a development process of the human toward local wisdom, knowledge, and conduct (Elmubarak: 2009). It is in line with the definition of education in the Law of Indonesian Republic No.20 of 2003 concerning National Education System:

Education means conscious and well-planned effort in creating a learning environment and learning process so that learners are able to actively develop their full potential for acquiring spiritual and religious strength, self-control, personality, intelligence, moral and noble character, and skills required by him/herself, the community, the nation, and the State.

This definition is in line with the delegation of PBUH Muhammad as the last prophet to perfect the moral in the Book of Musnad Imam Ahmad section 14 no. 8952: "that I was sent to perfect the noble moral". (Halstead: 2007, pp.283-296).

That paradigm and the hadith narrated by Ahmad stated that the aim of education is not only to educate and expand one's knowledge but also to develop personality and regulate human ethics in this world. According to Lickona, that paradigm is called as character education. The education emphasizes three components, namely moral knowing, moral feeling, and moral action (Ekawati: 2011).

The problem is that what happens in the education world is not appropriate with the aims set. There is a lot of emerging wrong attitude of the students. The students' actions are no longer reflecting the Indonesian character. The problem happens because the character education in schools so far has just reached the level of norms introduction or the values in the form of mere knowledge in the real daily actions (Hadi: 2016).

One of the problems highlighted by the researcher, in this case, is the impolite language ethics done by among the students and the students to their teachers or widely known as bullying (Kamaruddin: 2012). The number of bullying cases in Indonesia is quite considerable. Based on the data released by Children Protection Commission in Indonesia (KPAI) in 2015, from 2011 to 2014, there were 1,480 cases, and 25% of them were bullying cases. Based on the report from KPAI, the bullying cases happened among the students and the students toward their teachers. According to the newest data from KPAI, in 2019 until April, there were 12 viral bullying cases among the students, and there were 4 cases of teachers bullied by their students. In 2018, there was only 1 case of the teacher bullied by the students (KPAI) (Maradewa: 2019).

The currently happening cases show that bullying among the students and the students toward their teachers are getting worse as the technology advances. Kadi & Fadlyana called it cyber-bullying, a model of bullying cases developing and following the modern communication trends through the comment column on Facebook, Instagram, Twitter, Line, and other media (Kadi & Fadlyana: 2007).

Generally, analyzing several cases that keep developing in the education world in Indonesia, apparently, language became an underlying factor. Almost all violence and murder in the education world are triggered by wrong (impolite) language use.

Leech added that three principles in interpersonal communication must be paid attention, namely cooperative principle, politeness principle, and irony principle (Suherman: 2008). Moreover, politeness in the language, according to Simarmata and Agustiana (2017), must follow the cultural norms applicable in the social environment.

The idea told by the language experts above are highly related to the language teaching in each school. Language teaching is not only about speaking and writing ability but also about its usage in communication (Marcellino: 2015). For instance, as stated by Pratamanti (2017), the students also have to comprehend how to communicate in speech expression (kinetic) and spatial language related to the context (proxemics). Thus, assessment of the language teaching must involve several language aspects simultaneously, which is then known as the whole term language. According to Weaver, the whole language is an idea based on the convergence among several disciplines covering cognitive psychology and learning theory, psycholinguistics

and sociolinguistics, anthropology and philosophy, and education (Sabekti: 2009). The whole language is also the coherence between language function and grammar. Therefore, the communicative competence of a student also becomes an important thing to be noticed in this era, based on the problems happening (Hasanah et al.: 2016).

In the developing language study, interpersonal rhetoric communication, in this case, can be both among the students and between the students and the teachers directly and communicatively if the politeness principles are fulfilled. The politeness principle has several maxims (Salahuddin: 2011). What is meant by the maxims here is the principle of language in the lingual interaction and the principles regulating its act and language use namely tact maxim, generosity maxim, approbation maxim, modesty maxim, agreement maxim, and sympathy maxim (Wahidah & Wijaya: 2017). These politeness principles are related to the two participants of the conversation, namely self and others (Jaeni: 2012).

There are many cases of bullying happening inside or outside the school done by the students, both from the public schools and religious schools. In this case, the researcher sees the urgency to translate religious text, particularly Al-Qur'an, related to interpersonal communication, both verbally and textually (Wati et al.: 2019). The result of that reading is then firstly applied in language learning because the function of language teaching in this era is limited to textbooks and stops in the classical assignments without any continued value implementation becoming the milestones whether the student has been able to speak well among the students or to his/her teacher.

2. METHODS

The method used in this study is qualitative research that uses the content analysis method. The data used in this study are verses of the Qur'an, which are related to language politeness. In this case the researcher limits on, *qawlan sadida* (QS. Al-Ahzab: 70), *qawlan ma'rufa* (QS. Al-Baqarah: 235, Q.S. An-Nisa: 5 & 8, Q.S. Al-Ahzab: 32), *qawlan baligha* (Q.S. An-Nisa: 63), *qawlan maysuran* (Al-Isra': 28) *qawlan layyinan* (QS. Thaha: 44), and *qawlan karima* (QS. Al-Isra': 23). As another data source, the author uses a reference to educational theory in creating good characters. Steps in collecting data: the researcher reads the verses above and also looks at the interpretation of the several verses to get messages and concepts related to polite language in the Koran and determines character education values that can be taken from these verses (Qoyyimah: 2016). The instrument of this research is the researchers themselves, according to the characteristics of qualitative research. The researcher analyzed the research object carefully in the form of description, interpretation, and analysis by recording the findings. Research analysis can be described in table form. The data analysis procedure used in this study refers to Sugiyono's opinion, which explains three stages that must be passed to facilitate the study of data analysis, namely data reduction, data presentation, and conclusions or data verification (Cafu & Somuncuo: 2000).

3. RESULTS

A. Language Politeness in Al-Qur'an

Etymologically, the word politeness comes from the root word of polite. Based on The Dictionary of the Indonesian Language (KBBI), politeness is gentleness and goodness (of one's language, behavior), politeness, patience, and calmness (Murjito: 2018). Politeness in the broader context refers not only to the language politeness, but also to the nonverbal aspect such as behavior, faces mimics and voice tone (Bowden: 2010).

Asim Gunarwan stated that politeness pragmatically refers to the speaker's strategy so that the behavior performed will not cause any offended feeling or threatened face (Nasanius: 2007). Polite behavior is a

behavior based on the consideration of another person's feelings so that the person will not be offended or will not have a threatening face. The definition of politeness is in line with Yule's (1996) definition of politeness, stating that politeness is based on awareness of the public's self-image coming from one's face willing.

On the other hand, Brown and Levinson argue that politeness needs to be used if there is a face-threatening act (FTA). Based on this basis as well, Brown and Levinson classified two kinds of face referring to the politeness, namely positive face and negative face (Nurjamily: 2015). Positive face refers to language solidarity because it prioritizes more on the usage of informal language and offers friendship. Meanwhile, negative face prioritizes more on language formality, referring to the difference and indirectness as well as showing the desire of not getting disturbed in one's action.

Islam, as a religion and also PBUH Muhammad as the bearer of the treatise, suggest their followers to keep speaking politely to their opponents. In the introduction of the Prophet's hadith, it is also mentioned that PBUH Muhammad was sent to perfect human morals (Duhita & Zulaeha: 2018).

In Al-Qur'an, at least there are six principles in communication that can be made as to the basis in effective communication. They are *qawlan sadidan*, *qawlan ma'rufan*, *qawlan balighan*, *qawlan maysuran*, *qawlan kariman*, and *qawlan layyinan* (Sauri: 2003).

1. *Qawlan Sadida*

Related to communication, Al-Quran hints and explains to us about the ways of excellent communication. First, *Qawlan sadida* means words of appropriate justice. It is stated in Al-Quran included in Q.S. An-Nisa verse 9 and Q.S. Al-Ahzab verse 70 as follows:

"And let those [executors and guardians] fear [injustice] as if they [themselves] had left weak offspring behind and feared for them. So let them fear Allah and speak words of appropriate justice."

"O you who have believed, fear Allah, and speak words of appropriate justice." (QS Al-Ahzab: 70)

These verses are messages for the people who have believed, to speak "words of appropriate justice". Al-Maraghi (1943) reveals that the context of the verses is related to the people who are instructed to speak righteously, honestly, and trustworthily. The preceding verse gives an example of people who take care of the orphans. They should be treated well, gently, politely, and affectionately as if they are their children.

Meanwhile, according to Rahmat (1994), *qawlan sadida* is an honest, righteous, gentle, truthful, and straightforward speech. Moreover, Mudhofir (2011) explains that the context of the verses is the concern and anxiety of a bequeather about his children uttered truthfully, honestly, gently, politely, clearly, decently, kindly, and fairly.

From that phrase, the researcher can take some values of the principle of *qawlan sadida*. They are how to speak righteously and honestly without causing any suspicions, and also an advisor to communicate gently, affectionately, and clearly without causing misunderstanding between the speaker and the listener.

2. *Qawlan Ma'rufa*

The phrase *Qawlan ma'rufa* in Al-Quran is cited four times. Those are in Q.S. Al-Baqarah (2) verse 235, Q.S. An-Nisa (4) verse 5 and verse 8, and Q.S. Al-Ahzab (23) verse 32. This phrase distribution in several verses nearly has the same discussion context related to the proposal, bequeather, and inheritance (Djiwandono: 2016).

Ma'rufa etymologically means good values that are accepted and recognized by society. Therefore, *qawlan ma'ruf* is acceptable and kind words from the point of view of the speaker's environment in accordance with the norms and values.

Al-Buruswi (1996) mentions *qawlan ma'rufa* as gentle and good language expressions like the expression of a man who is going to propose a woman. Besides, Sayyid Quttub defines *qawlan ma'rufa* as words without insistency, cues, love poems, jokes, and games (Hasjim: 2013).

From the opinions above, *qawlan ma'rufa* can be defined as one of the either ways to communicate with same-sex or cross-sex kindly, politely, gently, respectfully, friendly, and following the rules of law and logic.

3. *Qawlan Baligha*

The phrase *qawlan baligha* is cited in Q.S. An-Nisa verse 63. *Qawlan Baligha* can be defined as fluent

and effective expressions with clear purposes and objectives. While Al-Buruswi (1996) tends to see the phrase as the way of communication, namely a way to express words that are touching and affecting the listener. Touching means the way or the content of the words is received and appreciated by the listener, while affecting means affecting the listener and changing their behaviors.

It is also conveyed by Al-Siddiqi (1977). He defines *qawlan baligha* in terms of disclosure, which is memorable for the listener. While Rahmat defines it in terms of communication, that is a fluent expression, clear purposes, and in context.

From the explanation above, *qawlan baligha* can be defined as effective communication. The communication is effective if the message is well delivered by the speaker to the listener according to the situation and condition (Sadiah: 2015).

4. *Qawlan Maysuran*

Qawlan Maysuran in Al-Quran is cited in verse, namely in Q.S Al-Isra' verse 28. *Qawlan maysuran* lexically means easy words. While based on its context, Al-Maraghi (1943) defines it as gentle and kind words or trusted promises. While Ibn Kathir in Mudlofir mentions *qawlan maysuran* as appropriate words, which are pleasant promises.

In the interpretation of Al-Quran and Its Translation Department of Religious, in terms of *qawlan maysuran*, it is mentioned that if you are not able to give others' rights, speak to them a gentle word so they are not disappointed because they do not receive any supports yet from you. In that case, you strive for receiving provision from your Lord so that you are able to give others' rights. Based on the context of the verse, *qawlan maysuran* means words that give hope and avoid disappointment. It can also be defined as kind words containing a hope of ease, so it does not disappoint others nor put their hopes down.

Based on the relation of the text and its context, *qawlan maysuran* means words that ease, soften, beautify, and please others as well as give optimism and are not disappointing (Mudhofir: 2011). From the boundaries above, it can be seen that *qawlan maysuran* gives operational details about the manners of expressing language politely.

5. *Qawlan layyina*

Qawlan Layyina in Al-Quran is only cited in Q.S Thoha verse 44. *Qawlan layyina* is lexically defined as gentle words. The context of this verse is the guidance from Allah to Prophet Moses a.s, and Prophet Aaron a.s when they visited Fir'aun. Allah instructed Moses and Aaron to speak gently to Fir'aun hoping that the king who claimed himself as God remembered and were afraid to Allah (Ibn Kathir: 1999)

Al-Siddiqi (1977) interpreted the *qawlan layyina* as a gentle speech in which it contained hope that the person to be invited to speak would be reminded of his obligations or afraid to leave his obligations. By communicating gently, there will be interactions that have an impact on absorbing the content of a speech by opponents to speak well.

Therefore, *qawlan layyina* can be defined as kind words that are gently expressed, so they touch others' heart. Gentle words are from the encouragement and mood of the speaker. If one speaks sincerely and looks at the listener as if he were his beloved brother, a gentle word will be conveyed. The gentleness leads the content of the speech to be easily influencing and affecting others. The communication occurred is heart-to-heart communication, which affects the content of the speech comprehended by the listener. As a result, the speech has a profound influence not only on the delivered information but also on the change of others' views, attitudes, and behavior (Haryanto & Akhirin: 2018).

6. *Qawlan karima*

Phrase *qawlan karima* in Al-Quran is only cited in verse, namely Q.S. Al-Isyra' verse 23. *Qawlan karima* lexically means noble words. Mudlofir further explains that what is meant by noble words is the value of the message conveyed to respect and honor the listener.

A child must speak to his/her parents and the elder a noble word. Swearing or even saying "Ah" is not permitted. In the interpretation of Al Qurtubi, it is explained that "noble word" means gentle and beautiful words such as "Oh My Father" and "Oh My Mother" without mentioning their nickname.

By seeing the description above, it can be concluded that "qawlan karima" in terms of language politeness means nobility, honor, excitement, and appreciation to the appropriate interlocutors. Otherwise, insulting and humiliating words to the others are considered as impolite speech.

According to the study that was discussed earlier, it can be concluded that 1) Islam suggests the believer speak a good, right, gentle, polite, easy to understand, noble, and memorable word. 2) Speaking must be intended to spread the peace, 3) the Speaker must respect and love the interlocutor, 4) Not hurting the listener while speaking and this is the real concept of language politeness in the Al Qur'an.

If the six principles are elaborated into maxim forms of language politeness, there will be many maxims that have to be fully filled as follows: 1) truth, 2) honesty, 3) justice, 4) kindness, 5) straightness, 6) softness, 7) politeness, 8) appropriateness, 9) excitement, 10) solemnity, 11) optimism, 12) beauty, 13) joyfulness, 14) logic, 15) fluency, 16) clarity, 17) accuracy, 18) memorability, 19) harmony, 20) impressiveness, 21) calmness, 22) effectiveness, 23) moderation, 24) generosity, 25) tenderness, and 26) modesty.

However, by looking at the various contexts of verse that teach how to communicate effectively, the researcher compiles the maxims that have to be implemented in a proper condition, for instance, how to speak with the same-age friends, junior class, senior class, teacher, and how to express by words and text in social media.

B. Language Politeness and Language Pedagogy

Language politeness in the perspective of Language Pedagogy can be divided into two points of view, namely the learning material and the used language (Djarmiko: 2013). These points will give a strong influence to the learner to direct them to Language politeness. In the first point, the role will be on the author of the learning module, and the second point will be on the teachers.

Learning material of language pedagogy must be well delivered, have good reading texts, and deliver a correct grammatical order. Regarding the use of vocabulary, it has to be arranged according to the grade and the age of the students. The reading text usually becomes the base to develop the other skills of the student. Therefore, Djarmiko emphasizes that if the reading text of a unit is grammatically and vocabulary controlled, the quality of the other skill will be easier to be set. Besides, the language process and the content material from the unit can be controlled for the sake of the student's language and character development (Djarmiko: 2013).

On the other hand, Abidin (2012) states that in language pedagogy, particularly reading, it is necessary to make some effort to upgrade the learning process that has the orientation to improve the reading skill and to build up the student's character as well.

In line with the language politeness, the learning material that theory relates to the effort to equip language politeness in the used language becomes the concern of the learning process. It can be delivered with the model of conversation that uses polite language verbally or non-verbally (Djarmiko: 2013). Therefore, in this case, the first point of view is in learning not only Bahasa Indonesia or mother language, but also all of the learning material delivered to the students.

The second point of view is the used language in the learning process. It does not neglect the existence of the teacher, even though in the delivery of the learning material, the role of the author is stronger. It is because the teacher knows more about the competence of the students. Therefore, the teacher also has a central role in applying language politeness through material delivery (Djarmiko: 2013).

The teacher presents as the figure, and the role model for the students, the parents that should be cared for (Mangkunegara & Puspitasari: 2015). A teacher must have a good manner of using language as well as be right and polite in communicating in or out of the class and in giving advice to the students. A teacher is also demanded to be able to deliver the material and assignment in an attractive way so that the student does

not feel burdened with the tasks.

C. Character building

The term *Character* is derived from Latin words *Kharakter*, *Kharassein*, and *kharax*, *karakter* in bahasa Indonesia, and *charassein* in Greece, which mean sharp (Fathurrochman & Apriani: 2017). While in KBBI, the definition of character is a mental or moral nature that differentiates a person to another; quality; personality. Then, having character means having personality, quality, nature, or attribute. A person who has a good and excellent character is a person who makes the best effort to do positive things for Allah, himself, others, environment, nation, and country by optimizing all the potential within and followed by the emotional consciousness and motivation (Gunawan: 2012).

Terminologically, Ryan, and Bohlin define that character has three main elements. They are knowing the good, loving the good, and doing the good (Fuad: 2012). Samani and Hariyanto conclude that character is a basic value that builds personality. It can be built by the influence of the heredity or environment, which differentiates the person to others, and also manifested within the attitude in daily life (Afandi: 2019).

Character shows how someone behaves. If someone behaves dishonestly, cruelly, or greedily, it can be said that that person reflects a bad behavior. On the contrary, if someone behaves honestly, responsibly, helping each other, certainly that person reflects a good character (Abidin: 2012). Someone can be said as good people if his/her behavior is appropriate with the moral norm. Thus, a good character education involves not only good knowledge but also a good feel. Lickona (1994) also states as it presents in the following chart:

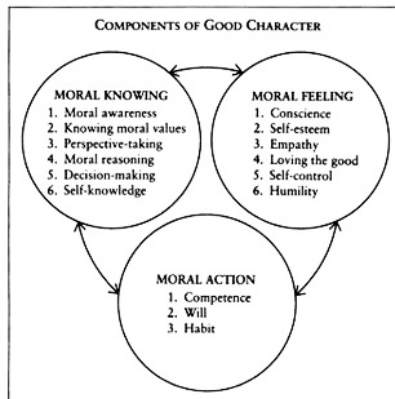


Figure 1. Component of good character

From the chart above, it can be explained as follows (Abidin: 2012). *First*, moral knowledge, which includes moral awareness, is that someone knows whether it is good or bad. Moral value knowledge is that someone knows kinds of moral values such as honesty, fairness, and discipline. Perspective understanding is someone's ability to take other people's points of view in the same manner as other people view. The moral reason is someone's comprehension of why these are said as having morals. Decision understanding is someone's ability to understand decisions correctly and wisely. Self-comprehension means that someone should comprehend his/her own self to review his/her behavior critically.

