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DAUGAVPILS UNIVERSITĀTES 60. STARPTAUTISKĀS ZINĀTNISKĀS KONFERENCES RAKSTU KRĀJUMS

PROCEEDINGS OF THE 60th INTERNATIONAL SCIENTIFIC CONFERENCE OF DAUGAVPILS UNIVERSITY

B. DAĻA. SOCIĀLĀS ZINĀTNES

PART B. SOCIAL SCIENCES

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Daugavpils Universitātē docētāju un studējošo zinātniskās konferences notiek kopš 1958. gada. Konferencēm ir starpdisciplinārs raksturs un tajās piedalās gan studējošie, gan docētāji, gan arī ievērojami zinātnieki no dažādām pasaules valstīm. Daugavpils Universitātes 60. starptautiskās zinātniskās konferences pētījumu tematika bija ļoti plaša – eksaktās, humanitārās, izglītības, mākslas un sociālo zinātņu jomās.

Zinātnisko rakstu krājumā ***Daugavpils Universitātes 60. starptautiskās zinātniskās konferences rakstu krājums = Proceedings of the 60th International Scientific Conference of Daugavpils University*** apkopoti 2018. gada 26.–27. aprīlī konferencē prezentētie materiāli.

Daugavpils Universitātes 60. starptautiskās zinātniskās konferences rakstu krājums tiek publicēts 3 daļās: A. daļa. *Dabaszinātnes*; B. daļa. *Sociālās zinātnes*; C. daļa. *Humanitārās zinātnes*.

The annual scientific conferences at Daugavpils University have been organized since 1958. The themes of research presented at the conferences cover all spheres of life. Due to the facts that the conference was of interdisciplinary character and that its participants were students and outstanding scientists from different countries, the subjects of scientific investigations were very varied – in the domains of exact sciences, the humanities, education, art and social sciences.

The results of scientific investigations presented during the conference are collected in the collection of scientific articles ***Proceedings of the 60th International Scientific Conference of Daugavpils University.***

Proceedings of the 60th International Scientific Conference of Daugavpils University are published in three parts: part A. *Natural sciences*; part B. *Social Sciences*; part C. *Humanities.*

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THE RELATIONSHIP BETWEEN FINANCIAL ANALYSIS AND THE HISTORICAL DEVELOPMENT OF ACCOUNTING

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Abstract

The relationship between financial analysis the historical development of accounting

Key Words: *analysis, development, finance, methods, accounting*

Accounting records have existed for a very long time and appeared approximately when people started trading. Such accounting makes sense doing business, because then an organized system of accounting is needed to arrange and keep track of economic activities and their efficiency. The term accounting means an arranged system of collecting, registering and summarizing information organized in monetary terms on the company's property position, liabilities and their changes (cash flow) with the complete, continuous and documented accounting of all economic operations. The founder of the bookkeeping was Luca Pacioli, an Italian monk and mathematician who lived on the turn of the 15th and 16th centuries. The accounting system is characterized by high levels of unevenness and diversity in the course of historical development, depending on how the relevant developments have been and how they have been reflected in the accounting.

The science of financial analysis has developed relatively recently. Fundamental work on financial analysis is not up to the 20th-30th years of the 20th century. During this time, the analysis focused mainly on assessing the company's financial position and looking for funds to maximize profits. Financial analysis is an integral part of the economic analysis, to carry out the following analysis it is necessary to use by statistics summarized and in company accounting reports reflected information.

The aim of the research: to carry out research on accounting creation and historical development that stimulated the development of financial analysis as a science.

The fastest growing financial analysis is being experienced in the beginning of the 21st century, as world economic crises activated scientists' research focused on the search for analytical methods, and the rapid development of information technology and computer science for the processing of economic information enabled the basis for scientists' research in the field of financial analysis. It is important for each company to determine its financial position, to identify opportunities to improve existing financial management methods and improve the company's financial position.

Kopsvilkums

Atslēgvārdi: analīze, attīstība, finanses, metodes, uzskaite

Grāmatvedības uzskaite pastāv jau ļoti sen un parādījās apmēram tad, kad cilvēki sāka nodarboties ar tirdzniecību. Šādā uzskaitē ir jēga, ja veic uzņēmējdarbību, jo tad organizētā veidā ir nepieciešama uzskaites sistēma, lai sakārtotu un sekotu līdzi saimnieciskajām darbībām un to efektivitātei. Termins grāmatvedības uzskaite nozīmē, sakārtota informācijas savākšanas, reģistrācijas un apkopošanas sistēma naudas izteiksmē par uzņēmuma mantisko stāvokli, to saistībām un to izmaiņām (naudas līdzekļu kustību) ar pilnīgo, nepārtraukto un dokumentēto visu saimniecisko operāciju uzskaiti. Grāmatvedības uzskaites pamatlicējs bija Luka Pačoli itāļu mūks un matemātiķis, kas dzīvoja 15. un 16.gs. mijā. Uzskaites sistēmai vēsturiskās attīstības gaitā piemīt liela nevienmērība un daudzveidība atkarībā no tā, kādas ir bijušas attiecīgās norises un kā tās ir izdevies atspoguļot uzskaitē.

Zinātne finanšu analīze izveidojās salīdzinoši nesen. Fundamentālu darbu par finanšu analīzi nav līdz pat 20.gs. 20.-30. gadiem. Šajā laikā analīze bija vērsta pārsvarā uz uzņēmuma finansiālā stāvokļa vērtēšanu un līdzekļu meklēšanu maksimālās peļņas gūšanai. Finanšu analīze ir ekonomiskās analīzes sastāvdaļa, kuras veikšanai izmanto statistikas apkopoto un uzņēmumu grāmatvedības pārskatos atspoguļoto informāciju.

Pētījuma mērķis: veikt uzskaites tapšanas un vēsturiskās attīstības izpēti, kas stimulēja (veicināja) finanšu analīzes kā zinātnes attīstību.

Straujāko attīstību finanšu analīze piedzīvo 21.gs. sākumā, jo ekonomiskās krīzes pasaulē aktivizēja zinātnieku pētījumus, kas tika vērsti uz analīzes metožu meklējumiem un strauja informāciju tehnoloģiju un datorzinātņu attīstība ekonomiskās informācijas apstrādes iespēja veidoja pamatu zinātnieku pētījumiem finanšu analīzes jomā. Katram uzņēmumam ir svarīgi noteikt savu finansiālo stāvokli, identificēt iespējas pilnveidot esošās finanšu vadības metodes un uzlabot uzņēmuma finansiālo stāvokli.

Introduction

Today's accounting solutions are the result of historical development, based on the requirements of regulatory enactments, such as case law, statute law and, of course, tax regulation. Accounting is not a closed process; its development cannot be maintained within one country. As history shows, accounting records around the world originated and developed more or less simultaneously. Today's accounting is based on accounting standards and general accounting principles.

The aim of the research: to carry out the research of accounting creation and historical development, that stimulated (facilitated) development of the financial analysis as a science.

The research is based on the analysis of special literature and scientific publications on the historical development of the accounting and the development of financial analysis as a science.

The research uses general scientific research methods: the method of monographic or descriptive research and the method of comparison by carrying out a detailed study of the historical development of accounting records, based on a comprehensive review of scientific literature.

Discussion

The company's financial analysis allows an enterprise to determine whether an enterprise uses its financial resources effectively, allows it to predict possible financial results and, if necessary, develop measures to improve its financial position and make improvements.

In order for the company to be able to assess the economic performance and make the right decisions, in the given situation, it is necessary to obtain complete and timely information that reflects previous periods. This information is relevant for the company to determine the financial capacity for future periods. Accounting information is being used. Consequently, the main challenges of the financial manager in the 21st century are: technological advancement, business models are changing as competition grows, regulation and the resulting burden increases, demands for immediate information and transparency increase. The business needs more and more data and their skilful analysis, a strategic vision is needed.

Trends that are currently changing the world and affecting the function of financial management: demographic changes, changes in economic distribution, rapid urbanization, climate change and exhaustion of resources, technological breakthrough. It is important for each company to determine its financial position, to identify opportunities to improve existing financial management methods and improve the company's financial position. It is therefore important to carry out your company financial analysis.

Therefore, it is important for a company to know how much a company is solvent closing a fixed period of time.

Historically, accounting arose before the monetary economy - the era of barter economics.

Historical development stages of Accounting

(Source: Table created by the author, according to Sergejevs, 2018; Millere, 2008; Zariņa, 2007)

Time period	Motives	Place/scientists	Accounting objects
From the year 5000 until 4500 B.C.	There was a complex social relationship that created the need to list transactions and property rights.	Mesopotamia, China	Historians describe the purchase and sale records of grain. In Egypt, farmers used to pay for the use of the Nile waters for watering the fields by grains and flax.
From the year 3400 until 2980 B.C.	Checking the correctness of the received items (silver, bread).	In Egypt (a Russian scientist J.Sokolov drew a conclusion that in Egypt there was created a concept for an accounting system on individual pages and in natural units)	There were found the first records on the papyrus and they were related to the movable and immovable inventory lists.
From the year 2200 until 2150 B.C.	The law required traders to keep regular records; the church should have kept records within the national system, transferring money against the signature of recipient.	Babylonia	There were issued special laws governing the bookkeeping.
Year 630 B.C.	The ancient Greeks invented the coinage, which gradually affected the accounting.	Ancient Greeks	Zenon Papyri: a set of inventory registers.
Year 256 B.C.	Controlling role for accounting in Rome.	Greece, Rome	Each business transaction was completed with a confirming document.
The end of the 11th century	Trade was developing through middlemen, companies- as separate functioning units; demand for new goods arose.	When trade between Europe and the Middle East rapidly increased	There was a need for accounting in writing in order to allow business owners to follow their business.
Time period	Motives	Place/scientists	Accounting objects
12th century It is just the end of the medieval period that scientists call the transition to a scientific processing period.	The primitive analysis was already a part of the accounting and audit.	Feudal Britain	Based on simple accounting, it was used in agricultural estates.
Year 1340	Luca Pacioli and B.Cotrugli	Italy (Genoa)	For the first time, double entry accounting was used, preparing balance sheets not only for control but also for farm management.
Year 1494	Used by merchants in Venice during the Italian Renaissance	In Venice, Franciscan monk Perudzi, a lecturer of Florence, Bologna and Rome University Luca Pacioli	The first systematic description of double entry accounting. This system included most of today's accounting practices, such as registers, journals and ledger books. The ledger book included assets - receivables and inventories - and liabilities - liabilities, equity, income, and expense accounts.

Time period	Motives	Place/scientists	Accounting objects
Year 1676 – 1750 Year 1688	The accounting system for the metallurgical plant in Urals was created.	Dutchman V.Genims F.Garati introduced synthetic and analytical accounts	He developed a closed accounting system. It was supposed that one master had to carry out an inventory of the transfer of things to another
From the end of the 19th century until the beginning of the 20th century	Capitalism was developing in Russia, which gave a strong stimulus to the development of the ideas of accountants.	K. Arnolds, I. Ahmatovs un E. Mudrovs created Russian accounting system. Russia's outstanding accountants: P.Reinbots, A.Prokofjevs, I.Valickis, S.Ivanovs, E.Feldgauzers, N.Popovs, I.Rusijans, L.Gombergs, N.Lunskis.	The new original direction - balance sheet - arose in the accounting. It developed in three main directions: economic analysis of balance sheet, legal analysis of balance sheet, promotion of knowledge about balance sheets among users. In the magazine "Shchetovodstvo". L.Gomberg wrote that the purpose of accounting is to precisely determine accounting categories and to systematically study the development of economic processes. The features of financial analysis appear.

Accounting has a long history of development and many scientists such as O. Bauer, A.Galagan, R.Parker, M.Chatfield, E.Peregallo, G.Previts, A.Littleton, R.de Rovers, E.Hendriksen, M. van Breda, S.Paufler, J.Sokolov, V.Paly, M.Kuter and many others have studied it. As noted by M. Kuter, studying the origins and development of accounting theory and practice helps professionals to objectively evaluate business activities and acquire scientific forecasting. The theory is the structure that unites the underlying logic or causal system. It is designed to achieve the level of simplicity required for analysis. The theory is useful for explaining, estimating and predicting the phenomena associated with a given industry. (Osuala 2005), (Okoye 2003) defines the theory as an attempt to synthesize, interact and integrate empirical data for maximum clarity and unity (homogeneity).

Accounting theory is historically defined in various ways:

- as an interpretation of assumptions or an empirical explanation of events for the making of economic decisions;

- as a single set of conceptual, hypothetical and pragmatic proposals and assumptions that explain and direct the accountant's actions in identifying, measuring, and transferring economic information to users of financial statements (American Accounting Association 1966);

- The accounting theory consists of basic assumptions, definitions, principles and concepts and how they come to them. (Wolk, Dodd, Rozycki 2008) The added value is that it involves the transfer of accounting and financial information;

- Logical causation in the form of general principles that provides the main framework for each accountant to evaluate and manage the development of new practice and actions. This is a rationalization of accounting rules that explains how the accountant collects, introduces,

classifies, reports and interprets financial data, especially when the amount of money in financial statements is set. (Perara, Matthew 1996);

- Accounting theory is the logical creation of causal relationships in the form of comprehensive principles that: provide a general framework for evaluating accounting practices and guide the development of new practices and procedures (Hendrickson 1992).

The accounting theory is used to explain existing practices and procedures in order to gain a better understanding and provide a comprehensible set of logical principles that form a general framework for evaluating and developing new, sound accounting practices.

Unlike the laws of chemistry or natural sciences, accounting laws are human-made based on data creation, recording, classification and analysis of financial information, which is only partially monetary and the basis for the making of decisions is the interpretation of results (Anao 1996.)

The financial analysis began to be used in the 19th century. In the 70s - 90s, commercial banks began to require financial statements before they granted a loan to their clients. In this respect, it differs from statistics and accounting records that have centuries of history. Fundamental work on financial analysis is not up to the 1920s-1930s years of the 20th century. During this time, the analysis focused mainly on assessing the company's financial position and looking for funds to maximize profits. It was carried out in the interests of the owners, analysed the financial capabilities of companies, and looked for means to fight against competitors. The indicators and conclusions of such strict internal analysis were kept in strict secrecy and could not be the subject of scientific summaries.

The first analytical quotient studies to predict possible complications in the financial activities of companies began to be carried out in the US in the 20th century at the beginning of the 1930s, one of the first scientists R. Smith, P. Fitzpatrik, A. Vinakor, C. Mervin, D. Walter, E. Altman, R.Edmister, G.Springate, D.Ohlson and others.

As the business evolves, financial analysis is gaining an increasingly important role in the company. Financial analysis as a science has a complex structure. Its main components are financial accounting and analysis, which is based on the accounting records and the assessment of the probable future economic activity. Accounting is linked to management, management - it means making decisions, but reasonable decisions can only be made on the basis of objective, reliable information. Understanding such an accounting role, changes the role of accountant in a company by turning it from a simple fact-finding registrar into a financial analyst and advisor in business development. The fastest-growing financial analysis occurred in the 21st century, mainly due to two factors:

- the economic crisis of the 20th century has activated the activities of scientists, which was aimed at searching for objective analytical methods that could serve as a reliable basis for decisions of business executives in the field of business development and investment.

- the rapid development of information technology and computer science has facilitated extensive economic information processing and exchange opportunities. The development of information technology has a dual effect on the development of financial analysis, as developing the above-mentioned possibilities, financial data processing facilities increase. For financial analysts, in some cases, the rapid development of information technology can be a burden to formulate final conclusions; in order to avoid this problem, it is necessary to formulate the aim, tasks of a financial analysis, that depend on what aims have the result user who carried out the analysis.

Conclusions

Economic and political changes in society have had a significant impact on the accounting system and over time it was subject to significant changes.

As business grows, it is increasingly becoming international. An increasing number of companies, operating in different countries, need to choose common accounting principles.

References

Angus O. Unegbu *Theories or Accounting: Evolution & Developments, Income-Determination and Diversities in Use* 2014. Research Journal of Finances and Accounting Vol.5, No.19.

Eldon S. Hendriksen, Michel F. van Breda 2000. *Accounting theory, fifth edition*, Boston.

Mietule, I., Jackaniča, A. 2013. *Uzņēmuma finanšu analīze.* Teorija un praktiskā pielietošana. Rēzekne: Rēzeknes Augstskola.

Millere I. 2008. Grāmatvedības attīstība Latvijā. Promocijas darbs. Pieejams: https://dspace.lu.lv/dspace/bitstream/handle/7/5156/26739-Inta_Millere_2008.pdf?sequence=1 [skatīts 18.05.2018].

Ordelheide D. *Transnaccional Accounting*, Mcmillan, London, 1995. Pp. 3169.

Rurāne M. 1997. *Uzņēmuma finansu vadība*. Rīga: SIA "Turības mācību centrs".

Sergejevs J. 2017. Latvijas uzņēmumu finansiālā stāvokļa ekspresvērtējuma modeļu izstrāde finanšu pārskatu lietotāju grupām. Promocijas darba kopsavilkums. Pieejams: https://du.lv/wp-content/uploads/2017/09/KOPSAVILKUMS_J_SERGEJEVS-1.pdf [skatīts 18.05.2018].

Smirnova J. Tehnoloģiju ietekme uz finanšu vadības funkciju. Tendences pasaulē un Latvijā Pieejams: https://bismart.lv/upload/speakers/5942446cae70f.pdf [skatīts 18.05.2018].

Zariņa V. 2004. *Grāmatvedības sistēma attīstība, standartu prasības*. Rīga: Biznesa augstskola Turība.

Zariņa V. 2007. Ilgtermiņa materiālo aktīvu uzskaite un novērtēšana. Promocijas darbs. Pieejams: https://dspace.lu.lv/dspace/bitstream/handle/7/5259/7223-Vita_Zarina_2007.pdf?sequence=1 [skatīts 18.05.2018].

Базилинская, О. Я. 2009. *Финансовый анализ: теория и практика.* Киев: Центр учебной литературы.

Мэтьюс М.Р., Перера М.Х.Б. 1996. *Теория бухгалтерского учета.* - Москва: Юнити.

Пауфлерь С.Е. 1906. – *IV Руководство по изучению двойной бухгалтерии.* Москва: Издание т-ва И.Д. Сытина.

Пачоли Л. 1982. *Трактат о счетах и записях.* (Под ред. проф. Я.В. Соколова), Москва: Финансы и статистика.

Соколов Я.В., Бычкова С.М. 1999. *Достоверность и добросовестность составления бухгалтерской отчетности. – Бухгалтерский учет.*

THE SUSTAINABILITY CRITERIA AND INDICATORS OF INVESTMENT PROJECTS IN LATVIA FOR EUROPEAN UNION PROGRAMME 2014 – 2020

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Abstract

The sustainability criteria and indicators of investment project in Latvia for European Union programme 2014 – 2020

Key Words: *sustainability, investment projects evaluation, sustainability criteria, sustainability indicators*

The variety of criteria and indicators is often a cause of uncertainty and probably one of the reasons for still inacceptable criteria and indicators as a support for implementation of sustainable project management. In order to address this statement about sustainability criteria and indicators of investment projects in Latvia this research offer the content and quality of these criteria and indicators. The research demonstrates that criteria and indicators, although addressing the social, ecological and economic dimensions of sustainability, as well as display different thematic focus. General lack of validity as well as missing specificity and practicability of the indicators and in order to increase objectivity and transparency, the criteria and indicators have to reflect more clearly and definitely. This research outlines general criteria and indicators and constraints on investment project sustainability. The aim of the research is to demonstrate the necessity of investment projects sustainability criteria and indicators. Consequently, the main task of the research is to develop a sustainability criteria and indicators of investment projects in Latvia for European Union programme 2014 – 2020 matrix. The key results: a matrix of sustainability criteria and indicators. The methods of research are monographic and described in a narrative fashion. Sustainability criteria and indicators would allow the systematic scoring and ranking of public investment projects. In order to deal with failed public investment projects, the focus on developing key criteria and indicators have to be used.

Kopsavilkums

Eiropas Savienības programmēšanas perioda 2014. – 2020. gadam investīciju projektu Latvijā ilgtspējas kritēriji un indikatori

Atslēgvārdi: *ilgtspēja, investīciju projektu vērtēšana, ilgtspējas kritēriji, ilgtspējas indikatori*

Ilgtspējas kritēriju un indikatoru daudzveidība bieži rada nenoteiktību un, iespējams, ir viens no iemesliem, kādēļ ir apgrūtināta ilgtspējīgu projektu atlase un īstenošana. Pētījumā ir aprakstīta situācija Latvijā un piedāvāts ilgtspējīgu projektu atlases un novērtēšanas indikatoru un kritēriju kopums. Pētījums liecina, ka kritēriji un indikatori, lai arī pievēršas ilgtspējas sociālajiem, ekoloģiskajiem un ekonomiskajiem aspektiem, saturiski ir atšķirīgi. Trūkst kritēriju un indikatoru vispārēja pamatojuma, kā arī rādītāju specifikas un praktiskuma, un, lai palielinātu objektivitāti un monitoringu, kritērijiem un indikatoriem ir jābūt skaidrākiem un noteiktākiem. Pētījuma mērķis ir parādīt investīciju projektu ilgtspējības kritēriju un rādītāju nepieciešamību. Pētījuma galvenais uzdevums ir izstrādāt Eiropas Savienības programmēšanas perioda no 2014. – 2020. gadam investīciju projektu ilgtspējas kritērijus un indikatorus Latvijā. Galvenie rezultāti: ilgtspējas kritēriju un indikatoru matrica. Izmantotas šādus primārās pētīšanas metodes: monogrāfiskā un aprakstošā. Ieguldījums projektu ilgtspējas kritēriji un indikatoru izstrādē ļauj sistemātiski novērtēt un prioretizēt investīciju projektus. Lai novērstu investīciju projektu izvēles trūkumus, galvenā uzmanība jāpievērš ilgtspējas kritēriju un indikatoru pielietošanai.

Introduction

The criteria and indicators of sustainable projects perform many functions. They can lead to better decisions and more effective actions by clarifying, simplifying and making aggregated information accessible to policy makers. They can help incorporate physical and social science knowledge into decision making, as well as can help measure and calibrate progress toward sustainable development goals. The criteria and indicators can provide an early warning system to prevent economic, social and environmental problems. They are also useful tool for drawing attention to values to society.

One of the most important challenges for a government is how to allocate scarce resources between endless needs and limited resources for investment projects. Public investment plays an important role of country development process in Latvia. Therefore, it is necessary to set up systematic criteria and indicators of sustainable investment projects. Also, these criteria and indicators should follow international standards and best practices, in accordance with the project cycle. In such cases, the sustainability criteria and indicators of investment projects should be an important priority for government. Among other issues, outlining general sustainability criteria and indicators of investment project prioritization processes is a key matter in the context.

The variety of criteria and indicators is often a cause uncertainty and probably one of the reasons for still inacceptable criteria and indicators as a support for implementation of sustainable project management. In order to address this statement about sustainability criteria and indicators of investment projects in Latvia the research offer the content and quality of these criteria and indicators. The research demonstrates that criteria and indicators, although addressing the social, ecological and economic dimensions of sustainability, display different thematic focus. General lack of validity as well as missing specificity and practicability of the indicators and in order to increase objectivity and transparency, the criteria and indicators have to reflect more clearly and definitely. This research outlines general criteria and indicators as well as constraints on investment project sustainability. It also identifies a comprehensive set of sustainability criteria and indicators for investment projects in Latvia for European Union programme 2014 – 2020.

Discussion

The European Structural and Investment Funds (ESIF) (including European Social Fund (ESF), European Regional Development Fund (ERDF) and European Agricultural Fund for Rural Development (EAFRD)) are the Union's means of reducing disparities between the levels of development of its various regions. These funds contribute to the goal of strengthening economic, social and territorial cohesion.

The ESIF make available more than EUR 450 billion in 2014-2020 to support Member States and regions' efforts towards the Europe 2020 strategy, as well as to promote economic, social and territorial cohesion, lastly sustainable development of rural and maritime areas and sustainable management of natural resources.

EUR 5.2 billion were allocated to Latvia over 2007 - 2013 and another EUR 5.6 billion over the 2014 - 2020 programme period. The amounts approximately 70% of the expected national public investment in areas are supported by the funds. These funds cover a wide range of policies, from infrastructure projects and business environment to social and environmental ones. A slowdown in flow of EU funds has had a negative impact on investments in 2016. The transition to the programme 2014 - 2020 resulted in a temporary slowdown of investment activity in 2016. Other

Members States also have been affected by the transition, but to a smaller extent. The new framework provision introduced new elements to make cohesion policy more effective (performance framework, ex-ante conditionality, e-cohesion) (CSWD, 2017).

The concept of investment sustainability is significant and hard to implement. Sustainability is expected to require the balance of economic welfare, ecology and social equity. It is based on the ethical responsibility not only for the current population wellbeing, but also for the future generation wellbeing and its better quality opportunities as well. It means that sustainability is a basis upon which can be built specific approaches to guide decision making.

In order to execute the concept of sustainability, processes must move outside the current focus to take into account a number of sustainability dimensions. Consideration of each is critical, due to the fact that they not only reproduce different consequences, but also come at different stages of the project cycle.

In order to ensure project sustainability, must consider four essential dimensions:

1. Institutional sustainability - functional institutions will be self-sustaining after the project end.
2. Household and community resilience - resilient communities are readily able to anticipate and adapt to change through clear decision-making processes, collaboration, as well as management of resources internal and external to the community.
3. Environmental sustainability - an environmentally sustainable system must maintain a stable resource base, this avoid overexploitation of renewable resources and preserve biodiversity.
4. Structural change - the structural dimensions of poverty are addressed through the empowerment of poor and marginalized rural households (IFAD, 2009).

However, the scale of investment required to enable a sustainability the great fact is that it can only be realised with the comprehensive support of public and private sectors at all the levels.

A key element in sustainable project outcomes is a design based on needs and opportunities. The effective links between project components are critical for project sustainability. Sustainability must be purposely addressed from the first stage of project design. In most of cases, most of it will require capacity - building for group members and organizations, as well as support for locally suitable methods to resource management and resolve conflict. Developing the quality of the institution is the key of being sustainable. From the first stage of project country strategies should support project design oriented towards the achievement of realistic results. Results based on strategies must draw attention adequate risk assessment and appropriate risk management strategies.

In this context it is particularly importance to operationalize the integration of environmental, economic and social requirements throughout all investment plans and programmes via implementation frameworks and rules, lastly particularly project selection standards.

European Union Member States shall ensure the full mainstreaming of sustainable development into the ESIF in all the phases, respecting the principle of sustainable development as it was mentioned in Article 3 (3) Treaty on European Union, as well as complying with the obligation to integrate environmental protection requirements pursuant to Article 11 Treaty on the Functioning of the European Union and the polluter pays principle as it is set out in Article 191 (2) Treaty on the Functioning of the European Union.

The project selection general terms are divided into two categories divided into project eligibility criteria and project appraisal criteria (see Fig. 1).
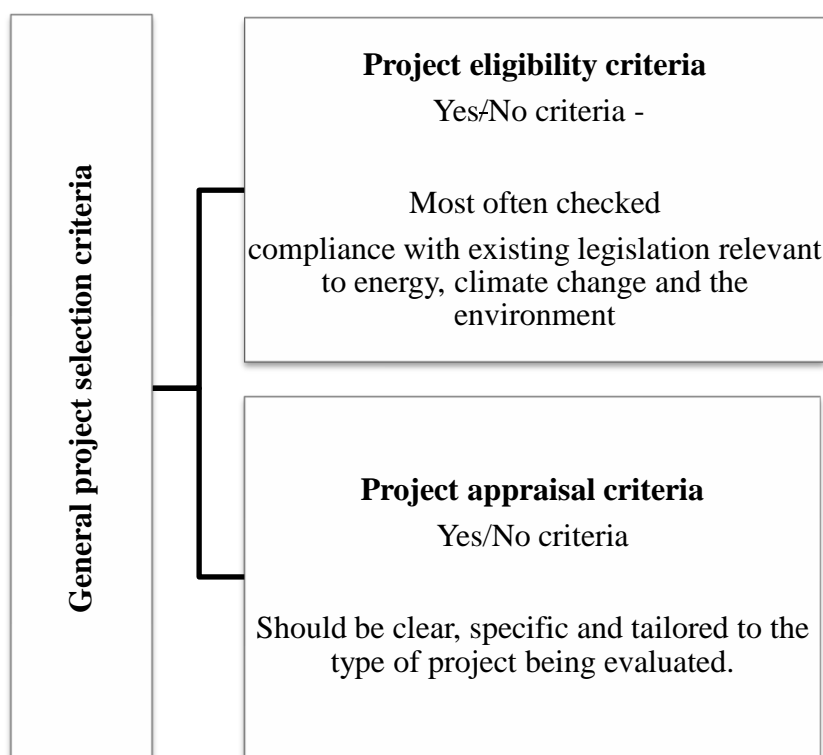
Fig. 1. **General project selection criteria** (Source: compiled by the author)

Project appraisal criteria are significant tool to promote sustainable solutions and ensure positive environmental impacts through setting priorities.

Project eligibility criteria with legal requirements are the basis for detailed description of project selection criteria, which have to be applied according to national/regional specific priorities and circumstances.

Projects are synonymous with change. The notions of sustainable development and sustainability are often related with constant welfare obligations of future generations. Sustainable development requires balanced integration of economic, social and environmental criteria. Sustainability in project management means harmonizing social, environmental and economic

interests in a project. This sustainable development in project management can enlarge the project borders by increasing the progressive vision.

The sustainability criteria and indicators of investment projects in Latvia for European Union programme 2014 – 2020 have to be evaluated through consideration of the following three criteria:

1. Economic: does the project contribute to Latvia's economic development?
2. Social: does the project contribute to social development in Latvia?
3. Environmental: does the project follow to the Latvian Environmental Policy Guidelines 2014 – 2020?

Future investment in improving the projects sustainability should be include better means for measuring whether sustainable practices are being attained. It is vital that a number of sustainability indicators be united into current monitoring systems. In addition, each project has to have own system with could include key sustainability indicators adequate guidance.

The indicators selected should be consistent with the tree dimensions of the sustainability. Examples of indicators for each of these sustainability dimensions are provided in the Table 1. The assessment indicators can easily be modified to include the indicators identified in the future sustainability studies. In projects that do not address sustainability directly, should ensure that the project does "meet" the needs of the present without compromising the ability for future generations to meet their own needs" (RWCED, 1987).

Structural changes are typically the most difficult to achieve, as well as the most difficult to measure. These aspects of sustainability could take decades to achieve, but indicators for measuring them need to be included in country programme strategies. Several indicators to measure empowerment are used by many organizations. They include measurements of community control and management of resources as well as of increased participation by poor people in institutions that make decisions and administer the resources that affect their lives (Binswanger, 2003).

Table 1. **Sustainability criteria and indicators of investment projects in Latvia for European Union programme 2014 – 2020 matrix**
(Source: compiled by the author)

Dimension	Criteria	Indicators	Examples of indicators
"Here and now"	Social	Governance and public participation in decision making	o Local stakeholders support to the project o Transparency of the decision making and policy implementation processes o Prevention of corruption o Improvement of local capacities
		Health care	o Improvement the health related quality of life o Preservation and improvement of public health with particular emphasis on vulnerable groups

		Urban development	o Improving the quality of life and safety in urban areas o Focusing on the specific target group living conditions and establishing a responsible attitude of the citizens towards the urban environment
		Equity and social protection	o Strengthening gender equality o Enhancing the quality of social protection
"Later"	Environmental	Protection of biodiversity	o Efficient system for managing protected nature areas
		Water	o Sufficient quantity of good quality of drinking water o Improvement of the water treatment and infrastructure supply o Water quality control and monitoring
		Air	o Preserve, improve air quality, especially in urban areas
		Soil	o Improvement of soil management and prevention of land degradation and damages
		Climate change and protection of the ozone layer	o Increase water quality control and monitoring o Obligation fulfilment of under the international agreements on climate change
		Forests	o Renewal and restoration of degraded forests o Obtain sustainable forestry
		Sea and coastal zone	o Introduction of integral coastal zone management o Reduction of sea and coastal zone pollution
		Spatial planning	o Adoption of new spatial plans, updating of the existing ones and integration of sustainability requirements into spatial plans and documents o Natural and cultural landscape protection
		Waste	o Waste reduction (municipal solid waste, special waste, dangerous waste) o Percentage of produced waste that will be recycled
"Elsewhere"	Economic	Regional development and employment	o Number of employees in each of the project phases o Average net salary o The infrastructure improvement o Rural development and provision of adequate living standard for the rural population
		Macroeconomics	o Production of goods and services in monetary terms o SME development and increase of employment

The influence of sustainable development can be evaluated using the following matrix. The correspondent selected indicators are given to evaluate the project impact to sustainability. Each indicator has to be in eventuated with the following evaluations scores for each of the projects:

2 (very positive impact/contribution of the project),

1 (positive impact/contribution of the project),

0 (non relevant impact/contribution of the project),

- 1 (negative impact/contribution of the project),

- 2 (very negative impact/contribution of the project).