The second one is moral feeling that includes awareness; meaning that someone really understands what those things are right based on his/her knowledge and feelings, self-confident. Meaning that someone is said as having character if he/she have had self-confident and ability to stand alone, empathy. Meaning that having care toward other people, loving the good one meaning that someone is said as having character if he/she has loved the truth and able to fight for the truth, self-control, meaning that someone is able to control his/her

own self emotionally. The modesty meaning that the effective side of the self-knowledge is the ability to accept the truth and to do activities in correcting the mistakes that have been done.

The *third* one is moral action that includes competence meaning that is the ability to apply the decision and moral feeling into moral action. It wishes to mean that someone's ability to do all the things which he/she wants to be based on valid moral value, habit meaning that the habit in doing all the things is in accordance with the value and norm.

After understanding the definition of character, it can be formulated the definition of character education. Based on Thomas Lickona, character education is the education to form someone's personality through character building in which its result can be seen in good behavior, honesty, responsibility, respect of others' rights, work hard, and so on (Gunawan: 2012). The definition of this character education is following the definition of character education by Elkind and Sweet,

(...) character education is the deliberate effort to help people understand, care about, and act upon core ethical values. When we think about the kind of character we want for our children, it is clear that we want them to be able to judge what is right, care deeply about what is right, and then do what they believe to be right, even in the face of pressure from without and temptation from within (Gunawan: 2012).

From the definitions above, it can be concluded that character education is a process of awareness, intelligence, and character or mental development. Hence, education is generally a cultural process that has the purpose of directing awareness, supply information, form perspective, and mainly develop the character of the young generation.

In the implementation of character education, The Ministry of National Education explains the principles of character education. One of those is the continuity principle. It means that the process of character development is a long process that has been begun from the beginning of students' entry until finishing a unit of education (Abidin: 2012). Then, through all the subjects, self-development, and education unit culture, it is beckoned that the process of character development is done through every subject and every extracurricular activity. Then, the value principle is not taught, but it is developed by the process of study. It means that character values are not lesson material. Not only can it be obtained by own self or can be taught, but also it is farther internalized through the process of study. Lastly, the education process is done by the students actively and pleasantly. This principle asserts that the character education process is done by the students, not by the educators.

D. The Development of Character Building Model in Indonesia through Language Politeness

In order to develop character building in Indonesia, the researcher proposes Politeness on language as a basis of character building, which will be developed in language learning. Several maxims in language Politeness use qur'ani approach. This approach will be internalized into the language learning process, including the language used in the textbook and during the teaching-learning process. It is appropriate, subtle, favorable, and exalting rather than degrading language. These need to be understood and are able to be applied by the educator during the teaching-learning process and daily communication in school. Then, the steps are carried out following character development steps stated by Kemendiknas to achieve good character, as explained in the previous chart.

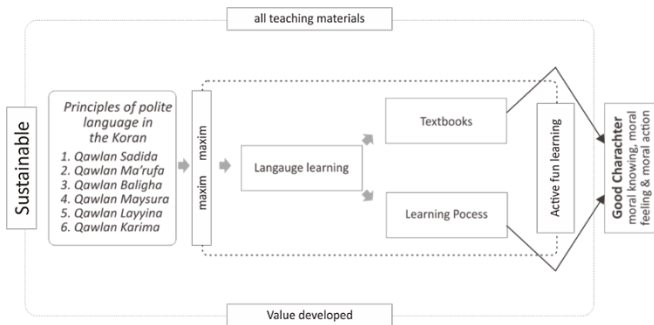


Figure 2. Development of character building model in Indonesia through Language Politeness

Based on the picture, it can be explained that language Politeness in Al-Quran becomes the basis of language learning. It means that language learning is supposed to include values of language Politeness, as explained by the researcher. This step is the language teacher's responsibility. It can change the teaching-learning process course, which previously uses reading text-based learning and the grammatical structure limited to language Politeness values used to communicate among students. This step aims to make the students communicate politely, effectively, clearly, and able to understand the situation and condition.

To internalize the value of language Politeness, firstly, it can be taught from a textbook. The textbook is designed by the teacher to provide several reading texts, grammatical features, and discourse, which include Politeness values. Secondly, it can be applied in the learning process, starting from the material explanation, class discussion; even observation on students' communication processes in school and home, and it can be used as a teacher's evaluation and students' assessment.

These two ways are required to conduct fun and active learning. Therefore, character building, which starts from learning language Politeness, can be applied effectively and continuously in order to achieve good character contentedly. Not only is this model suitable for language learning, but also it can be developed in various subjects such as social and science.

4. CONCLUSION

Based on problem statement and discussion, it can be concluded that: *First*, according to the translation of Al-Quran as messages to Moslem which are delivered by Prophet Muhammad language Politeness has six principles namely 1) *qawlan sadida*, 2) *qawlan Ma'rufa*, 3) *qawlan baligha*, 4) *qawlan maysura*, 5) *qawlan layyinan*, and 6) *qulan karima*. There are 26 maxims in these principles in order to achieve the language Politeness, namely: 1) truth, 2) honesty, 3) justice, 4) kindness, 5) straightness, 6) softness, 7) politeness, 8) appropriateness, 9) excitement, 10) solemnity, 11) optimism, 12) beauty, 13) joyfulness, 14) logic, 15) fluency, 16) clarity, 17) accuracy, 18) memorability, 19) harmony, 20) impressiveness, 21) calmness, 22) effectiveness, 23) moderation, 24) generosity, 25) tenderness, and 26) modesty. Second, language Politeness is an important thing to be applied and started from language learning in formal or non-formal education. Language Politeness education model is one of the efforts to develop the character building in Indonesia. It can be applied to the learning process through teaching material and teaching-learning process. Besides, it can be applied to the communication process among students as well as between teachers and students or vice versa.

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Renewal of the national criminal law with the soul of the nation's cultural values

Renovación del derecho penal nacional con el alma de los valores culturales de la nación

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ABSTRACT

Each country has its legal system, which is not sourced from the cultural values of its people but was abandoned (the inheritance of its colony), especially countries that became independent after World War 3, as experienced by Indonesia. The purpose of this article is that future criminal law is in line with the development of international society, but still upholds the noble values and culture of the nation itself. Therefore, in carrying out reforms, one must pay attention to and fulfill the fundamental philosophical, juridical, sociological basis.

Keywords: Criminal Law, Renewal, Soul of the Nation.

RESUMEN

Cada país tiene su sistema legal, que no proviene de los valores culturales de su gente, sino que fue abandonado (la herencia de su colonia), especialmente los países que se independizaron después de la Tercera Guerra Mundial, como lo experimentó Indonesia. El propósito de este artículo es que el derecho penal futuro esté en línea con el desarrollo de la sociedad internacional, pero aún defiende los nobles valores y la cultura de la nación misma. Por lo tanto, al llevar a cabo reformas, se debe prestar atención y cumplir con las bases filosóficas, jurídicas y sociológicas fundamentales.

Palabras clave: Alma de la Nación, Derecho Penal, Renovación.

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1. INTRODUCTION

As it is known that the criminal law (KUHP) currently in force, originated from *Wetboek van Strafrecht voor Nederlansch Indie* (WvSNI) imposed by the Netherlands which has undergone several changes under Law No. 1 of 1946. WvSNI itself is sourced from the *Code Penal* (Code Napoleon Indie) France because since 1810, the Dutch had been colonized by France. From the origin of the Criminal Code that comes from foreign criminal law, of course, the value and soul contained in the law are encouraged by the national personality that makes it (Restuti: 2013).

The enactment of the Criminal Code is based on Law No. 1946 as a preliminary regulation that must be adjusted before the enactment of a new and national Penal Code. Therefore, Law No.1 Year 1946 is transitory, which must deliver the new Criminal Code as a national criminal law (Fajrin: 2019, pp.209-230). The formation of national criminal law is carried out through an effort to reform the existing criminal law, either by making changes, adding or deleting the existing provisions in the Criminal Code, including making provisions or new laws outside the Criminal Code (special criminal acts).

The reform that has been carried out in the Criminal Code so far can not be said to be a "Law Reform" in "total", but it is an attempt to patch up so that its form becomes a kind of "lappedeken" (Sudarto: 1983). Therefore the renewal effort that has been carried out is not a real desired renewal because it says there is a real renewal if there is a change in terms of soul, values, ideology. Thus there is renewal from the ground norm so that a comprehensive renewal of criminal law must include a renewal of material criminal law (substance), formal criminal law (criminal procedural law), and criminal implementation law. The process of actual reform of the material criminal law was only carried out in 1964. The effort was made by making a substantive concept to book I of the Draft Criminal Code Book (RKUHP).

One of the principles in the spotlight contained in the Criminal Code in the preparation of the RKUHP concept is the application of the principle of legality (The Principle of Legality) as the basis for achieving legal certainty. In the level of law enforcement practices so far, by prioritizing the application of the principle of legality, it is felt that it is not in line with the values prevailing in society, it is also often felt to injure a sense of justice in society. Weaknesses or shortcomings of the Criminal Code which prioritizes the principle of legality is to regulate provisions that threaten acts which the community does not consider to be a despicable act, but there are acts which are seen by the community as despicable acts, but the Criminal Code does not regulate them. Based on this, the view arises so that in preparing the RKUHP to pay more attention to the values prevailing in society, which are the cultural roots of the nation, which have always been embraced and respected by the Indonesian people, in this case, customary law or customary law.

The importance of developing a study of customary law or law that lives in the community is appropriate. That is because criminal law primarily functions to protect and at the same time to maintain the balance of various interests of the community, state, perpetrators of crime, and victims of criminal acts. To create a balance of various interests so that the creation of public welfare (welfare state).

The creation of community welfare is due to certainty and fairness that is in line with the values held by the community, which the regulation in criminal law is a reflection of the political ideology of a nation in which the law develops, and the entire legal structure must rest on sound and consistent political views. As a study and analysis of criminal law, reform is how the influence of national cultural values in society on the formation of the National Criminal Law.

2. METHODS

Criminal law, as a negative sanction system, threatens undesirable actions by the community. This relates to the worldview, moral code, and religious morals and the interests of the nation concerned. It is not wrong if, to a certain extent, it can be said that the criminal law of a nation can be an indication or reflection of the nation's civilization. As Muladi said, "Criminal law must pay attention to aspects related to the human condition, nature and tradition that have taken root in the culture of the Indonesian people" (Najih: 2018, p.149). It can be said that in carrying out reforms towards the formation of national criminal law, the starting point is the values that exist in their own country (the law that lives in the community or customary criminal law). However, as a civilized nation that lives in the world community must also see the development of international law. This is consistent with what Santayana said, "A man's feet must be planted in his country, but his eyes should survey the world" (Arief: 1994).

Starting from an effort to make a renewal in criminal law, then to arrive at the desired target, various strategies that can support are sought. A strategy in developing criminal law towards the new Indonesian criminal law era is the need for a study of alternative concepts. These strategies include providing lessons on criminal law reform and criminal law politics, as well as comparisons of criminal law. The problem that is closely related to the renewal of criminal law and comparison of criminal law is the need to develop a special study of "law that lives in society" in the field of criminal law (Arief: 1994).

Based on this fact, the view from a sociological perspective, as one of the reasons for the renewal of criminal law, is essential. This means that the measure for criminalizing (making an act a crime) depends on the values and collective views contained in society about the good, the right, the useful, or vice versa. Thus, people's views on decency and religion are very influential in the formation of law, especially criminal law (Sudarto: 1983). The crime itself, which is characteristic of criminal law, is, in essence, a gift of suffering or other unwanted consequences intentionally given by the competent authority as Hoefnagles revealed that the crime does not have to be suffering, reproach, and deterrence. Basically, a criminal is intended to call for order and is intended to influence behavior and conflict resolution.

3. RESULTS

The regulation in criminal law is a reflection of the political ideology of a nation, where the law develops, and the entire legal structure must rest on sound and consistent political views. Based on this, it is not surprising that, despite various changes in the Criminal Code, in its implementation, there were gaps or conflicts. On one side there are acts which according to the Criminal Code are included as criminal acts, but according to the opinion of the community not as a despicable act, on the other hand, there are acts which according to the community's view are despicable acts, but the Criminal Code does not regulate them as criminal acts. Gaps (discrepancies) or even differences in values or interests can be a factor of dissatisfaction in law enforcement practices. It can also be a factor causing the emergence of victims (victimogen), as well as the emergence of other crimes (criminogen). As disclosed in the 5th United Nations Congress funding "The Prevention of Crime and the Treatment of Offenders", stated: "it was a contributing factor to the increased crime". Furthermore, in the VI Congressional report, it was stated that: "the importation of foreign cultural patterns which did not harmonize with the indigenous culture had a criminogenic effect" (Arief: 1994).

This occurrence is an indication of how important it is to explore the laws that live in the community, especially customary criminal law or criminal law that is not written in the formation of national criminal law. Customary law is the fact that lives in the community, so it is a factor that determines both in terms of the formation and application of the law in Indonesia (Rahardjo: 2009).

The main thoughts of the need to pay attention to unwritten criminal law or customary criminal law have been legalized long ago. We can see this fact from several provisions contained in the legislation. In Article 5

paragraph (3), sub b of Law No.1/DRT /1951, it states that:

Civil and criminal law that still applies to people in certain regions and have always been used to try in traditional courts, still apply to determine an act of custom violation if there is no similarity to the written criminal law and to an act that is threatened with a maximum of three months imprisonment or a fine of five hundred rupiahs as a substitute punishment for customary law which is considered by the judge to be commensurate with the act. If the customary sanction according to the judge's view exceeds the sentence of imprisonment or a fine, then the defendant's mistake may be subject to a maximum of 10 years imprisonment with the understanding that if the conduct according to his appeal is in the Criminal Code, and is threatened with the same crime as the criminal act.

From the provisions of the article, it is evident that the customary criminal law can be applied to a criminal offense, as long as the criminal act has no equivalent/similarity/comparison in the Criminal Code. However, if the action is similar to those stipulated in the Criminal Code, then sanctions are imposed in the Criminal Code. Other provisions that give an indication of the validity of customary law can also be found in Law Number. 14/1970 concerning the Principles of Judicial Power, which is currently replaced by Law No. 48 of 2009 concerning Judicial Power. The law implies the existence of a law that lives in the community. Article 14 paragraph (1) states that: "The court may not refuse to examine and try a case that is filed under the pretext that the law is not clear or unclear, but it is obligatory to examine and try it".

Article 23 Paragraph (1) of Act No. 14 of 1970 concerning the Principles of Judicial Power, stipulates: "All court decisions must include the reasons and grounds for the decision, they must also contain certain articles of the regulation, for instance the relevant regulation or unwritten legal source which is used as a basis for adjudicating". Furthermore, in Article 27 paragraph (1) the same law also stipulates that: "Judges as law enforcement and justice are obliged to explore, follow and understand the values of law that live in a society".

From the provisions mentioned above, it shows that the Judicial Power Law, aside from being a guideline for judges in carrying out their duties, also provides a signal that the existing Criminal Code has shortcomings even in certain cases can be seen as incompatible with the legal needs of the community. Therefore, set on the judge to explore the values that live and develop in society.

The legal basis for the enactment of the law that lives in the community has also been formulated as a constitutional policy. As affirmed in Article 104 paragraph (1) of the 1950 Provisional Constitution, is a reaffirmation of Article 146 paragraph (1) of the RIS constitution, stating that: "All court decisions must contain the reasons and in the case of punishment mentioning the rules of the law and the rules of customary law which form the basis of the sentence".

Recognition of customary criminal law as a law that lives in the community both criminal law with comparable and incomparable criminal code with the Criminal Code is more stable after being also applied in the form of jurisprudence. This is due to the existence of several Supreme Court (MA) decisions, including Supreme Court Decision of 19 November 1977 which strengthened the decisions of the District Court, the High Court and the Supreme Court, Banda Aceh No. 93 / K / Kr / 1976 for adultery that causes pregnancy. With reference to Article 5 paragraph (3) b of Law No.1 / 1951, the comparison with Article 284 of the Criminal Code according to the court is considered inappropriate, because adultery in Article 284 of the Criminal Code requires that the perpetrators have marital status, even though the two perpetrators do not or have not yet married according to law. Thus the act is an act that is contrary to customary law and religious law.

Likewise Supreme Court Decree No. 195 / K / Kr on October 8, 1979, who had rejected the appeal of cassation by the claimant of cassation, which had been declared wrong for committing the crime of Lokika Sangraha (Balinese custom). The rejection was addressed to the verdict of the Nusa Tenggara High Court in Denpasar, which did not accept the appeal of the accused against the decision of the District Court, which had decided to commit the crime of Balinese customary law Lokika Sangraha.

From the picture above it appears that the legal awareness of the community or law that lives in the community has really been recognized. This was proven not only to be legalized in legislation but also to be applied in the criminal justice process. This fact is increasingly encouraging and paving the way for criminal

law experts, especially the makers of national criminal law, to raise customary criminal law into national criminal law.

Benedict Alper said that crime is "The oldest Social Problem" (Changing Conception of Crime and Criminal Policy, Material Series No. 6 UNAFEI, Tokyo, 1975). Thus, the real crime problem is not solely a juridical problem, but a social problem faced by every nation. Therefore also, efforts to reduce crime are essentially efforts to protect the community against (social defense) to achieve social welfare (social welfare). Likewise, in conducting criminal law reforms, paying attention to the social conditions of the community, including the values that live and develop in society are a necessity.

The United Nations Congress on The Prevention of Crime and The Treatment of Offenders, states that the current criminal law system in some countries, especially criminal legacy from the colonizers, is generally outdated and unfair (outmoded and unjust), as well as outdated and incompatible with reality (outmoded and unreal). That is because it is not derived from the cultural values of the people; there is even conflict with the aspirations of the community and is not responsive to today's social needs.

On the basis of that also in the preparation of the Criminal Code, it is necessary to pay attention to four fundamental elements, namely the Criminal Code, which has a philosophical basis, a juridical basis, a sociological basis and uses correct design techniques (Manan: 1992). The preparation of the Criminal Code as a renewal of Indonesian Criminal Law must be following the values and ideals of the Pancasila law as the soul of the Indonesian nation.

So far, the legal basis for determining a crime or not is determined formally known as the principle of legality. Legality is used as a principle in criminal law in its history as a form of guarantee and protection of human rights. With the application of the principle of legality, the law limits what acts are prohibited and permissible and what sanctions will be imposed. On the one hand there are guarantees and protections against citizens from arbitrary actions of the authorities, but on the other hand, also limit to determine actions and sanctions which according to the view (values that live in the community) as acts that are prohibited and should be subject to criminal sanctions.

Responding to this reality in the Draft Penal Code from the 1982 Draft Concept to the 2019 Draft, there has been a shift in the regulation of legality principles. The draft Criminal Code formulates the application of the principle of legality, not only determined by formal criminal acts and sanctions (written law) but also materially determined (unwritten law).

Article 2 of the Draft Penal Code stipulates that:

1. Provisions, as referred to in Article 1 paragraph (1), do not reduce the application of the law that lives in the community which determines that a person should be sentenced even if the act is not regulated in the Law;
2. The validity of the law that lives in the community as referred to in paragraph (1) as long as it is following the values contained in Pancasila, human rights, and general legal principles recognized by the people of the nations.

The rationale for a shift in the principle of legality towards the basis of unwritten criminal law or customary law that develops in society, in addition to strengthening the recognition of the law that lives in the community as written and implied in the various provisions of existing laws, also the justification of Resolutions and reports on the results of the Legal Seminar The 19th National I of 1963, National Law Seminar IV of 1979, which recommended that an act is a criminal act not only because of the provisions of the law, but also originates from the provisions originating from community recognition (community legal awareness or criminal customary law).

If related to the distribution of the legal system or family law, what is regulated in Article 2 of the Criminal Procedure Code is a mixed (mixed) Civil Law system with the Common Law system. This was also recognized by Rene David, that Indonesia was a combination of Civil Law or Romano Germania's legal family which was

an influence of the Dutch colony, but also included in the Common Law family who recognized the existence of customary law (Prasetyo & Handayani: 2018, pp.46-54).

Starting from the recognition of the principle of legality that is formal and material, then what is categorized as a criminal act is not only an act that is against the law/contrary to the law, but must also conflict with the unwritten law. Likewise, in the case of determining a crime, so that the act can be convicted, the act must be against the law. The concept explicitly outlines in Article 12 paragraph (2) of the Draft Penal Code, that to be declared a criminal act, an act that is threatened with criminal sanctions or actions by statutory regulations must be against the law or contrary to the law that lives in society.

The problem of acts that are against the law, the draft recognizes as an absolute element of a criminal offense, even though the Act is not formulated explicitly, there is an element against the law. The formal formulation in law is only an objective measure to declare an act that is illegal. These objective measures must be tested materially on the offender, whether there is a justification or not, and whether the act is actually contrary to the public's legal awareness. We can further see this in the provisions of Article 12 paragraph (3) of the Draft Penal Code, that every criminal act is always against the law unless there is justification (Aspinall: 2009).

From these provisions, it appears that there is a principle of balance between legal certainty and the value of justice as a manifestation of the truth recognized by the public. However, if in a concrete situation, the two values are mutually pressing, the judge, as far as possible, must prioritize the value of justice. This is in line with the provisions of Article 13 of the draft, which states that: Judges in prosecuting a criminal case consider the establishment of law and justice. If the two cannot be brought together, the judge can give priority to justice.

From the provisions of the article, it appears that the draft highly upholds the values of justice on the basis of the law that lives in the community (unwritten law/customary criminal law). Both to determine a criminal act, determine whether or not an act can be convicted, or to determine the existence of an unlawful nature, must not only refer to formal legal provisions so that there is a certainty but must be based on norms and a sense of justice that is recognized by the community.

The importance of developing a study of customary law or law that lives in the community is actually something that is appropriate. That is because criminal law essentially functions to protect and at the same time to maintain the balance of various interests of the community, state, perpetrators of crime, and victims of criminal acts. The aim to create a balance of various interests is none other than the creation of welfare. The creation of people's welfare is, of course, due to the certainty and fairness that is in line with the values held by the community. The regulation in criminal law is a reflection of the political ideology of a nation in which the law develops, and the entire legal structure must rest on sound and consistent political views (Utomo: 2018, pp.87-108).

Recognition of the law that lives in the community or customary criminal law can also be seen in the regulation of criminal and criminal matters. The provision is a new provision because there is no regulation in the current Penal Code. The provision that recognizes customary criminal law is a reflection of developments or policies in terms of criminal objectives and criminal law. From various theories regarding criminal objectives, as a whole, it is rooted in the general objectives of criminal and criminal law, where the criminal and criminal law goals are in the form of community protection (social defense) to achieve social welfare.

The draft also regulates the purpose of punishment, it is stated in Article 55, which states that Criminal aims to the first prevent the commission of a criminal offense by upholding legal norms in order to protect the community; second to popularize the convict by holding coaching so as to make him a good and useful person; the third resolve the conflict caused by crime, restores balance and brings a sense of peace in society. The fourth free the guilty person. Criminalization is not intended to tell and is not allowed to demean human dignity (Ishaq & Hum: 2017, pp.1201-1206).

Penalty objectives related to customary criminal law, as stated in Article 55, are further formulated in types of crimes that are included in additional types of criminal. In Article 68 the draft stipulates "payment of compensation" as well as "fulfillment of customary obligations or obligations according to the law that lives in the community".

The inclusion of both types of custom sanctions into additional types of criminal sanctions, because in reality it is often revealed, that formal legal, juridical resolution by imposing only basic criminal sanctions on the defendant has not been felt by the community as a complete solution to the problem that can provide justice. The two types of custom sanctions are intended, among other things, to accommodate the types of custom sanctions that are not explicitly mentioned in the Act (Cobban: 2015).

Thus, the pattern of sanctions according to the concept consists of sanctions that have been stated concretely and explicitly according to the Act, and sanctions that live according to unwritten laws that are not concretely mentioned in the Act. Therefore, if a criminal act fulfills the provisions of Article 2 of the Draft, the criminal sanction in the form of fulfilling customary obligations is the main crime that must be prioritized. If sanctions for the fulfillment of custom obligations cannot be implemented, the compensation shall be imposed as a substitute. However, this does not mean that a criminal action that meets the provisions of the Act cannot be sanctioned with fulfilling customary obligations, the criminal act can be subject to customary sanctions, but only as an additional criminal (Norrie: 2013).

4. CONCLUSION

Law No.1 of 1946 is the legal basis for the enactment of the Criminal Code. The Penal Code is derived from *Wetboek van Strafrecht voor Nederlandsch Indie* *Wetboek van Strafrecht voor Nederlandsch Indie* sourced from the French Penal Code. In its development to meet the development and needs of the community, the Criminal Code was updated. It is expected to have a new Penal Code, which is in line with the values and personality of the Indonesian people, which is an embodiment of community legal awareness (the law that lives in the community).

The values that live in the community have actually been recognized. This fact is evident from the express or implied in the provisions of the existing legislation outside the Criminal Code, both those that have been replaced or those that are still valid. In the draft Penal Code, the values that live in society as a reflection of the soul of the nation have filled in the drafting of the Penal Code so that national criminal law will come. Thus the coming Criminal Code is expected to be in line with the sense of community justice as embodied in the values of the Pancasila as the philosophical foundation of the Indonesian nation.

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Synergetics of mass media culture and trends of postmodernism in the modern information space of Russia

Sinergética de la cultura de los medios de comunicación y las tendencias de la posmodernidad en el espacio moderno de información de Rusia

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ABSTRACT

This article examines the issue of the synergy of mass media culture and the trends of postmodernism in the modern information space of Russia and provides a complete and sequential analysis of the state of knowledge and importance of this issue. During the work were formulated forecasts (taking into account the plus factors and minus factors) on the nearest state and development of the mass media culture of Russia.

Keywords: Mass Media Culture, Modern, Postmodernism, Synergy.

RESUMEN

Este artículo examina el tema de la sinergia de la cultura de los medios de comunicación y las tendencias de la posmodernidad en el espacio moderno de información de Rusia y proporciona un análisis completo y secuencial del estado del conocimiento y la importancia de este tema. Durante el trabajo se formularon pronósticos (teniendo en cuenta los factores positivos y negativos) sobre el estado más cercano y el desarrollo de la cultura de los medios de comunicación de Rusia.

Palabras clave: cultura de los medios de comunicación, moderno, posmodernismo.

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1. INTRODUCTION

Thanks to the prevailing social functions and the unique structure of the communicative process, the media integrated into a single system have a technologically maximized ability to universally and efficiently satisfy the information needs of people while influencing their consciousness and behavior, shaping their outlook and world view. Formed media, mass media culture as the most important product of spiritual production is daily formed as a result of the continuous interaction of two information flows and the communicative mechanisms arising on their basis: sociocultural, or value (from the content point of view) and speech, or sign (from the formal point of view) (Rzhanova: 2006).

At the present stage of development of the countries of the former USSR, the mass media, intruding into the area of everyday life, turning information into an image, multiply the already abnormal in its essence situation. In our current cultural situation, this kind of substitution took place: everyday life, that is, the realm of the natural, the unconscious, turned into the realm of learning (Pryshchenko: 2016).

Systemic humanitarian education of a person and his upbringing in a specific cultural environment lose their meaning, since the stereotypes of the thinking of most people, their attitude towards life, art, and culture are formed through radio, television, newspapers, or advertising publications. This knowledge A. Mol rightly calls "mosaic": they are, in fact, random and composed of many fragments, incomplete information, concepts and ideas (Chistyakova: 2016). "The culture based on them is the result of an indiscriminate flow of random information acquired through the mass media. Summarizing, we can say that in our time the idea of the world is formed mainly not by the education system, but by the mass media" (Mol: 1973).

The press and television influence the crowd with the help of specific means, minimize ideology and morality with a pronounced desire for complete introduction into the collective consciousness. According to N.V. Kirilova, the basis of mass culture is the creation of mass standards, which appeared and became widespread in the United States, and then throughout the world, thanks to technical innovations that make it possible to repeatedly reproduce and replicate images and sound, text and thought (Kirilova: 2005).

A feature of modern media in determining the fate of a work or artist is that this fate is often decided not at a high creative level, but mostly at the technical level, for example, the program editor - this "primary filter", in to which worthy things can be stuck forever, and it is easy to slip through the ephemeral days. The main ones are not directly introduced and substantiated realities and not even a sign-linguistic doubling of reality, that is, that which can be realized, perceived, and subjected to analytical decomposition (Slyadneva: 2014).

Synergetics of mass media culture is characterized by a two-vector profile of the synthesis-decay of "molecules" of spirituality - in its field are fixed: a) on the one hand, in terms of content, a permanent opposition to traditionalist (real) and mass-cultural (virtual) modes of speech culture, which usually hide significant differences in attitude, outlook, world outlook of large masses of people, and b) on the other hand, in terms of formal certainty, a permanent exchange process, displacements, diffusion of markedly differing sociolinguistic quality of verbal resources: classical (literary language) and postmodern (colloquial).

The current information situation in Russia, where the desire of speech communication actors to move from the state of "chaos" to the state of "order" still weakly lurks, the notion of "communicative strategy" is fully applied. According to the author, it is a self-organizing complex of value-orientation means - semantic, linguistic, stylistic - for the optimal realization of communicative intentions, taking into account the interests of everyone (Zhusupova: 2014).

2. METHODS

We have conducted a study of the texts of the Russian media on examples taken from daily and weekly newspapers, social and political magazines of the second half of the XX century. Particular attention is paid to the materials that allowed fixing the trends that have arisen in the periodical press, radio, and television programs of the post-Soviet period (Considered more than 800 media texts). In those cases where the essence of the observed phenomenon is more clearly seen in the course of the comparative analysis, texts of an earlier period were involved (Axford & Huggins: 2002).

The structure of media texts is usually dominated by a virtual fact, a deformed concept, a hyperbolic image, an exaggerated word, a razz style, and other signs. This requires the involvement of new, relatively studied topics, theoretical and methodological approaches to justify the concept of postmodernism in the context of mass media (Grossberg et al.: 2006).

As a result, the journalism of the new time, according to the author, blurs the boundaries of the verbally allowed and semantically and stylistically maximizes the actual media text values.

We have postulated the reformation phenomenon of mass media culture as a special kind of spiritual culture, possessing specific culturological features and signs of information and communicative nature. The process of studying the real parameters of the socio-rhetorical factor operating in the mass media practical sphere made it possible to fix and interpret the facts of speech use - of observance (violations) in the media of communicative norms at the verbal level (Davis: 2003).

In its explanatory concept, postmodern contains an understanding of the world as chaos. "The refusal of rational beliefs accepted by tradition or religion to universally recognized authorities, doubts about the credibility of scientific knowledge lead postmodernists to "epistemological uncertainty, to the conviction that the most adequate comprehension of reality is not available to natural and accurate sciences or traditional philosophy based on systematically formalized conceptual the apparatus of logic with its strict laws of interrelations of premises and effects, and the intuitive "poetic thinking" with its associativity, by the nature, metaphor, and instant revelations of insight "(Mamardashvili: 1990).

The term "postmodern" means a qualitatively new state, supposedly achieved by modern society. Already today, there is no clear division into classes: now, we divide people according to more social characteristics, taking into account their gender, nationality, and age. There are significant changes in economic and political relations in society (Wain: 2000).

Change of value paradigms is a common occurrence in history. The current "transition" is associated with the global triumph of a liberal ideology that performs itself in the categories of the "postmodern" philosophy. Appeal to the media as the leading carriers and intermediaries in the dissemination of postmodern philosophy provide an opportunity to see the logic and, in part, the mechanics of the internal development of culture (Poelueva: 2004).

Understanding the culture of postmodernism allows us to present its role in the cultural process fully. In the first case, culture is focused on fixing semantic units in the public consciousness and concept sphere of the language that "overlaps" the gap between the objective world and its ideal form. In the second, there is an increase in the cultural space of semiotic units, which significantly exceed semantic units by volume due to a break with them. A similar is observed now. Economic terminology in the mass media is transformed into a powerful resource of political technologies when the audience is turned off from collective thinking by an act of "pseudo-thought". New concepts that are not related to the meaning and specificity of the objective world separate those who understand from those who do not understand, creating value symbols of communion with true knowledge or separation from it " (Poelueva: 2004).

M. M. Bakhtin, who approved the category of incompleteness in the minds of our contemporaries, noted with regret: "In the foreground, we have a ready and complete one. Even in antiquity, we single out what is ready and complete, not originated, developing. We do not study the literary sources of literature ...".

Elsewhere, Bakhtin contrasts two approaches to the problem of the genre: "final" and "conceiving", or, in modern terms, "post" and "proto":

Genre as a compositionally defined (essentially frozen) whole and genre embryos (thematic and linguistic) with not yet developed a solid, composite backbone, so to speak, "first-genes." The point is not only to study the first-phenomena of already known, established genres - but also to study the proto-phenomenality as such, at the stage of its addition, when the fate of the genre still belongs to the future, more precisely, one of the future possibilities (Bakhtin: 1979).

If we project these provisions of M. M. Bakhtin into a socially communicative journalistic space, we can find similar processes in the genre picture of mass media. As it is known, journalistic genres are understood as stable groups of publications united by similar content-formal features. Today, on the pages of newspapers, "there is a modernization of all genre variations, both in content and in the structural, compositional plan" (Kapanadze: 2001).

Without being "everyday life", the game stands outside the process of directly meeting the needs and passions. She interrupts this process. It intrudes into it as an action limited to a certain time, which is exhausted in itself and is performed for the sake of satisfaction delivered by this accomplishment. This, in any case, seems to us a game in and of itself, and in the first approximation to it: as an intermezzo in the course of everyday life, as repose. It decorates life, fills it, and as such, is made necessary. It is necessary for the individual as a biological function, and it is necessary for society because of its meaning, because of its value, its expressive value, as well as the spiritual and social connections it generates - in short, as a cultural function (Berland: 1992).

The comment in the modern press belongs to the journalist, a free personality, seeking a balance between the individual and the social. S.I. Vinogradov writes that the structure of the subject in mass communication concerning a totalitarian society that can be represented as follows:

The author-editor - censor - ideological demiurge. During the period of perestroika, and especially in the post-perestroika period, this structure undergoes significant changes. The influence of the state ideology is gradually weakening, and then "nullified"; disappears, though sometimes reminding of itself by separate relapses, censorship; the editor loses the functions of an ideological syphograntum and becomes the organizer of a team of journalists united by a common position ... The result was a global "authorization" of newspaper discourse, i.e., combining in the subject the roles of the author and the principal, whose position is expressed in the statement (Vinogradov: 1996, pp.109-121).

This, of course, fills the function of the influential speech with new content, emphasizes the personal intentions, assessments, tastes (including language) of the journalist who creates journalistic texts.

Besides, this leads to a different subjectivization of information discourse. Deideologization of news fragments is accompanied by de-automatization of the text creation process. This is manifested in a departure from schematics in the transmission of facts and in the freedom to choose the means of nomination. The semantic emptiness of the expressive names of the totalitarian ideology (*the battle for the harvest, the purulent ulcers of capitalism, the locomotive of history*), the rigid fixation of assessments and the merging of political and ethical are overcome by playing with the form of a word, a quote, an unhindered transition from one stylistic register to another, socially unfixed assessments.

The last decade in the newspaper language occurs and the politicization of certain groups of vocabulary. Currently, negotiations, lawsuits, meetings of delegations are measured in *rounds*. The word *hostage* came from the military sphere, in which the meaning is being revived and expanded.

No less noticeable is the process of politicization of society in the depoliticization of newspaper vocabulary. However, it is often the case that vocabulary that has recently entered political contexts is already

used in colloquial speech, contexts that are far from politics. So, the word *consensus* is used with the meaning "consent". *Pluralism* can mean a multiplicity of opinions on any subject. Political texts within this function help the audience to understand the phenomena of political life. The main feature of the author's "I" is in its authenticity and documentary features. This is a specific linguistic personality. However, this does not mean one-dimensionality, the simplicity of the author's "I". In journalism, its structure is quite complicated.

The journalist (publicist) writes, of course, on his behalf. Nevertheless, being a representative of a particular social group, stratum, he voluntarily or involuntarily expresses the opinions and interests of this group (stratum), editorial staff, owner, etc. Therefore, in the structure of the author's "I" one can distinguish, as a rule, the social boundary. The relationship between the social and the individual (social and private person) in the language personality of the writer, as well as other aspects and facets, requires careful study, as it is very important for understanding the specifics of journalism.

It is known that a person creates any newspaper text, it reflects the real world surrounding it, the real living conditions, the public self-consciousness of the people, their mentality, national character, sports traditions, customs, morality, value system, attitude, a vision of the world, etc. and in order for the text to "speak", it is necessary to take into account the complicated process of its understanding, carried out by the reader. Only in this case is the text capable of influencing the conceptual system of a person following the intention of its author. Such a formulation of the question, according to T. G. Vinokur, leads to the clarification of the problem of the relationship between the organization of the text and the consistency of language means as a collective knowledge that guides and determines the construction of the text; between ways of translating thought into words, linguistic means and patterns of their use in the text, on the one hand, and meaningfulness strategies used by people and helpers and supports, on the other hand, between the individual and the culture to which he belongs and which he decodes into the process of working on newspaper text (Vinokur: 1993, pp.250-310). In this connection, the functions performed in the text by a word as a language unit are important. Often, we do not even suspect how deeply, at what level of the subconscious, speech reflexes rooted in us, conditioned by upbringing and mentality.

New forms of public relations are reflected in word-building neologisms, in the development of a large number of borrowings, in stylistic transposition, in de -archaization processes, in various semantic changes in different groups of the Russian language.

3. RESULTS

The dynamics of mass media culture is the constant demonstration of its value-iconic formations (constructs) and their public legalization in the products of mass communication or journalistic media texts. The latter, by metalinguistic maximization of the communication thesaurus, ultimately imparts a hyper-functional (mobilization-resource and reform-innovative) character to the general speech culture of the transition society.

Consideration of mass media culture is impossible without the concept of the "image of the author." The introduction of this category into the research paradigm allows us to summarize a wide variety of concepts with a common core. If the value-semantic hierarchy of concepts in the author's picture of the world, its purpose is known, then the verbal-semantic and structural-language means used in the texts can be explained.

In the diverse functional arsenal of the media, their cultural and attractive properties tend to come to the fore. At the same time, the media speech module can operate both in a positive vector and in a negative one. In particular, the asset includes rational simplification of the metalinguistic field of communication within the framework of mass communication, increasing the level of constructive perception of newspaper and magazine publications and TV and radio programs, accelerating the semantic and stylistic dynamics in language processes. Moreover, on the contrary, mass cultural injections in a literary language, reduction of

the level of interactive interaction between information consumers, the introduction of elements of intolerance and aggressiveness into the lexicon of everyday communication are entered into the passive.