Conclusion

One of the most significant challenges for a government is how to allocate limited resources between endless needs of investment projects. European Union ESIF investments plays an important role in the country development process. In these cases, the advance of public investment

management systems should be priority for government. Among other issues, presenting best practices for conducting project selection and prioritization processes is a key matter in the context.

The analysis shows that the assessment of project sustainability is quite complicated task. It is necessary to have a data amount on a huge number of aspects. It is suggested to contain a discussion about assessment methods and indicators sets scores. The criteria and indicators tend to be complex that accordingly reduces their practicability and consequently their acceptance. To avoid mistakes and present the option for less multifaceted and more feasible criteria and indicators, the author recommends constriction of the assessment objective to clearer frame conditions for its application. It is important to use integrative approach of criteria and indicators for sustainability assessment.

The sustainability criteria and indicators of investment projects in Latvia for European Union programme 2014 – 2020 matrix planned over the coming years to help the government as a guide to a complete developing of methods applied to investment project selection and evaluation. The matrix for investment project selection and prioritization criteria is intended for different types of users. It contains a scores for project selection and prioritization thus can be applicable for the relevant government administrative bodies at on central as local levels.

References

Binswanger H. 2003. Measuring empowerment in national CDD programmes in the Africa region. Presentation made to the Workshop on Measuring Empowerment: Cross-Disciplinary Perspectives, held at the World Bank, Washington, D.C., 4–5 February 2003. World Bank.

Commission staff working document. Country Report Latvia 2017. 2017. [skatīts 05.02.2018] Pieejams (Accessed): https://ec.europa.eu/info/sites/info/files/2017-european-semester-country-report-latvia-en.pdf

Report of the World Commission on Environment and Development: Our Common Future. [skatīts 10.02.2017]. Pieejams (Accessed): http://www.un-documents.net/our-common-future.pdf

Sustainability of rural development projects. IFAD. [skatīts 14.02.2018]. Pieejams (Accessed): https://www.ifad.org/documents/10180/538441f4-bb55-4e99-9e23-854efd744e4c

Treaty on the Functioning of the European Union. [skatīts 13.02.2018]. Pieejams (Accessed): http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12012E%2FTXT

TIESĪBU ZINĀTNE/ LAW

PROBLEMS OF FIGHTING VALUE ADDED TAX FRAUD IN LATVIA IN THE CONSTRUCTION SERVICES SECTOR

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Abstract

Problems of fighting value added tax fraud in Latvia in the construction services sector

Key Words: *value added tax, tax fraud in the construction services sector*

The objective of the work is to analyse the judicial practice of Latvia regarding the involvement of merchants in fraudulent activities in order to gain a fiscal advantage in the form of deductible tax in transactions relating to construction services.

For example, a merchant who deducts input tax wins a tender for the construction of a large object. It has declared subcontractors who are listed as the actual performers of work. During a tax audit, the tax administration discovers that neither the subcontractors chosen by the merchant, nor their respective transaction partners have a workforce to actually provide services (construction work). In addition, their type of economic activity is not related to the construction sector, meaning that the merchant in question has failed to comply with the requirement to register in the register of construction merchant as stipulated by the Construction Law. Similarly, the provisions of the General Construction Regulations state that the preparation of construction work and the construction work must be carried out by a builder or an entity registered in the register of construction merchants.

For the application of value added tax, both by the tax administration and the Administrative Courts, the finding by the Court of Justice of the European Union that it has to be proven by objective elements submitted by the tax authorities that the taxpayer (merchant) knew or should have known that the transaction upon which the right to deduction is based has been involved in the aforementioned fraudulent activity. In cases of construction services, the merchant's attitude towards giving evidence during the tax audit should not be neglected – if it fails to submit a construction works log or a part thereof, or a list of employees at the construction site, this causes a reasonable doubt as to whether the transaction took place as declared by the merchant. Since, according to the General Construction Regulations, a construction work log has to be kept for each construction site, the merchant cannot be unaware of who works at the site exactly, including the full names of the employees and the name of the contractor employing them.

In view of the above, the author analysed the case-law relating to the problems of fighting value added tax fraud in Latvia in connection with construction services.

Kopsavilkums

Pievienotās vērtības nodokļa krāpšanas apkarošanas problēmas Latvijā būvniecības pakalpojumu jomā

Atslēgvārdi: *pievienotās vērtības nodoklis, nodokļu izkrāpšana būvniecības pakalpojumu nozarē*

Darba mērķis ir analizēt Latvijas tiesu praksi par komersanta iesaistīšanos krāpnieciskās darbībās ar nolūku gūt fiskālās priekšrocības atskaitāmā nodokļa veidā darījumos saistībā ar būvniecības pakalpojumiem.

Piemēram, komersants, kurš atskaita priekšnodokli, ir uzvarējis konkursā par liela objekta būvniecību. Deklarējis apakšuzņēmējus, kas norādīti kā faktiskie darba veicēji. Nodokļu administrācija, veicot nodokļu pārbaudi, komersantam konstatē, ka komersanta izvēlētajiem apakšuzņēmējiem un to tālākajiem darījumu partneriem nav darbaspēka, lai faktiski sniegtu pakalpojumus (būvdarbus). Turklāt, to saimnieciskās darbības veids ir reģistrēts nesaistīts ar būvniecību, tas nozīmē, ka attiecīgais komersants nav izpildījis Būvniecības likuma prasību reģistrēties būvkomersanta reģistrā. Tāpat arī Vispārīgo būvnoteikumu normas nosaka, ka būvdarbu sagatavošanu un būvdarbus var veikt būvētājs vai būvkomersantu reģistrā reģistrēta persona.

Pievienotās vērtības nodokļa piemērošanā, gan nodokļu administrācijā, gan Administratīvajās tiesās tiek izmantota Eiropas Savienības Tiesas atziņa, ka ar nodokļu iestāžu sniegtajiem objektīviem elementiem ir jābūt pierādītam, ka nodokļu maksātājs (komersants) zināja vai tam bija jāzina, ka darījums, kas ir tiesību uz atskaitījumu pamatā, ir bijis iesaistīts minētajā krāpnieciskajā darbībā. Būvniecības pakalpojuma sniegšanas lietās, nedrīkst atstāt bez ievērības komersanta attieksmi par pierādījumu sniegšanu nodokļu pārbaudes laikā – ja tas neiesniedz būvdarbu žurnālu vai arī iesniedz kādu tā daļu, neiesniedz būvobjekta nodarbināto sarakstu – jau pamatoti rada šaubas vai darījums ir noticis tā, kā to deklarējis komersants. Tā kā, atbilstoši Vispārīgajiem būvnoteikumiem, par katru būvobjektu ir jāved būvdarbu žurnāls, komersants nevar nezināt, kas konkrēti strādā objektā, tostarp nodarbināto vārdus, uzvārdus un darbuzņēmēja nosaukumu, kas tos nodarbina.

Ņemot vērā minēto, autors analizēja judikatūru attiecībā uz pievienotās vērtības nodokļa krāpšanas apkarošanas problēmām Latvijā saistībā ar būvniecības pakalpojumiem.

Introduction

On 1 January 2018, amendments to Section 142 of the Value Added Tax Law came into effect, introducing a special tax regime for the supply of construction products, and from 1 January 2017 until now the construction services, or Value Added Tax (hereinafter referred to as VAT) reverse charge procedure (reverse VAT). The above amendments substantially encumbered VAT fraud in transactions with construction services. This means that from now on the recipient of the goods or services, who is a registered VAT payer, shall pay the VAT for the construction materials supplied or the construction services provided into the state budget, as opposed to the general VAT payment procedure.

However, according to the results of the Shadow Economy Index in the Baltics published on 16 May 2018 by SSE Riga, the shadow economy in Latvia has increased by 1.3% in 2017. Among the industries, the highest percentage of shadow economy was found in the construction sector, reaching 35.2%, which is still less than the 38.5% in 2016.

The author has found that from 1 January 2017 when the amendments to the Value Added Tax Law introducing a special tax regime for construction services became effective, the percentage of the shadow economy in the construction sector has decreased, yet it still retains the leading position among industries because initially the special tax regime was not applied to the supply of construction materials.

The Ministry of Finance of the Republic of Latvia in its 18 December 2015 report "Efficiency of the Current Value Added Tax Reverse Charge Procedure and its Applicability to Other Sectors" concluded that the application of the reverse VAT procedure for all types of construction and repair services and related area improvement and design services, hire of construction/building equipment and hire of staff should be investigated in depth. These services should be subject to the reverse VAT charge procedure regardless of whether these services are provided within the framework of construction services or outside of it. In addition, the reverse VAT payment procedure should be introduced for both large construction works carried out under construction contracts and other simple renovation works, as well as work performed under an individual contract. This would allow the avoidance of disputes between counterparties about the application of the VAT regime, thus making the application of tax much simpler.

The objective of the work is to analyse the judicial practice of Latvia regarding the involvement of merchants in fraudulent activities in order to gain a fiscal advantage in the form of deductible tax in transactions relating to construction services.

To achieve the aim, the following tasks are defined:
1) analyze and collect the case law of value added tax in the construction services sector;
2) define the problems and identify the potential problems of combating value added tax fraud.

A descriptive, dogmatic and historical method is used to achieve the aim.

Discussion

The construction industry is governed by stringent regulations that the merchants must comply with strictly when performing construction works. Researching the administrative judicial practice in VAT fraud cases, the author found that the courts are not always guided by the laws regulating the construction sector. For example, in administrative procedure, the court of first instance and similarly the district court sometimes believe the taxpayer's explanation that it cannot know that its direct business partner has not provided any construction services because a common practice in construction is concluding subcontractor agreements, whereby the customer may not know the actual performer of the work. Sometimes the court tries to find out why construction that has actually taken place should be hidden behind a fictitious transaction, although such justification is usually not even included in the administrative act. Sometimes courts also erroneously believe the taxpayer's explanation about the impossibility to trace the subsequent transaction partner's workforce, explaining that certain jobs likely must have been performed by persons who are not declared as employees at the tax administration and the taxpayer could not know it. Thus, after the final administrative act of the tax administration, the taxpayer seeks to rebut each argument of the tax administration. In view of the above, the author analysed the legislation and case law in the construction sector.

Section 8 Part One of the Construction Law (the version effective from 1 July 2013 to 30 September 2014) determines that, if natural persons have obtained a relevant construction practice or architect's practice certificate, they have a permanent practice right in the following areas of construction – engineering research, design, construction expertise, management of construction work, construction supervision. Meanwhile, Section 10 Part 1 of this law determines that, in order to conduct business in one or more areas of construction where a natural person, according to Section 8 Part 1 of this law, requires a construction practice or architect's practice certificate, the merchant should register in the register of construction merchants. Section 10 Part 2 of the aforesaid law determines that the merchant is not authorised to perform work in areas of construction in which it does not have relevant specialists.

Therefore, in order for the merchant to be able to perform construction work, it should be registered in the register of construction merchants, thus, if the taxpayer has declared a direct transaction partner in the VAT declaration who provides construction services to the taxpayer, but is not registered in the register of construction merchants, it is doubtful whether the respective merchant has indeed provided the respective service to the taxpayer.

Paragraph 121 of the 1 April 1997 Regulation of the Cabinet of Ministers No.112 "General Construction Regulations", version effective from 1 July 2013 to 30 September 2014 (hereinafter

referred to as the General Construction Regulations) determines that the preparation of construction work and the construction work may be performed by a builder or a person registered in the register of construction merchants. Paragraph 124 of the General Construction Regulations determines that the construction merchant is responsible for organising the construction work at the construction site according to the construction work organisation project, the health and safety plan and the sequence of works specified in the construction norms, as well as for the consequences of the construction merchant's orders. Paragraph 125 of the aforementioned regulations determines that the construction work is carried out under the supervision of a certified construction work manager appointed by the main contractor or the customer. Meanwhile, Paragraph 127 determines that, if the construction work is carried out by the builder, it assumes the duties of the construction merchant or the construction work manager in charge. Sub-paragraph 140.1 of the General Construction Regulations stipulates that a construction work log must be completed on a regular basis at each construction site.

The construction work log is a document that reflects the progress of the work at the construction site, including the qualifications of the main contractor, the managers in charge of individual performers of construction work, daily information about the acceptance of the completed work, giving a specific number and the qualification of workers.

In view of the above, a construction work log must be completed at each construction site. If the taxpayer fails to provide the construction work log during the tax audit or submits some part of it from which the tax administration is unable to determine the actual performer of the work, this should be viewed critically, so that the tax administration can establish that the provision of said services actually took place as declared by the taxpayer.

The intent to defraud of VAT is not the data reflected in the declarations, but rather circumstances characterising the taxpayer's behaviour with the aim of tax fraud. Such data is not reflected in the declaration. It results from the business relationships between the persons involved in tax fraud, their various activities imitating actual, taxable transactions, intent and purpose (see Paragraph 15 of the Supreme Court Administrative Case Department decree in case No.SKA-355/15 of 1 June 2015).

Paragraph 28.[1] of the 25 February 2003 Regulation of the Cabinet of Ministers No.92 "Labour Protection Requirements in Performing Construction Work" determines that the performer of the construction work, including the main performer of the construction work shall ensure the presence of a list of employees at the site. If the construction work is carried out by several performers of separate construction works, then they submit to the main performer of the construction works or, if there is no such main performer of the construction works, to the customer, their own respective list of employees at the site approved by a signature and stamp, which contains the following

information about the employees: name and surname; personal ID number or work permit number for foreigners employed in Latvia; date and number of employment contract of work performance contract; name of the performer of separate construction works.

Pursuant to that which is mentioned above, a list of employees must be present at each construction site. If the taxpayer fails to submit a list of employees during the tax audit, this should be considered as evidence that the partner declared by the taxpayer has not carried out the construction work in question.

The Supreme Court Administrative Case Department in its 28 March 2018 decree in case No.SKA-73/2018 Paragraph 7 found that the provisions of the construction law do not apply to the VAT payment procedure, therefore failure to comply with them in itself cannot be a reason to restrict the input tax deduction rights. These legal provisions set forth requirements that must be complied with by the taxpayer when conducting business in the construction sector, i.e., the requirements for the certification of specialists and registration of merchants in the Commercial Register in order to conduct business in certain areas of construction, the procedure and documentation of the construction process, as well as health and safety requirements. Thus, in order to avoid the risk of tax fraud, both the tax administration and court should take into account the requirements set forth for the merchants of the construction sector when assessing whether the taxpayer's actions correspond to normal commercial practice and indicate sufficient vigilance in the selection of transaction partners. If the merchant has complied with the requirements set forth in the law, including those on the presence of a list of employees at the construction site even if work has been carried out by subcontractors, it should be easy for it to prove who worked at the particular construction site exactly.

In cases of construction services, the taxpayer's attitude towards giving evidence during the tax audit should not be neglected – if it fails to submit a construction works log or submits its part (from which it is impossible to determine who actually performed the work), or fails to submit a list of employees at the construction site, this causes reasonable doubt as to whether the transaction took place as declared by the taxpayer. Consequently, it can be concluded that the taxpayer, as the main contractor, should have known who worked at the site exactly, including the full names of the employees and the name of the contractor employing them. Consequently, the taxpayer should be able to provide detailed information about who actually carried out the work at the construction site.

As regards the verification of the transaction partner and identification of its employees, the Supreme Court Administrative Case Department in its 3 January 2017 hearing decree in case No.308/2017 Paragraph 8 found that in general the merchant has no such obligation according to the legal provisions. However, it should be noted that there is a dispute in the case as to whether the transaction took place with the person indicated in the documents. While establishing it, it is

important to understand, among other things, how the transaction took place, whether such course of transaction in the actual conditions is plausible and possible at all. This also includes the evaluation about what action would be expected from the taxpayer, as a diligent entrepreneur, concluding transactions under the actual conditions, including the choice of transaction partners, to recognise such transaction as plausible, possible and actually having taken place. This evaluation may be affected by the nature of the transaction, quality requirements, scope, uniqueness, complexity, etc. In this aspect, the taxpayer can be requested to ensure that the transaction is indeed concluded with the enterprise with which the documents are signed.

Case-law has recognised that the court is not required to seek the answer as to why the construction that has actually taken place should be hidden behind a fictitious transaction, because the answer to this question has no legal significance, i.e., as long as it is established that the transaction has been fictitious and the taxpayer has known about it, it is sufficient reason to deny the taxpayer the right to input tax deduction. Of course, establishing the reason for concluding such transaction (for example: the actual cost of construction being much lower; performing the construction themselves; performing the construction in a completely different period of time, etc.) may serve as an additional argument for a logical conclusion that it was beneficial for the taxpayer to get involved in such transaction, which would also indicate conscious involvement in a fictitious transaction by the taxpayer. However, it should be reminded here that the key question to be resolved in the case is whether the taxpayer has used the input tax deduction right with a substantiated reason, which also determines the extent of the inspection (see Paragraph 8 of the Supreme Court Administrative Case Department 3 January 2017 hearing decree in case No.SKA-308/2017).

Conclusions

The author has concluded that in order to carry out quality construction work in the construction sector, where the subject of transaction is the provision of construction services, it is virtually always necessary to have a workforce with knowledge and prior experience and dedicated material and technical resources, such as construction tools, special equipment, machinery, etc. are often required. In this case, the taxpayer can be required to ensure that the transaction is indeed concluded with the company with which the documents are signed and the taxpayer should be able to explain the actual conditions of the transaction in detail.

In view of the above, the author has concluded that the taxpayer can explain each argument of the administrative act individually, however the scope of evidence referred to in the paper before (no construction work log or list of employees submitted to the tax administration, the performer of the work does not have the required material and technical resources, is not registered in the register

of construction merchants, etc.) gives a compelling basis for the conclusion that the taxpayer has deliberately engaged in VAT fraud in the construction sector.

Case-law establishes that isolated analysis of evidence included in the case is not permitted, because for clarification of the objective truth it is required to evaluate the case conditions and evidence in their interrelation and entirety because otherwise it is possible to reach erroneous and unfounded conclusions. This also follows from the provisions of Section 154 Part 1 of the Administrative Procedure Law (see the 2005 generalisation of the Supreme Court case law "Objective Investigation Principle – Interpretation and Application").

References
1 April 1997 Regulation of the Cabinet of Ministers No. 112 "General Construction Regulations". [seen: 17.05.2018.] Available: https://likumi.lv/doc.php?id=42807
1 June 2015 Republic of Latvia Supreme Court Administrative Case Department judgment in the case No.SKA-355/15.
2005 generalisation of the Supreme Court case law "Objective Investigation Principle – Interpretation and Application".
25 February 2003 Regulation of the Cabinet of Ministers No. 92 "Labour Protection Requirements in Performing Construction Work". [seen: 17.05.2018.] Available: https://likumi.lv/doc.php?id=71958
28 March 2018 Republic of Latvia Supreme Court Administrative Case Department judgment in the case No.SKA-73/2018.
3 January 2017 Republic of Latvia Supreme Court Administrative Case Department action meeting resolution in the case No. SKA-308/2017.
Construction Law. [seen: 17.05.2018.] Available: https://likumi.lv/doc.php?id=36531
Neskatoties uz stabilo ekonomikas izaugsmi, ēnu ekonomika Latvijā ir pieaugusi par 1.3%. [seen: 18.05.2018.] Available: http://www.sseriga.edu/en/news-and-events/news/neskatoties-uz-stabilo-ekonomikas-izaugsmi-nu-ekonomika-latvij-ir-pieaugusi-par-1-3.html
The Ministry of Finance of the Republic of Latvia in its 18 December 2015 report "Efficiency of the Current Value Added Tax Reverse Charge Procedure and its Applicability to Other Sectors"
Value Added Tax Law. [seen: 17.05.2018.] Available:https://likumi.lv/doc.php?id=253451

LIMITS OF HEALING IN PATIENT TREATMENT

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Abstract

Limits of healing in patient treatment

Key Words: *healing, limit, patient, traditional medicine, treatment*

The aim of patient treatment is patient interests, i.e. improving or at least preserving the patient's health as much as possible by applying specific treatment methods to avoid deterioration of the patient's health. For achieving this aim, the following treatment types are used – modern medicine and healing.

The primary postulate of modern medicine and healing is the principle of 'do no harm' to the patient, which, in fact, determines the limits of these types of patient treatment. Considering the particular differences of modern medicine and healing, the principles for determining the limits of these types of treatment are, of course, different too.

In determining the limits of healing applied in patient treatment, two directions are noted. First of all, there are cases when healing is impermissible, considering the severity of the patient's condition and the nature of healing methods (for example, severe infectious diseases, the necessity of surgical intervention). Secondly, the principles of collaboration between the doctor and the healer in the treatment of a patient are to be determined, thus creating a start for the integration of healing into modern medicine.

The limits of healing in patient treatment are to be secured in the normative regulations of Latvia in order to secure the protection of patient health as nonmaterial benefit and decrease any possible negative consequences of healing to the patient.

Kopsavilkums

Dziedniecības robežas pacienta ārstēšanā

Atslēgvārdi: *ārstēšana, ārstniecība, dziedniecība, pacients, robeža*

Pacienta ārstēšanas mērķis ir pacienta intereses, t.i., iespēju robežās pacienta veselības uzlabošana vai vismaz pacienta veselības stāvokļa saglabāšana, pielietojot konkrētas ārstēšanas metodes, lai pacienta veselības stāvoklis nepasliktinātos. Minētā mērķa sasniegšanai ir pielietojami ārstēšanas veidi – ārstniecība un dziedniecība.

Ārstniecības un dziedniecības pielietojuma pamatpostulāts ir nekaitēšanas princips pacientam, kas faktiski nosaka šo ārstēšanas veidu robežas pacienta ārstēšanā. Ņemot vērā ārstniecības un dziedniecības specifiskās atšķirības, protams, atšķirīgi ir arī šo ārstēšanas veidu robežu noteikšanas principi.

Dziedniecības, kas pielietojama pacienta ārstēšanā, robežu noteikšanā iezīmējas divi virzieni. Pirmkārt, ir nosakāmi gadījumi, kad dziedniecība nav pieļaujama, ņemot vērā pacienta veselības traucējumu smagumu un dziedniecības metožu raksturu (piemēram, smagas infekcijas slimības, ķirurģiskas iejaukšanās nepieciešamība). Otrkārt, ir nosakāmi ārsta un dziednieka līdzdalības principi pacienta ārstēšanā, tādējādi veidojot iestrādnes dziedniecības integrācijai ārstniecībā.

Latvijas normatīvajā regulējumā ir nostiprināmas dziedniecības robežas pacienta ārstēšanā, ar mērķi, stiprināt pacienta veselības kā nemantiskā labuma aizsardzību un mazināt dziedniecības iespējamās negatīvās sekas attiecībā uz pacientu.

Introduction

The primary postulate of modern medicine and healing is the principle of 'do no harm' to the patient, which, in fact, determines the limits of these types of patient treatment. Considering the particular differences of modern medicine and healing, the principles for determining the limits of these types of treatment are, of course, different too.

In determining the limits of healing applied in patient treatment, two directions are noted. First of all, there are cases when healing is impermissible, considering the severity of the patient's condition and the nature of healing methods (for example, severe infectious diseases, the necessity of surgical intervention). Secondly, the principles of collaboration between the doctor and the healer in the treatment of a patient are to be determined, thus creating a start for the integration of healing into modern medicine.

The limits of healing in patient treatment are to be secured in the normative regulations of Latvia in order to secure the protection of patient health as nonmaterial benefit and decrease any possible negative consequences of healing to the patient.

The aim of the paper is to analyse limits of healing in patient treatment, to identify the current issues and suggest certain prevention solutions. Both Latvian and foreign literature, laws and regulations and legal practice materials related to healing relations are used in the present paper. In the development of the paper, the following research methods were applied – semantic, grammatical, analytical, historical, comparative, systemic and teleological method.

The article presents the analysis of the legal nature of healing and traditional medicine, defining the external and internal limits of these types of treatment and assessing the criteria for defining these limits, as well as a study of the integration principles of healing into traditional medicine.

Importance of healing in regulatory provisions for patient treatment

Patient treatment is a complex notion, which includes different types of patient treatment to benefit the patient's health. In fact, treatment is defined as activity performed using acquired or possessed special knowledge and skills which in turn are aimed at least at preserving the health of the patient, preventing its deterioration and strengthening it, and at improving the patient's health too. Patient treatment methods can be divided into two types. Firstly, there is traditional treatment or medicine, which is patient treatment accepted and regulated by the state and based on the medical science, certified by the clinical guidelines used in traditional medicine (AL 1997: a.1 p.1, a.9[1]). Secondly, there is non-traditional medicine, which includes all the patient treatment methods which are not traditional medicine (for instance, healing; innovatory medicine which is not accepted by the state yet). The state tries to separate healing and traditional medicine, of course, for objective reasons. At the same time, it is found that healing tends to approach traditional medicine from the point of view of the legal system too (See: Mazure 2016). Thus, three notions are definable – healing, traditional medicine, treatment; with different contents.

Even though healing and traditional medicine have a common aim, i.e., patient health, these notions are mutually contrasted from the point of view of the society and the state, and the legal system. However it must be noted that this contrast is relatively conventional. First of all, healing relationships in modern society are created rather often (in Europe – 30-50%; USA – 42%; Africa, Asia, Australia – 76-86%; Canada – 25%; Latvia – 30%) (Kerridge, McPhee 2004: 164; Ernst, Cohen, Stone 2004: 156; BO3 2001: 87, 88, 92; BO3 2013: 25, 27; Breiha 2009: 9; CMPA 2012). This means that a considerable part of society accepts and even uses healing together with traditional medicine. Secondly, the legal system of Latvia has an ambiguous approach to healing. On the one hand, developments, although debatable, are found for the normative regulation on

healing. However, on the other hand, the state currently stays away from direct acceptance of healing relationships and their regulation in the legal system. The normative legislation of Latvia does not provide a specific answer whether healing relationships are acceptable. Having evaluated the legal system, no legal impediments have been found to the foundation or existence of healing relationships. Healing is recognized as a legal transaction, where the subject meets the basic principles of morality and religion (Mazure 2017: 70, 76). It can be concluded that healing and traditional medicine are coexistent types of patient treatment, keeping in mind their different contents too.

The model of interaction between healing and traditional medicine in patient treatment is assessed. Patient treatment using traditional medicine is recognized by the state, which means that the state gives an official, legal permission (AkadTerm 2018; ESTV 2004; MTV 1997; EOLD 2018) to use traditional medicine, providing a detailed normative regulation for it (for example: AL 1997; PPA 1997; PTL 2009; EDL 1997; SRVL 2002). Whereas patient healing is allowed by the state, which means that the state does not prohibit it and gives an opportunity to perform it, deciding on its legitimacy (EOLD 2018; MWD 2018; CD 2018; CamD 2018) but not providing a special normative regulation for healing. This means that the state actively takes part in the creation and provision of traditional medicine. Whereas establishing healing relationships and assessing its practice is largely left to the discretion of the patient. Although the right to consent to traditional medical treatment or refuse it is provided for the patient (PTL 2009: a.6), the state concretization of traditional medicine by its normative regulation gives it priority over healing.

External and internal limits of healing in patient treatment

In patient healing or traditional medicine, we have to wonder to what extent these types of treatment can be applied. In fact, the external limits of healing and traditional medicine are defined, which limit the field of activity (CamD 2018) for these types of treatment. Considering that healing and traditional medicine have a common aim, i.e. patient health, the external limits defined for these types of treatment are also common, i.e. do no harm to the patient (for example: CE 2018; HZ 2018). It can be concluded that healing and traditional medical treatment methods can be applied to the patient while observing the do no harm principle, which serves as a common external limit for healing and traditional medicine.

Considering that healing and traditional medicine are two different types of treatment, their internal limits in treatment are to be defined in order to draw a boundary between healing and traditional medicine. Two internal limits for healing and traditional medicine are found.

Firstly, a boundary between the notions needs to be drawn, which reflects the different interpretations of healing and traditional medicine. Traditional medicine is characterized by objective validity and provability grounded in the medical science (See: AL 1997: a.1 p.1, a.9[1]).

Whereas in healing, anthropological methods (Kerridge, McPhee 2004; Barry 2006: 2648, 2655; BO3 2013: 15; Ernst, Cohen, Stone 2004: 156) which cannot be scientifically proven prevail. However, medicine has started studying healing methods too, gradually accepting them (See: Iyioha 2011: 1). And considering that scientific relationships are secured in the rules of law (Iyioha 2011: 1), scientifically proven healing methods become traditional medicine. It can be concluded that the criterion for the internal limits of the notions of healing and traditional medicine is the medical science, which draws a boundary between the interpretations of these two types of treatment.

Secondly, the extent of treatment is defined, delimiting the fields of application of healing and traditional medicine. Having assessed the normative regulation for traditional medicine, treatment methods accepted by the state for patient treatment are defined (AL 1997: a.1 p.1, a.9[1]). Thus, certain fields are provided for, in which traditional medical treatment is performed if state accepted treatment methods are applied in these fields. Limits of healing practices are set in two ways in different states. On the one hand, an approach is found where the fields are defined in which healing is allowed (e.g., prevention of disease, improving quality of life for chronic or elderly patients, the use of herbal remedies, non-infectious diseases) (BO3 2001: 3; ART S 2012: p.11; AA S 2013). However, this listing is too abstract and does not provide proper and necessary concretization for defining the field of healing for the patient. On the other hand, in the majority of states (e.g., the Netherlands, Norway, Sweden, Denmark, Ireland, Germany, Lichtenstein, Australia) the fields where healing is prohibited are defined; moreover, this is done in two ways − firstly, by listing specific disorders (for example, oncology, infectious diseases, diabetes, epilepsy, meningitis); secondly, by taking into account the methods used in treatment (e.g., childbirth, surgical intervention, assisted reproductive technology, anaesthetic treatment, dental treatment)(BO3 2001: 3, 38, 39, 87, 88, 93, 97, 101, 105, 107, 113, 121; Weir 2005; CMA CE 1998: s.5, 6). It must be noted that such interdictory approach to defining the fields of healing practices is more appropriate, considering the nature of healing. In traditional medicine, the positive or acceptance course is taken for defining the fields where traditional medicine is permitted by assessing acceptable means of treatment; whereas in healing, the negative or exclusion course is taken for defining the fields where the use of healing is prohibited by assessing the treatment application field as a priority instead of the remedies applied in it. It can be concluded that treatment limits in healing and in traditional medicine are defined in different ways − by different courses of limitation and by different methods of limitation.

The nature of the different internal limits of healing and traditional medicine is not the same either. The internal limits of traditional medicine are strong and defined because they only depend on the treatment methods accepted by the state where changes occur relatively slowly due to the observation of formal requirements for acceptance by the state, despite the rapid development of

medicine. Whereas the internal limits of healing are changing and conditional. Despite the fact that healing is predominated by the principle of defining the fields where healing is prohibited, this may change under the influence of traditional medicine. If healing is used together with traditional medicine and such combination of treatment does not harm the patient's health, the limits for the use of healing expand, even allowing healing in the forbidden fields. Thus the internal limits of healing are relative and can be changed by the influence of traditional medicine.

The Model of interaction between healing and traditional medicine in patient treatment

It is undeniable that healing and traditional medicine interact with each other depending on the relationship model between them, which is supported by a particular state. Overall, four models of interaction between healing and traditional medicine exist in the world: 1) exclusive or monopolistic model, in which the state accepts traditional medicine only; 2) tolerant model, in which the state allows healing; 3) parallel model, in which healing and traditional medicine are equivalent elements of the national healthcare system (e.g., Korea, India); 4) integrated model, in which healing is integrated into traditional medicine (e.g., China, Vietnam)(Dixon 2008: 8, 9). Currently Latvia uses the tolerant model of relationships between healing and traditional medicine, but this needs to be changed, following the global tendency. The integrated model is believed to be the most appropriate, noting that the interaction of healing and traditional medicine in it is harmonious and compensates for mutual disadvantages (Chan 2008; ВОЗ 2013: 37; ПД 2008: III). There are also concerns that by integrating healing into traditional medicine, healing will lose its alternative nature (Kerridge, McPhee 2004; Iyioha 2011: 8), which is rather difficult to agree with. With integration into traditional medicine, healing will be concretized and any possible negative effects of healing on patient health will be decreased without decreasing its alternative nature. These negative effects can manifest themselves, firstly, as late diagnosis; secondly, wrong diagnosis; thirdly, not using effective traditional medical treatment (ВОЗ 2013: 31; Eisenberg, Kaptchuk 2002). Society discusses such negative situations for the patient too, for example, in Germany within a short period of time, a healer's three oncology patients who had refused traditional medical treatment died(Schulz-Asche 2016; Spiegel 2016); in Australia parents of a severely ill child refused an operation recommended by a doctor and were giving the child herbal medicines recommended by a healer, and the child died(Natur 2004); in Latvia a patient is refusing treatment of a disease following recommendation of a healer, which may result in a lethal outcome(Benfelde 2015). It can be assumed that such situations are not rare in society where not all of these are made public. In any case, the state needs to put healing practices into order; they should not be left without special normative regulations.