In any informational and communicative disposition, the mass media culture deals with the practical world, where each object is evaluated in connection with its usefulness (uselessness), that is, with a positive (negative) activity of a person transforming reality, including its speech modes. This leads to the conditionality of the content-formal nature of mass communication, on the one hand, the socio-cultural situation, and on the other, its ability (within certain limits) to cause a change in this situation.

In this regard, a unique methodology for studying mass media culture is formed in sociolinguistic and culturological aspects, including the method of analyzing media texts as semantic and stylistic constructs of this type of general culture, which fixes and interprets dominant transformation trends (simplification of language, ease of meaning, weakening interaction and etc.).

Textual human activity, which serves its other profiles, is increasingly crystallizing into an independent form with the "internal" goals of the communicative, cognitive, and socio-psychological nature. Moreover, in this synergistic field, culture can be viewed as a sign system, as a text, which is a source of meaning, which has both a communicative and symbolic nature.

It is assumed that the sign introduced into the exchange situation becomes the potential affiliation of any exchange participant, i.e., here we are dealing with the same postmodern value. All this typological group of texts can be called a "*hypergenre*" that has arisen in the framework of a particular type of language existence - electronic. Shifting the focus from what is being said to how it is being said is quite understandable in the market situation: the newspaper cannot fully compete with the audiovisual media in the speed of information transfer. Therefore, she has to "pack" the already known to the reader from yesterday's radio and television news in a more attractive (striking, surprising, sometimes shocking) form.

Such a focus on the form of presentation of the material is connected with the solution of not only a commercial problem. The announcement of a socially significant fact, an event of big politics in a relaxed manner, is undoubtedly a sign of a democratic society and at the same time, a means of relieving social tensions.

The postmodernist style of writing attracts journalists, probably by their attitude to language as a form of resistance to any one style. The style enslaves, smoothies the singularity as unnecessary roughness, whereas this roughness, the texture of the material itself are now important and stands out. It is not the style that prevails, but the material. Style is a war with the material, its entire organization. There can be no system-building in democracy, and the style is systematic, complete, total, "sustained." Fatigue from totalitarianism and the conscious underlining of their freedom from all sorts of ideological rituals are manifested in the desire to overcome the canons of a journalistic text. (Sannikov: 1999).

Social disunity can be overcome by "switching" the text from one language code to another: from low to high.

Under current conditions, the flow of linguistic evolution is greatly influenced by the influx of foreign words rushing into our language through the floodgates given to them by life itself. We see unprecedented expansion of foreign language vocabulary in all areas: it has taken leading positions in the political life of the country, which is getting used to new concepts: In the media, "populism" fell in love with the word, populist, using them, however, not at all like in the West. There, the word populism is understood as the art of "winning the sympathies of people", the foundations of which were formulated back in antiquity, and there is nothing reprehensible in this feature of the leader.

It is noteworthy that in the designation of the phenomena of the criminal world, there is also a desire to use foreign words (killer - instead of the murderer, mafia - instead of criminal groups, corruption - instead of venality, racket - instead of extortion; criminals - almost like generals). Thus, the negative connotation from Russian words is probably removed; certain romanticism appears, connected with everything foreign.

The author's position, the author's assessments, on which the journalistic work was traditionally based, dissolves into a multi-level dialogue of points of view of different cultural languages. This gives rise to the

intellectual anxiety of the reader: knowledge of the world occurs through intertext recognition, a new one is "obtained" during the selection of the real and the carnival, and its meaning and meaning are accessible only to those who have comprehended the rules of the language game.

Poetics of postmodernism has updated the nature of metatext inclusions in the journalistic text, which are mainly the author's thoughts about the picture of reality that he recreated, an analysis of his psychological state, an explanation of the motives for addressing the topic. The author's "I" journalist introduces in the presentation. In modern texts, the author's reflection, adding the subjective to the presentation, becomes a way of expression and at the same time, introduces new information - about the author and about the real world to which he belongs.

From observing the reality and determining their position, their point of view concerning this reality, journalists are moving on to observing the language, what it can give, in order to have a different look at this world.

The object of the author's reflection is a signifier that, as a result of reflections on its expressive possibilities, is included in new connections with the signified. The discovery of these connections and the breakthrough through the code form the cumulative meaning that is really endowed within the text. Publicist reasoning is not subject to the logic of the development of the event itself but to the logic of the development of the image on which the media text is based. Shifting the responsibility for the real to the meanings of another text, to another author, the journalist must feel his responsibility to this real one.

The beauty of reception cannot be recognized as the only justification for the possibility of using a quote letter, which, relying on the signs of "alien" texts - precedent phenomena, removes the accuracy, concreteness of the wording and increases the degree of conditionality of the presentation. This relationship is based on a different relationship between the signifier and the signified, another work of the nomination mechanism. Between the object (the situation, the person) and its presentation in the text is the mediator - not a direct name, but a sign of another culture.

However, the possibility of a transition to a quotation when forming a journalistic text documentary on its basis should be assessed not only from an aesthetic standpoint. Understanding the real through the situation of another text - another, conditional, world - creates problems in perception.

The use of other primary texts is one of the extralinguistic criteria that determine the specifics of the journalistic style. In the proper linguistic sense, these texts are not marked as "alien". Their lexical, syntactic, and stylistic schemes correlate with models of journalistic speech. As Yu. V. Rozhdestvensky notes, in the texts of mass communication, "all other types of texts that are considered "primary" are used, systematized and shortened, processed, and in a particular way. As a result, a new type of text appears with its laws of construction and design. Such texts bring to the recipient (ideally, to each person) the most necessary semantic parts of other texts for his activity" (Rozhdestvenskiy: 1997). Only in special textual situations can the primary text be recognized as a specific rhetorical construction, in which the difference in the different encoded parts of the text is made the identified factor in the author's construction and reader's perception of the text. Switching from one system of semiotic awareness of text to another on some internal structural boundary constitutes, in this case, the basis for generating meaning (Rozhdestvenskiy: 1997).

At the same time, the measure of knowledge of the text inclusion by the author and the reader and the measure of his mastering by other textual environments determine the expressive potential of intertextual writing. As a result, the reconstructed picture of the world acquires the character of increased conventionality. The game on the opposition of the "real/conditional" is peculiar to any situation "text in the text" (Mamardashvili: 1990).

Modal words as *if* and *sort of* - beloved in the poetics of postmodernism. Understanding the world through these modal particles seems to make the text based on a postmodern world view become an epistemological category. This modality allows excluding analysis from the text, replacing it with sensual, emotional perception.

The mass media interpret what was said by politicians, broadcast and retransmit the fundamental ideas in order to penetrate the mass consciousness of the addressee and cause him to engage in dialogue, in order to retransmit particular meanings. At the same time, mass media often engender and encourage comics. The irony, as one of the common types of the comic in a newspaper, is a phenomenon of secondary nomination, which is directly related to the figurative use of language units. "The semantic basis of this usage is the principle of semantic two-planeness created by usual and occasional meanings" (Kostomarov: 1994). In the case of irony, this interaction has a definite character: between frequent and occasional values, there are relations of inconsistency, a contradiction.

The author creates the text in front of our eyes; he explains, speaks about the reasons, making the reader a co-creator. Gradually, however, repetition and quotation become a habit, and on their basis, a new lyricism emerges, for which the ironic removal becomes the beginning, not the end of the path.

The material of the letter of quotation corresponds to the specifics of the media texts with their emphasized orientation to the mass audience, to the speed of creation and perception, and the availability of presentation. From these positions, of particular interest is the approach to ready-made signs from "alien" texts as precedent phenomena, known in linguistics also as precedent texts.

The conceptual basis of the term precedent texts was justified by Karaulov. In the book "Russian Language and Personality Identity", he writes that the precedent includes "texts that are significant for a particular person, both cognitively and emotionally". In the system of culture, the "chrestomathy nature and well-known nature of precedent texts also determine their property as interpretability: as a rule, they overstep the bounds of verbal art, where they originated, are embodied in other forms of art. Moreover, the genre transitions here are possibly the most unexpected" (Karaulov: 1987).

Accepting in general the qualities of the phenomenon recorded by Professor Karaulov, we will stop at the first variant of the term (*precedent phenomena*), since the words "text" is used in a different meaning in work.

It is noteworthy that such use of someone else's text is especially widespread in mass communication, which reflects the ability (and readiness) of the mass consciousness to "appropriate" prestigious cultural models, replicating them for their purposes. So, for example, advertising, taking the leading position among the genres of mass communication, immediately began to "clone" its texts by rethinking someone else. At the same time, advertising itself creates texts that are picked up in parallel with it when other means of communication function.

4. CONCLUSION

The forecasts are formulated (taking into account the plus factors and minus factors) for the nearest state and development of the mass media culture of Russia in connection with the growing penetration of postmodernism into the modern information and communication space, exposing the risks and threats to Russian preservation of mental identity in the context of globalization.

The theoretical significance of the research results is that the following prerequisites are created: to diagnose (fix and verify) the state of modern cultural consciousness, which determines the problems of structure formation (structure destruction) of the linguistic space in the perimeter of mass communication; expanding the range of cultural-linguistic information about the activities of journalism as part of the infrastructure of social reproduction in order to preserve and develop a speech culture based on universal human values; actualization of the speech factor of social modernization, which preserves in the works of journalism the social memory of various cultural and saving in the reflexive-cognitive forms of reflection of reality the mental identity of the people;

In accordance with the current information situation, the author introduces into the scientific revolution the concept of "communicative strategy", which is a plan for the optimal implementation of communicative intentions, taking into account objective and subjective factors and conditions, where the act of communication

takes place and, in turn, determines external and internal sides of the media text using specific language tools in it.

This strategy in the mass information field is characterized by its content fullness - a consistently acting confrontation between the traditionalist (real) and mass cultural (virtual) modes of speech culture, representing a different understanding and interpretation of what is happening in reality; by formal definiteness - by a continually operating process of exchange, substitution, diffusion noticeably differing in the sociolinguistic quality of verbal resources: classical and postmodern.

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Comprehensive model of the provision of the prohibition of the wife's employment in iranian and egyptian laws based on the Imamiyyah Jurisprudence

*Modelo integral de la provisión de la prohibición del empleo de la esposa en las leyes iraníes y egipcias
basado en la jurisprudencia Imamiyyah*

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ABSTRACT

In recent years, due to the increasing number of court cases, the question of women's right to employment has become a significant challenge in the legal system. Challenges such as "the superior principle" regarding women's right to employment, employment criteria, and the prohibition of employment are discussed in this article. Various approaches of different authors and the respective judicial processes have been elaborated in a rational framework and, in an attempt to offer a framework for responding to employment disputes concerning the jurisprudential history and the jurisprudents' points of view, each has been thoroughly investigated.

Keywords: Jurisprudential History, Legal System, Superior Principle, Woman's Right to Employment.

RESUMEN

En los últimos años, debido al creciente número de casos judiciales, la cuestión del derecho de las mujeres al empleo se ha convertido en un desafío importante en el sistema legal. En este artículo se discuten desafíos como "el principio superior" con respecto al derecho de las mujeres al empleo, los criterios de empleo y la prohibición del empleo. Se han elaborado varios enfoques de diferentes autores y los procesos judiciales respectivos en un marco racional y, en un intento de ofrecer un marco para responder a disputas laborales relacionadas con la historia jurisprudencial y los puntos de vista de los jurisprudenciales, cada uno ha sido investigado a fondo.

Palabras clave: Derecho de la Mujer al Empleo, Historia Jurisprudencial, Principio Superior, Sistema Legal.

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1. INTRODUCTION

In law and legislation, the notion of the family, as the pivot of any society, is of paramount importance. This importance is, first, due to the unmatched role and significance of the family in creating a healthy society, and secondly, to the confluence of ethics and rights and the inextricable intermingling of these two in this question. This intermingling diminishes the authority of the law to enter the scene and discounts the status of legal rules and regulations. The question of ascendancy (or supremacy) in the family and the employment of one of the spouses, especially the wife, comprises one of the most important issues challenging, and at the forefront of this intermingling. In the 21st century, this issue seems to have transcended even the boundaries of the law, and given its economic, psychological, and sociological significance, it has posed an unbelievably tricky challenge to the science of law. This challenge makes four other fields, i.e., ethics, economics, psychology, and sociology, indispensable to the science of law and legislation and further renders unviable and futile any theorization attempt without regard to the influence of the four aspects mentioned above. In addition to this theoretical problem, in practice, it has also flooded prosecutors, and the legal system, with complicated and challenging court cases, resulting in the fact that there is no single and consistent procedure in this regard in the Iranian judicial system.

According to Article 1105 of the Iranian Civil Code, family ascendancy is the right of the husband. Furthermore, under Article 1117 of the Civil Code, "a husband may prohibit his wife from an occupation which conflicts with the interests of the family or the husband and/or jeopardizes the wife's dignity." The relationship between these two articles and their convergence and/or divergence with the constitutional principles, including Article 28 and Article 20 of the Constitution as a 'general provision', on the one hand, and international documents, on the other, is one of the difficulties that the Iranian legal system still faces after almost forty years since the Islamic Revolution of 1979. This article aims to address and try to answer these questions. What is "the superior principle" regarding women's right to employment in the legal system of Iran and Egypt? and what approaches do each of these legal systems have in this regard? What are the arguments of the proponents and the opponents of women's right to employment? Is it possible to propose a reliable model based on the Islamic jurisprudence for the prosecutors to reduce the current divide and attain justice? In this article, the author tries to illustrate these responses by presenting his model and appealing to the judicial process. To this end, first, the concept is examined, and the principle is established, and then the resulting divisions are dealt with in order to finally reach a conclusion.

2. METHODS

Women's right to employment in Iran and Egypt:

Concerning the question of women's right to employment, it is important to consider the provisions of Articles 20 and 28 of the Iranian Constitution, as a general and specific regulation. These principles have been taken and interpreted from the Qur'an, specifically verse 32 of Sura Nisa. On the other hand, from the perspective of jurisprudential rules, instances such as 'sanctioning the practice of the Muslim' (Ashtiani: 2004) and 'the rule of self-control' (Nassehi-Behnam: 1985) by the wife can be referred to. From the perspective of international laws, Article 4 of the International Covenant on the Elimination of All Forms of Racial Discrimination, which the Iranian Government acceded to in 1965, explicitly stipulates this right. Therefore, given this requirement in Iran's legal system, a spouse's right to employment, whether it is the husband or the wife, is recognized and sanctioned. The same inference can be made from Article 1117 of the Civil Code. Thus, in the Iranian legal system, a wife's right to employment is protected (Fluehr-Lobban: 1998), and the husband has no presidency over the property of his wife (Moghadam: 2004). However, the wife is allowed to work unless the husband, as the head/ascendant of the family, as provided for in Article 1105 of the Civil

Code, deems the work as incompatible with the interests of the family and dignity of the wife or the husband, in which case he may prohibit the wife from employment.

It should, therefore, be noted that in the Iranian legal system, there are general and exclusive restrictions and prohibitions on spouses' right to employment. These prohibitions are divided into two categories: general and exclusive. This article deals exclusively with the prohibitions that stem from matrimony and the provision of the right to employment, or absence thereof.

In the Egyptian legal system, according to its Statistics Institute, the number of women employed rose from 1.39 million in 1986 to 2.61 million in 1996 (Brandt & Kaplan: 1995). Due to this substantial growth, there have been conflicts in recent years between family law and labor law in Egyptian law. According to Egyptian authors, one of the issues always in dispute between the husband's ascendancy and the legal system is the employment of the wife, which stems from a conflict between marriage laws and labor laws. Because of this conflict, the patriarchal family is gradually distancing from its conventional main functions, such as rearing children and catering to family needs (Ansari-Pour: 2001).

There are generally two approaches to the principle of the wife's right to employment in Egyptian law. According to the first group (of Egyptian law scholars), women increasingly seem to forget and ignore the fact that 'home' is the main stead for women. According to Al-Salqini, women seem to be forgetting that their chief role, for which they have been created, is to settle in the house and perform the required necessitous duties, the most important of which is to serve the needs of their country. For these legal scholars, women's employment should be considered a peripheral, secondary issue in Egyptian society, and the government is required to take necessary measures in order to reduce women's employment. However, Article 35 of the Egyptian Labor Code stipulates that gender, origin, language, religion, and belief cannot be a case for discriminatory treatment when it comes to holding an occupation. Besides, under Articles 9 and 53, the government is required to provide equal opportunities for all Egyptian citizens to work. It also stipulates that all people are equal before the law in terms of their rights and general freedoms. Despite, and probably precisely thanks to, this attitude, there has been a significant, consistent rise in women's employment in Egypt in recent decades and women's presence in all jobs, except service jobs, has increased between years 1970 and 1990 (Bariklou: 2011).

The types and nature of the provision of the right to employment or its prohibition:

Following the explicit wording of Article 18 of the Family Protection Act of 1974, the wife may also prohibit the husband from working in certain circumstances and under certain provisions. However, since the prohibition of the husband by the wife is subject to the clarification of the prohibition provision of the wife by the husband and is considered a 'universal', and is a broad topic which needs investigation in its own right, therefore, it will not be discussed in this article.

1. The provision of prohibiting the wife's right to employment prior to the marriage

This provision is not a void provision in the Iranian legal system. However, the question that arises here is: does this provision completely waiver a wife's right to employment? Article 959 of the Civil Code states: "An individual cannot, in any case, deprive himself, in whole or in part, of the right to hold and/or exercise their civil rights." As explicitly stated in this article, the disqualification of rights, in whole or in part, is prohibited. Therefore, some writers have argued that the Civil Code does not permit the complete prohibition of the husband's right to employment by the wife, but gives him the right to have a choice regarding certain professions sanctioned by the wife. (Sherif: 1999, pp.9-13). Therefore, the viewpoint offered by some participants at the Special Meeting of the Research Institute of the Judiciary that the prohibition on a husband's profession set by a wife refers to the type, and not not the principle, of the profession, but in the case of the wife, the husband can prohibit employment in principle, is not correct (Esposito: 2011).

In Egyptian legal system, following the principles of the Sunni Fiqh (jurisprudence), there are some exceptions, one of which is the right to education, when there is a conflict between the obligatory education, sanctioned by the law and the state, by the husband's refusal to give permission to his wife to leave home for

this purpose. However, if the education a wife seeks is obligatory, it is equally obligatory on the husband to provide the education to the wife himself, if, of course, he is capable of doing that. Nevertheless, if he is not capable, or refuses to do so, the wife may leave home to seek that education, even without the consent of the husband. If, however, the wife, or the husband, are knowledgeable in Halal (anything permissible by Islamic Sharia) and Haram (anything that is impermissible by Islamic Sharia) and/or the husband can undertake the task of educating the wife himself, then the wife has no right to leave the house without the consent of the husband.

2. Prohibition of a spouse's right to employment by another spouse after marriage

The existence of a great number of legal rules on this question and the different interpretations, whether jurisprudential, legal, and/or based on international documents, have led to great conflicts of opinion among scholars, which has consequently spread to judicial verdicts and rulings. In order to find a plausible solution to this problem, the issue of 'prohibiting a spouse's right to employment' needs to be examined from two perspectives. In the first formulation, the spouse worked, or had the provision for working, prior to the marriage, and in the second, the spouse did not work or did not have the provision for working, prior to the marriage.

2.1. When the spouse worked or had the provision for working, prior to the marriage.

In general, there are two approaches to this circumstance, i.e., some scholars allow (sanction) it, and some prohibit it.