The integration principles of healing and traditional medicine are assessed, which correspond to the legal and healthcare system of Latvia. Integration is combining separate objects into one

system where two types of integration can be singled out – horizontal or combining and vertical or adding (Baldunčiks, Pokrotniece 1999: 310; AkadTerm 2018; ESV 2000; BD 2018). Healing can be integrated into traditional medicine or added to it, thus implementing vertical integration. Thus traditional medicine preserves its priority, whereas healing is subordinate to it. The only question is the extent of such subordination. The field of application of traditional medicine can be extended to healing by two criteria. Firstly, patient healing is only performed after a doctor's diagnosis, which is already defined so, for example, in Belgium, in Hungary (BO3 2001: 85, 95; CEH 2018: a.4). This principle is reasonable because medical knowledge and tests are required to make a diagnosis, and a healer, in fact, does not have such opportunities. And secondly, patient healing is performed under a doctor's control (Ernst, Cohen 2001: 2291; MPA 1983: s.31(2)(b)), but making the principle more flexible, i.e. defining the fields where doctor's control is obligatory (e.g., in healing of an oncology patient) and defining the fields where doctor's control is not obligatory (e.g., prevention of a particular disease). In such interaction model between healing and traditional medicine, on the one hand, the probability of negative effects of healing on the patient's health is decreased using the idea of doctor's control; on the other hand, in traditional medical treatment of a patient, the opportunity to use the contribution of healing is not lost, even if it is not scientifically explained but still gives a positive effect on the patient's health.

Conclusions

1. Healing and traditional medicine as types of patient treatment have a common external limit, i.e. do no harm to the patient. Still, healing and traditional medicine are separate notions with different internal limits of application where these limits have, firstly, different courses of limitation, i.e. positive or acceptance limits in traditional medicine as opposed to negative or exclusion limits in healing; and secondly, different methods of limitation, i.e. by means of treatment in traditional medicine as opposed to field of treatment in healing. Providing normative regulations for healing would secure the principles of internal and external limits of healing.

2. Defining limits for healing practice, cases where healing is not permitted are to be provided for in normative regulations. These are assessed by two criteria – the severity of the patient's condition and the treatment means used. It is also necessary to define an exception where the limits of healing expand. If during healing the patient also receives traditional medical treatment and if such treatment does not harm the patient's health, then healing is permitted in the excluded cases too, regardless of the two aforementioned criteria.

3. Having assessed the interaction of healing and traditional medicine, Latvia currently uses the tolerant model where the state allows healing. But this needs to be changed by integrating healing into traditional medicine. In the integrated model, healing is limited by two criteria.

Firstly, healing is only performed after a doctor's diagnosis. And secondly, doctor's control is introduced into healing, defining cases where such control is obligatory and where it is voluntary.

References

AA S 2013. LR Administratīvās apgabaltiesas spriedums lietā Nr.142102210 AA43-0916-13, 13. septembris.

AkadTerm 2018. *Akadēmiskā terminu datu bāze*. Latvijas Zinātņu akadēmija. http://termini.lza.lv/term.php? [03.03.2018].

AL 1997. Ārstniecības likums: LR likums. *Latvijas Vēstnesis*, 1. jūlijs, Nr.167/168.

ART S 2012. LR Administratīvās rajona tiesas spriedums lietā Nr.A142102210 A1-0353-12/17, 30. janvāris.

Baldunčiks J., Pokrotniece K. 1999. *Svešvārdu vārdnīca: vairāk nekā 15 000 citvalodu cilmes vārdu un terminoloģisku vārdkopu*. Zin. red. Baldunčiks J. Rīga: Jumava, 879 lpp.

Barry C.A. 2006. The role of evidence in alternative medicine: Contrasting biomedical and anthropogical approaches. In: *Social Science & Medicine*, Nr. 62, pp. 2646–2657.

BD 2018. *Business Dictionary*. http://www.businessdictionary.com/ [03.03.2018].

Benfelde S. 2015. *Bīstamā dziedināšana*. http://www.delfi.lv/news/comment/comment/sallija-benfelde-bistama-dziedinasana.d?id=45924057 [03.03.2018].

Breiha S. 2009. *Dziednieku izglītošana Latvijā: realitāte un iespējas*. http://www.tsi.lv/sites/default/files/editor/science/Publikacii/Education/2009/2_breiha.pdf [05.03.2018].

CamD 2018. *Cambridge Dictionary*. https://dictionary.cambridge.org/ [03.03.2018].

CD 2018. *Collins Dictionary*. https://www.collinsdictionary.com/ [03.03.2018].

CE 2018. *Code of Ethics*. The American Alternative Medical Association. http://joinaama.com/ethics.asp [03.03.2018].

CEH 2018. *Humanity healing code of ethics for healers*. http://humanityhealing.net/2012/01/healer-code-ethics/ [03.03.2018].

Chan M. 2008. *Address at the WHO Congress on Traditional Medicine*. The speech of Director-General of the World Health Organization. http://www.who.int/dg/speeches/2008/20081107/en/ [03.03.2018].

CMA CE 1998. *The Complementary Medical Association Code of Ethics*. UK. http://www.the-cma.org.uk/Articles/The-CMA-Code-of-Ethics-4661/ [03.03.2018].

CMPA 2012. *Alternative medicine — What are the medico-legal concerns?* The Canadian Medical Protective Association. https://www.cmpa-acpm.ca/-/alternative-medicine-what-are-the-medico-legal-concerns- [05.03.2018].

Dixon A. 2008. *Regulating complementary medical practitioners*. 32 p. https://www.kingsfund.org.uk/sites/default/files/Research%20summary1.pdf [03.03.2018].

EDL 1997. Epidemioloģiskās drošības likums: LR likums. *Latvijas Vēstnesis*, 30. decembris, Nr.342/345.

Eisenberg D.M., Kaptchuk T.J. 2002. Complementary and alternative medicine series. In: *Annals of Internal Medicine*, Vol. 137, Nr. 8, pp. 660–664.

EOLD 2018. *English Oxford Living Dictionaries*. https://en.oxforddictionaries.com/ [03.03.2018].

Ernst E., Cohen M. 2001. Informed Consent in Complementary and Alternative Medicine. In: *Arch Intern Med*, Vol. 161, Oct 22, pp. 2288–2292.

Ernst E., Cohen M., Stone J. 2004. Ethical problems arising in evidence based complementary and alternative medicine. In: *J Med Ethics*. No. 30, pp. 156–159.

ESTV 2004. *Eiropas Savienības terminu vārdnīca*. Rīga, UNDP.

ESV 2000. *Ekonomikas skaidrojošā vārdnīca*. Rīga, Zinātne.

HZ 2018. *Hipokrāta zvērests*. https://lv.wikipedia.org/wiki/Hipokrata_zv%C4%93rests [03.03.2018].

Iyioha I. 2011. *Law's Dilemma: Validating Complementary and Alternative Medicine and the Clash of Evidential Paradigms. Evidence-Based Complementary and Alternative Medicine*, 10 p.

Kerridge I., McPhee J. 2004. Ethical and legal issues at the interface of complementary and convential medicine. In: *MJA*. Vol. 181, No. 3, pp. 164–166.

Mazure L. 2016. *Veselības kā personas pamatlabuma civiltiesiskā aizsardzība dziedniecības attiecībās*. No: Latvijas Universitātes 6. starptautiskās zinātniskās konferences „Konstitucionālās vērtības mūsdienu tiesiskajā telpā" (2016. gada 16.–17. novembris) rakstu krājums. Rīga: LU Akadēmiskais apgāds, 451.–464. lpp.

Mazure L. 2017. *Non-medical practitioner's legal liability in healing relations.* In: Proceedings of the 59th International Scientific Conference of Daugavpils University. Part B. Social Sciences. Daugavpils: Daugavpils University, pp. 69–78.

MPA 1983. Medical Practitioners Act (historical version). South Australia. https://www.legislation.sa.gov.au/LZ/C/A/MEDICAL%20PRACTITIONERS%20ACT%201983.aspx [03.03.2018].

MTV 1997. *Angļu – latviešu muitas terminu vārdnīca*. Rīga, Jāņa sēta.

MWD 2018. *Merriam-Webster Dictionary*. https://www.merriam-webster.com/ [03.03.2018].

Natur 2004. *Naturopath gets five years for baby's deadly treatment*. https://www.smh.com.au/articles/2004/02/13/1076548205730.html [03.03.2018].

PPA 1997. Par prakses ārstiem: LR likums. *Latvijas Vēstnesis*, 8. maijs, Nr. 113.

PTL 2009. Pacientu tiesību likums: LR likums. *Latvijas Vēstnesis*, 30. decembris, Nr. 205.

Schulz-Asche K. 2016. *Heilpraktiker sollten stärker in die Verantwortung genommen werden*. https://www.deutsche-apotheker-zeitung.de/news/artikel/2016/09/22/heilpraktiker-sollten-staerker-in-die-verantwortung-genommen-werden [03.03.2018].

Spiegel 2016. Regierung erwägt strengere Regeln für Heilpraktiker. Der Spiegel Online. http://www.spiegel.de/gesundheit/diagnose/bundesregierung-erwaegt-strengere-regeln-fuer-heilpraktiker-a-1114113.html [03.03.2018].

SRVL 2002. Seksuālās un reproduktīvās veselības likums: LR likums. *Latvijas Vēstnesis*, 19. februāris, Nr. 27.

Weir M. 2005. Complementary and alternative medicine – Legal issues. *The National Legal Eagle*, Vol.11, Nr.4-1-2005, 5 p.

ВОЗ 2001. *Юридический статус народной медицины и комплементарной/альтернативной медицины: обзор положения в мире.* Всемирная организация здравоохранения. Женева, [b.i.], с. 180.

ВОЗ2013. *Стратегия ВОЗ в области народной медицины: 2014–2023 г.* Всемирная организация здравоохранения. [b.v.], [b.i.], 75 с.

ПД 2008. Пекинская декларация, 8 ноября.Принята участниками Конгресса ВОЗ по народной медицине, Пекин, Китай. http://www.who.int/topics/traditional_medicine/ru/ [03.03.2018].

UNDERSTANDING THE TERM DISABILITY AND ITS USE IN NORMATIVE ACTS

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Abstract

Understanding the term Disability and its use in normative acts

Key Words: *disability, normative acts, law, disability discourse, invalidity, functioning*

Introduction: According to World Health Organization statistics, more than 1 billion people in the world -- approximately 15% of the population -- live with some kind of "disability".

The terms *"disability"* and *"invalidity"* are included in various national normative acts and frequently, the meaning of their use is uniform; therefore, it is important to analyse the use of these terms in international documents to create a unified understanding on a national level of the use of these terms in national normative acts.

The **aim of the study** is to analyse the terms "disability" and "invalidity" as terms characterizing functioning disabilities, explore the opinions of leading World and European Union health organizations on the use of these terms, identify problems and risks in practice and suggest solutions.

Materials and Methods: The study has explored the literature and prepared a systematic description of the terms "disability" and "invalidity" as terms characterizing functioning disabilities, and their use in national legislation, using grammatical and descriptive methods.

Results and conclusions: The term "disability" in the international context is used as an "umbrella" term - a comprehensive term that is used to describe helplessness and limitations in activity and participation. The term "invalidity" in national normative acts is mainly used as a *"medical model"* term, thus distancing this term from the understanding of the term included in *World Health Organization* documents, and the understanding of the actual term characterizing functioning disability included in the International Classification of Functioning, Disability and Health (*ICF*), which creates complications for policy planning and policy implementation.

The results of the study give insight into the understanding of the term "invalidity" and its use in national legislation, and indicate a need for an in-depth legal analysis of the different understandings of these terms, as well as directions for further research.

Kopsavilkums

Jēdziena "nespēja" (disability) izpratne un lietojums normatīvajos aktos

Atslēgvārdi: *nespēja, invaliditāte, normatīvie akti, funkcionēšanas traucējumi*

Ievads: Pēc Pasaules Veselības organizācijas statistikas datiem vairāk nekā miljards pasaules iedzīvotāju, kas ir apmēram 15% no pasaules iedzīvotājiem, dzīvo ar kāda veida "nespēju" (*disability*).

"Nespēja" (*disability)* ir daļa no cilvēka stāvokļa. Gandrīz katrs īslaicīgi vai ilgtermiņā ir saskāries ar neveselības stāvokli (*impairment)* kādā dzīves posmā. Pieaugot arī vecumam, pieaug funkcionēšanas traucējumi - pasliktinās funkcionālās veselības rādītāji.

Jēdziens "nespēja" (*disability)* un "invaliditāte" ir iekļauti dažādos nacionālajos normatīvajos aktos, un nereti to lietojuma nozīme ir vienādota līdz ar to ir būtiski analizēt šo jēdzienu pielietošanu starptautiskajos dokumentos, lai nacionālajā līmenī veidotu vienotu izpratni par šo abu jēdzienu pielietojumu nacionālajos normatīvajos aktos.

Darba mērķis: analizējot "nespēja" (*disability)* un "invaliditāte" jēdzienus, kā funkcionēšanas traucējumu raksturojošos jēdzienus, iepazīties ar vadošo Pasaules un Eiropas Savienības veselības nozares organizāciju viedokļiem šo jēdzienu lietošanā, identificēt problēmas un riskus praksē un ieteikt problēmrisinājumus.

Materiāli un metodes: Darba ietvaros izpētīta literatūra un veidots sistemātisks apraksts par "nespējas" (*disability)* un "invaliditātes" jēdzieniem, kā funkcionēšanas traucējumu raksturojošiem jēdzieniem – to izmantošanu nacionālajos tiesību aktos, pielietojot gramatisko un deskriptīvo metodi.

Rezultāti un secinājumi: Jēdziens "nespēja" (*disability)* starptautiskā kontekstā tiek lietots kā "lietussarga" tipa jēdziens – visaptverošs termins nevarības, aktivitātes un dalības ierobežojumu apzīmēšanai. Jēdziens "invaliditāte" nacionālajos normatīvajos aktos pamatā tiek izmantots, kā "medicīniskā modeļa" jēdziens, tādējādi attālinot šī jēdziena izpratni no Pasaules Veselības organizācijas dokumentos iekļautā jēdziena izpratnes un Starptautiskās funkcionēšanas nespējas un veselības klasifikācijā (SFK) iekļautā reālā funkcionēšanas traucējumu raksturojošā jēdziena izpratnes, kas rada sarežģījumus politikas plānošanā un šīs politikas realizācijā.

Pētījuma rezultāti sniedz priekšstatu par jēdziena "invaliditāte" izpratni un pielietojumu nacionālajos tiesību aktos un norāda par nepieciešamību veikt padziļinātu juridisku analīzi šo jēdzienu atšķirīgajā izpratnē, kā arī virzienus turpmākai izpētei.

Introduction

The United Nations Convention on the rights of persons with disabilities states that "persons with disabilities include those who have long-term physical, mental, intellectual, or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others". Disability statistics provides data on the number of disabled persons as well as on their involvement in the society, through data related to living conditions, social inclusion, labor market, health, or education[1].

One in six people in the European Union (EU) has a disability that ranges from mild to severe making around 80 million who are often prevented from taking part fully in society and the economy because of environmental and attitudinal barriers. For people with disabilities the rate of poverty is 70% higher than the average partly due to limited access to employment. Over a third of people aged over 75 have disabilities that restrict them to some extent, and over 20% are considerably restricted. Furthermore, these numbers are set to rise as the EU's population ages[2].

World Health Organization "disability" define like an umbrella term, covering impairments, activity limitations, and participation restrictions. An impairment is a problem in body function or structure; an activity limitation is a difficulty encountered by an individual in executing a task or action; while a participation restriction is a problem experienced by an individual in involvement in life situations. Disability is thus not just a health problem. It is a complex phenomenon, reflecting the interaction between features of a person's body and features of the society in which he or she lives. Overcoming the difficulties faced by people with disabilities requires interventions to remove environmental and social barriers. People with disabilities have the same health needs as non-disabled people – for immunization, cancer screening etc. They also may experience a narrower margin of health, both because of poverty and social exclusion, and also because they may be vulnerable to secondary conditions, such as pressure sores or urinary tract infections. Evidence suggests that people with disabilities face barriers in accessing the health and rehabilitation services they need in many settings[3].

Disability serves as an umbrella term for impairments, activity limitations or participation restrictions[4]. A person's functioning and disability is conceived as a dynamic interaction between health conditions (diseases, disorders, injuries, traumas, etc.) and contextual factors[5]. Disability is characterized as the outcome or result of a complex relationship between an individual's health

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[1] http://ec.europa.eu/eurostat/web/health/disability
[2] http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52010DC0636&qid=1415809599955
[3] http://www.who.int/topics/disabilities/en/
[4] International Classification of Functioning, Disability and Health (ICF). World Health Organization, 2001. 3 pp.
[5] Same source, 8 pp.

condition and personal factors, and of the external factors that represent the circumstances in which the individual lives[6].

The aim of the study is to analyze the terms "disability" and "invalidity" as terms characterizing functioning disabilities, explore the opinions of leading World and European Union health organizations on the use of these terms, identify problems and risks in practice and suggest solutions.

Materials and Methods:

The study has explored the literature and prepared a systematic description of the terms "disability" and "invalidity" as terms characterizing functioning disabilities, and their use in national legislation, using grammatical and descriptive methods.

Analysis of term "disability"

1. **source**

Inability – a position where (someone) is not able to (what) do, to perform.

Disability: a condition where partly or totally lost workability (because of injury, illness). Invalidity groups. Disability pension[7].

2. **source**

Disability – the state of having an illness, injury, or medical condition that makes it difficult to do the things that other people do[8].

Invalidity – the condition of being unable to work because of health problems, and receiving money from a government or organization because of this[9]. The condition of being too ill to work or care for yourself.

3. **source**

Disability – a physical or mental condition that limits a person's movements, senses, or activities.

Disadvantage or handicap, especially one imposed or recognized by the law[10].

Invalidity – the condition of being an invalid[11].

4. **source**

5. Disability is a long-term or permanent restriction on the functioning of a very severe, severe or moderate degree which affects a person's mental or physical capacity, capacity, self-care and integration into society[12].

6. **source**

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[6] International Classification of Functioning, Disability and Health (ICF). World Health Organization, 2001. 17 pp.
[7] Same source, 398. p.
[8] https://dictionary.cambridge.org/dictionary/english/disability
[9] Same source.
[10] https://en.oxforddictionaries.com/definition/disability
[11] Same source.
[12] Invaliditātes likums: LR likums. Latvijas Vēstnesis, Nr. 91 (4283), 09.06.2010.

Disability is an impairment that may be cognitive, developmental, intellectual, mental, physical, sensory, or some combination of these. It substantially affects a person's life activities and may be present from birth or occur during a person's lifetime[13].

Some areas of policy raise both specific problems of implementation and issues at the level of policy exchange and debate. The Framework Equal Treatment Directive (FETD), which includes provisions on disability, is one example. The FETD is an instrument of European law and must be transposed into the national legal frameworks of the Member States. However, much of its value comes not from the strict requirements of transposition but from its contribution to the framing and visibility of particular issues in social policy.

Over time, the meaning of disability has been understood in a variety of ways. The way in which disability is understood is important because the language people use to describe individuals with disabilities influences their expectations and interactions with them. For physical education teachers, philosophical orientation in regard to disability discourse can influence how they treat and interact with students with disabilities in their classes. Most recently, the medical and social models have been the two prominent models of disability discourse[14].

The way in which disability is defined is important because the language people use to describe individuals with disabilities influences their expectations and interactions with them[15]. Over the past 50 years, the two prominent models of disability discourse have been the medical and social model. Perceptions of disability as related to medical and social factors.

In the narrative of the medical model, disability is understood as an individual and/or a medical phenomenon that results in limited functioning that is seen as deficient. Disability is considered to be a result of impairment of body functions and structures, including the mind, and can be caused by disease, injury, or health conditions. This view conflates impairment and disability with illness and the "sick role". Similar to ill health, disability, including problems with the mind or body, is viewed as a problem that needs to be medically cured so individuals can function within society. This view is strongly normative, meaning people are considered disabled on the basis that they are unable to function as a so-called normal person does In the medical model, the disability becomes the defining characteristic of individuals with disabilities, which shapes the beliefs that individuals who are typically functioning have toward them[16].

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[13] https://www.physiology.org/doi/abs/10.1152/japplphysiol.00320.2003
[14] BILL HUGHES et al., Disability & Society Volume 12, 1997 - Issue 3, Published online: 1 Jul 2010.
[15] Barton, L. (2009). Disability, physical education and sport: Some critical observations and questions. In H. Fitzgerald(Ed.), Disability and youth sport (pp. 39–50). New York, NY: Routledge.
[16] Disability Discourse: Overview and Critiques of the Medical and Social Models, Justin Anthony Haegele &Samuel Hodge Department of Human Sciences, Ohio State University, Columbus, Ohio, Pages 193-206 | Published online: 09 Mar 2016.

In the medical model, treatment for individuals with disabilities is geared toward eradicating the cause of or fixing the impairment. Fixing is thought to be the best path toward function and independence, and those who may not want to be fixed are considered noncompliant or unmotivated. This is best achieved by placing individuals with disabilities under direct authority of the medical profession in rehabilitation programs or institutional care[17].

A major critique of the medical model is the influence that medical professionals and scientists have over the treatment of individuals with disabilities in society. Medical personnel act as important gatekeepers in society and use diagnoses and labeling to determine which individuals receive services (e.g., educational services), types of services, and benefits[18].

In the context of the social model, the terms disability and impairment are separated. Impairment is perceived as an abnormality of the body, such as a restriction or malfunction of a limb. On the other hand, disability is considered the disadvantage or restriction of activity caused by a social organization that does not take into account people who have impairments and excludes them from community life. This is an important distinction, because the social model suggests that it is not one's bodily function that limits his/her abilities, it is society. In this context, there is nothing inherently disabling about having an impairment. Rather, advocates of the social model argue that disability is imposed in addition to impairments by the way that individuals with impairments are isolated and excluded from full participation in their community. Isolation and exclusion can be a product of society's inability, unwillingness, or neglect to remove environmental barriers encountered by those with disabilities or the perceptions of individuals with impairments as being less able to participate with members of society[19]. One critique of the social model is that it fails to address impairment as an observable attribute of an individual that is an essential aspect of their lived experience. This issue is evident as the social model attempts to separate impairment from disability completely[20].

In the area of disability policy, the common European policy space should also be placed in the context of an international space in which disability policy issues are aired. Most notably, the World Health Organization (WHO) has endeavored to promote good practice in the understanding

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[17] Disability Discourse: Overview and Critiques of the Medical and Social Models, Justin Anthony Haegele &Samuel Hodge Department of Human Sciences, Ohio State University, Columbus, Ohio, Pages 193-206 | Published online: 09 Mar 2016.

[18] Homepage, L. (2007). Models of disability, work and welfare in Australia. Social Policy & Administration, 41, 215–231. doi: 10.1111/spol.2007.41.issue-3

[19] Palmer, M., & Harley, D. (2012). Models and measurement in disability: An international review. Health Policy and Planning, 27, 357–364.

[20] Bingham, C., Clarke, L., Michielsens, E., & Van De Meer, M. (2013). Towards a social model approach? British and Dutch disability policies in the health sector compared. Personnel Review, 42.

of the concept of disability and the development of methods for gathering information about disability[21].

The social model is usually explained by reference to its opposite, the medical model. The medical model views disability as a personal problem, directly caused by disease, accident or some other health condition, and capable of amelioration by medical interventions such as rehabilitation. The social model, by contrast, sees disability not as an inherent attribute of a person but as a product of the person's social context and environment, including its physical structure (the design of buildings, transport systems etc.) and its social constructions and beliefs, which lead to discrimination against disabled people[22].

Table 1. **Comparisons between the medical and social models of disability discourse**[23]

Topic	Medical Model	Social Model
What is disability?	An individual or medical phenomenon that results from impairments in body functions or structures; a deficiency or abnormality	A social construct that is imposed on top of impairments by society; a difference
Access to treatment or services	Referral by diagnosis	Self-referral, experience driven
Targets of interventions	"Fixing" the disability to the greatest extent possible; "normalizing"	Social or political change in an effort to decrease environmental barriers and increase levels of understanding
Outcome of interventions	Normalized function; functioning member of existing society	Self-advocacy, changes in environment and understanding, social inclusion
The agent of remedy	The professional	Can be the individual, an advocate, or anyone who positively affects the arrangements between the individual and society
Effects on individuals who are typically functioning	Society remains the same	Society evolves to be more inclusive
Perceptions toward individuals with disabilities	The individual is faulty	The individual is unique
Cognitive authority	Scientists and doctors	Academics and advocates with disabilities
Perception of disability	Being disabled is negative	Being disabled, in itself, is neither positive nor negative

Results and conclusions

1. The term "disability" in the international context is used as an "umbrella" term - a comprehensive term that is used to describe helplessness and limitations in activity and participation.

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[21] http://www.hiproweb.org/fileadmin/cdroms/Kit_Formation_Services/documents/Additional/B-Social_policy_and_Disability/B-3_Definition_of_disability_in_Europe_Brunel_University_2002.pdf 17.-18. p.

[22] http://www.hiproweb.org/fileadmin/cdroms/Kit_Formation_Services/documents/Additional/B-Social_policy_and_Disability/B-3_Definition_of_disability_in_Europe_Brunel_University_2002.pdf 17.-18. p.

[23] Disability Discourse: Overview and Critiques of the Medical and Social Models, Justin Anthony Haegele &Samuel Hodge Department of Human Sciences, Ohio State University, Columbus, Ohio, Pages 193-206 | Published online: 09 Mar 2016.

2.   The term "invalidity" in national normative acts is mainly used as a "medical model" term, thus distancing this term from the understanding of the term included in World Health Organization documents, and the understanding of the actual term characterizing functioning disability included in the International Classification of Functioning, Disability and Health (ICF), which creates complications for policy planning and policy implementation.

3.   The results of the study give insight into the understanding of the term "invalidity" and its use in national legislation, and indicate a need for an in-depth legal analysis of the different understandings of these terms, as well as directions for further research.

References

Access to European Union law. Pieejams (Accessed): https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A52010DC0636 [skatīts 28.03.2018.].

Barton, L. 2009. *Disability, physical education and sport: Some critical observations and questions. In H. Fitzgerald (Ed.), Disability and youth sport.* New York, NY: Routledge, pp. 39–50.

Bāliņa, R., Ēdelmane, I., Grase, I., Guļevska, D., Rozenštrauha I., Skujiņa, V. Šnē, D. 2006. *Latviešu valodas vārdnīca.* "Izdevniecība Avots". 339–687. lpp.

Bingham, C., Clarke, L., Michielsens, E., & Van De Meer, M. 2013. *Towards a social model approach? British and Dutch disability policies in the health sector compared.* Personnel Review, pp. 42.

Cambridge Dictionary. Pieejams (Accessed): https://dictionary.cambridge.org/dictionary/english/disability [skatīts 28.03.2018.].

English Oxford Living Dictionaries. Pieejams (Accessed): https://en.oxforddictionaries.com/definition/disability [skatīts 28.03.2018.].

European Commission, Directorate-General for Employment and Social Affairs. 2002. *Social Security & social integration. Definition of Disability.* Employment and Social Affairs, pp. 17–18. [skatīts 28.03.2018.].

European Commission. Eurostat. Health. Disability. Pieejams (Accessed): http://ec.europa.eu/eurostat/web/health/disability [skatīts 28.03.2018.].

Haegele, J.A, Hodge, S. *Disability Discourse: Overview and Critiques of the Medical and Social Models.* Published online: 09 Mar 2016, pp. 193–206.

Hughes, B. et al. 1997. *Disability & Society.* Vol. 12, Issue 3. Published online: 1 Jul 2010.

Humepage, L. 2007. *Models of disability, work and welfare in Australia.* Social Policy & Administration, Vol. 41, Issue 3, pp. 215–231.

Invaliditātes likums: LR likums. Latvijas Vēstnesis, Nr. 91 (4283), 09.06.2010.

Palmer, M., Harley, D. 2012. *Models and measurement in disability: An international review.* Health Policy and Planning, Vol. 27, pp. 357–364.

Tanaka, H., Seals D.R. 2003. *Invited Review: Dynamic exercise performance in Masters athletes: insight into the effects of primary human aging on physiological functional capacity.* American Physiological Society. Journal of Applied Physiology, Vol. 95, pp. 2152–2162 [skatīts 28.03.2018.].

World Health Organization. 2001. *International Classification of Functioning, Disability and Health (ICF).* Geneva, pp. 3.

World Health Organization. Disabilities. Pieejams (Accessed): http://www.who.int/topics/disabilities/en/ [skatīts 28.03.2018.].

THE ROLE OF MUNICIPALITIES IN PROMOTING COOPERATION IN THE FIELD OF THE PROTECTION OF CHILDREN'S RIGHTS

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Abstract

The role of municipalities in promoting cooperation in the field of the protection of children's rights

Key Words: law, priority of children's rights, parental responsibility, interinstitutional cooperation

In Latvia, the competence of the state in the field of the protection of children's rights includes the formulation of the policy on the protection of children's rights and the monitoring and control of related compliance.

The principles of the protection of children's rights are laid down in the Law on the Protection of Children's Rights, and they are as follows: the rights and best interests of the child take priority in lawful relations that affect the child. The rights and best interests of the child must be a primary consideration in any actions affecting the child, regardless of whether these actions are performed by state or municipal authorities, public organisations or other private individuals and legal entities, courts and other law enforcement authorities. **The rights of the child should be protected by means of cooperation with families, state and municipal authorities, public organisations and other private individuals and legal entities.**

It has been increasingly observed that certain duties are delegated to local municipalities, which often have only limited funds to finance social services for families with children and out-of-family care services. The competence of municipalities includes the consideration of matters related to violations of the rights of the child, the administration of social services and the functioning of child care institutions etc. Given that, these are just some of the areas in which municipalities must take part in and carry out the responsibilities delegated to them by the state, **the aim of this study is** – to ascertain how efficiently, qualitatively and in accordance with the best interests of the child, the municipalities are dealing with these responsibilities.

Research methods used: data collection method (case analysis) and statistical data processing method (analyzed, evaluated and interpreted numerical data sets).

Kopsavilkums

Pašvaldību loma sadarbības veicināšanā bērnu tiesību aizsardzības jomā

Atslēgvārdi: likums, bērna tiesību prioritāte, vecāku atbildība, starpinstitūciju sadarbība

Bērnu tiesību aizsardzības jomā Latvijā valsts kompetencē ietilpst bērnu tiesību aizsardzības politikas izstrāde, kā arī normatīvo aktu tiesiskā reglamenta ievērošanas uzraudzība un kontrole.

Bērnu tiesību aizsardzības principi ir noteikti Bērnu tiesību aizsardzības likumā un, proti, tie ir – tiesiskajās attiecībās, kas skar bērnu, bērna tiesības un intereses ir prioritāras. Visām darbībām attiecībā uz bērnu neatkarīgi no tā, vai tās veic valsts vai pašvaldību institūcijas, sabiedriskās organizācijas vai citas fiziskās un juridiskās personas, kā arī tiesas un citas tiesībaizsardzības iestādes, prioritāri ir jānodrošina bērna tiesības un intereses. **Bērna tiesību aizsardzība īstenojama, sadarbojoties ar ģimeni, valsts un pašvaldību institūcijām, sabiedriskajām organizācijām un citām fiziskajām un juridiskajām personām**.

Aizvien vairāk ir vērojama izteikta pienākumu deleģēšana vietējām pašvaldībām, kurām bieži ir ļoti ierobežoti finanšu līdzekļi sociāliem pakalpojumiem ģimenēm ar bērniem un ārpusģimenes aprūpes pakalpojumu sniegšanai. Pašvaldību kompetencē ietilpst ar bērnu tiesību pārkāpumiem saistītu jautājumu izskatīšana, sociālo pakalpojumu administrēšana, bērnu aprūpes iestāžu funkcionēšanas nodrošināšana utt. Ņemot vērā to, ka tās ir tikai dažas no jomām, kurās pašvaldībām ir jāņem dalība un jāveic pienākumus, ko tai ir deleģējusi valsts, šī pētījuma mērķis ir – noskaidrot cik efektīvi, kvalitatīvi un atbilstoši bērna vislabākajām interesēm, pašvaldības tiek galā ar šiem pienākumiem.