2.1.1. Sanction Approach:

Proponents of sanctioning 'the prohibition of the wife's right to employment' believe that if the wife worked prior to marriage, or the following marriage with permission from the husband, then the husband may prohibit her from working. Their arguments are as follows:

A. Article 1117 of the Civil Code

Proponents of this article hold that a husband's authority encompasses both pre-marriage and post-marriage employment (Aghajanian: 1986). Therefore, the same way as a husband can prohibit, without provisions, his wife's right to employment 'after' marriage, he can still prohibit his wife's right to employment 'before' marriage, even if there is a provision, whether implicit or explicit, sanctioning her right to employment. The General Directorate of Law and the Composition of the Laws of the Judiciary has expressed this view in Thesis No. 7/2997 dated 24.10.1982. This view does not have many proponents among writers and scholars and, therefore, faces legal restrictions when it comes to practice. As a matter of course, recourse to predication without an annulment from the attributed party cannot provide the condition of acting upon the recourse, as it encounters many corrupt sequences. The reason is that, firstly, Article 1117 of the Civil Code has not been effective in expressing all limitations on the issue so that it can be applied. Secondly, such a recourse faces the obstacle of 'former commitment' or husband's implicit consent to wife's right to employment, either to work now or about to start working, which will be examined in 'the prohibition approach'.

B. Conflict with the wife leaving home

There is no doubt that a woman loses her freedom after marrying because, since the husband is the head of the family, marital duties preclude her from freely pursuing any legitimate occupation as an unmarried woman (Moghadam: 2003). This view emphasizes first the husband's presidency and ascendancy over the family and the right of the husband to prohibit the wife from working, and secondly, by pointing out the interference of wife's employment with the husband's needs, seeks prohibition license from the husband. In the case of the husband's ascendancy, what seems to be the consensus and emphasizes man's supremacy is with the right and the obligation that, by virtue of being right, certain things, including a wife's right to employment, can be eliminated. Ruling No. 2130/33 dated 27.7.1992 of the Iranian Supreme Court in which in case of the husband's discontent with the employment of the wife, the wife is recognized as the guarantor of the husband's right (Shahidian: 2002) is, thus, unacceptable, for mere discontent of the husband with the employment of the wife, without justified reasons and in the absence of any discrepancy with the husband's right, is no license to prohibit employment. Besides, Article 1117 states the two provisions of family interests and conflict with [the couple's] dignity as instances of interference, occasioned by the wife, with the husband's

right to be obeyed. In case of failing to meet the two above provisions and without regard to the third provision, the Supreme Court has ruled for prohibiting the wife's right to employment, which is unacceptable. The prohibition of employment can be legitimate only when the conflict between a wife's employment with a husband's rights can be proved and, in its essence and of its own accord, it lacks an inherent quality of being automatically provable.

C. The law of imperativeness and relatedness of Article 1117 of the Civil Code and Article 18 of the Family Protection Act with the public order

The proponents of this view hold that if the wife has a job prior to the marriage contract and the husband, knowing in advance, agrees to the continuation of her employment, the husband's right (to prohibit her from employment) remains protected under Article 1117. Their rationale is that this article is an imperative law and therefore the husband can, with the approval from the court, prohibit the wife's employment, even if he had agreed to it in the marriage contract, as such provisions are illegitimate, void, and invalid (Zarchi & Khalil: 2013). Also, precisely on the same basis, they hold that Article 18 of the Family Protection Act is an imperative law, making parties' agreement to its contrary void and ineffective, and the provision thereof also illegitimate and invalid. The Appeals Commission of the Supreme Judicial Council and the Deputy of Legal and Parliamentary Affairs of the Ministry of Justice, in These No. 1744/18 dated 24.12.1996, have both also expressed this same view. Despite the above arguments, however, the reached deduction seems to be unacceptable. First, recourse to the concept of public order in proving an issue poses the problem of ambiguity. For this same reason, some of the most prominent legal scholars and university professors have cited it as an instance of issues that lack legal discipline, the inherent uncertainty, and indeterminacy of which is corruption and would result in corruption. This argument, in its essence and of its own accord, has perfect conceptual congruity, since imperativeness of Article 1117 of the Civil Code and Article 18 of the **Family Protection Act** in all affairs and issues is denied by the legislative stipulation of Article 1114 of the Civil Code, which states: "A woman must reside in the house designated by her husband unless the woman is given the authority to determine her abode." Certainly, this article is of essential predominance, making it a general law from which particular deductions are to be made, which indicates that in other matters as well, as long as it does not conflict with the duties in relation to the husband, 'compromise to the contrary' can be made. Based on what has been said, economic management, in the form of alimony, comprises the definite limit to these duties. Otherwise, there is a requirement and need for a reason. Secondly, 'custom', as a matter of principle, does not in any way, in case of the existence of the provision of employment, infer the disruption of the public order and, in other words, does not consider the provision of employment to be the cause of the disruption of the public order. Thirdly, given the fact that public order is founded on local values and since today a great number of women prefer to have jobs and manage to include this provision in their marriage contracts, the possibility of this provision being ignored by the husband is by no means valid and, since the conflict between the wife's having a job with her rights was a foreseeable issue for the husband from the outset but he nonetheless consented to such a marriage by default, the husband, therefore, with his consent to such a marriage contract, has voluntarily acted against his own interest and has provided grounds for the abuse of his rights (Moghadam: 2003).

Therefore, acceptance of this view may lead to the denial of the wife's basic rights, including her economic, social, and cultural rights, which are among the second generation human rights. Notwithstanding the validity of this theory, it should not be regarded as an absolute theory and consider any of the wife's rights 'unquestioned', for the husband's presidency over the family and his ascendancy over family affairs, based on provable arguments, is a basic legal right and on this basis, exclusively on the issue of basic human rights, such as the right to education, the right to life, the right to enjoy life amenities, and the right to proper hygiene, this ascendancy can be restricted. Regarding the right to employment, since this right is not recognized as a human right and it is subject to restriction by the family law for the sake of its preservation, in the event of its conflict with the husband's ascendancy, and by an invocation to human rights (unless it was included as a

provision or the employment occurred prior to the marriage contract and the husband had consented to it) the wife's right to employment is not definitively sanctioned. Another argument as for why Article 1117 is not an imperative article is that the husband's presidency and ascendancy over all aspects of the family is the foundation of, and a reference for, the Civil Code, which is in turn founded on Islamic (Shiite) jurisprudence and the jurisprudential history of this issue. This issue will be discussed in the prohibition approach (Zarchi & Khalil: 2013).

In Egyptian law, the prohibition of a wife from employment has been considered based on such premises. On the prohibition of a wife's right to employment, Sunni scholars distinguish between a job that results in the violation of the husband's rights or incurs a damage on him or requires the wife to leave the house and a job that does not lead to the violation of the husband's rights or incur any damage on him. Accordingly, religious leaders have issued Fatwas (edicts) on the prohibition of the first case and have licensed the latter. Ibn-e-Abedin, a Hanafi faqih (religious scholar), is one of the proponents of this approach.

However, it should be taken into consideration that in the Egyptian legal procedure, as opposed to what Sunni faqihs have stipulated, if the wife holds a job, even if the husband does not consent to her employment, the alimony is to be awarded, for the husband has married his wife knowing of her employment status and prohibiting her right to employment is a violation of the wife's rights.

2.1.2. Prohibition Approach

This approach holds that in case of a provision upon marriage contract or the wife's being already employed; the husband may not waiver the wife's right to employment. The proponents of this approach are divided into two categories:

A. The binding state of the provision

The provision of employment, essentially, has never been a concern of the earlier faqihs (jurisprudents). Following contemporary political, social, and cultural developments, some faqihs have explicitly considered implicit provisions effective in the present status and have considered explicit consent to employment necessary, stating, for instance: "The husband, unless there is a provision in the marriage contract, may prohibit the wife from holding a job. Therefore, when there is a condition, the husband cannot legally prohibit his wife's right to employment. Consequently, these faqihs consider provision upon marriage a necessary and binding pledge, violation of which grants a wife the right to annul the matrimony. This requirement to comply is not restricted to implicit provisions and includes fundamental provisions. These jurisprudential principles have led some writers to explicitly enumerate various provisions stating that when a woman has a job at the time of marriage and the marriage is sealed on the basis of the continuation of her career status, or a provision is included to its effect upon the marriage, the husband may not prevent her from continuing to work. Some authors have considered the husband's silence, upon marriage, an implicit act equivalent of consent to the wife's holding a job. At the 4th Civil Court Meeting, the participants went even further considering sanctioning wife's employment as a principle except in the case of a dissenting husband:

In the current circumstances, given the inflation and the family's need for the wife to have a decent career, to help meet the cost of living and to augment family foundations and raise children, there is no legal prohibition if the wife is employed in government offices or reputable and reliable companies that typically comply with religious rules and regulations. However, if the husband, at the time of the marriage contract, states his opposition to the employment of the wife, and if the condition is agreed upon by the wife and the marriage is concluded on this basis, the wife loses the right to have an outdoor career.

However, this view is subject to various considerations. Firstly, it ignores the explicit wording of Article 1117 of the Civil Code, which recognizes the legitimacy of the prohibition of the wife to employment by the husband. This prohibition loses applicability only if it is conditional to a reference to the provision. Secondly, Article 167 of the Constitution and the jurisprudential history reject such an understanding, and thirdly, inflation

and other economic conditions are not regarded as effective constraints on the law of the legislator or legislature, and can, ultimately, be agreed upon by the couple on the condition of the wife's benefit. Fourth, the wife's employment, ironically and in contrast to what has been brought up as a case against, has in many cases been incompatible with the upbringing of children,

Regarding the Egyptian legal process, it is essential to first consider the provisions of a marriage contract in Sunni jurisprudence. These provisions are divided into three parts. 1. Conditions that are contrary to the contractual requirements. 2. Corrupt provisions, which are merely corrupt provisions. 3. Correct provisions.

In the case of the correct provisions and the obligation of meeting the promise, with its proponents such as Abu Hanifa, Malik, Shafi'i, Laith, and Thouri, although they have ruled that these provisions are correct, they do not consider them obligatory. Others have considered it obligatory, which has been quoted from Amr ibn Abd al-Aziz, Al-Awsai, and Ahmad ibn Hanbal.

Despite all the controversy and differences of opinion, the Egyptian legal doctrine has set forth explicit conclusions for cases in which the husband at first consents to his wife's employment and/but then prohibits her right to employment. In the Egyptian legal procedure, if the husband at first gives permission to the wife to work, he cannot prohibit the continuation of this right in the future. In other words, he is denied the right to revoke this permission. Therefore, in this hypothesis, if the husband demands the wife to stop working and the wife decides to continue to work, the wife will not be considered as non-compliant and/or disobedient, and her alimony will not be abolished (Shahidian: 2002).

However, Egyptian law recognizes the refusal of the wife illegitimate in two cases: First, if it recognizes it is an abuse of the right by the wife. Second, if the law recognizes this employment incompatible and in conflict with family interests.

These terms and conditions are documented in Clause 5, Article 1 of law number 100 of the 1985 Act, which in the case of the existence of an explicit or implicit provision, grants the wife her right to employment. This clause stipulates that the wife's alimony is not abolished on the assumption of her leaving home for legitimate work with the husband's explicit or implicit consent. As a matter of fact, in case of expression of consent by the husband, (either implied or clearly stated) the alimony cannot be abolished.

B. The priority of "leasing" over the marriage

According to this theory, if a woman who, technically speaking, is "leased" (i.e., hired) for a term of service and marries before the termination of the work contract, that lease contract, even if it is in conflict with the husband's legitimate expectations, remains valid and binding. On the other hand, a job contract, according to the interpretation offered by the existing legal and jurisprudential system, is a lease contract, and, following the views of jurists and the Civil Code, a propitious covenant. Since employment contracts all involve leasing (hiring) individuals, therefore, there is no difference in the nature of contracts. On the other hand, the marriage contract, due to its involvement of two parties, is subject to contract contingency and conditions. This contingency is binding and setting provisions to its contrary is illegitimate and invalid (Brandt & Kaplan: 1995). A wife, in its essence and of its own accord, when employed prior to the marriage contract, is considered a hired entity and transfers her interests to the owner. If, in this situation, marriage is contracted, given the contingency of the lease contract and the necessity of abiding by this binding covenant, a marriage contract does not have the power to annul a lease contract. This view is not specific to the lease contract and, in any case, where an obligation is placed on the wife, it remains in force in case of her marriage. Sayyed Yazdi, by appealing to this issue, refers to the question of oath or pledge.

The question that remains to be determined is whether or not, in its essence and of its own accord, the husband's right to be obeyed and to be catered to has an inherent special quality to it, or it is a general rule applicable to the husband in relation to the wife as well. Given that these rules are not based on, and specific to, a wife's being hired and the gender factor is not the factor that, in the cases mentioned earlier, causes a change in leasing rules, but other factors such as the legal necessity of the marriage contract (according to which certain rights are accorded to the husband) and the factor of time, i.e. the precedence and/or the

antecedence of the lease contract and the marriage contract to each other, therefore, the late Seyyed Mohammad Kazem Yazdi, distinguishes between hiring a married and/or an unmarried woman. He considers hiring an unmarried woman to be permissible and in the case of a married woman, distinguishes between the cases whether the woman is hired before or after marriage. In the case of the former, where the woman is hired before the marriage contract, he grants absolute priority to the lease contract, even if part of it may fall within the time span after the marriage contract and may conflict with the husband's rights.

However, in the latter case, where the woman is hired after the marriage contract, the principle of hire is without a flaw, which will not be elaborated in this article for the reason of space. It is noteworthy here to mention the verdicts 19.11.1995 – 1339 to 1342 of Branch 4 of the General Court of Tehran in a case where the defendant, the wife, according to the official marriage contract, was employed with BankMelli (The National Bank) and the complainant (the husband) sought to waive her right to employment despite the fact that he had entered the marriage contract knowing that she was already employed. Employment in such workplaces is subject to specific criteria and results in the acquisition of remunerative rights during employment that cannot be waived except by law. In this case, in terms of technical relationships, in its essence and of its own accord, and the issue, the previous essential (work) contract is prior to the marriage contract, and is not canceled by the marriage contract.

2.2. When the spouse did not work or did not have the provision to work, prior to the marriage.

The most important reference used for this prohibition is Article 1117 of the Civil Code and Article 18 of the Family Protection Act. These articles do not include provisions upon marriage and the priority of necessity contracts such as leasing over marriage contracts. Thus, with the exception of these two cases, the man has the right to prohibit the wife from employment in case it conflicts with family interests and with [the couple's and the family's] dignity (Moghadam: 2004).

When considering the Egyptian legal system, first, it should be noted that family laws are very diverse and divided, leading to instances where six laws can be invoked in a single case. Some law scholars have explicitly stated this as one of the biggest problems of the Egyptian legal system. Accordingly, numerous lawyers and legal scholars have repeatedly underlined the necessity of integrating such diverse laws. Second, Egyptian law has stated some of the terms and rules concerning women's employment in the Egyptian labor law. Thirdly, the family law system in Egypt is one of personal status, governed by fiqh (Islamic jurisprudence).

3. RESULTS

In view of the above three points, it should also be noted that, in accordance with Article 9 and Article 53, the government is obliged to provide equal opportunities for employment to all Egyptian citizens. It also stipulates that all individuals are equal before the law in terms of their rights and general freedoms (Ansari-Pour: 2001).

In Egyptian Labor Law, in the second chapter of the first book approved in 2003, the most important laws regarding women's employment are as follows:

A. Equality between men and women in the Labor Code. Article 88 provides that as long as there is equality of employment between women and men, all laws concerning the employment of men shall also apply to women without discrimination.

B. Jobs from which women are prohibited. Under Article 90 of the Labor Code, it is forbidden for women to engage in work that is harmful to their physical and/or moral health. It also includes jobs that are completely forbidden for women. Under this law, the Minister of Human Resources issued Directive No. 155 in 2003, in which jobs from which women are barred are stipulated. This directive includes 30 professions that are recognized as excessively hard or harmful to women's physical or moral health.

C. *Prohibition of the employment of women at nighttime unless in emergencies.* Article 89 prohibits the employment of women from 7 pm to 7 am. The terms of this article were issued by the related minister in Directive 183.

D. Announcing the orders related to women's employment

Article 95 of the new law requires employers, in case there are 5 or more female employees, to install a copy of women's employment order in the workplace or at employees' common gathering area. However, the 1981 law required the installation of such a copy even if there was only one female employee.

The jurisprudential consensus refers to this law and the directives issued on instances of the prohibition of women's employment to Sunni jurisprudence.

Al-Tawijari mentions two essential duties for women in Sunni jurisprudence, which restrict women's employment: The first one is the duty of taking care of the husband's needs and doing justice to his and the family's rights, and the second is her duty of motherhood, to raise and care for the children. However, despite the two main duties of women, in the dilemma of working in or out of the home, Sunni jurists give priority to the former (Bariklou: 2011).

In contemporary Arab law, women's employment, workplace-wise, is divided into two categories of working at home (indoors) and working outside the home (outdoors). Working at home refers to activities such as cooking, sewing, or writing books and articles that a woman does at home and then trades it for profit. Outdoor work refers to jobs in hospitals, schools, hotels, etc. In cases in which a woman's employment requires leaving the house, Sunni jurists have offered two views: Hanafiyah, Malikiyah, Shafiyah, and Han'abalah, all consider a woman's leaving the house permissible, but other remaining sects do not share this stance. There are also two stances regarding the case where the woman does not need to leave the house. Ibn Abedin, a Hanafi scholar, and jurist considers such work superior to the work that requires leaving the house and Hanafiyah, Malikiyah, Shafiyah, and Han'abalah all consider it permissible.

Those who consider it permissible, however, do not grant it absolute permission. Rather, they set criteria and restrictions for employment under such circumstances:

First, if the woman is not married, her father or her guardian must consent to it. In case she is married, the husband must give his consent (Sherif: 1999).

Second, her employment shall be free from mingling with other men.

Third, her body shall be covered, in accordance with Islamic rules and principles, in her encounters with other men. She shall also avoid wearing colored clothes, ornaments, or perfumes because a workplace is different from a party.

Fourth, she must be committed to Islamic ethics.

Fifth, her work must be commensurate with the nature of women and their power. Examples are careers in education, nursing, tailoring, etc.

With regard to the provisions upon the marriage contract and their legitimacy, the Egyptian authors, with reference to the fundamental Quranic rule of "A Muslim must fulfill his promise", believe that:

Such a provision is binding, and under this provision, the husband may not invoke the wife's permission to leave the house unless the wife's leaving the house for work entails damage to family interests or her physical health (Aghajanian: 1986). It goes without saying that such a response would not be acceptable since it is certain that employees in many occupations would result in the gradual diminishment of physical health or even disease. Even in occupations such as hairdressing and tailoring, after a while, one has physical health different from it was before employment. It is, therefore, essential to limit the factor of "the loss of physical strength or illness" to cases/jobs which are almost universally regarded as instances of high risk and disease-causing occupations.