Izmantotās pētījuma metodes: datu vākšanas metode (situācijas analīze) un statistiskā datu apstrādes metode (analizēti, vērtēti un interpretēti skaitlisku datu kopumi).

Introduction

In Latvia, according to laws, the protection of children's rights falls within the competence of many state or municipal authorities or public organisations and other private individuals or legal entities that provide support and assistance to children and families.

The Law on the Protection of Children's Rights lays down one of the fundamental principles defined in the UN Convention on the Rights of the Child, whereby the best interests of the child must be a primary consideration in any actions.

The Law on the Protection of Children's Rights [1], hereinafter – the LPCR, enshrines the principles of protection of the rights of the child and defines that the rights and best interests of the child take priority in lawful relations that affect the child.

This article specifically focuses on matters related to interinstitutional cooperation, when it is necessary to introduce social corrections or implement a social assistance programme for children who have committed crime or carried out actions that are likely to lead to unlawful acts.

To achieve the purpose of the research, the following tasks were set: to analyze normative acts defining the responsibilities of local governments for promoting cooperation in the field of protection of children's rights; to conduct a situation analysis in interinstitutional cooperation; to perform statistical data processing (to analyze, to rate and interpret a set of numerical data).

Main part of the article

The rights of the child should be protected by means of cooperation with families, state and municipal authorities, public organisations and other private individuals and legal entities. The organisation of interinstitutional cooperation and the procedure for protecting the rights of the child are laid down in Cabinet Regulation No 545 of 12 September 2017 on Interinstitutional Cooperation in the Protection of Children's Rights [2]. The goal of this Regulation is to ensure that institutions protect children's rights within their respective competence and following their purposes by means of cooperation groups established for the protection of children's rights[24] and the Cooperation Council for Children[25].

The role of municipalities and their institutions in the safeguarding and exercise (protection) of children's rights is extremely important and essential. The significance of this role is enshrined in both international and national laws; for example, Article 15(1) of the Law on Municipalities [3] lists autonomous functions of municipalities, and some of them concern the protection of children's rights directly, namely municipalities must:

− provide education of the public, i.e. ensure certain rights of citizens to acquire primary and general secondary education; ensure children of pre-school and school age with places at

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[24] *A cooperation group* is a consultative collegiate body set up by a municipality, which is operating in the administrative territory of a respective municipality or city. A municipality or city may have several cooperation groups, or several municipalities may set up one common cooperation group. In such cases, the territory covered by every cooperation group must be determined.

[25] *The Cooperation Council for Children* is a consultative collegiate body, whose objective is to facilitate uniform understanding that the principle of priority of the best interests of the child must be respected in municipal and state policies and to promote concerted efforts of institutions, including cooperation groups, in the field of the protection of children's rights. The Cooperation Council for Children is set up, their objectives and composition are determined and their rules are approved by the minister for welfare.

training and educational institutions; provide organisational and financial assistance to extracurricular training and educational institutions and education support institutions, etc. (*Article 15(1)(4)*);

− ensure social assistance (social care) of citizens (social assistance for low-income families and socially disadvantaged persons, ensure places for old people at old-age homes, ensure places for orphans and children without parental care at training and educational institutions, provide overnight shelters for the homeless, etc. (*Article 15(1)(7)*);

− ensure guardianship, trusteeship, adoption and the protection of the moral and economic rights and interests of children (*Article 15(1)(8)*);

− implement the protection of the rights of the child in a relevant administrative territory (*Article 15(1)(23)*).

The LPCR also refers to and stresses the significance and importance of municipalities; namely, according to the law, municipalities must: provide assistance and support to families with children, guaranteeing shelter, warmth and clothing and nutrition appropriate to child's age and state of health, for each child residing in the municipality's territory; provide out-of-family care for children who temporarily or permanently do not have a family or who, in their own interests, should not be left in the relevant family; ensure the right of the child to general secondary education and provide them with assistance in vocational training; organise primary health care for mothers and children; organise parental education; provide pre-school and extracurricular child institutions and public libraries, organise children's recreation; draw up and implement programmes for street children; carry out other measures safeguarding the rights of the child.

Equally important is the role of municipalities in the organisation of crime prevention or interinstitutional cooperation, when institutions must introduce social corrections[26] and implement a social assistance programme for children who have committed crime or carried out actions that are likely to lead to unlawful acts.

Article 58(1) of the LPCR lays down that work with children for crime prevention is carried out by municipalities in collaboration with the parents of children, educational institutions, the State Police, the State Probation Service, if the child is a probation client, public organisations and other institutions.

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[26] A municipality keeps a prevention file and draws up a programme for social correction of behaviour for each child who: has committed a criminal offence and is not in detention during the pre-trial investigation period; is found guilty of a criminal offence, but whose penalty does not involve deprivation of liberty; is released from criminal liability; is released from a prison or penal institution; has committed unlawful acts referred to in the Criminal Law prior to attaining the age of 14 years; has committed unlawful acts referred to in the Administrative Violations Code more than twice; is a beggar or vagrant or carries out other actions that are likely to lead to unlawful acts.

With a view to fulfilling the aforementioned duties, municipalities must set up in their relevant territories cooperation groups[27], which would comprise representatives of the following authorities: municipal police or the State Police[28]; municipality's social service; municipality's education board or an education specialist; family court. The competence (objective) of cooperation groups is as follows:

−   to consider individual cases related to a potential infringement of the rights of the child if quick response or cooperation among several institutions is necessary or if a relevant situation cannot be resolved by a single institution or has not been resolved over a long period;

−   to analyse the existing situation in the field of the protection of children's rights and submit suggestions to municipalities regarding the formulation of a municipality's or city's programme on the protection of children's rights, including measures required for the improvement of the interinstitutional cooperation system and for concerted and coordinated cooperation among institutions;

−   to present suggestions to the Ministry of Welfare for the improvement of laws and the enhancement of cooperation in the field of the protection of children's rights. The Ministry of Welfare hands these suggestions over to the Cooperation Council for Children for consideration;

−   to inform the public (local residents) about topical issues concerning the protection of children's rights.

The rules of a cooperation group determine the procedure for implementing interinstitutional cooperation by the group. It should be noted that the current version of Article 58 of the LPCR has been in force since 2000; however, a regulation requiring that cooperation groups or commissions set up by municipalities (one or the other or both) have their own rules, which must be published on the relevant municipality's website (by 1 December 2017) was adopted and entered into force only at the end of 2017, which was, in fact, only after Ilona Kronberga [4], former Head of the State Inspectorate for Protection of Children's Rights, had indicated that such a regulation would be necessary, and namely: "*The facts are that interinstitutional cooperation for the protection of children is not sufficient or is so weak that it is only aimed at the exchanging of piles of paperwork among institutions rather than any real joint work in the interests of specific children and families. The time has come for amending the Law on the Protection of Children's Rights to formulate a Cabinet regulation that could be named "Procedure whereby entities involved in the protection of*

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[27] On the initiative of members of a cooperation group, representatives of the following authorities and institutions may be invited: educational institutions; child care institutions; prisons; municipality's pedagogical and medical commission; municipality's administrative commission; the State Probation Service; the State Police; non-governmental organisations.
[28] If a municipality has no municipal police or has not delegated the duties of municipal police to another municipality.

children's rights cooperate in the interinstitutional environment in the best interests of the child". This procedure would define duties of every party concerned and their responsibility for any failure to fulfil their duties".

Such a document should be of great importance because it should define guidelines (general rules) for the successful, effective and constructive interinstitutional cooperation, taking account of the best interests of the child; however, as the analysis of practical experience of municipalities has revealed, only 47 municipalities of total 110 municipalities (based on websites all of 110 municipalities by 9 May 2018) have such rules of a cooperation group or commission published, while no such rules are available (published) on the websites of 63[29] municipalities. The derogation here is that, the author has performed the processing and interpretation of the data obtained as a percentage, which means that by expressing these data obtained in percentage terms - 43% of municipalities have performed these duties mentioned in the regulatory enactments, while 57% of municipalities have not done so. This leads to a conclusion that municipalities have not attached great importance to this matter (field), neither have they used their resources (specialists of institutions and other specialists, financing, etc.) to achieve, as effectively as possible, the required level of interinstitutional cooperation safeguarding the rights and priorities of the child.

In addition, in the light of the foregoing and available statistical data, it should be concluded that the main problems related to the protection of children's rights are associated with unsatisfactory prevention efforts, i.e. children are taken into care too late. Overall, the country needs child social workers. Some social workers dealing with children lack adequate qualifications and knowledge. In small municipalities, the social worker's functions are often delegated to employees who are not trained for this purpose and are merely combining their official roles.

Accordingly, the problem existing at municipality level is the training of municipal staff [5], namely staff training programmes[30]. Specialists must complete a training programme of 40 academic hours in order to acquire special knowledge in the field of the protection of children's rights. Specialists who have completed the programme are issued certificates, and they are considered to be qualified and to have improved their professional knowledge about the protection of children's rights. These hours are not and cannot be regarded as sufficient to recognise that a

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[29] These municipalities are: Ādaži; Aglona; Aizpute; Aloja; Alūksne; Amata; Ape; Auce; Babīte; Baldone; Baltinava; Bauska; Beverīna; Brocēni; Cibla; Dagda; Dundaga; Durbe; Engure; Grobiņa; Iecava; Ikšķile; Jaunjelgava; Jaunpiebalga; Jaunpils; Ķegums; Kocēni; Koknese; Krimulda; Krāslava; Kuldīga; Līgatne; Lubāna; Madona; Mālpils; Nereta; Skrīveri; Skrunda, Smiltene, Vaiņode; Valka; Varakļāni; Vecumnieki; Ventspils, etc.

[30] Training programmes were approved by the State Inspectorate for Protection of Children's Rights on 2 November 2015, No 1-8/2538. The programmes have been drawn up in accordance with Article $5^1(2)$ of the Law on the Protection of Children's Rights and requirements set out in Cabinet Regulation No 173 of 1 April 2014 on the Procedure for Acquiring Special Knowledge in the Field of the Protection of Children's Rights and the Content and Scope of this Knowledge. This regulation sets forth the procedure whereby specialists of state and municipal institutions who are considering cases related to the protection of children's rights (hereinafter – specialists) acquire special knowledge in the field of the protection of children's rights and the content of this knowledge.

person is specialised in the field of the protection of children's rights and able to work with minors. It is also noteworthy that employees who have completed the training admit that these hours are neither sufficient nor of proper quality so that they might be able to assume such a major responsibility in the interests of minors effectively and to the highest standards.

The author has already identified several key questions that will have to be answered at both municipal and state level over time, such as: *What was the real situation regarding interinstitutional cooperation from 2000 to the end of 2017? How are the duties (tasks) divided between the members of this team (municipal institutions)? Are interinstitutional meetings being held with sufficient frequency? Is any information being aggregated about the team's activities to achieve the goal and in their work with families? How is interinstitutional cooperation being implemented at present? How successful/unsuccessful is it? What factors prevent successful and effective cooperation? Finally, are a minor's rights, duties and interests respected in all cases (when a social correction and social assistance programme for minors is in place)?*

It is essential to conduct an analysis and research (of practical experience or reality) in this field and answer the above questions because it is the only way to understand where work should be focused, priorities should be set and the state, including municipalities, should go in order to ensure the protection of children's rights and, above all, implement the national family policy *"Natural family as a value and state priority"* in Latvia. It should also be noted that municipalities represent the first stage, they are the ones assuming hard work to achieve that children grow up in their families and are not separated from them. Therefore, the more successful efforts municipalities will make (which also refers to tasks delegated by the government), the more likely it will be that the interests and priorities of the child are respected at the highest level and in line with the best interests of the child.

Conclusions

The main problem at national level is that several non-interrelated institutions of different levels deal with matters related to children's rights, social security, education, employment, etc. **Institutions are focused on children in crisis situations and dysfunctional low-income families rather than healthy families, thereby dealing with consequences and their elimination.**

It is clearly evident that certain duties are delegated to local municipalities, which often have only limited funds to finance social services for families with children and out-of-family care services. **Effective out-of-family care cannot be achieved as the national financing system in this area is divided between state and municipal services, and it is ineffective.** *For instance, specialised child care centres for children with special needs are financed by the state, while orphanages (shelters) for children whose parents are not able to provide care are financed by municipalities.* **As a result of institutional problems, the integration of institutionalised**

children into society after they attain majority is difficult because they are not prepared sufficiently for independent life, and municipalities are not always able to provide these children with comfortable homes.

The state has no unified coordination mechanism in place to streamline policies formulated and implemented and measures carried out in different sectors with the protection of the interests of the family and the provision of required support. As a result, institutions' functions are overlapping or are not executed because they are regarded as those of another institution.[6]

Although major reforms in the field of the protection of children's rights have been introduced, several laws have been adopted and amended, case-law has been developed, etc., the existing system established for the protection of children's rights is still functioning ineffectively. This ineffectiveness can be observed at both state and municipal level, which is also evidenced by various data, such as information aggregated for the year 2017 about child birth, mortality, age structure, health, education, social protection, use of information technologies, violence against children and children in trouble with the law in the data collection *"Children in Latvia" ("Bērni Latvijā")* [7] published by the Central Statistical Bureau of the Republic of Latvia, a research "Analysis of the situation existing in Latvia in the field of the protection of children's rights with respect to children taken into out-of-family care and children who are at risk of losing their family care" [8] ordered by *SOS Children's Villages Latvia (Latvijas SOS Bērnu ciematu asociācija*) in 2009, a report *"Summary of the work of family courts 2017" ("Par bāriņtiesu darbu 2017. gadā kopsavilkumu")* [9] drawn up by the State Inspectorate for Protection of Children's Rights.

References
1. Cabinet Regulation No 545 of 12 September 2017 on Interinstitutional Cooperation in the Protection of Children's Rights. Date of adoption: 12.09.2017, date of entry into force: 15.09.2017. Latvijas Vēstnesis, 183 (6010), 14.09.2017.
2. Data collection "Children in Latvia" („Bērni Latvijā") of the Central Statistical Bureau of the Republic of Latvia. Riga, 2017. Source: www.csb.gov.lv/sites/default/files/nr_12_berni_ latvija_2017_17_00_lv_en.pdf [visited on 11.04.2018].
3. Kronberga: Starpinstitūciju sadarbība bērnu aizsardzībai, iespējams, orientēta uz "apmētāšanos" ar dokumentiem. Source: http://bnn.lv/kronberga-starpinstituciju-sadarbiba-bernu-aizsardzibai-iespejams-orienteta-uz-apmetasanos-ar-dokumentiem-207058 [visited on 19.04.2018].
4. Law on Municipalities. Date of adoption: 19.05.1994, date of entry into force: 09.06.1994. Latvijas Vēstnesis, 61 (192), 24.05.1994, Ziņotājs, 11, 16.06.1994.
5. Report "Summary of the work of family courts 2017" ("Par bāriņtiesu darbu 2017. gadā kopsavilkumu") drawn up by the State Inspectorate for Protection of Children's Rights of the Ministry of Welfare of the Republic of Latvia. Source: http://www.bti.gov.lv/lat/barintiesas/ statistika/?doc=5164&page= [visited on 13.04.2018].
6. Research "Analysis of the situation existing in Latvia in the field of the protection of children's rights with respect to children taken into out-of-family care and children who are at risk of losing their family care" ordered by SOS Children's Villages Latvia (Latvijas SOS Bērnu ciematu

asociācija). Riga, 2009. Source: https://www.sosbernuciemati.lv/lv/mes-palidzam/informativie-materiali/?file=367 [visited on 13.04.2018].

7. Research "Analysis of the situation existing in Latvia in the field of the protection of children's rights with respect to children taken into out-of-family care and children who are at risk of losing their family care" ordered by SOS Children's Villages Latvia (Latvijas SOS Bērnu ciematu asociācija). Riga, 2009. Source: https://www.sosbernuciemati.lv/lv/mes-palidzam/informativie-materiali/?file=367 [visited on 13.04.2018].

8. The Law on the Protection of Children's Rights. Date of adoption: 19.06.1998, date of entry into force: 22.07.1998. *Latvijas Vēstnesis*, 199/200 (1260/1261), 08.07.1998, *Ziņotājs*, 15, 04.08.1998.

9. Training and seminars. Source: http://lpmc.lv/macibas.html [visited on 21.03.2018].

OVER-PRODUCTION OF NORMATIVE ACTS?

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Abstract

Over-production of normative acts?

Key Words: *normative acts, increase in number of normative acts, reasons*

Summary: The report discloses the possible reasons for the increase in number of normative acts, as well as the conclusions have been drawn about what would reduce the rapid increase in number of normative acts. It is concluded that the increase in number of normative acts in the recent years has to be regarded as unreasonable and contrary to the public interest. Therefore, it is necessary to pay more attention to the obligation imposed by the first Section of the Constitution of the Republic of Latvia, and to search for a solution of the problem, firstly, in the legal system by updating the interpretation of legal norms.

Kopsavilkums

Normatīvo aktu pārprodukcija?

Atslēgvārdi: *normatīvie akti, normatīvo aktu skaita pieaugums, iemesli*

Referātā atklāti iespējamie normatīvo aktu skaita pieauguma iemesli un izdarīti secinājumi par to, kas samazinātu normatīvo aktu skaita straujo pieaugumu. Izdarīts secinājums, ka normatīvo aktu skaita pieaugums pēdējos gados ir vērtējams kā nesaprātīgs un pretējs sabiedrības interesēm. Tāpēc vairāk jāpievēršas no Latvijas Republikas Satversmes pirmajā pantā uzliktā pienākuma problēmas risinājumu vispirms meklēt tiesību sistēmā, aktualizējot tiesību normu interpretāciju.

Introduction

The purpose of the report is to investigate the reasons for the increase in number of normative acts and to find solutions to overcome and limit the increase in number of normative acts. Using the historical method, the origins of the adoption of normative acts in the Republic of Latvia are considered. The system's method has been used to search for the causes of the "flood" of normative acts, the grammatical method is used for processing and arranging the obtained data, the analytical method is the basis for the assessment of the obtained data.

Latvia was brought to Europe already in the 13ᵗʰ century with the arrival of violent crusaders (Stradiņš, 2000), which brought to the Latvians the teachings of Christ with fire and sword. They brought to Livonia also the right of the Westand it is to be recognized - more to the privileged super - layer of the society, to the lords of the land and to the townspeople, and not to the farmers who were forced to live in their birthplaces. Therefore, the Latvians traditionally both the faith and rights perceive in two ways - as a great educational, sociable stabilizing factor and also as something strange, sometimes hostile. In the Merkel's work "Latvieši" one can read that many priests seemed to be strangers – lords' priests, and also judges made decision in favour of lords. A century later, in the Blaumanis' "Andriksons", in the image of the oaks, we can see two truths - the Andrikson's ancestor's rights to the oaks and the lord's obtained property rights. In "Mērnieku laiki", we can read in Tenis' opinion that the small thieves are punished, but larger - are appointed to positions, the same injustice, the mood of frustration can be found in Apsīšu Jēkaba's work "At the Parish Court".

Academician Janis Stradiņš asks one question in his speech: "Is Latvia today already a law-governed state? In general, yes, but we still have a lot to learn, creating democracy and the rule of law, becoming Europeans". (Stradiņš, 2000)

Currently, the issue of excessive increase of normative acts has been raised in the context of the rule of law. Is it really so?

According to the information from the portal Likumi.lv - in April this year, 7292 laws (Tiesību aktu veidi, 2018) were available on the portal, including those which have become invalid and amendments to laws; 20 212 Cabinet of Ministers Regulations (Tiesību aktu veidi, 2018), including those which have become invalid; 742 Municipal Binding Regulations (Tiesību aktu veidi, 2018). For example, there were 5335 laws and 9547 Cabinet Regulations valid in 2016. (Likumi.lv – šodien 15!, 2016). If we calculate how much time should be spent only to read these laws and regulations, it would require at least 1680 days, if we read them 8 hours a day, or at least 560 days, if we read them 24 hours a day. (Likumu nezināšana neatbrīvo no atbildības, 2014)

Summarizing the statistics on the recent years, it is evident that exactly in 2016 and 2017, there was an increase in number of normative acts: the total number of issued laws and Cabinet Regulations in 2016, compared to 2015, increased by about 9%, while in 2017– by approximately 3%. (Informatīvais ziņojums "Faktiskā situācija un risinājumi normatīvo aktu skaita samazināšanai", 2018)

From the 1st of January 2017, more than 100 legislative acts, including more than 60 laws, come into force. (Izmaiņas likumos no 2017. gada 1. janvāra. Kur meklēt?, 2016).

On the 1st of January 2018, 173 new legislative acts came into force, 49 of which are laws and 71 - Cabinet Regulations. (No 2018. gada spēkā stāsies 173 tiesību akti, 2017)

It can be concluded that the development of creation of normative acts is increasingly based on the desire to regulate as much as possible the extent of relations existing in society and their types, by means of the most detailed legal norms. It can be seen that the increase in number of normative acts takes place in "geometric progression", which is very negative.

From the figures characterizing the increase of normative acts along, it is obvious that the "flood" of normative acts has to be stopped as soon as possible.

One anonymous internet guru said that entrusting lawyers with compiling laws is the same thing as allowing doctors to invent illnesses.

Already historically, there are allegations of the incomprehensible nature of the law and their still more obscure message. For example, how can we explain, why men in London since the 17th century can not hit their wives after nine o'clock in the evening? Or - why in the US in the Delaware State, the law doesn't allow you pawning a wooden leg in a pawnshop or it is prohibited to wash your dentures in the Fountains of Drinking Water in the Kansas State of Maklo. (Liepa,

2007) It is evident, that many legal norms are most directly derived from the demands of the people's everyday lives or even from outmoded requirements.

What are the causes for excessive normative activism?

There is an opinion that the flow of normative acts is largely unrelated to the fulfilment of the EU requirements. This can not be accepted. The abundance of legislative acts in the most direct way is related with the fulfilment of the requirements of the European Union. However, these words shouldn't be misunderstood. Europe does not require us to adopt a national regulatory act for every piece of the European Union law. That is our own initiative. Let's look at the legal framework of projects implemented by the Rural Support Service, as well as the formulated requirements.

Some causes of flood in normative acts should be mentioned:

1) Political choice to act in a specific way, namely to solve any problem by law;

2) The impact of the economic crisis, which manifests itself as a desire to deal with the crisis through a huge amount of normative acts;

3) Traditional practice of development of normative acts;

4) State administration's belief that people themselves can not solve problems without the help of normative enactments;

5) Historical traditions - to standardize the life as much as possible, which is the continuation of the Soviet - era traditions;

6) In the European Union, the flood in normative acts is typical in general;

7) Confidence that the most effective way of solving any problem is the adoption of a regulatory act.

Why to talk about this problem at all?

The principle of "ignorance of the law does not relieve from responsibility" that comes from the Roman times, is operating in our country. Section 2, paragraph two of the Law on Official Publications and Legal Information provides, that no one can plead ignorance of the legal acts or official notices published in the official publication.

However who can have a good knowledge of this mass of these normative acts? Even in one field?

It has to be admitted, that the problems caused by the flood in legislation, are very detailed regulations, and one who wants to apply these acts, has to get acquainted with a very large amount of normative acts, for example, if he/she wants to study one issue. In addition, the laws and regulations are not mutually agreed. Of course, the implementation of a huge number of normative acts and the adoption process requires a correspondingly large number of employees in the state and local government institutions, whose activities lie down on the taxpayers' shoulders.

The "flood" of normative acts creates an unnecessary administrative burden for the state administration and leads to the negative society's attitude towards the normative acts, the legislator and the state as a whole, and also it negatively affects the everyday life of any person, for example, the possibility of planning commercial activities or other activities.

Already on the 12ᵗʰ of December, 2012, the President of Latvia A.Bērziņš issued a decree No. 7 "On Drafting Proposals for the Reduction of Number and Volume of Amendments to Laws". (Par priekšlikumu izstrādi likumu grozījumu skaita un apjoma samazināšanai, 2012). The decree implies the necessity to elaborate proposals for the reduction of the amount and extent of overregulation of the regulatory framework, as well as to create preconditions for prevention of over-detailed and thorough legal regulations. One can ask the question - how to maintain the legal relationship regulation, while preventing the seemingly unreasonable increase in normative acts?

There are several offers in the law doctrine, for example, the law itself provides for a specific period of time, in which the law is valid. After the expiration of the deadline, to consider whether, it is necessary to extend the term of the law. If not, the law will automatically expire.

In addition, it is proposed to consider the normative enactments from the socio-economic point of view. What will bring every new normative act to the public?

It is reasonable and congratulatory, that in 2017, the idea, which was updated since 2002, was rejected, to grant another legal entity the right to issue normative acts.

Namely, to grant ministers the right to issue external normative acts alone. This issue has been extensively researched. (Par konceptuālo ziņojumu "Ministra noteikumu institūta ieviešanas izvērtējums", 2017)

The conclusion that the change of an issuer of the legal regulations does not in itself reduce the scope of the normative regulations and also does not ensure their quality, seems, to follow from the basic understanding of issuance of normative acts in general.

It is reasonable to conclude that the introduction of the Ministerial Regulations Institute could have a negative impact on the quality of the legal regulations, as it would be based on a narrower harmonization process, a possible overlapping of competences, and finally, there would likely be contradictions between the regulations issued by different ministers.

Several directions for reducing the number of normative acts are identified:

1) organizational measures, that is, before adoption of normative acts, it is necessary to be certain of the fact that only by means of specific content of the normative act it is possible to solve a problem which has occurred;

2) educational measures - both for the authors of the normative acts and the adopters;

3) review of practice on drafting normative acts - involving industry specialists in the creation of normative acts, as well as listening to the public opinion;

4) improvement of the requirements of the legal technique and its persistent application.

In fact, the following principle should be observed: "The law is the last resort if the others have not been effective".

From the stipulations of Section 1 of the Constitution of the Republic of Latvia: "Latvia is an independent democratic republic" (Latvijas Republikas Satversme, 1922), the principle of a democratic law - governed state follows. Based on this principle, the development and adoption of normative acts as the form of external expression of rights takes place.

How it seems, whether it is necessary to adopt a new or to amend an existing normative act or to solve a problem by using other options?

On the one hand, Hermann Apsitis said: "Where there are rights, there is order, where there is order, there is security, but where security is, there is peace and harmony". (Informatīvais ziņojums "Priekšlikumi ārējo normatīvo aktu grozījumu skaita un apjoma samazināšanai", 2014). On the other hand, the urgency of the drafting of normative acts and the desire to regulate in detail all possible life situations have led to so-called flood of legal regulations (normativism), when the same normative acts are amended many times a year and the legal system is fragmented. (Normatīvo aktu projektu izstrādes rokasgrāmata, 2018)

It is known that the legal framework, based on "the principle of democracy includes all the written and unwritten prescriptions required to resolve disputes in the legal system" ((Rezevska D., 2015, 146). Therefore, when deciding whether a new law is needed, first of all, it shall be established whether there is a problem that requires the adoption of normative acts, and second, whether the problem can be most effectively addressed by adopting new normative acts or making changes to existing ones (Tiesību akta projekta ietekmes sākotnējā izvērtēšana, 2014). Before drafting a legislative act, it should be always necessary to become certain of the fact that the problem identified and described can not be addressed in any other way.

Conclusions and suggestions.

1. The increase in number of normative acts in the recent years has to be regarded as unreasonable and contrary to the public interest.

2. The first Section of the Constitution of the Republic of Latvia imposes an obligation first of all to search for the solution of a problem within the legal system.

3. A draft of a legislative act should not be developed to deal with the immediate problem. If a problem can be solved through the interpretation of the legal norms, this choice shall be made.

References

Informatīvais ziņojums "Priekšlikumi ārējo normatīvo aktu grozījumu skaita un apjoma samazināšanai". 2014. https://tap.mk.gov.lv/doc/2015_01/TMInfo_210814_VP7.1739.docx [05.03.2018].

Izmaiņas likumos no 2017. gada 1. janvāra. Kur meklēt?, 2016, https://lvportals.lv/dienaskartiba/ 284156-izmainas-likumos-no-2017-gada-1-janvara-kur-meklet-2016 [05.03.2018].

Latvijas Republikas Satversme. 1993. No: Latvijas Vēstnesis, 01. jūlijs.

Liepa L. 2007. *Par zivīm, juristiem, likumiem un cilvēkiem,* http://www.delfi.lv/news/comment/comment/lauris-liepa-par-zivim-juristiem-likumiem-un-cilvekiem.d?id=17436970 [05.03.2018].

Likumi.lv – šodien 15! 2016. https://lvportals.lv/viedokli/280184-likumi-lv-sodien-15-2016 [05.03.2018].

Likumu nezināšana neatbrīvo no atbildības. 2014. https://legalsupport.lv/lv/news/open/likumu-nezinasana-neatbrivo-no-atbildibas [05.03.2018].

No 2018. gada spēkā stāsies 173 tiesību akti, 2017, https://lvportals.lv/skaidrojumi/292422-no-2018-gada-speka-stasies-173-tiesibu-akti-2018 [05.03.2018].

Normatīvo aktu projektu izstrādes rokasgrāmata.2018. https://tai.mk.gov.lv/get/book/pdf [05.03.2019].

Par konceptuālo ziņojumu "Ministra noteikumu institūta ieviešanas izvērtējums". 2017. No: Latvijas Vēstnesis, 28. jūnijs.

Par priekšlikumu izstrādi likumu grozījumu skaita un apjoma samazināšanai, Latvijas Vēstnesis, 196, 13.12.2012

Stradiņš J. 2000. *Juristi un tiesiskā apziņa mūsu sabiedrībā*. https://www.vestnesis.lv/ta/id/276[05.03.2018].

Tiesību akta projekta ietekmes sākotnējā izvērtēšana. 2014. https://www.mk.gov.lv/sites/default/files/editor/metodika_gala1.pdf [05.03.2018]

Tiesību aktu veidi, 2018, https://likumi.lv/ta/veids/saeima/likumi [05.03.2018].

*Tiesību aktu veid*i. 2018. https://likumi.lv/ta/veids/ministru-kabinets/noteikumi [05.03.2018].

Tiesību aktu veidi. 2018. https://likumi.lv/ta/veids/rigas-dome/saistosie-noteikumi [05.03.2018].

QUALIFYING ELEMENT OF TAX AND SIMILAR COMPULSORY DUTIES EVASION

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Abstract

Qualifying element of tax and similar compulsory duties evasion

Key Words: *tax evasion, qualifying element, organized group*

This paper is dedicated to such a topic of criminal law, as tax and similar compulsory duties evasion (hereinafter referred to as – tax evasion). Publication includes research of the qualifying element of tax evasion – committing of this criminal offence in organized group. Analysing the concept and elements of organized group, this paper contains research of the challenges in regard to determination of the qualifying element of tax evasion. In conclusion of the paper, summary of the research results is described, providing recommendations for the solution of the challenges related to qualification. Author concludes that, upon qualification of the offence in accordance with Section 218, Paragraph 3 of the Criminal Law, it should be taken into account that all members of the organized group are joint perpetrators of the tax evasion regardless of their role in the offence. All members of the group, including the leader (the organizer) of the group, are held criminally liable for the tax evasion as perpetrators of criminal offence. Ascertaining of role and liability of a member of organized group in the jointly committed tax evasion plays role both in correct qualification of the criminal offence, and in determination of individual punishment for each member of the group. Not only taking into account of the testimonies of the members of the group is required for the purpose of determination of preliminary distribution of duties among the members of the group, but also assessment of elements on the objective part (actus reus), paying special attention to the analysis of unlawful actions aimed at ascertaining, if they contain any signs of coordinated activity and if the actions taken by each member of the group should be included in the common chain of actions resulting in previously planned criminal result.