4. CONCLUSION

In contemporary times and considering the non-traditional modern and the probably postmodern world we are living in, employment has become increasingly important in social relations. In the Iranian legal system, the superior principle regarding women's employment is the permissibility of employment. Therefore, the law does not prohibit the employment of women except in specific cases. One of these cases is Article 1117 of the Civil Code, in which women's employment is sanctioned by the law, except in cases that family interests and dignity are at stake. The proponents of the husband's right to prohibit the wife from working implicitly refer to the three rationales enunciated in Article 1117, the conflict with the wife's leaving the house with her household and maternal duties, the imperativeness of the law of the husband's ascendancy and presidency over the family, and the potential threat to public order (Fluehr-Lobban: 1998). According to Article 167 of the Iranian Constitution and the Civil Code, which is based on *Imamiyyah fiqh* or jurisprudence, one of the cases that can annul a husband's right to prohibition is the provision reached mutually at the time of the marriage contract. This provision is an implicit but fundamental condition.

Therefore, once provision upon marriage contract is proved, the restriction of Article 1117 is broken, and the two parties can either before or during the marriage, make the employment condition documented and official, either in the marriage contract or in a separate document. Another area frequently disputed by legal scholars is the question of the wife's employment prior to marriage. According to some jurists, even if the husband had been aware of this issue, the right to deter his wife from continuing to work is reserved for the husband. However, given jurists' famous doctrine of the precedence and necessity of the leasing contract over the marriage contract, such prohibition is not justified, and the husband cannot prohibit the wife from her right to employment. Therefore, in the Iranian legal system, if the husband had been aware of his wife's employment at the time of the marriage contract, whether this employment is in public or private sector, he cannot prohibit the wife from being employed, and this right remains in place until the end of the contract (Nassehi-Behnam: 1985).

In the Egyptian legal system, family laws are very diverse and divided, inasmuch six laws can be invoked in a single case. Some legal scholars have explicitly cited this as one of the problems of the Egyptian legal system. However, in accordance with the superior principle of Article 9 and Article 53, the Egyptian government is obliged to provide equal employment opportunities for all Egyptian citizens. The Egyptian legal system has recognized the husband's refusal to permit his wife's employment in two cases: first when it is determined that this employment is an abuse of the right; second, when it is recognized as incompatible and in conflict, with family interests. The reference to these terms, which in case of the existence of an explicit or implicit provision, grants the wife her right to employment, is Clause 5 of Article 1 of Act number 100 of 1985. This clause states that the wife's alimony is not canceled on the assumption of her leaving home for legitimate work with the husband's, either explicit or implicit, consent. As a matter of principle, whether the husband's consent is expressed or implied, the alimony cannot be revoked. Also in the Egyptian legal process, contrary to what the Sunni jurists have prescribed, if the wife has a career, even if the husband does not consent to her employment, the alimony is awarded, for the husband has married her knowing beforehand about her career status, and this indicates the waiver of the husband's right.

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Reason and usage of the wise in family dispute resolution proceedings with the implementation of judicial decisions

*Razón y uso de los sabios en los procedimientos de resolución de disputas familiares con la
implementación de decisiones judiciales*

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ABSTRACT

In recent years, the use of reason has been the subject of much attention by legal writers and prosecutors. The use of this argument in the family law system has led to many ambiguities to the extent that the doctrine and the judiciary have not been adequately addressed. Therefore, as an essential part of the legal system and the proper quality of citing it as a judicial proof by the prosecutors, it is of great importance that the present article discusses the position of this argument and its analysis. Judiciary is based on an Osule feghh.

Keywords: Judiciary, Legal System, Prosecutors, Reason.

RESUMEN

En los últimos años, el uso de la razón ha sido objeto de mucha atención por parte de escritores legales y fiscales. El uso de este argumento en el sistema de derecho de familia ha generado muchas ambigüedades en la medida en que la doctrina y el poder judicial no se han abordado adecuadamente. Por lo tanto, como parte esencial del sistema legal y la calidad adecuada de citarlo como prueba judicial por parte de los fiscales, es de gran importancia que el presente artículo discuta la posición de este argumento y su análisis. El poder judicial se basa en un Osule feghh.

Palabras clave: Fiscales, Poder Judicial, Razón, Sistema Legal.

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1. INTRODUCTION

The family law system, one of the most important private law trends that has a long history in Islamic law, has always been the focus of scholars. In recent years, however, in the light of current developments in the community, this field has suffered from a lack of external cohesion, in addition to the large volume of incoming cases, meaning that there are conflicts of opinion in the judicial authorities in cases of equal evidence. This external conflict and inconsistency can be attributed to the identifier (judge) and the inherent nature of these laws in the judicial system.

Despite the importance of the judge's role in the inference process that the author is aware of, this article does not seek to influence a judge's effective decision-making, including his or her knowledge, working conditions, mental activity, and physical condition, as well as his or her prior views. Rather, the discussion in this article is about the inherent nature of these disputes, which in fact has caused a large amount of family law claims. Cases of summary, ambiguity, or contradiction that make it necessary for the judge to interpret and oblige the judge to use all means in order to comply with the law in the matter. Undoubtedly the most important tools used in these situations are the interpretation of the specific meaning, the legal logic, the analysis of structure, the spirit and purposes of the law, the emergence of custom and legal hermeneutics

However, the tools that have been neglected in the current legal system and that prosecutors do not pay much attention to in the face of hostility are rationality. Turning to reason as a means of understanding Shari'a law has always been the focus of the Imamiyyah, to the extent that some have considered the confrontation between reason and the Shari'ah to be incorrect and they believe that the Shari'a ruling is proved either by quotation or reason, and that reason has always been a proof of the religion and the Shari'ah, and is against quotation (Phillips & Piazza: 1982).

Therefore, as wisdom has been cited as a source in the Imamiyyah jurisprudence, its position along with the rationale in the family law system must be carefully considered and the question answered that the two main reasons for a reason and the rationale in the present situation: Where are the family differences? Can one draw a favorable situation for these two reasons? What is the distinction between reason and reason, and how is it analyzed in the Iranian legal system as judicial proof? Moreover, in the end, what is the family case law? As research backgrounds, there have been some articles that have been devoted to a purely jurisprudential approach to the legal system.

Concerning the reason for a reason, some have argued that the knowledge of the principles indicates that the Scholars are engaged in the pursuit of his or her courses of thought are based on his or her mind. Furthermore, in this regard, the author seeks to show the abilities to achieve sentences. They have also said that pure reason is a resource, and in addition to being an independent source of inference for sentences, it is a tool in their service to each other and to their resources. He traces the length of the opening to the surface of the opening and invalidates the originator's statement. Others also seek to show me as high, efficient, and effective in their writing and find the deficiencies in the use of reason to be due to the lack of understanding of the concept. In this regard, some others, due to its reason and its position in the jurisprudence of scholar Mohammad Ardebili, have discussed this issue from the perspective of this great jurist (Lind et al.: 1993).

Concerning the usage of the wise, some scholars in the article entitled customary acts, have explained some aspects of the usage of the wise and considered it as the fifth source. Others have commented on the jurisprudence. In an article titled Reasonable Authority Analysis with an Approach to Proposal Issues, the author has addressed the foundations in Reasonable Authority's authority and has adopted a basis to respond to the question of Reasoning in the subject matter. In another article titled Research on the Rationale of Intellect and its Relation to the Rule of Wisdom, the author discusses the distinction between the Rule of Wisdom and the Rule of Wisdom and then discusses the origin and reason of the Rule of Wisdom. Another article that deals with rationality and its place in the evidence is merely a comparison of the rationality in the evidence and a comparison between rationality and custom, and it is said that rationality is non-conventional, and the rationality is also in the diagnosis. Subjects are also used in the inference of sentences, and it is

necessary to identify the rational basis in the proofs of the sentences after the third reason, consensus, and before reason (Gurule et al.: 1996). Other articles have also discussed the nature of wisdom and authority. Thus, as is clear, the authors have dealt with the purely jurisprudential view, and if, in some cases, the legal system has been attacked, the anatomical reason has been the subject of debate, and the judicial proofing has generally been neglected.

In light of the foregoing, the present article has been written in six sections, which have been discussed separately after the introduction, the reason, and the usage of the wise as a legal and judicial proof. In the second part, reason and usage of the wise have been explored in the normative system, and in the third part, the usage of the wise is detailed in the system of *Osul*. Judicial opinions are then analyzed to conclude and submit to the author's opinion.

Rationale and reason as a legal reason:

The legal doctrine implicitly intends reasoning in the current legal system. The explanation that Article Three of the Code of Civil Procedure provides: "Judges shall be required to consider lawsuits, to issue a warrant, or to enforce an injunction. Unless the laws of the subject matter are complete or explicit or inconsistent or there is no law in the matter in question, they may and may not issue a ruling by reference to authentic Islamic or fatwas sources and legal principles that are not contrary to Shari'a standards." "The excuse of silence or defect or summary or contravention of the laws shall be refused and shall be recognized and punished." Also, Article one hundred and sixty-seven states: "The judge is obliged to try to find the verdict of any lawsuit in the law and if he cannot rely on valid Islamic or fatwas sources to issue the verdict and cannot issue an excuse. The silence or defect or summary or conflicting laws of the State shall refuse to hear and adjudicate.

Careful consideration of Article of the Code of Procedure and Article 167 of the Constitution, the law firm argues that the reference to valid jurisprudential fatwas is both valid and jurisprudential. The reason for this generalization is the assumption of a lack of valid fatwas and legal principles in the disputed cases, which in this case, the judge cannot, of course, refuse to adjudicate on the pretext of silence or defect or contravention or contravention of the law. Therefore, the only evidence of the judge in these cases is to follow the jurisprudential method of discovering the will. On the other hand, it is obvious that the use of reason as a rational monopoly can be in two ways. First, the reason is regarded as an independent source throughout the book and tradition and independently from religious sources, which is one of the four sources of jurisprudential jurisprudence for the discovery and issuance of the reason (Mabey et al.: 1994).

However, the claim that "pure reason" can compensate for all these shortcomings has failed in the present world. The judgments of reason cannot make a perfect and ideal legal system. For this reason, natural-rights advocates have also given up on past ambitions and entrusted a significant portion of the ideal order to the established rights of states and custom and social rules. The need for independent reason or the building of rationality also depends on trusting in the experience and observance of the interests and interests. Absolute acceptance of this statement seems to face some drawbacks, as the Shari'ah does not prescribe everything that the independent intellect has acquired, but rather the prescription depends on the conditions that the Shari'ah considers acceptable. That is why the writings of independent reason are so rare and somewhat rare in the writings of legal writers.

Secondly, reason can be used as a tool to enforce religious law from other sources. In this context, reason seeks to understand the meaning of the Shari'ah by means of textual understanding tools such as interpretation, and on this basis, the principles of jurisprudence as an artifact to be deduced. Moreover, the judge uses this tool to give a verdict. The arguments about organic reason and the usage of the wise as the two tools of reasoning in the current legal system are such that many writers attempt to comment on these criteria without going into the basics. Some have argued that the owner can request the price of the day of payment or the price of the yadda from the usurper based on the time of payment. Others argue that from a

rational point of view, one who is reluctantly forced to make a transaction should not be bound by its provisions and that such a contract is incorrect.

Reference to these tools is also found in family law. Some writers have considered couples presiding over the family as rationally correct. Some also believe that the rational custom is that when a man and a woman marry because of the specific characteristics of the woman, the couple is responsible for the wife's expenses and does not consider the obligation to obey the wife. In the light of the above examples, which are numerous, the legal doctrine has also argued that acceptance of the principle of reasoning, regardless of the validity of the method of reasoning, implies acceptance of the principle of correctness, the argument for these two tools is in the current legal system (Keršulienė et al.: 2010).

Reason and usage of the wise reason as a judicial proof:

Judicial procedure is the sum of judicial opinions and the general form of a repeated judicial decision that, in the same cases, is either spiritually or legally binding. Accordingly, the judicial procedure is the same as the general rule, which is widely used and not unique to a single case. In these cases, the mediator in the verdict is not the rational means, but the reason itself as the mediator. However, due to the arguments that have been raised regarding the citation of independent reason, the prosecutors have not cited it and have not documented their verdict except in the rare cases of independent reason. One of the few examples of such citation has been to invoke the name of independent reason. In one of its arguments, the General Court of First Instance has held that a name change is reasonably and reasonably the right of a person. The name is essentially one of the individuals and constituent parts of it, and the senses at the core of their personality must feel rationally and reasonably entitled to act according to their desire for change and consistency.

On the other hand, if there is a legal ruling at the hearing that mediates the rational understanding of that law, the magistrates can invoke it as an instrumental reason. In this method, the judge, by using rational analysis of the text, in deriving rational ruling and principle arguments and considering its requirements, deduces certain sentences from the text, since it is assumed that the rational person rules the rational and rational rules in His speech has been respected and relied upon, silenced or silenced about it (Golann: 1989). Citing jurisprudential, legal, principles of inference, and rules of interpretation are examples of this kind that are widely available in judicial decisions. For example, Tehran's Court of Appeals on the Conversion Proceedings, citing the instrumental reason (principle of non-existence) in non-conversion, holds that: "Conversion of an obligation that is contrary to the principle cannot be inferred, but also in the judgment of reason. The principle of non-disclosure must be established and can only be ruled out if there is no doubt that the relationship is new and that the intention to convert should be clearly inferred from the agreement of the parties.

In fact, the Court of Appeal has ruled that conversion should not be realized, arguing that it is one of the tools of inference. On the other hand, the rationale has also been put to trial in the judiciary as one of the arguments to be considered.

The tool has been more of a magistrate's independent rational rule, and the courts have used other similar titles in their arguments to cast their votes, in addition to citing and applying the rationale. In cases where some courts have relied on the rational ruling, it is necessary to recover compensation for the property. It has been stated in this regard that "the rationalist and the law-maker have not prescribed any compensation for another's property, but that they are based on the assumption that no loss should be left unpaid, and that there must be some damage between that "The damage to the person's body is caused by the difference in the damage caused to the person's property, such as temporary or permanent disability and the imposition of medical and medical expenses ...". Other ways to cite rationality are in compensation.

In addition to the above, in some cases, some criminal courts have resorted to rational cases. In family law, the use of independent reason and the building of reason is also used. For example, the alimony lawsuit, in which a wife claimed to have no alimony after five years of marriage, states: "Mystically and intellectually it is unlikely that a woman has been without alimony since 2006 and has no alimony once he wants to act on it.

The Usage of the wise has also been invoked and applied with the terms logic, logic tradition, and method of reasoning.

It is known in the above cases that the courts have acted in favor of reasoning and have based their verdict on cases based on reason and reason. The fundamental question now is whether all the above-mentioned colonies have been applied correctly and, more precisely, is there a criterion for referring to the intellect and the way of reasoning, and if so, what are its limits and limits?

2. METHODS

The concept of reason and rational proof:

The meaning of reason, as everyone agrees, refers to a spiritual gem that understands the good and the evil and the good of the good and the evil of the evil. However, there is disagreement about the nature of the judgment of reason and its origin. The ancients of the jurists and theologians generally have gone beyond the discussion of the rational rule as an independent reason and have not come within the scope of its definition. The first person to mention the reason for a reason, among other arguments, is Ibn Idris Heli. However, he also offered no definition of the reason.

After him, scholars such as Mohaghegh Heli and Shahid I, in order to discuss the conceptual reason, attempted to cite some of the reasons for a reason and its conceptual development. However, no definition of this concept until the contemporary period has been provided in a way that generally clarifies the angles of discussion. Existing conventional textbooks such as teachers and apostles and scholars have not discussed this subject separately and have gone beyond rational ruling and merely point out that in cases where the perception of an independent judgment for reason is clearly possible This is the reason for the wisdom of wisdom and this is referred to as intellectual autonomy and if there were no reason for the book, tradition, consensus, and fame, it would have been inappropriate to do so. We are the reason; they are enough. However, some of the main principles of the subject have been defined. Sheikh Ansari argues: The reason for reason is rational judgment, which leads it to the religious law (Menkel-Meadow: 1997).

However, this reason does not include cases such as analogy. Moreover, the meaning of the sentence in this definition is a predicate, which means that the predicate is a rational proposition that is self-evident in its subject matter and does not place it in contravention of the Shari'a law. The rational predicate is like the cruelty of oppression, and the religious predicate is the same as the sanctity of oppression. According to the aforementioned cases, it can be said that the rational rule is a definite rational theorem from which knowledge can be obtained with certainty and discontinuity of the Shari'a decree, but this is subject to the acceptance of the conviction between the Shari'ah and the Shari'ah.

Divides the rational rule:

As mentioned, rational monopoly reasoning can be done in two ways. First, the reason is regarded as an independent source throughout the book and tradition and independently of a religious source that can issue Sharia. Secondly, reason can be used as a tool to enforce religious law from other sources. In this context, reason seeks to understand and discover the meaning of the Shari'ah by means of textual understanding tools such as interpretation.

Independent reason:

Independent reason applies in two ways, rational independence, and non-rational independence. In rational autonomies, the reason is dominated by the analogy. For example, in the case of justice, good justice is necessary, and what is rationally necessary, the Shari'ah considers it obligatory, and consequently, justice is obligatory. In this analogy, both introductions are rational. However, in intellectual non-independence, only the analogy is beyond the power of reason. For example, it is obligatory on the hajj proposition, and every obligatory, its preparations are obligatory, so the preparations of the Hajj are obligatory, it is merely a minor of the religious analogy, and a cobra for the analogy, which is obligatory on the introduction, is rational.

Accordingly, the application of autonomous reason is limited to the three cases of non-independence and of the minor, and of the independence of the intellect, and this is based on the acceptance of the conviction between the law and the law (Bingham: 2004).

According to Shi'ite principles, the intellect of the discoverer is a Shari'a, and in other words, it is not law. Therefore, regarding the necessity of general vaccination and so on, reason discovers that the Shari'a law is in need of vaccination in the present age, though acceptance of this discovery depends on the acceptance of the rule. It may be said that there is no excuse for accepting the constitution of reason in these cases. In this regard, Martyr Sadr, in rejecting the Sunni endorsement, says that if wisdom is accepted as an independent cause, it will cause a defect in the Shari'ah, as it generally destroys the meaning of ijihad and no longer requires ijihad to The discovery was not a religious law, but any jurisprudence can issue its judgment without ijihad, and it is the same as the law while the current term is the discovery of the religious law, and according to the promulgation, the jurisprudent is the law (Rozdeiczcer & de la Campa: 2006,).

The use of independent reason in the writings of the principals can be seen at least in the following cases: the principle of the absurdity of mind, the preferences of bisexuals, the task of science at a glance, and the obligatory circulation between the two, the components of the duty of restoration and of justice. The question that is very much related to constitutional rights is whether the elimination of antagonism by the magistrate for reasons of the reason is independent of the legal ends and the will of the legislator or whether the magistrates are obliged to move in the direction of the legal ends and ends, and the reason cannot help alone? The answer to the question depends on looking at the sources of law as the most plausible principles for proving the right or obligation. The sources of law have been identified as exclusive to law, custom, and legal thought. Moreover, this question is in place. Where is the place of reason in legal sources, and why has it not been regarded as a source in subject matter law? The answer to this question relies on the place of instrumental reason in jurisprudence, which is discussed below (Hensler: 2003).

Instrumental reason:

Instrumental reasoning in jurisprudence is not even opposed to speech, and it has been accepted by the Shiites and Sunnis, as a matter of principle. The most important of these applications, which are also important in law, is the application of reason to the conflict of arguments, the conceptualization of the evidence, and the making of exceptional and extraneous comparisons. In so far as law is also invoked daily in countless cases, the judge It should analyze the basis of the arguments and make for each one a particular logical analogy consisting of the law (coercion) and the ascertainment of the material and external event (minor analogy), and make the result of this compilation and deduction the prelude to deduce the later more general analogy. Reach the result. Therefore, there are no particular forms of instrumental reason and the application of the rules of understanding.

3. RESULTS

The concept of Usage of the wise:

Sire has been divided in terms of ownership, origin, autonomy, organic validity, etc., but by definition, Sire has been defined as a way in which people are confronted with casual events. Despite differences in time, place, culture, civilization, and religion, they act like. It is also said that Siraah is the continuation of rationalism, whether rational or not, no matter whether they are religious or not, and include Muslims and non-Muslims (Crowne: 2001).

It is possible to define sire in the sense of the term al-mashour meaning practical or conduct, and a common behavior that uses that particular behavior, that is, in the practical sense, or on the part of the rational, or on the other hand, it is called the common sense. There seems to be a rational difference between the concept of custom and the concept of reason. Conceptually, the relationship between custom and tradition is divisive, and from my point of view, both general and specific. Conceptually, all people, including the wise, the

crazy, the sly, and the mean, are involved in the custom, while in the sense of reason, the mere policy of reason is in view. The sufficiency of transactions is rational, while after the validity and validity of that adequacy, the common name must be given.

Divides of sireh:

What should be the focus of the speech on sire is the realization of sire and its authority, which can be divided into three types:

A. External conduct, according to the sire, is the same as trusting in the knowledge of the sage in the time of the jurist and will certainly be valid if no trace of the juror is proved on this sire.

B- External conduct is not true of Mossadegh, but there was a rational practice in the time of the share'. Like the license to imitate mate.

C - Conduct and rational practice is the subject of what some scholars have called the rational premises of the subject. Now, can we say, through the wisdom of the Sira and the rationale that since the intellect was accepted after the era of the Shari'ah, the Shari'ah's silence at that time was the discoverer of acceptance, and thus the Hinduism is valid? In the first and second types, there is no restriction as to citation of the sire; however, in the third, there is an infallibility of the signature of the infallible. This prevents the rash from happening for this reason

Analysis of judicial opinions:

As the preceding, the magistrates have used two types of reasoning to deal with the case. In a few claims in the independent judgments of the General Court of Appeal for a change of name petition, in one of its arguments, the name was rationally and reasonably regarded and stated: The name is essentially a personality and its constituent elements. Whenever the sensible person feels a lack of emotion in his or her personality, he or she must reasonably and have the right to act on his or her own accord and in accordance with the personality.

In spite of such citations, it should be noted that independent reason cannot be invoked in the process of voting as a reason for citation, because first of all, the function of independent reason is to issue a general verdict and to apply the verdict on the issue from the circle. The function of this intellect is separate. Secondly, the independent reason is not recognized as a source of law resources and cannot be independently documented. In family law, there has been a demand for alimony in cases where independence has been addressed, and prosecutors have ruled on it. Regarding the alimony lawsuit in which a wife has claimed no alimony after five years of marriage, it is said: "Mystically and rationally it is unlikely that a woman has been without alimony since 2006 and has been left without alimony and will To act on it." However, as is clear, the reference to reason in this vote means the present in jurisprudential terms, and in such cases, the term in the jurisprudential term is used in such cases, which is the appearance which is ruled by Hegel (Posner: 1986).

Therefore, reason in this vote is not only used in the sense of independent reason but in a sense other than reason. It is probably because of these arguments that the reference to independent reason has not been favored by the judges in the judiciary and especially in family law. On the other hand, there is no doubt about the wisdom of the instrument and the use of inference and the authorization of these tools, and the only way to get a vote is to use these tools correctly, such as verbal and practical principles.

The usage of the wise is more than the independent reason of the magistrates and has been taken into consideration by the terms of logic, logic of reason and method of reasoning. The distinction of Diyat for material and spiritual damages and the ruling on payment of material damages in addition to Diyat has been invoked as a rationale. And some other courts have also documented the ruling to compensate for intellectual damage. In criminal law, in a personal case, in order to prevent future harassment, he threatened the other party, and the court did not condemn him, saying that "emotions and rationality give him the right, or in other words, if it is not lawful." The rational building has appealed.

An examination of the quality and validity of citation to Sireh in family law involves understanding the relationship between custom and cure. The reason for this is the acceptance of custom as one of the legal

sources. Thus, if the relationship between custom and *sire* is considered to be an absolute, specific and absolute one, the reference to *sire* means to refer to a branch of custom that is rational, justified in discovering a subject such as custom. On the other hand, if the relation of *sire* and custom is regarded as my own, the reference to *sire* in the community is the reference to the custom which, if the rules of citation are observed, is legally the source of the work and otherwise, the ability to cite *Sire* does not exist. In the distinction zone, the circumstance can be invoked only when all the criteria, including the realization of the external conduct according to the circumstance, were fulfilled by the scholar at the time of the scholar, or at least there was no rational practice at the time of the jurist, and were rejected in both cases. Rational conduct and conduct cannot be proved by reason. Obviously, finding *Sire*'s circumstance unavoidable, given that the main task of the magistrates is to apply the case to the verdict and not to the judgment in the Appeal Judgment, thus citing *Sire* in many cases is incorrect (Mabey et al.: 1994).

According to this foundation, in addition to family rights, the ruling on compensation for spiritual damages is incorrect in reference to the principles of reason. On the one hand, as to the principle of material realization, as stated above, the necessity of compensation in all legal systems and countries should be established by the judge, and on the other hand, on the basis of the realization, the innocent signature or at least their rejection on the issue must be fixed. To be sure, proving such a thing, if not impossible, is simply not Missouri. In discussing threatening the other party in order to prevent future harassment, the elements of citing either the assumption of absolute authority or my assumption were not entirely valid, and besides the aforementioned drawbacks, even custom threatened the other party. Family law claims should also be based on the facts of the case. Therefore, it is not possible to refer to the *sire* in the necessity of alimony or the presidency of the family by the man, because the realization of the *sire*'s pillars is an unfinished matter, and this prevents him from resorting to the *sire*. However, in cases such as violating the principle of presidency in the family and the condition of both parties that the head of the family is absent, such a condition may be invalidated by reason of opposition to the rational course (Phillips & Piazza: 1982).

4. CONCLUSION

Dealing with rational reasoning from the point of view of accuracy is subject to the explanation of the reason and its kinds. Although the use of reason is widely traced in the writings of legal writers, nevertheless, in the family law system, when independent reason is invoked by judges, it faces problems such as the generality of reasoning and the lack of precise explanation of its position. On the other hand, if the instrumental aspect of the reason is invoked, it is in the form of inferential methods and techniques that have long been the subject of universal wisdom in litigation. Such use of reason is not only visible in family law but in the overall legal system as a whole. The usage of the wise is more than reason in the writings of jurists, yet its limits and limits have not been specified in the legal system and have evolved into different legal interpretations.

However, this trend in family law necessitates adherence to the system of principles that underpin the principle that the relationship with the customer is recognized in the text, as discussed in detail in the text. Therefore, in the current state of the legal system, and especially the family law, although it has been used in some rational and rational means, however, these citations have not been followed in many cases due to lack of specific criteria and limits. Cases, in addition to counterfeiting a new term such as *rationale* and *rationale*, can be cited in terms of citation. This disadvantage has led some prosecutors to resort to other arguments, in addition to reasoning and reasoning, to prevent a higher court from violating a ruling. On the other hand, in cases such as proving the existence of a boss in the family and invalidating the opposite, invoking the *rationale* can be the prosecutor's full reason.

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BIODATA

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Problems of determining child support obligations in Russian and American

Problemas para determinar las obligaciones de manutención infantil en la legislación rusa y estadounidense

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ABSTRACT

The article analyzed the laws of the United States and the Russian Federation in order to determine the key points of protecting the interests of minor children in the divorce of their parents. The purpose is a comparative examination of theoretical and practical problems of the implementation of child support obligations of parents in Russia and the United States. The authors used a combination of philosophical, general and private, scientific methods of cognition of theoretical and empirical material, considering historical, political, and national characteristics. The study has allowed identifying some significant problems.

Keywords: Child Support Obligations, Comparative Examination, Divorce, Scientific Methods

RESUMEN

El artículo analizó las leyes de los Estados Unidos y la Federación de Rusia con el fin de determinar los puntos clave para proteger los intereses de los menores en el divorcio de sus padres. El propósito es un examen comparativo de los problemas teóricos y prácticos de la implementación de las obligaciones de manutención infantil de los padres en Rusia y los Estados Unidos. Los autores utilizaron una combinación de métodos filosóficos, científicos generales y científicos privados de cognición de material teórico y empírico, considerando características históricas, políticas y nacionales. El estudio ha permitido identificar algunos problemas importantes.

Palabras clave: divorcio, examen comparativo, obligaciones de manutención infantil, métodos científicos

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1. INTRODUCTION

Child protection and creation of a positive environment for them to ensure effective intellectual, moral, and physical development should be a priority for their parents. It is necessary to recognize that when the family breaks up, the obligation to provide for the material support of children in practice is more often fulfilled by only one parent with whom the children live. The bleak statistics of various countries lead to the conclusion that evading the obligation to provide material support for children is becoming common throughout the world. In Russia, the strengthening of support enforcement measures for children. For non-payers did not bring the expected result. The Federal Service of Bailiffs forcibly recovered more than 15 billion rubles in 2018. However, the amount of uncollected debt for child support remains significant – over 30 billion rubles (Imbrogno et al.: 1990). The situation with fulfilling child support obligations in the USA is not that simple as well. According to statistics, less than 50% of children receive child support in full (Rosettenstein: 2008), even though the federal and state legislation of the USA imposes quite severe penalties for non-payers of child support.

Following the Constitution, family regulation matters are the responsibility of the states in the USA. However, considering that family protection is a top priority for the government, regulation of these issues is ensured to a certain extent by federal legislation. It is at this level that basic standards to ensure the protection of children and families are established, and subsequently, these standards are reflected in state law. A systemic violation by a parent of the obligation to support a child and all kinds of evasion of payments or the use of various ways to reduce them is considered a federal offense (Khazova: 2005).

Child support payments for many parents raising their children after a divorce are often the only source of income. Ensuring an adequate upbringing, the moral and physical health of a child does not allow the custodial parent to pay more attention to their own career and education; all their free time is dedicated to raising a child. Thereby, the income of such a parent is not significant. In cases like this, the non-fulfillment of the obligation to support a child by the second parent is an act that endangers the child's life and health. It is commonly known that one of the main tasks of family legal regulation is to build family relations based on mutual assistance and responsibility to the family of all its members. A special place in solving this task is occupied by child support obligations, first of all by the obligations of parents to support minor children, seeing as not only the physical, mental, intellectual and moral development of children depend on their proper implementation, but also the spiritual potential of Russian society and the economic development of the country.

Having proclaimed that the state protects family, motherhood, and childhood, the Russian Constitution established that caring for children is an equal right and obligation of the parents. The Family Code repeatedly indicates that not only material responsibilities for child support are assigned to parents, but also responsibilities for the child's upbringing, education, and development. As the Family Code emphasizes, ensuring the interests of children is a matter of primary concern for their parents. The need to consider, above all, the level of well-being of a child when resolving issues of the support of minors was repeatedly emphasized in the documents of the United Nations. That being said, the term "well-being" means not only the level of material well-being but also the matters of intellectual and moral development, care, and communication (Carlson: 2009).

However, when defining the well-being of children as a priority in determining child support obligations, it is necessary to consider the full set of many important factors of creating a harmonious social environment. This means the need to maintain a balance of interests and financial opportunities of ex-spouses, profession, health status, occupation, efforts made by a parent to provide for their children, etc. The Family Code of the Russian Federation, adopted in the era of economic and political transformations in 1995, unfortunately, does not consider these factors and does not reflect the realities of modern society. The mechanism of child support obligations enshrined by the Code boils down only to the transfer of funds by the obligor in statutory interest

rates without taking into account the responsibilities of parents to ensure the moral and physical development of a child and the provision of proper care for them.

Meanwhile, these responsibilities are important for the harmonious upbringing of a child. Even the novelty of the Russian Family Law on the right of parents to conclude a child support agreement does not allow parents to voluntarily regulating the execution of other parental duties other than paying child support. The one-sided perception by the Russian Family Law of the child support obligations of parents after divorce only through the prism of paying money does not meet the interests of the child in the first place since after the divorce the parent with whom the child does not live is excluded from the normal life of the child. The child requires care and attention from both parents, even after divorce (Caswell: 1998). The absence of a legal mechanism for regulating non-material child support obligations is a significant obstacle to ensuring the well-being and harmonious development of minor children after the break-up of the family. In this regard, the approach of the American lawmaker is a topic of great interest, since it considers all the circumstances of the involvement of the non-custodial parent in the child's life when determining the amount of child support. It encourages the participation in the children's life by flexible regulation of the amount of payments, and reducing the amount of child support for parents who pay more attention to development, education and care for their children.

It must be recognized that the current system of child support in Russia needs to be reformed, new tools and mechanisms that contribute to the maximum realization of each child's potential, create conditions for a decent life perspective and self-realization in the future must be introduced (Bradshaw et al.: 1993). In search of effective methods, the US experience is useful, having accumulated significant positive and negative experience in the legal regulation of child support obligations and social support of children in the market economy conditions.

2. METHODS

This study was set up and carried out to systematize and examine the problem that is typical not only for the Russian Federation, but for foreign countries as well, and to search for effective methods of protecting the interests of minor children during the break-up of the family (Gay & Palumbo: 1998). In modern conditions of the development of migratory mobility of the population and increase in the number of intermarriages, it is necessary to develop academic knowledge that allows studying legal problems on the base of positive and negative international experience. Erasing borders between countries in the academic environment allows not only to learn foreign legislation, but also to improve our own, considering national, historical, and economic characteristics, as pointed out by jurists in such works as Del Boca & Flinn (1995).

The present study used general information about existing approaches to determining child support obligations from the works of such authors as Nepomnyaschy (2007) and others.

The study of the works of Russian academic jurists (Parfentiev: 2008) and others made it possible to provide a comprehensive analysis of the existing approaches in Russia to solving the problem of determining the mechanism for ensuring the child support during the break-up of the family.

Studies of judicial practice in Russia and the United States have allowed identifying the real problems of child support provision and the main trends in the judicial interpretation of legal norms.

3. RESULTS

The concept of child support obligations:

The Family Code of the Russian Federation establishes the obligation of parents to support their minor children. In case of divorce, one of the parents is obliged to pay child support for the maintenance of a minor child to the parent with whom the child resides, in line with the concept of "alimentum" dated back to ancient Roman law, which meant "maintenance" or "dependence". At the time, "alimentum" pertained to the obligation of the state to provide a livelihood for orphans and children from underprivileged families. In the Russian context, despite some notable differences in legal approaches, the provision of maintenance is never disputed. For example, Nadezhda, (2005) defines child support as a special kind of public obligation with a complex specific subject composition based on mandatory norms of family law.

On the other hand, Walker (2015) emphasizes that the institution of child support obligations is the basis of the support of family members and the manifestation of "care" as a specific aspect of family relationships. Developing this thought, Nechaeva points out that the monetary aspect of child support is not the primary manifestation of these obligations, as the main aim is to "care" for the development of the child. However, not all academics adhere to this point of view. For example, Savel'ev is of view that child support primarily relates to funds allocated for the maintenance of the child, whereby the amount reflects the degree of participation in the child's life and development (Del Boca & Flinn: 1995). Given these disparate perspectives, a more comprehensive approach is needed to define child support obligations. A distinctive feature of child support obligations concerning minor children is predetermination in the law and the relevance exclusively to family relations. As provided by Art. Forty-seven of the Family Code of the Russian Federation, parental rights and obligations are based on the parentage of the children, which is confirmed in the manner prescribed by law. Therefore, even despite the existence of particular family ties, an agreement on the payment of child support from an uncle to a minor nephew, from a cousin to a minor second cousin, from a man to a child with unknown paternity, etc. cannot be attributed to the child support obligations. These stipulations would imply that the payment of child support is a form of manifestation of parental "care." However, care is defined as a thought or activity aimed at the well-being of the child and thus broader in scope than a mere provision of child support. Following Art. Sixty-three of the Family Code of the Russian Federation, parents are obliged to take care of the health, as well as the physical, mental, spiritual and moral development of their children. The child support payment, in the amounts formally determined by law, is the fulfillment of an obligation, reinforced by the possibility of the coercive measures against the violator applied by the state. While some may argue that the amount of child support is a secondary factor in the child support obligation, under the law, the parent is obliged to ensure the well-being of the child, including his or her material welfare.

Thus, the child support payment contributes to the development of the child, given that failure to provide adequate child support can result in inferior medical care as well as suboptimal living conditions. Therefore, the quantitative aspect of child support is a manifestation of improper fulfillment of the obligation to maintain a minor (Khazova: 2005). Of course, even when the amount of paid child support is small, many factors need to be considered, such as the degree of parent's participation in the life of the child, the child and parent state of health, etc. However, irrespective of the circumstances, the interests of minor children must be a priority, due to which legally capable adult citizens are obliged to balance their actions with the interests of their children above everything else (Parfentiev: 2008).

In the USA, the term "alimony" is mainly used in relation to payments made to spouses or parents, whereas "child support" refers to financial obligations toward children. Uniform Interstate Family Support Act Part 1, Article 5-B of the General Provisions defines "Duty of support" as a legal obligation to support a child, including financial support, medical care, education, and development.

The Family Code of the Russian Federation uses the terms of maintenance and child support quite inconsistently. For example, Art. 80 of the Family Code of the Russian Federation states that parents have

the right to determine the conditions and form of child *maintenance* independently; otherwise, they will be determined by the court (Art. 80 of the Family Code of the Russian Federation). However, the Code further states that if parents do not provide the child with maintenance, then funds (child support) for the maintenance of the child will be collected in court. Thus, it turns out that child support is not maintenance, but funds for maintenance recovered in court. Therefore, as follows from Art. 80 of the Family Code of the Russian Federation, voluntarily determined funds for children are considered maintenance. This is the position taken by several Russian jurists (Caswell: 1998). However, it is refuted by a comprehensive study of the norms of the Family Code. Chapter 16 of the Family Code of the Russian Federation defines the conditions and form of the voluntary maintenance of minors. In this chapter, the legislator establishes a special form of family law agreement – an agreement on the payment of *child support* (Chapter 16 of the Family Code of the Russian Federation).

Art. 60 of the Family Code of the Russian Federation indicates that child support is a source of funds transferred to parents or parties for the maintenance, upbringing, and education of a child. It appears that child support, along with other types of income sources, is related to the maintenance of the child but is not identical to it, and the maintenance of the child does not include upbringing and education of the child. Such inconsistent use of terminology in the Family Code leads to an actual narrowing of the responsibilities of one of the parents after the termination of the marriage. After all, if a parent's obligation, established after the divorce, is only to pay formally defined child support without consideration of the child's needs for physical, moral and intellectual development, then the fundamental postulates of family-parent relations —the equal responsible participation of parents in raising the child — are violated. The approach enshrined in the legislation, in essence, relieves one of the parents from the parental responsibilities in case of the divorce, allowing only to fulfill the obligation to pay part of the income without taking into account the real needs of the child and the obligation to develop the child and care for him or her.