Kopsavilkums

Izvairīšanās no nodokļu un tiem pielīdzināto maksājumu nomaksas kvalificējošā pazīme

Atslēgvārdi: *izvairīšanās no nodokļu nomaksas, kvalificējošā pazīme, organizēta grupa*

Raksts ir veltīts tādai krimināltiesību tēmai kā izvairīšanās no nodokļu un tiem pielīdzināto maksājumu nomaksas (turpmāk – izvairīšanās no nodokļu nomaksas). Publikācijā tiek pētīta izvairīšanās no nodokļu nomaksas kvalificējošā pazīme – šā noziedzīgā nodarījuma izdarīšana organizētā grupā. Analizējot organizētas grupas jēdzienu un pazīmes, rakstā tiek pētīti izvairīšanās no nodokļu nomaksas kvalificējošās pazīmes konstatēšanas problēmjautājumi. Raksta nobeigumā apkopoti pētījuma rezultāti, sniedzot piedāvājumus kvalifikācijas problēmjautājumu risināšanai. Autore secina, ka, kvalificējot nodarījumu saskaņā ar KL 218.panta trešo daļu, jāņem vērā to, ka visi organizētas grupas dalībnieki ir izvairīšanās no nodokļu nomaksas līdzizdarītāji neatkarīgi no šo personu lomas nodarījumā. Visi grupas dalībnieki, tajā skaitā arī organizētas grupas organizētājs, tiek saukti pie kriminālatbildības par izvairīšanos no nodokļu nomaksas kā noziedzīga nodarījuma izdarītāji. Organizētas grupas dalībnieka lomas un atbildības kopīgi pastrādātajā izvairīšanās no nodokļu nomaksas noskaidrošanai ir nozīme gan pareizā noziedzīga nodarījuma kvalificēšanā, gan pie individuālā soda noteikšanas katram grupas dalībniekam. Iepriekšējā pienākumu sadalījuma starp grupas dalībniekiem konstatēšanai, nepieciešams ne tikai ņemt vērā grupas dalībnieku sniegtās liecības, bet arī vērtēt objektīvās puses pazīmes, īpašu uzmanību pievēršot prettiesiskās rīcības analīzei ar mērķi noskaidrot, vai tajā ir saskaņotās darbības pazīmes un vai katra grupas dalībnieka paveiktais ir ietverams kopējā darbību ķēdē, kas noved pie iepriekš plānotā noziedzīgā rezultāta.

Introduction

Tax evasion is a social phenomenon. Tax evasion partly depends on the economical situation in the particular country. At the same time the overall country's economic situation depends on the government budget income, which in turn is created by taxes. As a result, country's economic situation is closely related to government budget income from taxes, since tax is the main type of government budget income. Legislator protects the state's fiscal interests by providing liability, including criminal liability, for violating requirements of tax normative acts or improper implementation of them, as well as for tax evasion. In order to do a detailed research on criminal

liability for tax evasion, one must take into account the qualification feature of tax evasion. The objective is to determine qualification peculiarities of tax evasion, by studying and analysing its qualification feature, as well as to provide recommendations about finding solutions to qualification issues related to this qualification feature. The aim of the article is to analyse concept of the qualification peculiarities of tax evasion and to provide solutions for practical qualifying issues. The analytical, inductive, systemical, logical and comparative scientific research methods are used during the research progress.

Discussion

Article 218 of the Criminal Law of the Republic of Latvia (hereinafter referred to as – CL) provides not only for the basic feature of tax evasion, but also for its qualifying feature. The criminal offence analysed has one qualifying feature - committing criminal offence in an organised group. Third part of the Article 218 of the CL provides for this feature and it follows: "In case of criminal offence provided for in the second part of this Article, if it is committed by an organised group" (Krimināllikums, 1998). In order to qualify the offence in accordance with the third part of Article 218 of the CL, one must establish not only the criminal offence provided for in the second part of this article, but also the existence of the qualifying feature, meaning that one must establish tax evasion or hiding or decreasing of income, profit or other taxable objects, committed by an organised group.

Legislator of the CL has determined two types of criminal offence committed together by two or several people – participant or accomplice. Within the line of Article 19 of the CL, participation (co-performance) is a deliberate criminal action, which results in deliberate criminal offence committed by two or several persons. One must indicate that each of these persons is a participant of the criminal offence, or in other words – co-performer. When analysing this definition, one must agree to the opinion of V. Liholaja that in this definition the legislator has indicated to feature that "allows for differentiating it from case of accomplice – when two or several persons deliberately perform criminal offence, i.e. realise its objective part" (Liholaja, 2007: 95-96).

However, the first part of the Article 21 of the CL states that an organised group is association created by more than two people with a goal to commit one or several criminal offences, and where there is a previous division of responsibilities between the members. Thus, in order to qualify a criminal offence in accordance with the third part of the article 218 of the CL, a group with at least three members must be identified.

When analysing terms of participation, one must indicate that organised group, gang and criminal organisation are also groups formed upon previous agreement, but they differ not only with the number of members, but also with the level of organisation and harmfulness.

Organised group differs from group of persons and group of persons upon previous agreement by the following features:

1) The minimum number of members;

2) Previous division of responsibilities between the members;

3) At least one member is directly realising the objective features (*actus reus*) of the criminal offence;

4) Without the direct performer, there are people in the group, whose responsibilities match with those of a organiser or supporter (responsibilities of an instigator are less likely to be present in organised group, since it usually overlaps with those of an organiser);

5) Not taking into account members (member) of the group, who are directly realising the criminal offence content, the rest of the members do not necessarily have to present at the realisation place and time when the crime is committed;

6) All people that have taken part in committing the criminal offence regardless of their responsibility and tasks assigned upon agreement, are considered to be committers of the crime (co-performers);

7) Since committing crime in a group is characterised by a common intention aimed at reaching a common goal, then regardless of group member's task, their actions are interrelated;

8) The common deliberate actions of group members are in causal relationship with the criminal result" (Krastiņš, 2009: 135-153).

Taking into account the definition of an organised group provided for in the CL, one could conclude that an important feature defines organised group and it is the organisational structure and strict division of responsibilities between members upon previous agreement. In accordance with the opinion of U. Krastiņš, "division of responsibilities between members upon previous agreement is the most qualifying feature for an organised group, since regardless if the minimum number of members set out in the law holds true, if such division of responsibilities has not taken place, there are no grounds for concluding that it is an organised group" (Krastiņš, 2009: 135-153).

However, proving this feature of organised group in real life situations turns out to be difficult. The author agrees with the opinion of U. Krastiņš that "agreement for committing criminal offence can take form of both verbal agreement and of coordinated actions when committing the offence" (Krastiņš, 2009: 304-325). Also the case law recognised this kind of opinion. For instance, the Judicial Panel of Criminal Cases of the Riga Regional Court indicated: "In order to qualify the offence as the one committed in an organised group, there is no obligation to recognise the fact that at least three people at the same time in the same conversation have divided responsibilities and that everyone of them participates in committing the offence. However, it must be recognised that the group consists of at least three people and that each member acknowledges that there are also other

persons, whose responsibilities promote actions to reach result of committing the offence, as well as it must be determined that members of the group are informed about the type of criminal offence, that each of them acknowledges and fulfil their responsibilities as a part of common chain of actions, in order to commit the offence" *(Liholaja, 2007: 107).*

Whereas, the Department of Criminal Cases of the Senate of the Supreme Court of the Republic of Latvia indicated that "the fact of responsibility division can be recognised not only by testimonies and similar proof, but also by a particular action. In this case, as followed from the wording of judgement, the court has recognised the fact of responsibility division by taking into account proof of coordinated actions of the persons involved. The proved actions act as basis for such recognition, thus the Department of Criminal Cases of the Senate considers that there is no need for re-qualifying the criminal offence" (Latvijas Republikas Augstākā tiesa, 2006).

Thus, in order to recognise the feature of an organised group, namely the division of responsibilities between the members, one needs not only to take into account the testimonies provided by the members, but also to evaluate features of the objective part, by emphasizing analysis of the unlawful actions with a goal to determine, whether there are nay coordinated actions and whether the actions performed by members can be included in common chain of actions that result in previously anticipated criminal offence. At the same time one must definitely recognise that each member was aware of the fact that the criminal offence is committed by at least three people and that according to division of responsibilities, each member is playing his role, but they all do not necessarily have to take part in realising the unlawful actions.

By analysing the specifics of realising tax evasion and by taking into account the previously mentioned conclusions about features of an organised group, namely the division of responsibilities, one can conclude that committing tax evasion is characterised by group members dividing responsibilities among each other, by not meeting in person and contacting each other indirectly, in accordance with the particular tax evasion scheme and the responsibility division according to it. Thus, case-law conclusions could be applied to tax evasion, if committed in an organised group.

It follows that each member of the organised group fulfils certain responsibilities that are all aimed at reaching a criminal result. By emphasizing the previously mentioned features of organised group, U. Krastiņš justly indicates "in organised group there can be also other persons apart from the direct offence committer, who fulfil different responsibilities than the direct committer. Their role in the offence can take form of organisation or management, support or more rarely of instigation. These kinds of roles are typical for accomplices, but in organised group they are all co-performers" (Krastiņš, 2009: 135-153). By taking into account the peculiarities of the objective part of tax evasion, it can be concluded that it is characterised by the following peculiarities of actions taken by organised group members. Not all organised group members who are involved in realising

tax evasion scheme and who fulfil their duties upon previous agreement, are taking the real steps for committing the objective part of tax evasion, however, they are still to held criminally liable for tax evasion as co-performers in accordance with the third part of the Article 218 of the CL.

When finding persons guilty for criminal offence committed in accordance with the third part of Article 218 of the CL, courts recognised in their judgements previous division of responsibilities, and coordinated actions that resulted in not paying taxes, as well as the common intention aimed committing tax evasion (Jelgavas tiesa, 2014; Rīgas Vidzemes priekšpilsētas tiesa, 2016; Ventspils pilsētas tiesa, 2016).

In judgements of both Jelgava City Court and Ventspils City Court there were coordinated actions recognised, as a result of which one taxpayer by using businesses controlled by other members of the group, gained rights to unreasonable deduction of input tax of value added tax, by including non-existing transactions with these businesses in his tax return documents. The difference in these cases is that in Jelgava City Court judgement the non-existing transactions were documented with an actually insolvent business, acknowledging the fact that insolvency proceedings will start shortly. However, the Ventspils City Court judgement recognised creation of chain of bogus companies aimed at creating an opportunity for other businesses to evade taxes. Riga Vidzeme District Court in turn recognised coordinated actions of multiple persons in accordance with division of responsibilities within an organised group, by modifying the total incoming amount in cash registers and decreasing the daily turnover by 20-30% with a goal to hide taxable base – taxable sales transactions (value added tax), as well as taxable income (personal income tax).

When discussing tax evasion in case it is committed by an organised group, one must take into account that this type of offence can be committed only deliberately. Criminal law justly indicated that "crimes committed by an organised group are deliberate (with an intention)" (Krastiņš, 2015: 103). In author's opinion, the criminal offence in question can be committed only deliberately, since a situation, when member of organised group takes actions in accordance with previously divided roles aimed at tax evasion, but is not willing to avoid paying taxes to the state, is questionable and practically impossible in real life. The sole reason for creating an organised group is to evade taxes, thus it is hard to imagine that any of the members did not wish for the harmful consequences to become true.

By analysing the subjective part of tax evasion in case of organised group, one must conclude that the persons involved in organised group can have different motives and goals. Surely, the motive is mainly of a greedy character, but the reasons for it can be different.

Criminal law doctrine justly indicates "participation of two or more people in committing a criminal offence not only changes form of the offence, but also raises the level of harmfulness" (Krastiņš, Liholaja, 2015: 98). The legislator has determined it as especially serious felony (in

accordance with the third part of Article 218 of the CL), by imposing a more severe punishment, since the level of harmfulness of a crime provided in this part is the highest one and it causes more severe consequences. In author's opinion, the level of harmfulness of this offence is determined by the fact that the sole reason for creating an organised group is to commit a criminal offence provided for in Article 218 of the CL. Members of this group are aware of the unlawfulness and harmfulness of their actions, as well as they deliberately wish for those consequences to become true. As a result of actions of organised group, tax evasion becomes regular and systematic; practically the existence of organised group is determined by unlawfully obtained funds as a result of tax evasion.

Conclusions

The qualifying feature of tax evasion - if it is committed in an organised group. In order to qualify this offence in accordance with the third part of Article 218 of the CL, one must indicate not only the criminal offence, but also its qualifying feature.

The most significant features of an organised group – the previous division of responsibilities between the members – for resolving this issue, the author recommends not only to take into account testimonies of group members, but also to assess features of the objective part (*actus reus*), by focussing on analysis of the unlawful action with a goal to find out, whether it resembles coordinated actions and whether actions of each member can be included in the overall chain of actions, which result in the previously planned offence. One must simultaneously also indicate, whether each member of the group was aware that the offence intended was committed with the help of at least three people and that each member was playing a certain role in committing it, and that all of them do not necessarily have to be part of implementing all the unlawful actions.

When qualifying the criminal offence in accordance with the third part of Article 218 of the CL, it must be taken into account that all the members of organised group are perpetrators of tax evasion, regardless of their role in committing it. All the members of organised group, including its leader are to be held criminally liable as criminal offenders. In order to correctly qualify the criminal offence and impose the right penalties for individual group members, it is important to determine the role played and the responsibility carried by each group member in the jointly committed offence.

The subjective part (*mens rea*) of the offence provided for in the third part of Article 218 of the CL is characterised the common direct intention of the group members. However, goals and motives for committing the offence by differ among the members.

References

Jelgavas tiesas 2014. gada 3. decembra spriedums lietā Nr. K15-0656-14/5, krimināllietā Nr. 12503000614 (nav publicēts).

Krastiņš U. 2009. Grupveida nodarījumi: teorija un prakse. No: Krastiņš U. Krimināltiesību teorija un prakse: viedokļi, problēmas, risinājumi 1998–2008. Rīga: Latvijas Vēstnesis, 135.–153. lpp.

Krastiņš U. 2009. Mantisko nodarījumu teorētiski praktiski kvalifikācijas jautājumi. No: Krastiņš U. Krimināltiesību teorija un prakse: viedokļi, problēmas, risinājumi 1998–2008. Rīga: Latvijas Vēstnesis, 304. –325. lpp.

Krastiņš U., Liholaja V. 2015. Krimināllikuma komentāri. Pirmā daļa (I–VIII[1] nodaļa). Rīga: Tiesu namu aģentūra.

Krimināllikums. 1998. No: Latvijas Vēstnesis, Nr. 199/200, 8. jūlijs.

Latvijas Republikas Augstākās tiesas Senāta Krimināllietu departamenta 2006.gada 12. janvāra lēmums lietā Nr. SKK 01-0020/06. [skatīts 07.08.2017.] Pieejams: http://at.gov.lv/files/uploads/files/archive/department2/2006/a/kd120106.doc.

Liholaja V. 2007. Noziedzīgu nodarījumu kvalifikācija: Likums. Teorija. Prakse. Otrais papildinātais izdevums. Rīga: Tiesu namu aģentūra.

Rīgas apgabaltiesas Krimināllietu tiesas kolēģijas 2005. gada 15. aprīļa spriedums lietā Nr. K04-308/06-4. No: Liholaja V. 2007. Noziedzīgu nodarījumu kvalifikācija: Likums. Teorija. Prakse. Otrais papildinātais izdevums. Rīga: Tiesu namu aģentūra, 107. lpp.

Rīgas pilsētas Vidzemes priekšpilsētas tiesas 2016. gada 29. jūlija spriedums lietā Nr. K30-1542-16/15, krimināllietā Nr. 15830013614 (nav publicēts).

Ventspils tiesas 2016. gada 17. oktobra spriedums lietā Nr. K40-0114-14, krimināllietā Nr. 15830200211 (nav publicēts).

THE INFLUENCE OF THE CHANGES OF THE LEGAL REGULATION ON THE PROFESSIONAL ACTIVITY OF THE ADMINISTRATOR OF INSOLVENCY PROCEEDINGS

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Abstract

The influence of the changes of the legal regulation on the professional activity of the administrator of insolvency proceedings

Key Words: insolvency process, legal regulation, administrator, purpose, implementation

Continuing to study the insolvency process of legal persons and developing the topic of proceeding "HISTORICAL DEVELOPMENT AND EVOLUTION OF THE PURPOSE OF THE INSOLVENCY PROCESS", presented at the 59th International Scientific Conference of Daugavpils University, the author addresses the professional activity and status of the insolvency process administrator taking into account the changes in the legal framework, objectives and sub-goals identified by the state insolvency policy.

Insolvency Policy Development Guidelines for the Years 2016-2020th (hereafter - Guidelines) envisaged a scope of measures (the directions and tasks of action), as one of them defining the administrators, as highly qualified and professional specialists, who effectively perform their duties and take care of the prestige of the profession. In addition, indicators were set out in the Implementation plan for the Guidelines, in order to indicate the qualitative or quantitative terms, to determine the achievement of the objectives and sub-objectives of the Guidelines. The research addresses two main directions/tasks of actions: the review of the roles of the insolvency process administrator in the insolvency process and the reform of the insolvency process administrator's profession as such. Within the framework of the reform of the insolvency administrator's profession, changes were made in three main areas: qualification, examination and matters of disciplinary responsibility.

To make conclusions and proposals of the research there are used analytical and descriptive methods. Using these methods are analyzed additions and improvements to normative acts and purposes of the legislator. Analysis is made in order to research the influence to mentioned changes to the administrator and reflection on the status of administrator, as well on the compliance of them with the insolvency politics, implemented in the state.

Kopsavilkums

Tiesiskā regulējuma izmaiņu ietekme uz maksātnespējas procesa administratora profesionālo darbību

Atslēgvārdi: *maksātnespējas process, tiesiskais regulējums, administrators, mērķis, īstenošana*

Turpinot pētīt juridisko personu maksātnespējas procesu un attīstot 2017.gada konferencē prezentēto tematu "Maksātnespējas procesa mērķu vēsturiskā attīstība un evolūcija", autors pievēršas maksātnespējas procesa administratora profesionālās darbības un statusa izpētei, ņemot vērā tiesiskā regulējuma izmaiņas un valsts maksātnespējas politikas identificētos mērķus un apakšmērķus.

Maksātnespējas politikas attīstības pamatnostādnes 2016.-2020. gadam (turpmāk - Pamatnostādnes) paredzēja veikt virkni pasākumu (rīcības virzienu un uzdevumu), kā vienu no tiem definējot administratoru, kā augsti kvalificētu un profesionālu speciālistu, kas efektīvi pilda savus pienākumus un rūpējas par profesijas prestižu, darbības veicināšanu. Pie kam, Pamatnostādņu īstenošanas pasākumu plānā un to īstenošanas gaitā tika noteikti rādītāji, kuri kvalitatīvi vai kvantitatīvi ļautu noteikt Pamatnostādņu mērķu un apakšmērķu sasniegšanu. Secīgi pētījumā tiek apskatīti divi pamatvirzieni: maksātnespējas procesa administratora lomas maksātnespējas procesā pārskatīšana un maksātnespējas procesa administratora profesijas reforma, kā tāda. Maksātnespējas procesa administratora profesijas reformas ietvaros tika veiktas izmaiņas trīs galvenajās sfērās: kvalifikācija, eksamināciju un disciplinatratbildības sadaļās.

Pētījumā, izmantojot salīdzinošo un analītisko metodi, ir analizēti likumdevēja veiktie maksātnespējas procesa tiesiskā regulējuma papildinājumi un uzlabojumi, to ietekme uz maksātnespējas procesa administratoru un refleksiju uz administratora statusu, kā arī uz izmaiņu atbilstību valstī īstenotajai maksātnespējas politikai.

Introduction

Author in the Article is analyzing the implementation of legal regulation and its impact on the professional activity of insolvency process administrator, hereinafter also - Administrator, in consideration of the topic of the author's doctoral thesis concerning the legal framework of the insolvency process of the legal persons.

The Aim of the authors Article is to analyze and research the legal framework, regulating the role, professional activity and status of the insolvency process administrator in the insolvency process, considering amendments and improvements to normative acts in the sphere of the insolvency process of legal persons.

To achieve the abovementioned aim, to make conclusions and proposals of the research there are used analytical and descriptive methods. Using these methods are analyzed amendments and improvements to normative acts and purposes of the legislator.

Taking into account defined aim for of the authors Article, and applicable methodology, the focus materials of the paper will be the legal acts, as themselves (including Cabinet Regulations), political planning documents, publications and documents of international character (such as guidelines, plans etc.).

Considering the keyword - activity, as the meaning and definition, according to open source web dictionaries - *is the specific deed, action, function, or sphere of action,* either - *the state or quality of being active* (www.dictionary.com / www.thesaurus.com). Author, taking into account the above-mentioned meaning and definition provided, in the provided article is analyzing the influence of the changeable legal framework on the professional activity of the insolvency process administrator and the correlation within the frame of the insolvency politics, implemented in the state according to the political planning documents and the norms of legal acts. Author also touches upon the status and role of the insolvency process administrator, as the part of a tasks of action, defined in the political planning documents and directly influencing the professional activity the insolvency process administrator. Never the less, considering, that the focus of this paper is on the professional activity, analysis of the status of the insolvency process administrator is not the primary aim of the Article.

Discussion

In the scope of the political planning documents, implemented in the Republic of Latvia, among the top level documents, such as Sustainable Development Strategy of Latvia until 2030 and National Development Plan of Latvia for 2014–2020, the governmental level political planning document - Declaration on the planned activities of the Cabinet of Ministers led by Maris Kučinskis, hereinafter - Declaration, is in force.

As far, as it mentioned in Declaration on the planned activities of the Cabinet of Ministers led by Maris Kučinskis, to achieve the goal - *Ensuring the development of entrepreneurship and ensuring a competitive legal environment by increasing the position of Latvia in the ratings that characterize the effectiveness of courts every year,* dozens of activities were planned. Concerning the insolvency processes activity No.42 states as follows: *To define the expected results of insolvency policy in the long term, the role of the state in ensuring insolvency, review the role of the*

Insolvency Administration and the role of the court. Complete the reform of profession of insolvency process administrators, which will improve the supervision and responsibility of administrators.

This governmental level achievable goal and its planned activity is more concrete, despite the higher level political planning documents. Nether the less it is logically continuing the scope of objectives and activities, set up in higher level documents:

– *achieving Global competitiveness index (place in the world) <40* (Sustainable Development Strategy of Latvia until 2030, Strategic Indicators for Year 2030);

– *an outstanding business environment includes a coherent regulatory framework, the operation of a stable state support and monitoring system, public services oriented towards the needs of businesses* (National Development Plan of Latvia for 2014–2020, Strategic Objective "Outstanding Business Environment");

– *Efficient governance can encourage economic activity. Through competent regulation, simplified procedures and upgraded institutional and financial management, it is possible to achieve a more efficient use of the state and local government assets and greater benefits for the public. A predictable business environment that is distinguished by its adherence to the rule of law in the country and in every municipality serves as a pull for private investment projects and job creation* (National Development Plan of Latvia for 2014–2020, Strategic Objective "Promotion of Economic Activity in the Regions: Unleashing the Potential of Territories").

As one of the elements of the government planned activity in the sphere of insolvency processes - is reviewing the role of Administrator from one side and completing the reform of profession of administrators from other side.

To implement the government level planned activities, the political planning document in the sector of insolvency field was implemented - to envisage a scope of measures (the directions and tasks of actions). The Insolvency Policy Development Guidelines for the Years 2016-2020ᵗʰ settled the vision of development of the sector of insolvency, Implementation plan For the Insolvency Policy Development Guidelines for the Years 2016-2020ᵗʰ settled the tasks of actions to achieve vision and directions, implemented in Guidelines. Such instrumentation was planned and incorporated:

– predictable and sustainable politics in the sector of the insolvency;

– legal framework – stable normative regulation;

– control of supervision system that was implemented;

– administrative procedures (incl. disciplinary matters).

Author, taking into account collaboration of above-mentioned Guidelines and Implementation plan of them, proposes to view upon such three Sectoral policy planning frameworks:

1. Reform of Administrators profession, within the framework and task of action – implementations of more strict control and supervising system of administrators. Predictable result of task of action – more strict qualification system of Administrators.

2. Reform of Administrators profession, within the framework and task of action – to ensure, that administrators are high qualified and professional specialists. Predictable result of task of action – more strict examination system of Administrators.

3. Restructuring responsibility and disciplinary matters of insolvency proceedings administrators', within the framework and task of action – to introduce multidisciplinary and interinstitutional committee with mandate to examine the Administrators professional activity and compliance of it with the norms of the legal acts.

In the sector of the Reform of Administrators profession, tasks of action – more strict qualification and examination system of insolvency proceedings administrators results showed, that almost 20% of Administrators, who passed qualification exam - dropped out and lost their right to administrate the insolvency proceedings: 12.09.2017 qualification exam – passed 73%, did not passed 27% of Administrators; 29.11.2017 qualification exam – passed 89%, did not passed 11% of Administrators (www.tm.gov.lv / www.mna.gov.lv).

All of the above-mentioned scopes of frameworks and tasks of actions there directly (amendments to the law) or indirectly (amendments to the Cabinet Regulations or implementing brand new Regulations) embedded in the legal framework of the insolvency sector. Despite the situation before the abovementioned restructuration and reforms, the activity and the qualification/examination matters became more state controlled and preorganized.

Analyzing the normative acts, as the instruments of implementation of the activities, settled up to achieve the objectives/goals, a series of amendments there implemented to the Insolvency law.

According to the Insolvency law (current edition), Adminsitrator, in the Republic of Latvia is: *a natural person, who is appointed in the position of an administrator and who has the rights and duties specified in this Law. As regards the official activities, an administrator of insolvency proceedings shall be considered as equivalent to public officials* (Section 9, Clause 1 of the Insolvency law). According to the Insolvency law (edition before the amendments of 22 December 2016), *an administrator of insolvency proceedings is a natural person who has acquired a certificate of an administrator of insolvency proceedings and who has the rights and duties specified in this Law. As regards the official activities, an administrator of insolvency proceedings shall be considered as equivalent to public officials* (Section 9, Clause 1 of the Insolvency law, in force till 22 December 2016). Using descriptive analysis can be concluded that the role of Administrator and predictable reform is made. Legislator, implementing the scope of objectives and goals, had settled totally new system of the profession of the insolvency administrator:

−   appointing of administrators, led by professional organization of insolvency administrators – Association of Latvian Certified Insolvency Proceedings Administrators (non-governmental organization) after the implementation there transferred to the state institution - Insolvency Control Service (Insolvency Administration);

−   certification function, as precondition for the fulfilling the rights and duties of an administrator of insolvency proceedings, was transferred to the state institution - Insolvency Control Service (Insolvency Administration). Before the reform it was the responsibility of the Certificating Centre of the Association of Latvian Certified Insolvency Proceedings Administrator;

−   subordinate action to the certification – examination and qualification examination of administrators after the amendments to the Insolvency law of 22 December 2016 also belongs to the government institution - Insolvency Control Service (Insolvency Administration).

To implement the bureaucratic and routine procedures and set up the formal principles of the abovementioned changes to the system of the profession of the Administrator, a series of Cabinet regulations in Year 2017 were accepted to regulate such spheres, as:

−   training of the candidates to the position of an Administrator;

−   examination procedure of an a\Administrator;

−   appointing and dismissal procedures of an Administrator;

−   disciplinary matters of an Administrator professional activity;

−   accounting procedures.

Conclusions

By accepting amendments to the Insolvency law and Cabinet Regulations, Parliament and Government of the Republic of Latvia have built the frame for the future new system of the profession of the insolvency administrator, setting up the structural and functional changes.

Implemented changes were synchronized with all level political planning documents, predefined scope of objective/aims and planned actions to achieve them.

Role of the state in the sphere of professional activity of Administrator and in the process of building new system had dramatically increased, both in institutional and functional aspect. Despite to the regulation, that was in force before the implementation of systemically changes, in the sphere of professional activity of Administrator, new legal framework transferred full spectrum of actions to the government institution. Insolvency sector experienced end of self-regulation era and came back to state regulated and supervised process. Looking to the analysis, made to the improved legal framework, technical compliance of it with the insolvency politics, implemented in the state, can be recognized.

References

Amendments to the Insolvency Law 22.12.2016 Law // Latvijas Vēstnesis, No. 5 (5832), 05.01.2017. Law come into force on 06.01.2017.

Cabinet Regulation No.233 of 03 May 2017, Disciplinary proceedings of insolvency process administrators and supervisors of legal protection proceedings // "Latvijas Vēstnesis", No. 89 (5916), 09.05.2017.

Cabinet Regulation No. 286 of 30 May 2017, Accounting proceedings of insolvency process administrators and supervisors of legal protection proceedings // "Latvijas Vēstnesis", no. 108 (5935), 02.06.2017.

Cabinet Regulation No. 288 of 30 May 2017, Procedures for the training of pretendents of insolvency process administrators, examination procedure, procedure of examination committee and procedures for the appointment, dismissing, cancellation and suspension of the duties of administrators of insolvency proceedings and suspension of the duties of administrator // "Latvijas Vēstnesis", No. 108 (5935), 02.06.2017.

Declaration on the planned activities of the Cabinet of Ministers led by Maris Kucinskis 01.02.2016 // https://www.mk.gov.lv/sites/default/files/editor/20160210_mkucinskis_vald_prior_gala_vers_0.pdf (accessed 18 May 2018).

Dictionary.com – online source for English definitions, synonyms, word origins, audio pronunciations, example sentences, slang phrases, idioms, word games, legal and medical terms. *www.dictionary.com* (accessed May 2018).

http://www.mna.gov.lv/print.php?act=/lv/aktualitates/695/ – official we site of the Insolvency Administration, statistical data concerning the 29.11.2017 qualification exam (accessed March 2018).

https://www.tm.gov.lv/lv/aktualitates/tm-informacija-presei/par-2017-gada-12-septembra-administratorukvalifikacijas-eksamena-rezultatiem – official web site of the Ministry of Justice of the Republic of Latvia, statistical data concerning the 12.09.2017 qualification exam (accessed March 2018).

Implementation plan For the Insolvency Policy Development Guidelines for the Years 2016-2020ᵗʰ 21.09.2016 Cabinet Order No. 527 // Latvijas Vēstnesis, No. 186 (5758), 26.09.2016.

Insolvency Law 26.07.2010 Law // Latvijas Vēstnesis, No. 124 (4316), 06.08.2010. Law come into force on 01.11.2010.

Insolvency Policy Development Guidelines for the Years 2016–2020ᵗʰ 21.09.2016 Cabinet Order No.527 // Latvijas Vēstnesis, No. 186 (5758), 26.09.2016.

National Development Plan of Latvia for 2014–2020 accepted 20.12.2012 by Parliament // http://polsis.mk.gov.lv/documents/4247 (accessed 18 May 2018).

Sustainable Development Strategy of Latvia until 2030 10.02.2010 Parliament statement // http://polsis.mk.gov.lv/documents/3323 (accessed 18 May 2018).

Thesaurus.com – free online thesaurus brought by Dictionary.com. *www.thesaurus.com* (accessed May 2018).

THE INNOVATIVE APPROACHE FOR CRIME RESEARCH IN LATVIA: COMPARATIVE CRIMINOLOGY

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Abstract
The Innovative Approach for Crime Resaerch in Latvia: Comparative Criminology
Key Words: *crime, criminology; comparative research*
Under conditions of globalization, new areas of criminology are developing and the task of analyzing and comparing crime is playing a more important role. In order to prevent the expansion of crime and of its new forms and types historical experience should be analyzed, the current conditions should be recognized and assessed and innovative approaches should be searched for. Under conditions of internationalization and globalization of crime comparative criminology is more and more developing. In the article the author analyzes the concept, content and significance of comparative criminology. The author points out that comparative criminology is an independent branch of the science of criminology.
The author concludes that it is necessary to promote the development of criminology as a science and to actively work in the process of criminological research in Latvia. In particular, the comparative research is of great importance. Using knowledge and opinions of foreign scientists, the potential of national criminology will be promoted, developed and improved. An innovative approach to crime research has to be developed and the development of comparative criminology has to be promoted in Latvia.

Kopsavilkums
Inovatīva pieeja noziedzības pētniecībai Latvijā: salīdzinošā kriminoloģija
Atslēgvārdi: *noziedzība, kriminoloģija, salīdzinošie pētījumi*
Globalizācijas apstākļos attīstās aizvien jaunas kriminoloģijas izziņas jomas, nozīmīgāku vietu ieņem noziedzības analīzes un salīdzināšanas uzdevums. Lai nepieļautu noziedzības paplašināšanos, jaunu krimināalo formu un veidu izpausmes ir jāanalizē vēsturiskā pieredze, jāapzinās un jānovērtē pašreizējie apstākļi un jāmeklē inovatīvas pieejas. Salīdzinošā kriminoloģija globolizācijas un noziedzības internacionalizācijas apstākļos pilnveidojas aizvien intensīvāk. Rakstā autore analizē salīdzinošās kriminoloģijas jēdzienu, saturu un nozīmi. Autore norāda, ka salīdzinošā kriminoloģija ir patstāvīga kriminoloģijas zinātnes apakšnozare.
Autore secina, ka Latvijā ir nepieciešams veicināt kriminoloģijas kā zinātnes attīstību un aktīvi darboties kriminoloģisko pētījumu procesā. Īpaši svarīgi ir salīdzinošie pētījumi, izmantojot ārvalstu zinātnieku zināšanas un atziņas, tiks veicināts, attīstīts un uzlabots nacionālās kriminoloģijas potenciāls. Latvijā ir jāattīsta novatoriska pieeja noziedzības pētniecībai un jāveicina salīdzinošās kriminoloģijas attīstība.

Introduction

Crime has always been a problem of the society. It existed in various historical stages of human development and society systems, but it varied in qualitative and quantitative characteristics in each stage. Society is always in the process and changing, but each era is characterized by specific trends and context. Criminological literature recognizes that the origin or development of particular science or theory is always associated with the development history of the society. One has to agree that criminology is evolving science that has experienced changes and development of more than two hundred years (Cordella, Siegel 1996: 3). The author believes that criminology is methodological basis of criminal law sciences – criminal law, criminal procedure law and sentence execution law. A vast theoretical and empirical material has been collected in criminological science by the countries of the world. It characterises crime, certain types of it, mechanism of a criminal offence, an offender and a victim, as well as the response of law enforcement agencies to criminal phenomena. The author still considers that criminology is open for the research and development and crime development trends prove it.

The aim of the research is to analyse particular aspects of development of criminology research in Latvia.

Globalization brings new challenges for political, social, economical relations of the society, including both positive and negative features. Crime and criminogenic processes are becoming more complex, more criminogenic, and more dangerous in the world. An important challenge to the world civilization is the criminalization of public, state and international relations, crime as national and transnational problem, impact of new technologies on community. Thus, a greater role and importance are given to the crime analysis and comparison. Alongside with the development of new technologies and access to the international market, crime has crossed the national borders and spread in the whole world. In this respect, in recent years increasing attention is paid to the development of Comparative law.

Comparative law as a legal scientific discipline is considered as: 1) independent science; 2) supporting discipline of general law theory; 3) special research method that can be used in any legal science. The famous Latvian professor, Dr.iur. Karlis Dishler (Kārlis Dišlers) writes that each science has the same research methods, but each has its own distinctive methodological techniques (Dišlers 2002: 92).

The comparative approach can generally be used in two ways: 1) as dogmatic comparative and 2) comparative historical. The concept of comparative law translated from Latin means evaluation (*parare* - evaluate the same) (Svešvārdu vārdnīca 2008: 870). Comparison can be made at the level of comparison of separate legal provisions and institutions (micro-level comparison), – at the level of branches of law (midi-level comparison); – at the level of legal system and general principles (macro-level comparison) (http://www.britannica.com/science/comparative-law). Thus, objects of comparative law inquiry and research can be law system and established institutions or legal provisions, as well as legal reality. It appears in comparison, analytical study and in identification of different features. In any field of science by getting and summing up sufficient information the result of comparative study are getting more used. Without comparison it is not possible to distinguish the common and the individual, to identify the diversity of the world structure and its scientific inquiry (Ротенфельд). Criminology is no exception, which is developing a new movement – comparative intercultural criminological inquiry.

Comparative criminology: the concept, content and significance

Organised crime, terrorism, corruption, drug trafficking, human trafficking, cybercrimes etc. are more actively attracting the attention of the international community. Of course, the field of criminology rises in the circumstances of criminalization of world community relations. Thus, in the period of crime globalization in the framework of criminology the independent movement is separated – comparative criminology that is getting more actual (Клейменов 2012: 4). In the world

crime and criminogenic processes are becoming more complex, criminogenic, thus determining the significance of crime analysis and comparison. The important challenge for modern world civilization is criminalization of social, state and international relations, crime as national and transnational problem, impact of new technologies on community. Alongside with the development of new technologies and access to the international market, crime has crossed the national borders and spread in the whole world. Each science has its global nature and criminology is no exception. In addition, the research object of criminological science is crime and its diversity is social negative phenomenon with transnational nature. Crime has been transnational and national for a long time (Smith, Zhsng, Barberet 2011:1).

In the circumstances of globalization and internalization comparative criminology (in Latvian *salīdzinošā kriminoloģija;* in Russian *сравнительная криминология*) is developing more intensively. The framework of comparative criminology asks for intensification of researches at global level (meta-level). Whereas, meta-environment has an impact on the processes in macro-environment, which characterizes the set of public relations in the state (Kriminoloģija 2004: 219). The Spanish sociologist Manuel Castells offers such groups of global crime: arms smuggling; drug smuggling; form of the slavery of the 21st century – human trafficking; illegal migration; prostitution; cybercrimes; sex tourism; legalisation of illegal means (Castells 1998: 173). Assessed the documents and study results of different UN and other international organisations, it can be established that crime is the global problem if it meets the following criteria:

1. A criminal offence has the similar features in the most countries of the world;
2. An offence is of transnational nature and different community representatives are involved in its commitment mechanism.

Strategic directions and priorities in combating the crime are determined in the Doha declaration of the 13th United Nations Congress on Crime Prevention and Criminal Justice. In the Declaration the emphasis is made on enforcement of organized crime, corruption, legalisation of illegal means, terrorism, human trafficking, illegal migration, as well as protection of women and girls (13th United Nation Congresson Crime Prevention and Criminal Justice). In the speech on 24th session of the UN Crime Prevention and Criminal Justice ambassador Bahtijors Hasans pointed that the essential questions of crime enforcement in the EU member states are – combating violence against vulnerable groups; victims of human trafficking; illegal migration; combating transnational organized crime; corruption; cybercrimes, terrorism; piracy; illegal trade of cultural heritage and crimes against the flora and fauna (www.lvportals.lv).

The author considers that comparison is to be viewed as fundamental characteristics of criminological science and has already been put in the initial stages of its development. From its beginning the criminological science is interested in crime as complex social phenomenon. The interdisciplinary nature of criminology:

1) Predetermines mutual interest that is connected with other fields.

2) Requests continuous analysis or monitoring of the study results of national and international criminologists and other scientists.

The author agrees with the opinion of Russian professor Olga Vedernikova (Ольга Николаевна *Ведерникова*) that from the very beginning criminology as interdisciplinary discipline was developing as universal branch of science about crime and offender without linking them with the state borders, as well as crime does not pay attention to the. Comparative criminological method was the basic method for testing the criminological knowledge and the dissemination. It is determined in the theoretical framework and comparative studies that crime determinants, causes and contributing circumstances are of the same basis in each country – social, economical, political, ideological and socially mental contradictions. The larger contradictions are, the higher the crime is (Ведерникова 2001: 16-17).

It is rightly stated that comparative criminology is as old as the criminological science, for example, Cesare Beccaria, Jeremy Bentham, Voltaire, Claude Adrien Helvétius, Adolphe Quetelet and other personalities of the age of Enlightenment compared national law and justice system with other national systems. Comparative studies and materials are widely used for research of personality of an offender, as well as for research of crime determinants. Opinions and proposals were often important and effective to take those (Comprehensive Study on Cybercrime). Extending theories outside the cultural and national boundaries, comparative study results enable the theories of criminology which are usually developed in a particular country, to apply and take them in other countries. The aim of comparative criminological study is to research and explain the diversity and similarities of crime in different countries. In practice we can call them as comparative intercultural crime studies. The scheme of such studies proposes to organize the measurement of crime in two different countries. These study results gives the basis, as well as can be used for the planning, coordination and implementation of crime prevention measures and events. For example, the results of Comprehensive Study on Cybercrime: an offender committing child pornography offences is aged from 15 up to 73 years (average age – 49 years); 60% of offenders have not only stored, but also spread these materials; 1/5 from all offenders were unemployed, were pensioners, unemployed persons or received benefits, others were working or studying; 42% of offenders were living together with their partner and/or a child; 4% had mental health problems. All of the study identified offenders hid their actions carefully from their relatives. The duration of the commitment of a criminal offence was from six months to 30 years (Comprehensive Study on Cybercrime).

In the author's opinion comparative criminology is an independent sub-branch of criminology. In its framework independent research object, aims, objectives and tasks, functions and own methodology are formulated. Russian professor Victor Lunejev (Лунеев Виктор

Васильевич) specifies that comparative criminology is criminological science discipline in the framework of which in general trends of world, region and nationally specific crime and other crime characterizing features are researched: crime factors, crime preventive measures and actions, as well as crime factor theories. Reference parameters – individual indicators and phenomena related to crime in the countries, regions and the world, as well as theoretical concepts (Лунеев 2004: 597).

The object of comparative criminology is:

- Crime in its diversity;
- Theories of crime factors;
- Possibilities of crime enforcement and prevention (crime limitation and enforcement tactics and strategy).

Analyzing the global nature if crime and its problematics, it should be noted that nowadays the object of comparative criminology is becoming more pronounced and it is dynamic and it is changing in content depending on global crime situation. At the same time one can agree with the opinion about volatility of boundaries of comparative criminology that is determined by:

1) variability of criminological situation;
2) dynamism of strategy and method in reacting to crime;
3) development of criminological opinions of the scientists regarding other sciences. This affects that in the field of crime prevention the leading experts are not criminologists, but other professionals such as economists, political scientists, sociologists and other professionals (even geographers) (Клейменов 2010: 193).

In accordance with the opinion of Russian criminologist (Владимир Николаевич Кудрявцев) comparative criminology is not an independent science branch, but one of the disciplines which studies crime, its factors and other criminal elements. It makes the basis for the object of criminological science in different countries.

In fact, analyzing the set of criminological phenomena or some elements of it in one country, including analogical system, relevant phenomena are getting analysed in other country. The aim of such study is to understand better the modern world processes and public processes in general in different countries with different social systems (Кудрявцев 1978: 72).

The author specifies that comparative criminology as an independent sub-branch of criminology by using the knowledge and opinions of foreign scientists is being promoted and refined, and potential of national criminology is developing.

Comparative criminology includes:

1) Comparative method that was developed by many international organisations to compare the data of criminal phenomena in different countries.
2) Comparative criminology is the field of special scientific activities.

The author emphasises that comparative criminology can be distinguished as an independent sub-branch of criminology, which includes the application and usage of comparative methods for study of the crime phenomenon and for development of crime enforcement and prevention measures and events. Comparative criminology is an independent scientific discipline that requires particular competence and specialization.

In the process of criminological research, the important principle is complexity of approach and principle of interaction. Undoubtedly, each qualified criminologist has to know general information about crime in different regions of the country, in the foreign countries and in the world. He/she must be aware of criminogenic phenomena. However, such information should be gained and analyzed by professionals who know the methods of information acquisition and are able to sum up and interpret it, are able to formulate perspective study hypothesis, are able to formulate empirical database; who have sufficient scientific erudition. However, the author has to specify that one of the problems of organizing the process of such studies is the differences in the terminology, diversity of defining a criminal offence and other important concepts (crime and other important concepts are defined different in different cultures and countries). The features of a criminal offence are stated in the first part of Article 6 of Criminal Law: A harmful offence (act or failure to act) committed deliberately (intentionally) or through negligence, provided for in the Law, and for the commission of which criminal punishment is set out, shall be considered a criminal offence. Criminal punishment is set out only for an offence provided for by the Law (nullum crimen, nullum poena sine lege). Only the constituent elements of a criminal offence include the set of features, which determine that a harmful offence is criminally punishable (Krastiņš 2000: 8). Criminal offences are divided into criminal violations and crimes according to the nature and harm of the threat to the interests of a person or the society. Crimes are divided as follows: less serious crimes, serious crimes and especially serious crimes (first part of Article 7 of Criminal Law).

The author considers that it is useful to mention the statement of Dr. iur. Agnese Belska (Agnese Beļska) that can be applied also to comparative criminology. In order practical aims of foreign law science researches to be correct and not to have any doubts, it is important not only to formulate the aim of the study, but also to determine the result to be achieved (Beļska 2012: 60).

Conclusions

1. The studies of criminological nature are at the moment fragmental.

2. The author concludes that strategic, on research and scientific statements based approach of research of crime is not present and missing in the country. The results could influence the directions of criminal police formation.

3. The author considers that in the field of formation of criminal policy of effective crime prevention in Latvia the deepened and comprehensive studies of criminological nature are necessary. The carrying out of such researches should be given to the specialized authority or

institution with sufficient capacity. The establishment of criminological research institute would be useful.

4.   Development of theoretical and practical problematics of crime prevention, as well as research methodology of specific crime shall emerge from economical, legal and historically cultural aspects in Latvia.

5.   The author indicates that in Latvia viable and dynamic criminological science should be developed. The studies of criminological nature should be made more popular by studying the impact of crime on the state, society and an individual. Such research opportunities shall be promoted among professionals and scientists. Comparative criminological data of the research shall be wider used. Undoubtedly, by using the knowledge and opinions of foreign scientists the national potential of criminology is being promoted, improved and developed.

References

13th United Nation Congresson Crimeprevention and Criminal Justice. Doha, 12–19 April 2015. Online available from: https://www.unodc.org/documents/congress/Documentation/ACONF222_L6_e_V1502120.pdf

Beļska, A. Noziedzīga nodarījuma izpratne Latvijas un Amerikas Savienoto Valstu krimināltiesībās: Promocijas darbs. Rīga, Latvijas Universitāte, 2012.

Castells, M. End of Millennium, The Information, Age: Economy, Society and Culture. Vol. II. Cambridge, MA; Oxford, UK, Blackwell, 1998.

Comparative Law. Online available from http://www.britannica.com/science/comparative-law

Comprehensive Study on Cybercrime. UNODC, 2013. Online available from: https://www.unodc.org/documents/organized-crime/UNODC_CCPCJ_EG.4_2013/CYBERCRIME_STUDY_210213.pdf

Cordella, P., Siegel, L. J. Readings in Contemporary Criminological Theory. Northeastern University Press, 1996.

Dišlers, K. Ievads administratīvo tiesību zinātnē. Rīga, Tiesu namu aģentūra, 2002.

Krastiņš, U. Noziedzīgs nodarījums Rīga, Tiesu nama aģentūra, 2000.

Kriminoloģija. Mācību grāmata / zin. red. K.Ķipēna, A.Vilks. Nordik, 2004.

Preses relīze. Latvijas Vēstneša portāls: Par Likumu un Valsti. Online available from: www.lvportals.lv

Smith, C., Zhsng, S. Barberet, R. Routledge Handbook of International Criminology. Routledge, 2011.

Svešvārdu vārdnīca / autoru kolektīvs. Rīga, izdevniecība „Avots", 2008.

Ведерникова, О. Н. Сравнительная криминология: отпрошлого к будущему // Государство, на рубеже веков: мат-лывсерос. конф. Москва, 2001, с. 16–17.

Клейменов И. М. Сравнительная криминология. Москва, НОРМА, ИНФРА-М, 2012.

Клейменов, И. М. Поняти и предмет, сравнительной, криминологии // Вестик, Омского унивеситета Серия "Право", 2010, 3 (24).

Криминология. Учебник для вузов / Шиханцов Г.Г., 2001.

Кудрявцев, В. Н. Методологические вопросы сравнительной криминологии // Проблемы сравнительного правоведения. Москва, 1978.

Лунеев, В. В. Сравнительная криминология // Криминологи: учебник. Москва.: Волтерс Клувер, 2004.

Ротенфельд, Ю. Запечатаннаякнига. Online available from: http://www.lib.rin.ru/doc/i/15971 p15.html

REVISION OF THE DUBLIN SYSTEM

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Abstract

Revision of the Dublin system

KeyWords: *Dublin system, Dublin Regulation, asylum procedur.*

The European Parliament has urged the Member States of the European Union to agree on the necessary amendments to the Dublin Regulation. The Dublin Regulation is at the heart of the asylum system. The European Union needs a clear system for reception of asylum seekers inside the European Union. Strengthening the Common European Asylum System also means a more effective approach to abuses. At this moment the mechanism for allocating responsibilities to examine asylum applications, Dublin system, is not working as it should. After the reform, the country in which an asylum seeker first arrives would no longer be automatically and solely responsible for processing his or her asylum application. Instead, responsibility for asylum seekers should be shared among all European Union countries. Asylum applications should be processed much quicker so that those in need of protection get it sooner, while those with no right to asylum can be returned to their home country swifter. Each country in the European Union must take responsibility for every asylum seeker. It must be understood that only joint forces can overcome the protracted crisis, which has a negative impact on the whole of the European Union.

Kopsavilkums

Dublinas sistēmas pārskatīšana

Atslēgvārdi: *Dublinas sistēma, Dublinas regula, patvēruma procedūra.*

Eiropas Parlaments ir mudinājis Eiropas Savienības dalībvalstis vienoties par nepieciešamiem grozījumiem Dublinas regulā. Dublinas regula ir patvēruma sistēmas pamatā. Eiropas Savienībai ir vajadzīga skaidra sistēma patvēruma meklētāju uzņemšanai Eiropas Savienībā. Kopējās Eiropas patvēruma sistēmas stiprināšana nozīmē arī efektīvāku pieeju ļaunprātīgai izmantošanai. Šobrīd mehānisms pienākumu piešķiršanai patvēruma pieteikumu izskatīšanai Dublinas sistēma nedarbojas tā, kā tas ir vajadzīgs. Pēc reformas valsts, kurā pirmoreiz ieradīsies patvēruma meklētājs, vairs nebūs automātiski un vienīgi atbildīga par viņa patvēruma pieteikuma apstrādi. Tā vietā atbildība par patvēruma meklētājiem būtu jādala visām Eiropas Savienības valstīm. Patvēruma pieteikumi jāapstrādā daudz ātrāk, lai tie, kuriem vajadzīga aizsardzība, tiktu saņemti agrāk, bet tiem, kuriem nav tiesību uz patvērumu, viņi var ātrāk atgriezties savā dzimtenē. Katrai Eiropas Savienības valstij jāuzņemas atbildība par katru patvēruma meklētāju. Jāapzinās, ka tikai kopīgie spēki var pārvarēt ilgstošo krīzi, kas negatīvi ietekmē visu Eiropas Savienību.

The goal of this article is to review demands of Common European asylum system and Dublin system revision exigency. Tasks of this research is to analisys of legislation in EU, to compare current legislation of asylum procedure in EU, and understand the need for a recast of the Dublin system. In order to achieve tasks, following research methods were used: monographic research of theoretical and empirical sources, analytical method, comperative method, sytemic method and corelation method.

Over the last three years, hundreds of thousands of people fleeing from war and persecution have come to seek refuge in Europe. This is persons seeking to be admitted into a country as refugees and awaiting decision on their application for refugee status under relevant international and national instruments. In case of a negative decision, they must leave the country and may be expelled, as may any alien in an irregular situation, unless permission to stay is provided on humanitarian or other related grounds (Glossary on Migration, 2004).

However, the European asylum system proved to be unsuitable for such an unprecedented influx of asylum seekers. As one of the priority issues, the European Union has put forward a

review of the rules on asylum, with a view to ensuring that Member States share responsibility. So far, much work has been done to fine-tune the Common European Asylum System, and many legal norms also work in practice. In 2013, the entry into force of the recast Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for the granting and withdrawing of international protection. The main objective of this Directive is to further develop standards for procedures in Member States for granting and withdrawing international protection with a view to establishing a common asylum procedure in the Union. In turn, Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for applicants for international protection purposes is to lay down standards for applicants for international protection („applicants") receiving Member States. However, one of the biggest problems is the Dublin system, so there are issues and solutions are being sought to update this system according to the current situation.

The asylum procedure is closely linked to the Dublin Regulation, which is the most important element of the Common European Asylum System. It determines which EU country is responsible for examining asylum applications and is usually the country of first entry. In rare cases, other factors are taken into account, such as the interests of minors and the family situation as a whole. The current system since 2003 has not been designed to divide asylum applications by Member State, and when the number of refugees entering the European Union rapidly increased in 2015, it became difficult for countries such as Greece and Italy to accommodate all applicants.

The European Parliament has already called for the Dublin system to be recast since 2009. Recent rulings of the European Court of Human Rights (ECtHR) and the Court of Justice of the EU (CJEU) stress that asylum-seekers must not be transferred to Member States whose asylum systems manifest systemic deficiencies. The CJEU also confirmed that Member States must ensure asylum-seekers undergoing a Dublin-transfer procedure benefit from minimum reception conditions (Transfer of asylum-seekers and fundamental rights, 2012). The European Union asylum system, and in particular the Dublin sistems, has come under criticism in recent years. Member States claim that transferring asylum-seekers to responsible for examining their application under the rules of the Dublin Regulation overloads the asylum systems of some European Union States, resulting in violations of the asylum seekers fundamental rights. In April 2016, the European Commission proposed the creation of a so-called „justice mechanism", which, on the basis of wealth and population, divided the responsibility for refugees among the Member States. Each EU country should have a fair share of its responsibilities, and particular attention should be paid to the interests of migrant minors in the EU.

The Dublin III Regulation has been in force as of 1 January 2014 and replaces the 2003 Dublin II Regulation and the original Dublin Convention signed ion 15 June 1990. The Dublin

system's main purpose has been to assign responsibility for processing an asylum application to a single Member State. The Dublin III Regulation identifies the European Union country responsible for examining an asylum application, by using a hierarchy of criteria such as family unity, possession of residence documents or visas, irregular entry or stay, and visa-waived entry. In practice, however, the most frequently applied criterion is the irregular entry, meaning that the Member State through which the asylum-seeker first entered in the EU is responsible to examine his/her asylum claim (Revision of the Dublin regulation, 2018.).

As shortcomings have emerged in the operation of the Dublin system, in 2016 proposals were made to improve the system. On 6 April 2016, the Commission set out its priorities for improving the Common European Asylum System (CEAS) in its Communication „Towards a reform of the Common European Asylum System and enhancing legal avenues to Europe". The Commission announced that it would progressively work towards reforming the existing Union framework on asylum, to establish a sustainable and fair system for determining the Member State responsible for examining asylum applications, reinforce the Eurodac system, achieve greater convergence in the asylum system, prevent secondary movements, and establish an enhanced mandate for the European Asylum Support Office (EASO). The need for reform has been widely acknowledged, including by the European Parliament and the European Council (European Commission, 2016). At the end of 2017, decisions were taken on the further reform of the Dublin system, using the main directions to be improved (Cecilia Wikström, 2017). They relate to the movement of asylum seekers between EU Member States, leaving the country where the asylum procedure is underway or international protection already granted. At present, expert-level work is under way to reach political consensus on changes to the Dublin Regulation by June 2018.

Already in 2016, the European Parliament requested a centralized reception of asylum applications throughout the European Union. A centralized asylum system will enable the EU to deal more effectively with the ongoing influx of migrants and asylum seekers. Member of the European Parliament Cecile Kashetu Kyenge said: „Migration is not a must, migration needs to be managed". For the last few years, unfortunately, it can be said that people entered the European Union uncontrollably, and to such an extent that the Member States could not cope and the legislation in force remained unobserved. The futile struggle against what we can not influence, therefore, is to put in place control mechanisms, first of all for the processing of applications for international protection and for the reception of asylum seekers. At the same time, consideration should be given to more effective return mechanisms vis-a-vis those who should be returned. Of course, the Reflection Directive operates in all the Member States, but the practice shows that, in the event of problems, Member States must individually address the issue of returning aliens in their own country. At the same time as organizing the Dublin system, central mechanisms for return

measures should be considered, respecting human rights. The problem has now begun to be addressed in order to regain control of the situation regarding illegal immigration and asylum. Indeed, looking at statistics, one has to conclude that there is still a large number of people seeking international protection. Despite the fact that the statistics for 2017 fell to mid-2014, they still reach almost 650,000 (first-time asylum applications) (Eurostat, 2018).

The European Parliament's proposals for amending the Dublin Regulation state that a Member State should be able to derogate from the criteria for liability and to consider an application for international protection lodged in another Member State, even if such an examination is not in accordance with the criteria laid down in the Dublin Regulation. The applicant should be allowed to submit a written, duly substantiated request, in particular with reference to his extended family, cultural or social ties, language skills or other relevant links to facilitate his integration, in order to counter the secondary movement and encourage asylum seekers to apply immediately in the first Member State of arrival. in a particular Member State, - that his application is examined by the Member State in which he is lodged or that that Member State asks for liability to take up another Member State (European Parliament, 2017).

Member States should ensure that the procedures for determining the Member State responsible are effective and, where appropriate, allow the applicants for international protection to be transferred immediately to another Member State. Where applicants have special procedural needs, their applications for international protection and their transfer should be given priority (European Parliament, 2017).

One of the main proposals for the recast of the Dublin Regulation is to discourage abuses and prevent secondary movements of the applicants in the EU, in particular by including clear obligations for applicants to apply in the Member State of first responsible This also requires proportionate procedural and material consequences in the event of non-compliance with their obligations (European Commission, 2016).

Looking at the current situation, the position of the Member States of the European Union in the need for a review of the Dublin system can be concluded that everyone has come to the conclusion and supports the need to amend the Dublin Regulation. However, the Member States are still unable to agree on a common view, therefore Steve Peer, a professor of law, must agree. Steve Peers in his analysis of the Dublin system, „The revised Dublin Rules on responsibility for asylum seekers: a missed opportunity". It is believed that the so many of the agreed changes simply reflect (or try to anticipate) the established case law and likely further case law developments that one can only conclude that the evolution of the Dublin system will continue to depend more on the role of the courts than upon the Council and the EP. Any hope for a more substantial change of this highly criticised system will therefore continue to rest with the judiciary, given that none of the EU

institutions were willing to consider a radical reform of the system and the EP could only wrest limited changes from the Council as regards any significant improvement of the rules relating to family members and vulnerable persons.

Conclusions and suggestions

The European Union's desire to recast the Dublin Regulation, to apply the Dublin system to the current situation, is necessary and supported. However, it is once again seen that the Member States have not been able to agree on changes to the regulatory enactments for several years. The actual activities of the responsible institutions of the European Union are not accompanied by changes in practical life. In the event of a crisis that the European Union has experienced in recent years as a result of large asylum seekers, a much quicker and more radical reaction would be needed.

Obviously, when recasting the criteria and mechanisms of the Dublin Regulation, consideration should be given to curbing the misuse of the asylum procedure. The second important factor is for beneficiaries of international protection to remain in countries that have granted international protection. In order to prevent the search for the most advantageous asylum rules, all asylum procedures and reception conditions should be maximized. It is therefore necessary to amend not only the Dublin Regulation, but also the Procedures Directive and the Reception Directive. The Dublin system must definitely take into account the importance of speeding up the processing of asylum applications in order to ensure the effectiveness of the asylum procedure.

Therefore, the Dublin system as a whole should be simpler, faster and asylum procedures in all Member States.

References

Annual Report on Migration and Asylum – Statistical Annex and COUNTRY FACTSHEET: LATVIA, EUROPEAN MIGRATION NETWORK, Retrieved April 8, 2018. [skatīts 20.04.2018]. Pieejams (Accessed): http://www.emn.lv/?cat=4

COM(2016) 270 final 2016/0133(COD) Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast). [skatīts 20.04.2018]. Pieejams (Accessed): https://ec.europa.eu/transparency/regdoc/rep/1/2016/EN/1-2016-270-EN-F1-1.PDF

Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection. 29.06.2013, Official Journal L, 2013, no. L 180/60.

Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection. 29.06.2013, Official Journal L, 2013, no. L 180/96.

EP Legislative Observatory, Procedure file of Regulation on Criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person. Recast,

2016/0133(COD) [skatīts 20.04.2018]. Pieejams (Accessed): https://eur-lex.europa.eu/procedure/EN/2016_133

EP ready to start talks with EU government sonoverhaul of Dublin system. European parliament. Retrieved April 6, 2018. [skatīts 20.04.2018]. Pieejams (Accessed): http://www.europarl.europa.eu/news/en/press-room/20171115IPR88120/ep-ready-to-start-talks-with-eu-governments-on-overhaul-of-dublin-system

European Commission, Towards a sustainable and fair Common European Asylum System, Press release, 4 May 2016. http://europa.eu/rapid/press-release_IP-16-1620_en.htm

European Parliament. 2017. Report on the proposal for a regulation of the European Parliament and of the Council establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast), 6 November 2017. [skatīts 29.04.2018]. Pieejams (Accessed): http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+REPORT+A8-2017-0345+0+DOC+XML+V0//EN

Eurostat. Asylum statistics. Retrieved April 5, 2018. [skatīts 20.04.2018]. Pieejams (Accessed): http://ec.europa.eu/eurostat/statistics-explained/index.php/Asylum_statistics

Glossary on Migration. 2004. International Organization for Migration (IOM).

Peers S. 2012. „The revised 'Dublin' rules on responsibility for asylum-seekers: a missed opportunity". Statewatch. [skatīts 29.04.2018]. Pieejams (Accessed): http://www.statewatch.org/analyses/no-181-dublin.pdf

Poptcheva E.M. 2012. Transfer of asylum-seekers and fundamental rights. [skatīts 30.04.2018]. Pieejams (Accessed): http://www.europarl.europa.eu/RegData/bibliotheque/briefing/2012/120374/LDM_BRI(2012)120374_REV1_EN.pdf

Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person. 29.06.2013, Official Journal L, 2013, no. L 180.

Revision of the Dublin regulation. [skatīts 29.04.2018]. Pieejams (Accessed): http://www.europarl.europa.eu/legislative-train/theme-towards-a-new-policy-on-migration/file-revision-of-the-dublin-regulation

MEDIATION SUBJECTS IN THE FIELD OF CRIMINAL LAW

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Abstract

Mediation subjects in the field of criminal law

Key Words: *mediation, meaning of mediation, methods of mediation, mediation subjects*

The alternative methods of dispute resolution are new field of study in Latvia. In most cases such methods and its real procedure are outside any legal regulation. One of this alternative dispute resolution methods is called mediation and person, who is responsible for the management of this process is called mediator. The notion of this term is known from the ancient civilization times. It is useful to understand the initial comprehension of mediation in order to sucessfully implement this process in the legal system of modern society. Nevertheless the elaboration of mediation procedure asks serious evalution of possibilites to completely evolve basic principles of alternative dispute resolution methods. Answering on question whether it is possible to completely realize the concept of mediation, it is necessary clearly understand, what it is and how you can use the advantages of this process in real life.

Kopsavilkums

Mediācijas subjekti krimināltiesību jomā

Atslēgvārdi: *mediācija, mediācijas nozīme, mediācijas metodes, mediācijas subjekti*

Mediācija kā viena no alternatīvām strīdu regulēšanas metodēm ir jauninājums mūsu tiesību sistēmā. Vairākuma gadījumos minētais process un tās realizācija ir iznesta ārpus tiesību sistēmas rāmjiem. Mediācijas procesa īstenošanā piedalās trešā neitrālā persona, kuru apzīmē ar terminu „mediators". Mediācijas jēdziena nozīme ir pazīstama jau no seno civilizāciju laikiem. Mediācijas procesa sekmīgai izmantošanai tagadējā tiesību sistēmā ir svarīgi zināt tās sākotnējo nozīmi. Neskatoties uz to mediācijas procesa izmantošana prasa visu iespēju izvērtēšanu par iespējām pilnīgi ieviest alternatīvo strīdu noregulēšanas pamata principus. Atbildot uz jautājumu vai ir iespējams pilnīgi realizēt mediācijas koncepcijas, ir nepieciešams saprast, kas tas ir un kā ir iespējams izmantot minētā procesa priekšrocības reālajā dzīvē.

Mediation is a type of alternative, non-judicial dispute resolution. During this procedure a neutral person, the mediator, assists the parties in order to find a solution for the dispute. Mediator does not offer his conflict resolution variants and doesn't give any advises to the parties. His work is to help arguing parties rationally and effectively negotiate, and, ultimately, reach a consensus. The decision, in the implementation of which both parties are interested, should be mutually acceptable and mutually beneficial. To solve problems between parties of the dispute, it is necessary to use various mediation's methods and techniques.

Mediation's application for the resolution of criminal conflicts requires an appropriate theoretical base, namely, systematization of mediation principles, methods and techniques. Such systematization helps to identify and organize range of activities, which are used in the Latvia. It is also help to identify possible development directions of mediation in the field of criminal conflict settlement. Concept „The introduction of mediation in civil disputes", that was adopted by the Cabinet of Ministers on February 18, 2009 (MK 2009.gada 18.februāra rīkojums Nr.121 "Par koncepciju "Mediācijas ieviešana civiltiesisku strīdu risināšanā"), stated, that for the introduction of mediation in the Latvian legal system it is necessary to provide the principle of confidentiality and principle of voluntarily participation of conflict parties, using that approach as a mandatory for the

mediation process. The current analysis of the Latvian legal system suggests, that these principles aren't lost their relevance and are still used in the mediation process.