Thus, it can be concluded that the term "maintenance" is broader than it seems, it includes not only funds for the maintenance of the child or other types of assets, but any assets that allow for the harmonious upbringing, development, and life of the child, manifestation of "care." It can be an apartment for living and recreation, equipment for the child's development or hobby, property rights, washing the child's clothes, bringing him/her to a doctor's appointment, to school, taking walks, etc. Child support obligations are narrower and are sole of material nature. These obligations arise based on mandatory norms of family law; they are characterized by a complex subjective composition and by the element of publicity and are clearly defined by the state. Obligations on maintenance are fulfilled exclusively voluntarily and to the extent, determined independently.

Subjects of child support obligations:

The responsibility for the maintenance of minor children rests with their parents. This responsibility is unconditional and is not related to any circumstances, such as, for example, the child's place of residence, their citizenship, poverty, or financial well-being of the parent. The basis for child support obligation is the fact of blood relations. The rights and obligations of parents and children arise from the parentage of the children, certified in the manner prescribed by law. The information is presented in paragraph 29 of the Resolution of the Plenum of the Supreme Court of the Russian Federation No. 16 of May 16th 2017.

The fact of kinship can be refuted in court. However, in special cases in the interests of the child, in the presence of existing moral and emotional ties, long active participation in life and upbringing, the lack of blood relation will not prevent the court from recognizing the fact of kinship between the child and the parent. Then, despite the lack of biological connection, parental responsibilities and rights are preserved, while maintaining the legal status and documentary evidence of paternity. To illustrate, the Kirovsky District Court of Volgograd (case No. 2-2962/2016) deemed the case concerning the suit of citizen H. on the recognition of the agreement relating to the payment of child support invalid.

In the lawsuit, citizen H. indicated that he was misled by the mother of the child regarding his paternity. The child was born in marriage. Before the divorce, considering the boy to be his son, citizen H. has concluded an agreement on child support, in which he assumed the obligation to voluntarily pay funds for the maintenance of the child, his vacation as well as medical treatment. However, later, after a genetic examination, it was established that he was not the father of the child, and the birth record was amended following the court decision. The court, having considered all the circumstances of the case, declared the child support agreement invalid, thus indicating that child support obligations cannot be imposed on a person who has no kinship with the child.

Child support obligations can be assigned to other family members as well as parents. For example, Articles 93 and 94 of the Family Code of the Russian Federation establish that the court may impose the responsibility for the maintenance of minors on relatives of the second degree, i.e., grandparents and siblings. The Supreme Court of the Russian Federation emphasizes that the maintenance obligations of grandparents for the support of grandchildren are similar to those of non-disabled adult siblings for the support of their minor and disabled adult siblings. The payments made under these obligations are exacted when the fact of need is established, or in cases where it is impossible to receive support from parents, but possible to receive support from relatives. These people can be held liable for the performance of obligations as secondary parties if it is impossible for immediate parents to fulfill their obligations. This is attributed to the abstractness of the minor's right to receive child support from secondary obligors, which can be transformed into a specific obligation only based on a judicial act (Bradshaw et al.: 1993). A child support agreement concluded with these parties outside of judicial confirmation becomes a civil transaction and will lack the full power accorded by the Family Code. In other words, the enforcement of such an agreement will be possible only after receiving a judicial execution writ.

Of course, while analyzing the assignment of maintenance obligations to non-parents, the following question arises: what is the basis on which additional obligations are imposed on them? Parents of a capable adult citizen cannot be held responsible for his or her decision to give birth to a child. If the transfer of maintenance obligations to grandparents can be somehow explained by the liability to bear responsibility for the insufficient upbringing of their own child, then the legislator's decision to assign maintenance obligations to the siblings defies any logical explanation. Child family relationships are individualized and relative, built on the personal relationships of specific entities. Relativity of relations means that, with a certain expression of will, one entity gains the right and the other one – obligation. Brothers and sisters are not bound by any obligations; each of them makes their own independent decisions for which he or she must be responsible. The inability of one of the parents to pay child support is more likely the fault of the other parent, who did not make the right choice of a partner, and certainly not the fault of brothers (sisters) of the child.

Therefore, it is impossible to explain the legislator's approach to shifting maintenance obligations to second-degree relatives otherwise than by the state's reluctance to provide materially for children in need. In addition to the irrationality of this position, it is also worth noting the social danger of such a legal philosophy, which actually encourages the unwillingness of citizens to take a responsible approach to the questions of choosing a spouse and having a baby, and allows to avoid the negative consequences arising from it.

Several experts believe that the involvement of second-degree obligors is necessary when the funds paid by the parent are insufficient to protect the interests of a minor child. Thus, the presence of even an indirect kinship is the basis to bear the burden of maintaining a child. It seems that such an approach was justified during the tribal clannish social structure, but today the assignment of responsibility based on "blood" seems to be an atavism. However, the Russian courts also adhere to this position. An example of that is the decision of the Justice of the Peace in the Leninskiy district of Makhachkala, who exacted child support for a disabled child from the grandmother. The lawsuit was filed by the mother, who, as a justification for her claim, had indicated that she had three children from different fathers. The father of the child in question was sentenced to imprisonment and the woman could not help either her or her child. She could not work, since taking care of three children took up a lot of her time. Higher courts have confirmed the legality of placing the child support

obligation on the grandmother, indicating that solving the difficult financial situation of the mother is possible only with the help of an obligor of the second-degree.

The Judicial Collegium for Civil Cases of the Supreme Court of the Russian Federation canceled the decision of the Egor'evsk City Court of the Moscow Region of November 21st. 2011, which refused to exact child support from the grandfather. The determination indicated that Citizen L. filed a lawsuit against her ex-spouse A. to increase the amount of the collected child support from 1/3 of all types of earnings and other income, but not less than 6,000 rubles monthly, up to 1/2 of earnings, but not less than 15,000 rubles monthly. In support of her claim, the plaintiff pointed out the insufficiency of funds recovered by court order for the maintenance of two children, one of whom is disabled. It was also emphasized that due to childcare, the mother could not work. In case the payer lacks the funds, she asked to transfer the apartment belonging to the defendant to her own to improve the children's quality of life. The Egor'evsky District Court dismissed the plaintiff's claim, indicating that the defendant's earnings were 11,159 rubles per month. At the time of the consideration of the case, citizen A. was registered in the state institution "Egor'evsky Employment Center" of the Moscow region as an unemployed person, and he was provided with a minimum unemployment compensation of 850 rubles. Thus, the defendant paid child support in an amount even exceeding the amount established by law. The court did not establish grounds for transferring responsibility for the payment of child support to grandfather since the father is a non-disabled citizen, capable of work. Besides, the presence of two children does not preclude the mother from working. Parents have equal responsibilities for the maintenance of children, and therefore the mother must also make a material contribution to it. The Supreme Court of the Russian Federation did not agree with this position, limiting itself to the establishment of formal matters without analyzing the causes of mother's unemployment and father's low income. Having established the fact of the need of children and the insufficient income of the father, the court indicated the need for the court of first instance to consider the possibility of collecting child support from the grandfather, who has an income in the form of pension and additional irregular earnings.

The situation seems rather absurd: the obligation to support the children of his adult, able-bodied, capable son is shifted to a citizen of advanced years, while the mother of these children is also able-bodied, but does not take any efforts to earn any income, not only for her children but even for herself. Furthermore, the court does not consider the fact that the amount of pension in the Russian Federation is not enough to satisfy the basic needs of the retiree, and the maintenance of grandchildren means a significant drop in the grandfather's standard of living. This approach encourages the infantilism of parents who do not want to make efforts to provide for their children.

In the USA, as well as in Russia, parents are the main subjects of child support obligations. As the California Family Code points out, a parent's primary obligation is to support their underage children in accordance with the circumstances and life situation of the parent. The Idaho Guidelines emphasize that both parents are responsible for the maintenance of the child, considering their property and marital status. The father and mother must support a minor child.

California Family Code clearly indicates in section 3930 that the parent is not required to support the child of his/her child. However, there are exceptions to this rule, for example, the responsibility for the maintenance of a minor child is transferred from the minor parent to his/her parents, i.e., grandmother and grandfather are required to support a minor grandchild, bearing full responsibility for him/her instead of their child. They will fulfill obligations to ensure the maintenance of the grandson until his father (mother) reaches the age of majority or undergoes the procedure of emancipation. It must be emphasized that they can be assigned only the obligation to provide material support for the child based on established standards of life, and the assignment of the obligation to raise and develop the child (grandchild) is unacceptable. The North Carolina General Statutes emphasize that if a child has a minor parent; second-degree relatives (grandparents) are obliged to pay child support for their grandchild. It is noteworthy that, as a rule, relatives of both the father and

the mother are responsible for the maintenance of the grandchild. In fact, the payment of child support will be from both parties, even if only one parent is a minor.

However, the court can take into account the totality of all factors and, in exceptional cases, assign the responsibility for the maintenance of grandchildren only to the parents of the father or the mother. Upon determination of the amount of child support, the court, in the interests of the child, may oblige grandparents to provide any separate property in favor of the grandchild, usually; it is in reference to real estate or the right to receive an income. It is noteworthy that this provision may not stop after the parent of the grandchild reaches the age of majority. However, if the child's parents are legally capable citizens, the collection of child support from grandparents in favor of the grandchildren is possible only if the relationship "Loco parentis" is established. This fact is determined by the court not only on the basis of cohabitation or temporary guardianship but also on the basis of prevailing relationships, performed duties, moral and emotional connection.

The amount of child support:

The Family Code of the Russian Federation in article 81 imperatively establishes the necessary level of child support, to which the payer is obliged. At least one-quarter of the parent's earnings and (or) other income is paid monthly for one child, one third for two children, and half the income for three and more children. Based on the mutual content of the parties, the amount of child support can be increased and even exceed the amount of monthly income. For example, the Supreme Court of the Russian Federation in its Review of Practice points to a court decision, according to which the validity of a child support agreement with a fixed amount of child support for three minor children for 300,000 rubles was recognized when the father earned 200,000 rubles.

Considering the lawsuit of the JSC "The Bank of Moscow" on the recognition of an agreement on the payment of child support for 70% of earnings as invalid, the court indicated that the well-being of children should be a priority for the parties of the agreement. It was difficult to recover funds for a loan obligation because of it. After the divorce due to the mother's unemployment, child support was the only source of income, and therefore, to maintain the level of child's well-being, the parties were entitled to establish such an overestimated amount. In exceptional instances, considering the material or marital status of the parties and other noteworthy circumstances, the maintenance of a child may be established by the court in an amount less than that established by law. The Supreme Court of the Russian Federation clarified that the circumstances that allow reducing the amount of child support are low wages and poor health of the payer.

Alternatively, the high level of income of the payer can also be the reason for reducing the legally determined amount of child support. In this case, considering the discrepancy between the amounts paid and the necessary funds to meet the reasonable needs of the child, payments are made in a fixed amount with consideration of the Federal Law of October 24th, 1997 No. 134-FZ "On the Subsistence Level in the Russian Federation." The Supreme Court had indicated that a high level of income of a parent, who pays child support, is not an unconditional basis for reducing the amount of child support, but if there are a number of circumstances that make it possible to conclude that the funds paid are excessive, a reduction in payments is permissible.

It should be noted that the issue of reducing child support in case of a high income is relevant in the United States. Recently, judicial practice on this issue has changed. Previously, the courts (in the states where a Percentage of Income model for calculating child support was established) relied upon the unconditional obligation to pay child support in the amount established by law. For example, the New York State Court of Appeals indicated that by virtue of the New York Child Support Standards Act (CSSA), a parent who earns higher income is required to pay another parent more to ensure that both parents have an equal standard of living. When the parent's standard of living is improved, it, in turn, improves the child's standard of living. A significant amount of child support should help minimize the differences in the children's standard of living, whether they reside with the mother or the father. When determining the amount of child support, the cost of food, clothing, accommodation, medical care, and proper education should be considered. The maintenance

of children is not limited only to things necessary for their life. It extends to other things necessary for their well-being with due regard to the social status of their family, the customs of the social circle in which they were brought up and lived before the family broke up and lived in the present time (or can live), and other conditions.

However, in recent years, the courts' approaches to determining the amount of child support are changing. For example, while considering the case *Diane P. Rich v John W. Rich*, the Superior Court of Pennsylvania pointed out that the Pennsylvania Family Law requires determining the reasonable needs of children separately from the needs of the parents with whom they live. Because the mother has assets of lower cost and does not have any income, the children's standard of living is lower when living with her than when living with the father. However, her financial resources and the reasonable amount of child support established by the court make it possible to provide children with comfortable development and maintenance. Ensuring an adequate standard of living does not mean equal living conditions for divorced parents, but indicates adequate conditions of maintenance.

While considering the case of *Lynne S. Ayres v John D. Ayres*, the Wisconsin Court of Appeals noted that the strict adherence to child support standards would be unfair and unreasonable to one of the parents. A large amount of child support, which exceeds the amount necessary to maintain the standard of living that children had before the divorce, will be harmful to them and will be targeted not at their reasonable maintenance, but rather at the satisfaction of the financial needs of the former spouse. An interesting decision was made by the North Carolina Court of Appeals in the *Brind'Amour v Brind'Amour* case. The ex-wife filed a lawsuit to recover child support in a larger amount than was prescribed by law. As a justification, she pointed out that it is necessary to maintain the children's standard of living on the same level, as before the divorce, which includes the allowance of the nanny, renting a car for the nanny, organizing holidays and vacations for children, expensive housing, private school, buying expensive clothes and accessories. The court had carefully analyzed all the parties' arguments and concluded that there is no need for a nanny, since the mother has a flexible work schedule, and the children are with her only 60% of the time. There is also no need to provide a car for the nanny since the former spouse has a car.

Meanwhile, the father adhered to the sensible position that it is necessary to teach the children frugality and modesty, despite his high income. When the children live with him, their expenses are significantly lower, while the quality of life is still adequate. His children enjoy benefits that are not available to most, i.e., expensive comfortable housing, traveling, extracurricular educational programs, high-quality education, sports, art, theaters, shows, museums. The mother and the father disagree on the lifestyle for their children. In joint custody, parents make decisions regarding important issues that affect the life and health of their children together. Everyday decisions, such as babysitting, cars, entertainment, extracurricular activities, are made by the parent with whom the child resides at the time, therefore, nannies, holidays and traveling must be paid by the parent with whom the child spends the time. A different approach means a discriminatory transfer of obligations from one parent to another and a veiled satisfaction of the financial needs and ambitions of the ex-spouse under a pretext of maintaining a child.

4. CONCLUSION

The study shows that the problem of ensuring the well-being of minor children after a divorce is an urgent problem in Russia and the USA. The transfer of the larger half of parental obligations to the parent with whom the child remains is characteristic of many countries. The reduction of child support obligations only to the payment of the financial allowance negatively affects the upbringing and development of the child. The lack of criteria that help to consider the contribution of parents to the upbringing, physical, and moral development of the child, is a significant gap in Russian legislation. As the study shows, establishing the obligation of the court to consider the factors of parental participation in the daily life of a minor child, even with the percentage

formula for calculating child support, is an effective legal mechanism to encourage active participation in a child's life and harmonize family relationships, even after a divorce. Such an approach would also correspond with the main point of the Russian family law that indicates equal participation of parents, in the maintenance and development of children. It would allow for comprehensive protection of the interests of the child not only in material, but also in spiritual, social development, fair distribution of responsibilities for raising a child between parents and achievement of tasks of family law. This approach would also eliminate the existing contradiction between the principles declared by the Constitution of the Russian Federation and the Family Code of the Russian Federation and legal acts governing the establishment of child support obligations.

In the context of a market economy and a widening income gap between citizens, the Russian legislator needs to establish reasonable minimum standards for expenses for food, accommodation, clothing, healthcare, school and extracurricular education, development of abilities, and leisure. Guided by these standards, the court will be able to determine a fair amount of child support. The consolidation in the Family Code of the Russian Federation of a general rule on the right of the court to reduce (increase) the legally determined amount of child support creates legal uncertainty, reduces guarantees for the protection of children's rights, and leads to the creation of conflicting judicial practice. In this case, the guidelines for the calculation of child support developed because of long practice and adopted by the USA based on federal standards for providing for children, are very useful for improving Russian law.

Given the specifics of the state, social and economic structure of Russia, it would be reasonable to consider the following factors when determining the amount of child support:

- The parents' income;
- Their needs and responsibilities;
- Their possibilities in generating income and participating in the life of the child;
- Reasonable requirements for childcare, education and upbringing with due regard to child's physical and psychological state, special abilities of the child that were developed and encouraged before the divorce.

It seems that the consideration of the proposed factors while calculating the amount of child support in Russia will best ensure the standard of the well-being of children in case of a divorce.

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UTOPIA Y PRAXIS LATINOAMERICANA

Revista Internacional de Filosofía Iberoamericana y Teoría Social

Centro de Estudios Sociológicos y Antropológicos (CESA)
Facultad de Ciencias Económicas y Sociales
Universidad del Zulia. Maracaibo-Venezuela

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Utopía y Praxis Latinoamericana (Latin American Utopia and Praxis): Is a periodic, tri-monthly, arbitrated journal which is indexed on a national and international level, and edited by the University of Zulia (Maracaibo, Venezuela) in the Center for Sociological and Anthropological Studies (CESA) ascribed to the Faculty of Economic and Social Sciences, and financed by The Scientific and Humanistic Studies Council (CONDES) at the same University. All contributions requested and/or received must be original unedited papers. No contributions will be accepted that are simultaneously being offered for publication in another journal. The thematic areas that define the profile of the journal are included in the following generic areas of Spanish American and Latin American thought: Latin American political philosophy, the history of ideas, the philosophy of history, epistemology, social science theories and methodology, social, political and philosophical anthropology, ethics and pragmatics, philosophy and inter-cultural dialogue, the philosophy of liberation, contemporary philosophy, gender studies, and post-modern theories. The sub-categories in each area will be defined by the Editorial Committee with the help of its respective national and international advisors in order to establish the pertinence of the papers presented for publication.

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ii) BERNARD, B (2001). "El eterno retorno de una Filosofía Antihegemónica", en: *Estudios de Filosofía del Derecho y de Filosofía Social*. Vol. II. Libro Homenaje a José Manuel Delgado Ocando. Tribunal Supremo de Justicia. Colección Libros Homenajes, n°.4. Caracas. pp. 211-251.

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Los especialistas encargados del arbitraje deben tomar con especial consideración, sin que esto menoscabe su libertad para evaluar, los siguientes aspectos que se enuncian, al momento de realizar la lectura, con el fin de lograr la mayor objetividad posible en su dictamen. Se trata pues de confirmar la calidad del artículo científico que está en consideración.

1. El nivel teórico del trabajo

Se considerará el dominio conceptual y argumentativo de la propuesta del trabajo. Especialmente, hacer evidente en el artículo presentado contextos teóricos pertinentes que permitan situar el tema y su problemática. Esto anula el grado de especulación que pueda sufrir el objeto de estudio.

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Se considerará la coherencia metodológica del trabajo entre la problemática propuesta y la estructura lógica de la investigación. Sólo un buen soporte metodológico puede determinar si hay suficiente coherencia en torno a las hipótesis, los objetivos y las categorías utilizadas. Esto anula cualquier rasgo de asistematicidad de la investigación.

3. Nivel de interpretación del trabajo

Se considerará el grado interpretativo de la investigación, sobre todo en las de carácter social o humanístico. Esto cancela cualquier discurso o análisis descriptivo en la investigación, y permite poner en evidencia si el trabajo presenta un buen nivel reflexivo y crítico. Además, el trabajo debería generar nuevos postulados, propuestas.

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