Mediation application methods are based on the mediation principles. Methods in this case refer to the general expression of all methods, which are based on one main idea. During the usage of mediation, methods, that was used, reflect on certain actions with the aim to resolve specific problem. The author links structural definition of mediation techniques with recognition of mediation in the national level. Depending on the application of mediation in criminal conflict settlement, the mediation could be internal, external and mixed.

Internal application of mediation in the regulation of criminal conflicts and its result, namely, parties of the dispute have agreed on conflict settlement conditions, isn't recognized in the Latvian national legislation. Mediation's internal application is encouraged because of the following conditions: 1) There are mandatory rules, that delegate criminal conflict resolution only to the conventional judicial authorities. National judicial authorities are the only institutions, involved in the dispute resolution process; 2) Criminal dispute proceedings could be initiated after the conflict is detected or after news about the conflict are recorded. The possibility for the parties to decide independently about distribution of information to law enforcement agencies isn't provided; 3) Options for the premature ending of criminal proceedings aren't provided. If such possibilities are provided, they are based on legal facts of the case (such as the victim's death, etc.). The decision on further actions could be taken only by a duly authorized public officer; 4) Law enforcement agencies' work is burdened with a large amount of documentation. Criminal conflict resolution process continues for several years; 5) Conflict parties aren't satisfied with quality of work by law enforcement and judicial institutions (Barrier 2003). Trial decisions are frequently overturned by appeal and lifted in the higher courts; 6) Country has a number of non-governmental associations and organizations, which provide alternative dispute settlement services. Working results of those associations and organizations aren't recognized by legal regulations; 7) Country has a large latent (hidden) crime rate, which is promoted through unsatisfactory performance of law enforcement. Conflict parties are prone to regulate their disputes without recourse to public bodies, as they considers, that the state authorities are ineffectively fulfilling their duties; 8) Victim's and offender's subjective desire to understand causes of the conflict and its consequences (Leasure 2014). Several of these conditions are common to the Latvian Criminal process, which to some extent also shows a possible application of mediation. In addition, a vast number of pre-trial investigation officers expressed views, that in some cases offenders are trying to find victims and agree with them on conflict resolution conditions without involving state institutions.

The identification of mediation subjects, that helps and facilitates resolution of criminal conflicts, has a clear theoretical and practical significance. It must be assumed, that the mediation

subject is closely related to the term „mediation", which, in turn, is defined in several legal acts and scientific sources. It is possible to divide mediation subjects in the criminal law on compulsory subjects and optional subjects.

Compulsory mediation subjects in the criminal law. An obligatory subject of mediation is a subject, without whom participation in the mediation process isn't possible. It is any person, who uses mediation to resolve his criminal dispute.

A person may participate in the mediation process if this person is collateral (victim or offender) in the criminal offense and wants to resolve his conflict with the opposite side by attracting a third neutral person. It means, that all offenders and victims may be considered as compulsory subjects of mediation in the area of criminal dispute resolution.

Individual researchers expand this list with mediators (Nolan-Haley 2012). In the author's view, such an approach should be supported, because mediation as a process can only take place in the presence of a third neutral person (Bush 2013). This third party must arrange and manage the mediation process. Representatives of the dispute parties can not be considered as obligatory mediators in the field of the resolution of criminal conflicts. Anyone in the mediation process can represent himself independently. The compulsory participation of the mediator and obligatory involvement of representatives of the parties emphasizes A. G. Applegate and J. A. Beck, who indicates, that in the mediation process, in which dispute parties represent themselves, mediation takes place only with the participation of the mediator (Applegate, Beck 2013).

Inquiry officers. The article indicates, that persons, who performs procedural functions in the criminal proceedings, can be attributed to the mediation compulsory subjects. However, the question remains whether the inquiry officers should be attributed to the compulsory subjects of mediation. The interest of inquiry officers in the mediation process is highlighted by several researchers. For example, L. Simms stresses, that mediation in the criminal dispute becomes possible when a victim, perpetrator, mediator, prosecutor or court participates in the proceedings (Simms 2007). The mediation process can also take place without participation of the inquiry officer, but in this case it can not seriously affect the conduct of the criminal proceedings.

D. Maurer, who studied the use of mediation in the context of military criminal jurisdiction, stresses that, in addition to the dispute parties and mediator, there is another subject, that presents state. D. Mauer points out, that the third and fourth subjects of the mediation process are the direct commander and the prosecutor. The participation of these subjects is an integral part of mediation (Maurer 2013).

State accusations, as well as other activities, performed by the the judicial subjects, take a substantial part in the mediation process in the area of resolution of criminal disputes. However, according to the author, the inquiry officer is an optional subject of the mediation. The author

disagrees with the opinion, that inquiry officers are the mediation subjects, without whom mediation can not occur at all (Hallevy 2011). By examining the etymology of the term "mediation", it can be concluded, that the inquiry officer can only participate in mediation if he performs mediator functions. Inquiry officer separately and his legal status isnt't playing a crucial role in the mediation process.

The use of mediation in the area of resolution of criminal disputes can be initiated by the dispute parties and without any influence of the inquiry officer. In the author's view, the internal motivation of the dispute parties to participate in the mediation is facilitated by the external influence. In the case if mediation process took place on the initiative of a third party, it is only be an inducement, an accelerator of the will of the dispute parties and is not a result of the activities of compulsory subject of mediation. If dispute parties do not wish to initiate mediation to resolve their dispute, then an action by the third party will not help.

As one of the examples of the mediation implementation case in the criminal disputes is related with situation, when victim of the criminal offense and the guilty person in private prosecution cases agree on the terms of termination of the dispute. As a result the criminal proceedings are terminated or not started at all. Taking into account, that mediation can be applied through interaction between the three subjects (victim, offender, mediator) and the work of a wider range of subjects (Williams-Hayes, Dulmus, Nugent, Sowers 2004), inquiry officers could be attributed to the optional mediation subjects.

Optional mediation subjects in the criminal law. Together with representatives of dispute parties and inquiry officer, the society takes a certain place in the usage of mediation in the criminal conflict resolution. For example, dispute parties initiate the usage of mediation for the resolution of criminal conflict, acting on the basis of the influence of the public.

Several researchers point on the role of society in the mediation process (Noll 2002; Umbreit 1993). For example, professor B. D. Meyer points out that the public always contributes to the spread of alternative dispute resolution methods, including mediation, between the dispute parties (Meier 2004).

To use mediation in the area of criminal litigation as broadly as possible, and to increase the probability of dispute resolution, participation an inquiry officer, party representatives and society in common is objectively justified. Thus, these subjects' attribution to the optional subjects of mediation is justified and correct.

References
Applegate A. G., Beck J. A. Self-Represented Parties in Mediation: Fifty Years Later It Remains the Elephant in the Room. Family Court Review. Jan2013, Vol. 51 Issue 1, pp. 87–103, ISSN: 1531-2445.

Barrier M. The Mediation Disconnect. HR Magazine, May2003, Vol. 48, Issue 5, p. 54, ISSN: 1047-3149.

Bush R. A. Mediation Skills and Client-Centered Lawyering: A New View Of The Partnership. Clinical Law Review, Spring2013, Vol. 19, Issue 2, pp. 429–488, ISSN: 1079-1159.

Hallevy G. Therapeutic Victim-Offender Mediation within the Criminal Justice Process – Sharpening the Evaluation of Personal Potential for Rehabilitation while Righting Wrongs under the ADR Philosophy. Harvard Negotiation Law Review. Spring2011, Vol. 16, pp. 65–94, ISSN: 1556-0546.

Leasure S., Gosack R. Eminently Sensible. Public Management, Jun2014, Vol. 96. Issue 5, pp. 12–15, ISSN: 0033-3611.

Maurer D. Military Mediation as Military Justice? Conjectures on Repairing Unit Cohesion in the Wake of Relational Misconduct. Ohio State Journal on Dispute Resolution. 2013, Vol. 28, Issue 2, pp. 419–490, ISSN: 1046-4344.

Meier B. D. Alternatives to Imprisonment in the German Criminal Justice System. Federal Sentencing Reporter, Feb2004, Vol. 16, Issue 3, pp. 222–231, ISSN: 1053-9867.

Ministru kabineta 2009.gada 18.februāra rīkojums Nr. 121 "Par koncepciju "Mediācijas ieviešana civiltiesisku strīdu risināšanā". Source: http://likumi.lv/doc.php?id=188058

Nolan-Haley J. Mediation: The "New Arbitration". Harvard Negotiation Law Review, Spring2012, Vol. 17, pp. 61–95, ISSN: 1556-0546.

Noll D. E. Mediation process proves successful in criminal cases. Business Journal Serving Fresno & the Central San Joaquin Valley, 7/5/2002, Issue 322951, p. 7, ISSN: 1079-7394.

Simms L. Criminal Mediation is the BASF of the Criminal Justice System: Not Replacing Traditional Criminal Adjudication, Just Making It Better. Ohio State Journal on Dispute Resolution. 2007, Vol. 22, Issue 3, pp. 797–838, ISSN: 1046-4344.

Umbreit M. S. Crime Victims and Offenders in Mediation: An Emerging Area of Social Work Practice. Social Work, Jan93, Vol. 38, Issue 1, pp. 69–73, ISSN: 0037-8046.

Williams-Hayes M., Dulmus C. N., Nugent W. R., Sowers K. M. Policy Recommendations for the Use of Victim-Offender Mediation to Redress Criminal Actions. Journal of Health & Social Policy, 2004, Vol. 18 Issue 4, pp. 53–69, ISSN: 0897-7186.

PEDAGOĢIJA/ PEDAGOGY

THE USE OF PICTOGRAMS IN THE EDUCATIONAL PROCESS FOR CHILDREN WITH MODERATE AND SEVERE INTELLECTUAL DISABILITIES

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Abstract

  The use of pictograms in the educational precess for children with moderate and severe intellectual disabilities
Key Words: *pictograms, intellectual disabilities, educational process, communication, speech development, non-verbal communication*
Communication is a complicated process of human interaction comprising the exchange of information as well as the mutual perception and understanding. Need for communication gradually develops through the child's interaction with the environment. Children with moderate and severe intellectual disabilities (ID) feel the shortage of meaningful communication, that has a detrimental effect on their development. Active speech that leads forward the cognitive and emotional development of the child and serves as the most important mean of social interaction is hardly available for such children. The topicality of the study is determined by the practical need for the alternative communication system that could advance the communication, foster the versatile development, activate educational process and, thus, social integration of children with ID. The aim of the study was to explore the effectiveness of using pictograms for children with ID to develop their communication and speech. The sample of the study consisted of 1) four children (grade 1) from Riga special boarding school, 2) 14 parents having children with ID and 3) 18 teachers working at mentioned school. To choose the pictogram system for the communication with children, pedagogical observation was used to detect the skills and abilities of sample group at the beginning of the 1st semester. The Picture Exchange Communication System (PECS) was selected as the most appropriate for the sample. The implementation of pictograms in educational process of children with ID ensured the positive outcomes: all pupils gladly accepted the introduction of PECS and actively used it. The usage of PECS reduced the aggressive behaviour of children, helping them with the adequate expression of their needs and feelings. Also, the interviewed parents admitted that alternative means of communication can be used as the communication tools for their children. The interviewed teachers indicated that, educating children with low level of speech development, they try to choose the most appropriate pictogram system for the pupils' communication with the world. The paper concludes with some recommendations for the effective usage of pictograms for children with ID.

Kopsavilkums
Piktogrammas mācību un audzināšanas procesā bērniem ar vidēji smagiem un smagiem garīgās attīstības traucējumiem
Atslēgvārdi: *piktogrammas, garīgās attīstības traucējumi, mācību process, audzināšanas process, komunikācijas attīstība, runas attīstība, neverbālās komunikācijas līdzekļi*
Saskarsme ir sarežģīts cilvēku savstarpējās mijiedarbības process, kas ietver informācijas apmaiņu, kā arī partneru savstarpējo uztveri un sapratni. Saskarsmes vajadzība nav iedzimta, tā veidojas bērna kontaktēšanās procesā ar apkārtējo vidi. Bērni ar vidējiem un smagiem garīgās attīstības traucējumiem (GAT) izjūt saskarsmes deficītu, kas negatīvi ietekmē viņu tālāku attīstību. Aktīva runa, kam ir vadošā loma bērna kognitīvajā un emocionālajā attīstībā, ir galvenais sociālās mijiedarbības līdzeklis, kas vairumā gadījumu šādiem bērniem nav pieejama. Šī raksta aktualitāti nosaka nepieciešamība pēc šādu bērnu alternatīvas komunicēšanas sistēmas, kas palīdz atvieglot saskarsmi, uzlabot bērnu vispusīgu attīstību, kā arī aktivizē viņu dalību izglītošanā, tādējādi veicinot integrāciju sabiedrībā. Raksts veidots, balstoties uz pētījuma mērķi izpētīt piktogrammu izmantošanas metodisko paņēmienu efektivitāti bērnu ar vidēji smagiem un smagiem GAT saskarsmes un runas attīstībā. Pētījuma izlasē tika ietverti Rīgas X. speciālās internātpamatskolas 1. klases 4 skolēni, 14 skolēnu vecāki, 18 šīs skolas skolotājas. Lai izvēlētos piktogrammu sistēmu komunikācijai ar skolēniem, ar pedagoģiskās novērošanas palīdzību tika noteiktas viņu iemaņas un spējas 1. semestra sākumā. No dažādām piktogrammu sistēmām tika izvēlētas PECS piktogrammas, jo bērni ar zemām intelektuālām spējām vieglāk uztver krāsainu attēlu vai fotogrāfijas. PECS ir piemērotas bērniem, kas labi atšķir fotogrāfijas un attēlus, bet kuriem ir problēmas ar kustību imitāciju. Ar pedagoģisko situāciju analīzes palīdzību tika noteikti bērnu izaugsmes rezultāti, izmantojot piktogrammas. Visi izglītojamie ar prieku pieņēma neverbālā komunikācijas līdzekļa ieviešanu un sāka aktīvi tos izmantot. Piktogrammu izmantošana mācību un audzināšanas procesā bērniem ar GAT deva teicamus rezultātus. Pateicoties piktogrammu ieviešanai, samazinājās bērnu agresīva uzvedība, bērni varēja izpaust savas vajadzības un jūtas nevis ar emocijām, bet izmantojot kartiņas. Vecāku aptauja liecina, ka alternatīvās komunikācijas līdzekļi sniedz bērnam sociālās komunikācijas paņēmienus ar citiem cilvēkiem. Skolotāju aptauja

liecina, ka pedagogi, strādājot ar bērniem, kam nav attīstīta aktīva runa, cenšas izvēlēties vispiemērotāko piktogrammu sistēmu skolēna komunikācijai ar apkārtējo pasauli. Raksta noslēgumā tiks piedāvātas rekomendācijas sekmīgai piktogrammu izmantošanai mācību un audzināšanas procesā bērniem ar vidēji smagiem un smagiem GAT.

Introduction

The main issue for children with moderate and severe intellectual disabilities (ID) is related to their difficulties in obtaining social competences, including verbal communication. Such children have problems with understanding of what exactly is expected from them and how to deal in different social situations (Lilje 2015). Just a few of ID childen have sufficiently developed social competence (American Psychiatric Association, 1994). Children with mild and moderate ID are usually integrated in general education institutions. Though, each country has developed its own approach to education of such children in terms of methods and venue. In Latvia, the children with ID mostly are educated in special schools yet (Rozenfelde 2008).

Each child with ID has its' individual potential to be considered. Some children can just regulate their negative emotions and learn the proper behaviour, while others are able to acquire the learning skills. In case if the child with ID lacks the active speech, the task of the teacher is to find an individual approach and to choose the most appropriate alternative method for the child's communication with the world.

Children with moderate and severe ID suffer from the shortage of communication that will have the negative consequences for their further development. Active speech with its' leading role in the cognitive and emotional development, serving as the most important means of social interaction, is unavailable for such children. Persons with speech impairment find themselves in a very dependable situation. Most often, the initiative of communication comes from the other people that communicate with such children only if they have strong reasons, motivation and time for it. Usually, the contacts are limited only with satisfaction of vital needs. Since the "speechless" person is very hard to understand, he/she usually does not have a chance to express his/her needs. It is a dangerous habit, as such person can develop into dependable creature, who lacks the self-confidence, does not believe in his/her value and significance as a person, or he/she can become an aggressive person due to the lack of understanding, rights to decide and choose. Child has to be able to express his/her thoughts, feelings and wishes easily, fast and clearly (Liepiņa 2003).

Development of communicative competence is an important factor for the adequate psychological development of the child, as well as one of the fundamental tasks of preparation for the further life. One of the main educational problems for the children with ID is their involvement in the social world. Human interaction fosters the development of all psychological processes and traits. Children with ID need to be adapted to the social life, to have social skills and possibility to find the friends (Hadaņonoka 2003).

Besides the speech, alternative communication could become the form of language improving the social interaction of the child with ID. There are a large number of devices for children who can not speak, matching the children's individual peculiarities (Баряева, Логинова, & Лопатина 2007). The selection of the device for alternative communication is based on the criteria like cognitive and motor skills of the child, his/her learning style, communication needs and reading skills (Рубинштейн 1986). Application of devices for alternative communication ensures the methods of social interaction between the child and other people. Today we can use the different devices of alternative communication: sign language, communication boards, communication cards – advices, speech generating devices, pictograms – picture exchange communication systems (Falka 2003). Pictograms are form of writing using ideograms that conveys theirs meaning through their pictorial resemblance to a physical object. It is the oldest type of writing, system of visual communication. Using pictograms as the device of alternative communication, the cards with pictograms could be schematic black-and-white or in color as in Picture Exchange Communication System (PECS).

The systems of visual communication are structured systems. The term 'visual devices' clearly implicates what kind of help has to be provided for the child. This term also has a social context and linguists have constructed a very good definition for the communication by visual devices: it is „reinforcing" comunication (that means „extra, supporting, visual") (Питерс 2003; Гилберт & Питерс 2003). The authors of this paper suggest that, using the analogy, the education of children with ID can be called "visual education".

Pictures are words that have been made visible, thus the benefits of such system are undoubtable. Visual support helps the children with ID (especially with autism) to deal with their main issues: abstractions and sequence of life events (Gillberg 1990). This is an important point, since because of the need for abstractions these children are unable to understand how to express their emotions, feelings, volitions (Рубинштейн 1986).

There are several methods implying the usage of visual communication devices:

- Symbols of pictures as the means for acquiring the communication skills;
- Symbols of communication pictures as the means of reading and writing adaptation;
- Leading and maintaining the dialogue using the symbols of communication pictures;
- Symbols of communication pictures in visual agenda;
- Symbols of communication pictures as the means for the spatial orientation;
- Application of symbols of communication pictures in play lessons and tasks for children.

Each child has a right to communicate, hence we need to understand, structure and generalise the methodological knowledge on the pictogram usage, grounding it on the experience in the field of special education from Latvia, as well as Sweden, Danmark and Russia. In general, this topic is rarely studied and the amount of available literature dealing with this area of special education is

quite small. The urgency of this topic is determined also by the deficit of methodological guidance materials.

Child with pronounced ID is a personality with the same rights as other members of society, but, considering his/her individual peculiarities, he/she needs to be granted the special type of education. All such children have in common living in a strange and confusing world (Vīgante 1988; Vīgante & Dzerviniks 2008). This confusion can explain some behavioural deviations of children with ID. It constitutes their anxiety and the researchers believe that this anxiety, in its turn, determines their behaviour. Because of their chaotic mental life, they need systematic existence with a stable structure. That is why they are oversensitive to any changes in their environment (Grunevalda 1994). Children from one clinical group can be very different, each with his/her own potential. Some of them can just regulate their negative emotions and learn the adequate behaviour, while others are able to acquire the learning skills. Thus, it is important to consider the individual capacities of each child (Шипицина 2005).

The presented paper describes the study that aims to explore the effectiveness of methods related to the application of pictograms for children with moderate and severe ID to develop their communication and speech. The aim of this study determined following research questions:

- What are the advantages and limitations of the pictograms' usage in the educational process for 1st grade pupils with ID?
- What quantitative changes in the physical and intellectual capacities of 1st grade pupils with ID can be observed due to the pictograms' usage?
- What are the beliefs and experience of special school teachers regarding the usage of pictograms for pupils with ID?
- In what way parents develop the communication skills for their children with ID attending the special school?

Materials and methods

Sample

The sample for this study consisted of subsamples of pupils, teachers and pupils'parents.

Four pupils (7 to 8 years old) from the 1st grade of one of Riga special boarding elementary school were involved in this study. Three children use wheelchairs because of the partial body paralysis. Only one of four children has fully maintained his physical capacities. The children had no preliminary idea about the non-verbal means of communication. All children suffer from the loss of speech, they have different stages of physical and mental development disturbances, as well as different diagnosis:

M – 7 years old boy with autism, retaining movement capacities;

N – 7 years old girl with cerebral palsy, uses wheelchair;

A – 8 years old girl with cerebral palsy, partially paralised, uses wheelchair;

D – 7 years old girl with cerebral palsy, fully paralised, severe condition, uses wheelchair.

The second segment of the sample was teachers (n=18) from the mentioned school. The age of the teachers ranged from 26 to 56 years (M=42), on average their work experience was 13 years, approximately 9 years of this pedagogical experience were related to the work with ID children.

The sample also included 14 parents of 7-13 years old children attending the mentioned school. Only the parents of children suffering from partial speech development or complete loss of speech were involved in the study.

Methods

Observation

In order to choose of specific communication tools for each learner (pupils can understand the speech, but because of their physical capacities can not use the means of communication), the intellectual and physical capacities of each learner were tested. In order to detect the physical capacities of the pupils, such tasks as classification of objects by their form and color, deconstruction and construction of piramid, construction using cubes, finger plays, etc. were used. To detect the intellectual capacities of the pupils, following methods were applied: didactic play lessons on different lexical topics; listening and understanding the fairytales (after the listening of fairytale read by teacher and demonstation of illustrations, teacher asks some questions related to the topic "Please, show me, where…."); teacher's focused speech (understanding of everyday speech); pairs of cards (to find a pair for a card), etc.

In order to choose the pictogram system for the communication with pupils and to detect the level of pupils' skills and abilities before the pedagogical intervention by means of pictograms, pedagogical observation was used to determine following skills and abilities of pupils at the beginning of the 1st semester: 1) self-care; 2) life skills; 3) coping in different life situations (in family life, at school, class, with toys, school stationery, daily routine); 4) standards of conduct; 5) speech development. The scale for evaluating the pupils' skills and abilities was like this: 2 points – developed criterion, 1 – partly developed criterion, 0 – undeveloped criterion.

Observation enabled to capture the advantages and limitations during the application of pictograms as well as to calculate the quantitative changes in the childrens' development reached by means of pictograms.

Interviews of parents

Parents were asked the following questions: 1) How do you evaluate the development of the communicative skills of your child? 2) How do you develop the communicative capacities of your child? 3) To your mind, what is the most effective way to develop the communicative skills of

children with ID? The parents' interviews about the development of communicative skills of their child were conducted in the premises of Riga special boarding elementary school.

Interviews of teachers

Eighteen teachers were interviewed regarding the usage of pictograms in their work with children with ID. Following questions were asked: 1) What pictogram systems are you familiar with? 2) What pictogram system do you use? 3) For what purpose do you use the pictograms in your class? 4) Please, evaluate the usefulness of the pictograms in the teaching/learning process for children with moderate and severe ID?

Results

Choosing the pictogram system for the educational process of 1st grade pupils with ID

After the observation and assessment of pupils' capacities the Picture Communication Exchange System (PECS) was selected to be used in their educational process. This system is suitable for children who can properly distinguish photos and images. PECS has been successfully used also to teach children to ask for something and for children who have problems with imitating movements or performance of movement series necessary for the gestures. This system envisages the usage of photos and color images. Schematic black-and-white pictograms are not suitable for the perception of these children yet.

All pupils gladly accepted introduction of non-verbal means of communication and started actively use them. Boards with communicative symbols were introduced for three pupils (M, N and A) according to their physical capacities. Pupil D is completely paralysed, thus the selection of communication means was quite limited for her.

Figure 1. **Boards with communication pictures**

Because of limited space of the paper, the Table 1 displays just an excerpt from the observational protocol of pupil's N physical and intellectual capacities, reflecting these capacities before and after the application of pictograms. Such protocols were created and filled in for all four studied pupils with ID.

Table 1. **Excerpt from observational protocol: physical and intellectual capacities (pupil N)**

Physical and intellectual capacities Toys. School stationery	Before the application of pictograms	After the application of pictograms	*Notes A child in a wheelchair, needs support. Undeveloped speech.
Distinguishes, identifies the toys, performs adequate play activities.	1	2	Actively uses pictograms to express her wishes, points to the symbol which toy she would like to play with. Plays are adequate, mostly role plays.
Distinguishes, identifies the school stationary, knows how to use them.	0	2	Uses pictograms, attaches them to the board, timetable. Does not observe the sequence of lessons, attaches the pictograms following the teacher's instructions.
Knows how to compare, clasify, denote the objects by the pictograms.	0	2	Compares the real object with the pictograms' symbols.
In total:	1	6	–

The study shows that the usage of schematic black-and-white images facilitates the work of teachers as it asks for the less expensive technical means. The main limitation of this system – need for rather high level of child's intellectual capacities. For children with lower level of intellectual capacities color images or photos are more easily perceived. However, the picture exchange systems have many advantages:

1. The "receiver" does not have to be specially educated.
2. The complete correspondence of the picture and target object relieves the initial stages of education.
3. There is no need for teaching any special reactions. Only movement that is needed – skill to take an object and give it to other person.
4. PECS images are static images – they stay in the field of vision for a long time.
5. Many children who just start to learn verbal speech can use the pictograms as visual means supporting the verbal answer. The pictograms will remind children what they wanted to say, they can be used in learning poems or teaching foreign language.
6. After the learning of initial reactions the child does not need any physical guidance. The child quickly learns that in order to get what he/she wants, he/she just has to give the card or point to the card.
7. Child will be able to use the images for the interaction with his/her peers and siblings if they will be attentive to his/her peculiarities of communication.

   Following deficiencies were discovered while using PECS:

1. Difficulties with the prompt reaction to some new wish or interest of child, with teaching him/her new request, as one needs to design the new card with appropriate picture beforehand.
2. The set of cards needs to be continuously supplemented with new cards, since the new things gradually emerge in the surroundings of child.

3. Need for constant external support – cards with pictures always need to be available for communication. Child is accustomed of having the set of cards beside him/her. In case if parents forget the pictograms at home, children show the signs of irritation and confusion.

4. Pictogram systems, where child needs to show the picture, require that "listener" stands beside the child. Thus, many attempts to communicate (by showing on the picture) can remain unnoticed and can not receive the necessary reinforcement. It could hinder the control of reaction stimulus (showing) in order to obtain the desired thing.

5. It may be hard to find pictures/symbols/figures to teach more abstract concepts. It is easy to picture the material object, though the situation with the conditions of object, human feelings and actions is more complicated.

6. Some children might have difficulties to combine the symbols in phrases and sentences.

7. It is hard to switch from the requests to other language functions.

Using PECS: impact on educational process of 1st grade pupils with ID

Using the pictograms in the educational process of pupils with ID ensured the significant results. The positive dynamics of communication and speech development for three childen (research participants) was observed in the classroom.

Figures 2 – 5 reflect the comparison of four research participants' physical and intellectual capacities before the application of pictograms (in September of 2016) and after the application of pictograms (in April of 2017).
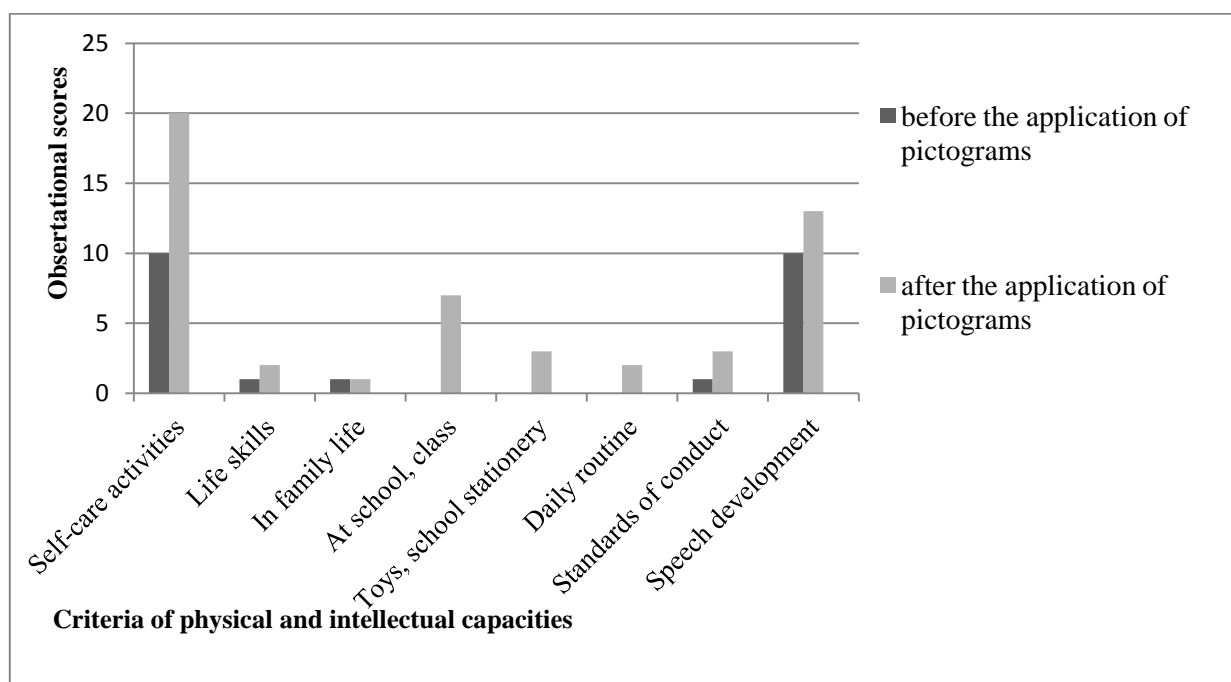

Figure 2. **Changes in physical and intellectual capacities due to application of pictograms (pupil M)**
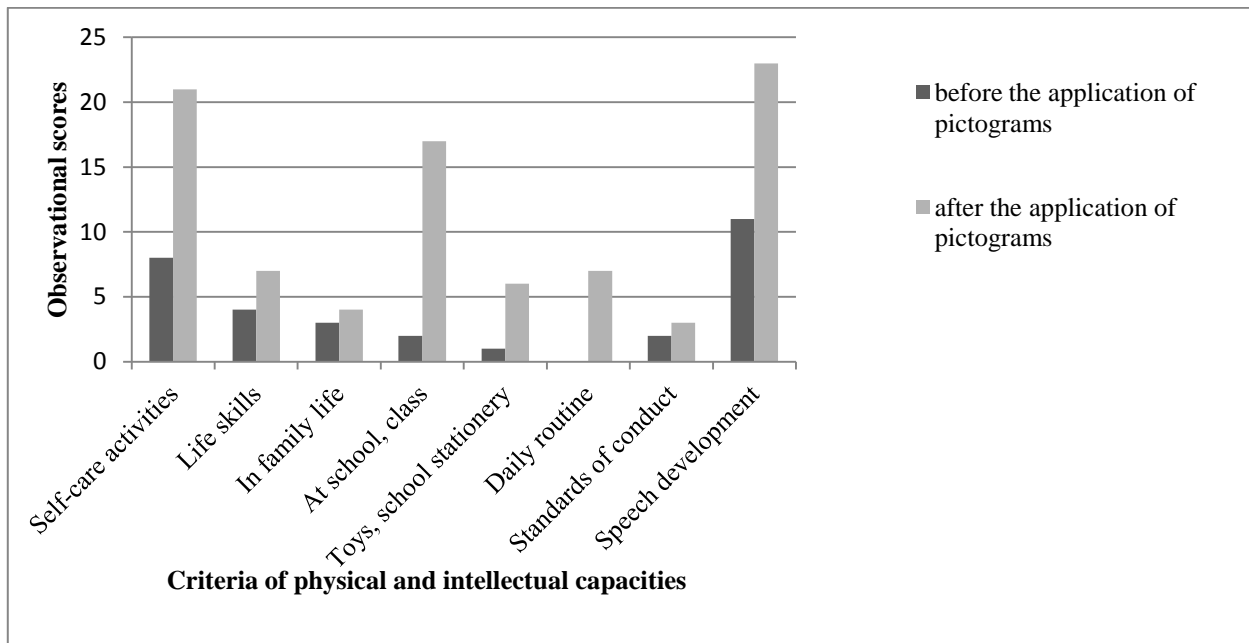
Figure 3. **Changes in physical and intellectual capacities due to application of pictograms (pupil N)**
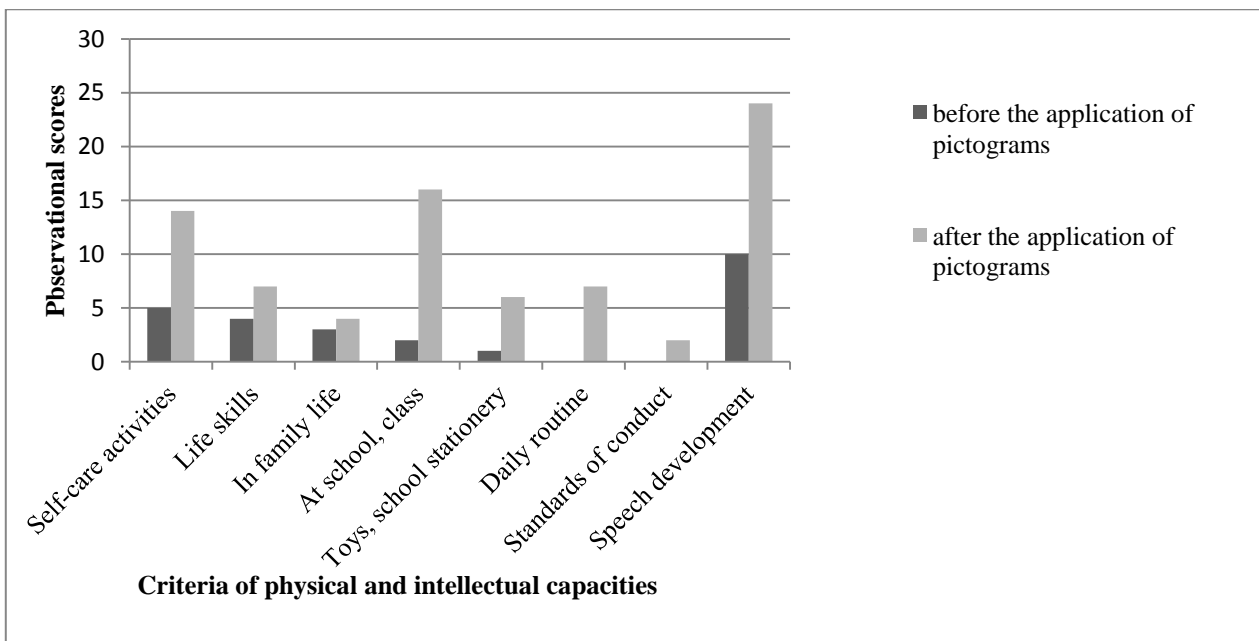

Figure 4. **Changes in physical and intellectual development due to application of pictograms (pupil A)**
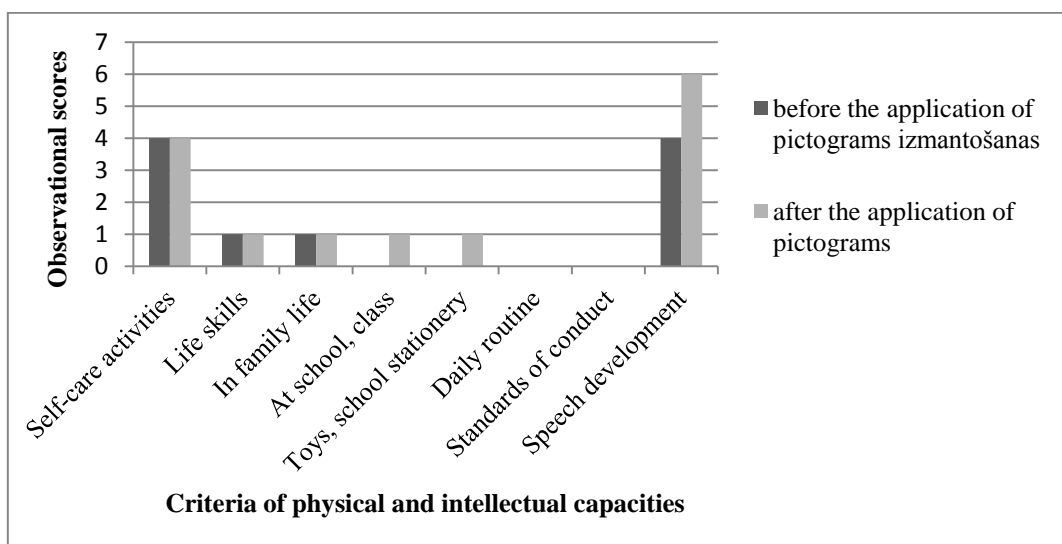
Figure 5. **Changes in physical and intellectual capacities due to application of pictograms (pupil D)**

The analysis of research outcomes allows to conclude that positive dynamics of development has been observed in all criteria of physical and intellectual capacities. Pupils were very active using the pictograms as the means of communication with the teacher and their family. Among the all research particiants, pupil D (girl, 7 years) had the most severe condition. Undoubtedly, in comparison with pupils M, N and A she considerably lags behind them in her psysical and intellectual development. The analysis of pupil's D development shows that some of her criteria did not change during the period of study (see Figure 5). The positive development was observed only in the criteria of speech development. However, due to the usage of pictograms as the means of non-verbal communication, the child's aggressive behaviour was considerably reduced during the period of study intervention. In general, pupils were able to express their needs and feelings not through the negative behaviour, but using the cards.

The beliefs and experience of special school teachers regarding the usage of pictograms for pupils with ID

The analysis of obtained data shows that the majority of interviewed special school teachers indeed uses the pictograms in their work. They believe that pictograms are the necessary tool to be used for pupils with ID. Though, some older teachers expressed the adherence to the more traditional means of non-verbal communication like gestures and facial expressions. Three out of 18 respondents do not use the pictograms in their work with special school pupils. They explained that in their classroom they teach the pupils with well developed speech, thus, they do not have the need for the non-verbal communication.

It could be concluded that, in general, working with pupils who suffer from the deficit of well developed speech, teachers are trying to find an individualized approach to each of them and to use the most appropriate pictogram system to enhance the pupils' communication with the world.

The parents' beliefs on the development of communication skills for their child attending special school

None of the interviewed parents noticed the high level of communication skills for their child, including the easiness of approaching people, activity and responsiveness, orientation in daily situations and expression of one's needs. Parents were unanimous in their views that they should communicate more with their child and should show an example how to communicate with others. They admitted that it is the foundation for the successful development of the child. All parents expressed the worries about their child's current level of communication. The majority of the respondents put their trust in school, where, to their mind, child can obtain all the necessary help and training. Though, this is so-called passive position, designated by the parents' wish to invest as little as possible, at the same time expecting to receive the maximum investment in the development of their child from the school.

The fears of the parents regarding the socialization of their child have been determined mainly by the situation in Latvia: society is not ready to integrate such children yet. Parents usually try to avoid the public places, as not to hear the other people's frequent negative comments on the inadequate behaviour of their child. Parents often isolate themselves or, even worse, gradually build the agression toward the society. The only hope is for the school, as in school they could meet other parents just like them.

According to the answers of parents, usage of the means of alternative communication provides the know-how of social communication for their child. The parents admit that they have tried to use the pictograms to communicate with their children, though, they have given up soon, since the pictures need to be made, organized, and always freely accessible, and not all parents have enough time for this.

Conclusions

The aim to explore the effectiveness of methods related to the application of pictograms for children with moderate and severe ID to develop their communication skills and speech was reached. Based on the analysis of scientific and methodological literature, several theoretical principles and approaches related to the usage of pictograms for children with moderate and severe ID was selected and empirically tested. The means of communication applying the pictograms for children with differently developed communication skills were elaborated. The conducted research allows us to set forth the following recommendations:

- Before the selection of specific pictogram system one needs to determine the physical and intellectual capacities of children with ID;

- Children with low intellectual capacities perceive the colored pictures or photos easier than schematic black-and-white pictures;

- The support from the environment are needed at all times – cards with pictures always need to be accessible to communicate with the child;

- In case of lacking some pictograms, they are easily replaced by photos;

- To be successful in training for the usage of pictogram, same pictogram system needs to be used both at school and home.

Thus, the authors of the paper suggest the usage of the pictograms for the successful development of communication skills and speech for the children with ID. The child will be able to use the pictures in his/her interaction with peers, siblings, if only they will be attentive to their communicative efforts. The special teaching of reactions are not needed. Only movement that is necessary – to take the card and give it to other person. Also the "listeners" do not need any special training.

The results of the study certainly ask for the further research and wider implementation of pictogram systems in special education.

References

American Psychiatric Association 1994. *Diagnostic and Statistical Manual of Mental Disorders (DSM-IV).* Washington DC: American Psychiatric Press.

Falka, Č. (2003). *Piktogrammu praktiskais pielietojums* [The practical application of pictograms]. Madona: Madonas poligrāfists.

Gillberg, C. 1990. Autism and pervasive developmental disorders. *Journal of Child Psychology and Psychiatry*. Vol. *31*(1), pp. 99 – 119.

Grunevalda, K. (Red.) 1994. *Apmācību kurss personālam garīgi atpalikušu bērnu un jauniešu iestādēs* [Teaching course for the staff working at special institutions for children and youth]. Rīga: Zvaigzne ABC.

Hadaņonoka, I. 2003. *Ieskats holistisko terapiju formās* [Overview of the forms of holistic therapy]. Rīga: SIA Izglītības soļi.

Liepiņa, S. 2003. *Speciālā psiholoģija* [Special psychology]. Rīga: RaKa.

Lilje, A. 2015. *Lekciju konspekts. Metodes un darba paņēmieni pedagoģiskā procesā ar bērniem, kuriem ir dažādi funkcionālie, tai skaitā autiskā spektra traucējumi. Atbalstošā komunikācija.* Teaching materials: methods and approaches in work with children having different functional disorders (e.g., autism). Supporting communication. Latvijas Autisma apvienība.

Rozenfelde, M. 2008. *Bērns ar attīstības problēmām vispārējās izglītības iestādē* [Child with developmental problems in general education establishment]. Rēzekne: RA Izdevniecība.

Vīgante, R. 1988. *Speciālo skolu C līmeņa skolēnu raksturojums un attīstība* [Characteristics and development of C level pupils in special schools]. Rīga: Mācību apgāds NT.

Vīgante, R., & Dzerviniks, J. 2008. *Bērns ar garīgās attīstības traucējumiem izglītības procesā* [Child with intellectual disabilities in educational process]. RA Pedagoģijas un psiholoģijas katedras studiju programmas „Speciālās izglītības skolotājs" zinātniski metodisko materiālu krājums S. Laizānes red. Rēzekne: RA Izdevniecība.

Баряева, Л. Б., Логинова, Е. Т., & Лопатина, Л. В. 2007. *Я – говорю* [I am speaking]. Москва: Дрофа.

Гилберт, К., & Питерс, Т. 2003. *Аутизм: Медицинское и педагогическое воздействие* [Autism: medical and pedagogical influence]. Москва.: Гуманит. Изд. Центр ВЛАДОС.

Питерс, Т. 2003. *Аутизм: от теоретического понимания к педагогическому воздействию* [Autism: from theoretical understanding to pedagogical impact]. Москва: Гуманит. Изд. центр ВЛАДОС.

Рубинштейн, С. Я. 1986. *Психология умственно отсталого школьника* [Psychology of pupil with intellectual disabilities]. Москва: Просвещение.

Шипицина, Л. М. 2005. *«Необучаемый» ребёнок в семье и обществе* ["Unteachable" child in family and society]. Санкт-Петербург: Речь.

SECOND/FOREIGN LANGUAGE TEACHING
AT THE MILITARY ACADEMY OF LITHUANIA

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Abstract

Second/foreign language teaching at the Military Academy or Lithuania

Key Words: *audiovisual method, motivation, video clip, authentic audio-visual materials, intertext*

It is obvious that our contemporary societies with diverse languages need to enhance effective communication in foreign languages, especially those who belong to the EU and NATO organizations. Teaching and learning is very time consuming, so it is important to implement new, effective and time saving language teaching methods so that that they could intensify the second language learning and acquisition. Hence, we need to acquire language proficiency requirements in fast foreign language learning for it is internationally relevant to NATO allies who are involved in various international missions at the moment and in the future. So that learning and acquisition of the foreign language would be effective, new methods of language teaching methodology are required to deal with any difficulties that the teachers face in teaching the second language and selecting an appropriate method for each of the topic in the study of any language, especially teaching the military. Nowadays an active search for new methods and techniques of teaching foreign languages is taking place especially teaching the military who need in the shortest time to obtain the second/foreign language acquisition. That meets the current state of methodological science and the rapid development of the military community as a whole. Intensive computerization of teaching military is very much proceeding in the foreign language teaching and learning environment. It is very beneficial to apply these all gadgets in developing new learning habits of a learner. New technology savvy generation can easily recognize intel spreading from the digital screen which actives perception of audiovisual resources of learning in the system of education in military or civil schools and universities. Authentic video and various videos created by methodologists, specifically for educational purposes, are being more and more frequently applied in the process of foreign languages teaching. The use of video clips at the foreign language lessons perfectly suits to the tasks which foreign language teachers face in the context of the development of active multilingualism in Lithuanian society. The article highlights the implementation of audiovisual method in teaching the second/foreign languages at the Military Academy of Lithuania. The analysis of the pros and cons of this method is also produced as well as the requirements for authentic audio-visual materials which can be applied for educational purposes and the technology of methodological development of authentic video material for its use in a foreign language course. The authors assert the importance of implementation of methods economizing learning and acquisition time and intensifying the educational process *of the second/foreign language.*

Introduction

With the absence of speaking environment – wherein the learner may apply his knowledge gained during his language classes and interact naturally – learning a foreign language has remained an urgent issue of linguadidactics by foregrounding the need to artificially recreate the conditions of real communication in the target language. Technologizing and computerizing all the spheres of social activity as well as developing an individual's sustainable skills of perceiving information through an audio-visual image has made it indispensable to write teaching aids encompassing an audio-visual aspect as a substantial element of classes in any foreign language at any level of learning. An active search for new methods and techniques of teaching foreign languages is in progress now. It should go together with the current state of methodological science and the rapid development of the world community as a whole. Intensive technologization and computerization of all spheres of human life, which led to creation of a firm habit of young people to perceive information from the screen, led to the active penetration of audiovisual means of learning in the system of education in schools and universities. Authentic video and various videos created by methodologists specifically for educational purposes are applied more and more frequently in the

process of foreign languages teaching. Moreover, the real life including all features of natural speech communication comes to the class with the help of video. It should be emphasized that the use of video clips at the foreign language lessons perfectly suits to the tasks which foreign language teachers face in the context of the development of active multilingualism in Lithuanian society.

The objective of this research is to reveal the most important features of a film which are relevant for educational purposes, to identify the pros and cons of audiovisual method as an effective way to intensify the educational process and the specifics of its use in teaching foreign languages, to analyze the process of selection and methodological development of authentic video materials applied in foreign language courses, and to determine the sequences of work with it in the classroom. **The descriptive and analytical methods** are applied in his article. The investigation was conducted on the material of teaching the Russian, German and French languages.

The audiovisual method is successfully applied at the Lithuanian Military Academy when teaching Russian, French and German as the second/foreign language.

The second/foreign language teaching in the Lithuanian Military Academy

Choice of the second/foreign language in 2018		
RUSSIAN	**GERMAN**	**FRENCH**
87%	9%	4%

As it can be seen in the picture Russian is the most popular language for learning – 87% of cadets preferred to learn it this year, and only 9% and 4% decided to learn German and French. But we chose Russian as an illustrative material for the report due to its popularity among cadets. The Russian language has been taught at the Academy since 2013. Simple statistics shows that the popularity of this subject is growing: 25% of cadets decided to learn Russian in 2013. Every year the number of learners was increasing as it is shown in the picture below, and 87% of cadets chose Russian in 2018.

The Russian language teaching in the military academy of Lithuania

Number of cadets who have chosen to study Russian					
2013	**2014**	**2015**	**2016**	**2017**	**2018**
25%	31%	42%	61%	68%	87%

The secret of this dynamics is based on a number of factors (objective and subjective) that are not the subject of our analysis. There should be estimated the only one of them: "soldier's radio". It means that rumors about Russian classes spread very quickly. Cadets very quickly transfer the information such as "cartoons and movies are shown in Russian class" and thanks to it, language training turned to be interesting, illustrative and with the positive acquisition outcome.

The audiovizual method

It should be asserted that methodologists and teachers of foreign languages face at least three key problems that are closely interrelated to each other:

1. Reinforcing students' motivation to learn a particular foreign language.

2. Searching and designing adequate educational materials which are attractive for the learners and correspond to recommendations and achievements of contemporary linguodidactics.

3. Creating a favorable emotional learning ambience at a foreign language lesson which contributes to the maximum participation in activities of all students of the group in the educational process and provides enhanced and intensive learning of material (Прессман, 1965, 9).

It is obvious that the motivation of students is directly linked to the educational resources presented to them, and to the emotional environment in the classroom. And the atmosphere itself is determined by how meaningful, compositionally attractive and masterfully methodically developed the projected materials for learning texts, exercises, videos, etc. are.

Obviously, an significant role in the learning process the teacher's personality plays his/her professionalism, the ability to create an environment in the classroom that is favorable to communication in a foreign language. All this makes us think about what educational materials should be presented in the classroom and how to hand them to students, what methods and techniques to implement and apply. It is no longer a secret that our contemporary era is characterized by the computerization of all scopes of human society. So it is necessary to bring the process of teaching a foreign language closer to the way of life accustomed to modern young people and at the same time try to preserve the rational grain of the traditional model of learning. On the other hand, there is one more very important objective – to increase the learning process particularly while teaching the second/foreign language because of inadequate amount of study time. Thus, the teacher is supposed to find special means to implement and apply as much new resourses as possible per unit of learning and acquisition time.

So, what is the audiovisual method?

The foundation of the audiovisual method is based in the fact that means of visual and audio clarity (visualization) are intensively applied in a foreign language teaching. The resented lexical and grammatical material is typical for the conversational style of speech and is most often limited by given audio-video material. As a rule, the learning process itself takes less time. Therefore, the use of audiovisual method in a foreign language course seems very promising, taking into account the cognitive and communicative orientation of language teaching in general.

In our opinion, it should be noted three features of film materials, extremely important for the educational process:

1. **Visualization.** The film is the most accurate copy of reality; it helps to influence the personality of the student through the image.

2. **Dynamism.** The mobility of the shown frame-pictures, rapid change of speech situations give fertile ground for the development of linguistic cognition and communication skills.

3. **Power over time and space.** A film makes it possible to move us to the country where the language is spoken, to stand "over time", immersing the viewer in a historical excursion: a film can show what was in the distant past and what will happen in the future.

However, at least two more very important features of a film should be added to the above-mentioned: firstly - entertaining, exciting (fascination) and attractiveness to a modern young man. Secondly, well-chosen and of a good quality video could emotionally positively inspire the cadet and awake his desire to debate (to discuss) and in this way to contribute supportive learning climate in the classroom.

On the other hand audiovisual method has some shortcomings (cons). The cons of the audiovisual method, in our opinion, are the following:

• the difficulty of developing authentic audio-visual materials for learning purposes;

• a huge amount of time needed to find the right video;

• difficulties of the systematization of grammatical material;

• provocation to some revival in the audience - and because of this the discipline control becomes sometimes a problem.

There is a wide choice of different types of audio-video materials and a great number of student textbooks for learning a foreign language based on these materials. They can be applied for the accomplishment of the various educational tasks. Videos applied as training materials may be:

• Basic complex audiovisual courses, where authentic video material is the organizing center of the lessons.

• Student textbooks which are developed specifically on the basis of the films made for training purposes.

• Video clips are chosen by the teacher's decision from a variety of video and film footage relevant to the study theme (Казимянец, 2011, 13-14).

• Artistic interpretation of the poetic texts of song, the works of bards and rockers (Гончар, 2011, 27).

Considering the noted above audiovisual materials applied for the Russian language teaching as well as for other languages at high school, the preference, from our point of view, should be given to authentic video materials. They have a very special property of a film – to be a real reflection of people's life. Moreover, their usage brings the lesson closer to the usual living conditions of young people, revives the educational process, making it entertaining and interesting.

For example, authentic video materials, which are fragments of famous Russian movies and animated films, can be offered as training materials at Russian language lessons.

However, not all authentic video materials are suitable for using as teaching means at the foreign language lesson. Their right choice is a very important task for a foreign language teacher. On the base of many years' experience we have developed a number of clear criteria for selecting video material for educational purposes.

1. First of all it is very important to take into account the relevance of the language study in the context of different cultures. This means that common with a native speaker cognitive base should be created for communication in a foreign language. That is why we consider the presence of a certain cultural background in the video as a fundamental criterion (Казимянец, 2011, с.194-195).

2. It must be enough language material: lexical, grammatical, phonetic - for implementation the assigned training tasks in the selected video.

3. In case if the video material is an animated or feature film or just its part, the film itself should be a kind of intertext, that is, a film should be known to the majority of native speakers. The video also should contain typical conversational situations, expressions, well-known names applied by native speakers in their everyday life.

4. The selected by a teacher video material must satisfy the tastes and age of students as well as the level of their practical language proficiency (skills).

5. The video material offered for viewing at class should have a structural completeness (a clear composition in which the beginning, the middle and the end can be easily singled out).

6. If the video material is a kind of video clip its content should be directly related to the main topic of the lesson.

7. The content of the video should encourage trainees to discuss what they have seen and inspire them to look for some additional information on this topic and to share it with the classmates. It would be perfect if the video could motivate them to produce similar dialogues using the learned lexical and grammatical units in game communication situations.

8. The video should have multilayer structure (to contain a variety of linguistic, paralinguistic and cultural material) (Казимянец, 2014, 331-332).

9. Video applied as a teaching material must be performed at a high a filmtic level (The video must be a a film production of a high quality) (Казимянец, 2010, 69).

10. The video material offered for viewing at class should contribute to the creation of a favorable, relaxed atmosphere for communication in a foreign language, cause positive emotions, providing the best perception of the educational material.

11. The video clip should be politically correct.

However, no matter how good and interesting the film material chosen by the teacher is, even if it fully satisfies all the requirements, mentioned above, the success of the audiovisual method is achieved only through the preliminary methodological development of this material by the teacher. This work requires a lot of time, creative efforts, high professional skill and even imagination.

When preparing for a lesson with a carefully selected audiovisual component, the teacher must first of all determine the range of conversational topics, to which the selected video can serve as an illustration. The teacher must determine which grammatical issues can be studied on this material and think over his introductory remarks, prior to the viewing. Then he has to create a phonogram of the text sounding from the screen.

The graphic text of the phonogram is useful for adequate understanding of the most difficult moments of the plot. In addition, it serves as a good material for developing reading skills and is applied by students to prepare game tasks concerned producing their own dialogues on the topic of the plot. The teacher also develops a system of various exercises associated with viewing. These exercises can be divided into three groups: introductory exercises recommended before video performance; tasks and exercises which accompany each episode and are performed during the watching video and final exercises which are done after video performance. The final exercises are supposed to consolidate the studied material. This makes it possible to develop skills of listening, reading, speaking and writing. If it is necessary (if the teacher considers it appropriate), additional texts are offered to cadets for classroom and home reading.

Let us emphasize that the task of additional texts is to expand the thematic and vocabulary range of the lesson, to introduce the necessary grammatical structures, to stimulate and provide real language communication at the lesson, while the audio text is applied, first of all, as a basis for the formation of listening skills and understanding of the sounding speech, as well as to work on the correct pronunciation and intonation. Besides that, the principle of repetition of language material in all types of language activities at a higher level is implemented on the basis of additional texts. These texts, as a rule, contain rich historical and cultural information. This, for example, can be a piece of information about Russian culture, traditions and customs of Russian people, as well as proverbs, sayings, idioms, which are the key to the understanding of the Russian national character. Special additional texts are applied to develop writing, spelling and grammar skills.

Working with video in the classroom also has some specific features. There are a few main stages. First of all the teacher should start with an introductory talk, preliminary lexical work and exercises, recommended before video performance. After that trainees view the video for the first time with (or without) teacher's comments. Then we work with the video material during the second/foreign view of each episode separately, performing tasks and exercises after each episode. The last stage is the final viewing and work on the final exercises in order to consolidate the studied

material. Control task (composition, presentation, test, review) is the compulsory moment for this stage.

How to work with video material (stages)
• The introductory talk of the teacher. • Preliminary lexical work and doing exercises, recommended before video performance. • View videos. • Work with the video material during the second/foreign view of each episode. Perform tasks and exercises after each episode. • The final viewing and working on the final exercises in order to consolidate the studied material. • Control task (composition, presentation, test, review) (Казимянец, 2016, 234).

Conclusions

• In a nut shell, it should be indicated that the use of audiovisual method in foreign language teaching is predominantly effective in the absence of a real speech environment as it allows to provide the learners with real and authentic as possible communicative approach comprising diversity of verbal and nonverbal means of communication integrated by native speakers in various functioning situations.

• The application of audiovisual method is a perfect way to optimize learning and acquisition time and intensify the educational process as a whole.

• Among numerous applied videos as didactic means, preference should be given to authentic video.

• When selecting authentic video material for teaching purposes, it is strongly recommended to take into account a number of the above-mentioned criteria.

• Moreover, the key to success of the second/foreign language learning and acquisition with the help of a video element is the accurate choice of the video material and its qualitative and well-thought-out methodological development by the teacher.

References

Kazimianec J. 2014. Аутентичные видеотексты на занятиях по иностранному языку. *Ugdymo veiksniai mokymo(si) kontekste globalizacijos sąlygomis. Mokslinių straipsnių rinkinys.* Vilnius, pp. 325–344.

Гончар И.А. 2011. Звучащий текст как объект методики в аспекте РКИ. *Русский язык за рубежом*, N 2, с. 25–31.

Казимянец Е, Кундротас Г. 2009. *Аудиовизуальный курс русского языка для студентов-филологов.* Vilnius: LEU leidykla.

Казимянец Е. 2010. Реализация принципа интерактивности в учебной книге по аудиовизуальному курсу русского языка. *Žmogus ir žodys. Научные труды.* N12(3), Vilnius pp. 67–72.

Казимянец Е. 2011. К вопросу об использовании киноматериалов на занятиях по РКИ в рамках диалога культур. *Язык и межкультурные коммуникации. Материалы III*

Международной научной конференции Минск-Вильнюс 17–20 мая 2011 года. Минск: БГПУ, с. 194–195.

Казимянец Е. 2016. *Путешествие в Россию*. Vilnius: LKA leidykla.

Казимянец Е. 2017. *Ответы к учебной книге «Путешествие в Россию».* Vilnius: LKA leidykla.

Казимянец Е., Лин Чен Шен, Смирнов Ю. 1992. *О жизни и обычаях русских людей по-русски.* Чанчунь: Издательство провинции Цзилинь.

Казимянец Е., Ятаутайте Д. 2016. Технология методической разработки и использования видеоматериала на занятиях по иностранному языку (на примере РКИ*). Kalba ir kontekstai.* N VII (1), 2 dalis. Vilnius, pp. 226–239.

Прессман Л.П. 1965. *Использование кино и телевидения для развития речи учащихся.* Москва, 160 с.

RECOGNITION OF THE PREVIOUS EDUCATIONAL EXPERIENCE IN THE SECTOR OF THE HIGHEST EDUCATION: A NORMATIVE BASE AND PRACTICE

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Abstract

Recognition of the previous educational experience in the sector or the highest education: a normative base and practice

Key Words: *previous education, informal education, recognition of learning experience, university*

The technological changes and peoples' dynamic rhythm of life in all spheres of life allows to conclude that there is not enough with the formally acquired education to work productively. It is necessary to improve and to refresh knowledge and competences constantly. Modern person needs new skills and supplementary knowledge as an part of one's professional life. By developing the sustainable educational system for adults in Latvia, government has created a normative base, which was directed to the improvement of acknowledgement previously obtained informal education in the institutions of higher education in Latvia. Evaluation of the obtained knowledge and skills is one of the prior questions in the European Union in order to plan a sustainable long-life learning process, which is carried out by people themselves. There is an advancement in the elastic approach towards the teaching process and the content in Latvia in a way of approaching formal and informal education.

In the article the authors analyze the legislative context of the previous educational and professional experience leading to the acknowledgement of the achieved results. The authors analyze adults' system of education as well as summarize the experience of this ratification process at some Latvia universities.

Kopsavilkums

Iepriekšējās izglītības un pieredzes atzīšana augstākās izglītības sektorā: normatīva bāze un prakse

Atslēgavārdi: iepriekšēja izglītība, neformāla izglītība, studiju rezultātu atzīšana, augstskola

Ātra tehnoloģiju maiņa, cilvēku dinamisks dzīves ritms visās sfērās noved pie tā, ka vienreiz gūtās izglītības nepietiek, lai produktīvi strādātu. Ir nepieciešams pilnveidoties, atjaunot zināšanas un kompetences, mūsdienu sabiedrība pieprasa jaunas iemaņas un papildzināšanas. Ilgtspējīga izglītība ir nepieciešama cilvēkam kā dzīves neatliekama sastāvdaļa. Attīstot ilgtspējīgu pieaugušo izglītības sistēmu Latvijā, ir izveidota normatīvā bāze, kas ir vērsta uz iepriekš iegūtās, neformālās izglītības atzīšanas procedūras Latvijas augstākās izglītības iestādēs pilnveidošanu. Iepriekš iegūto zināšanu un prasmju novērtēšanas nozīmīgums ir viens no prioritāriem jautājumiem Eiropas Savienībā, lai mūžizglītība, kuras procesu vada paši cilvēki, kļūtu par šodienu. Latvijā notiek virzība uz elastīgu pieeju mācību procesā un saturā – formālās un neformālās izglītības tuvināšanai.

Rakstā tiek analizēts normatīvais konteksts iepriekšējā izglītībā un profesionālajā pieredzē sasniegto studiju rezultātu atzīšanai, pieaugušo izglītības sistēma un apkopota līdz šim uzkrāta pieredze šī procesa nodrošināšanai dažās Latvijas augstskolās.

Introduction

This article is an analysis on the basis of recognition results of previous education and professional experience, and the regulatory context. This issue is a part of national strategies in the world, where the emphasis is placed on formal, non-formal and informal education. The recognition and testing of their methods at the given moment have tension and contradiction. From a scientific perspective, they have not been thoroughly studied. (Bohlinger, Münchhausen 2011) Considering this context, the article analyses the regulatory framework, the main principles and their practical application in some Latvian universities.

In the contemporary world there are regularities that depend on the peculiarities of industrial development and the society, based on knowledge that is common for all countries. The education

and professional skills are becoming an economic success for this society, the success factors of civil responsibility and social consent.

The meaning of recognition of previous education and professional experience

We understand that we are learning constantly, everywhere, and an important factor is that we are not always aware of how we learn. The learning starts when a person is born, and it can never be completely finished. The learning is always and everywhere, creating flexible learning paths. People are able to learn everywhere. (Hätönen 2004) Lifewide education includes all learning forms, development and success. It opens new perspectives for a full form of education, in which people combine their learning (formal and informal), their personal and professional development and success. Every day of our lives we face different situations that make up our experience. (Jackson & Willis 2012) Present days, of changes around in culture, policy, education, as lifelong learning develops, human education went beyond it's formal understanding. We are not just learning from behind the school bench in classroom, but education as such went out of the audience and acquired the characteristics of new education, where it wouldn't be, in forest, on the street or in your apartment. It all depends on how much the person is ready to learn. Formal education as ideal it wouldn't be, is unable to teach people everything he will need in life to solve all the problems. A person doesn't always choose the formal teaching process. Although there has been enough research in lifelong learning, one of the major challenges remains unclear and underexplored - to what extent individuals and knowledge society generally depend on the organization of the teaching process. (Fokiene, Duvecot 2010) D. Kolb defines "experience education" as an education acquired as a result of direct experience. Experience is a complex, not completely explored and heterogeneous phenomenon. Experience cannot be circumvented. Experience is one of the most important motivators of learning. So, the desire and the need to learn arise in experience that encourages the process of learning. (Kolb 1984)

Assessing the knowledge and skills previously obtained is a process that allows people of all ages with different experiences to obtain a formal assessment of their existing skills and knowledge and eliminates unnecessary overlap between education and training content, which could undermine the motivation for learning. (Lenpänjuuri 2010)

Obviously, recognition of past education and professional experience has long history and extensive practice; it is included in many learning systems around the world. Previous knowledge is one of the structures of lifelong learning that was acquired beyond the boundaries of formal education. This problem is particularly useful in higher and vocational education, mainly due to the following causes:

Firstly, we can observe that recognition and identification of previous education has become an integral part of many learning practices, highlighting the need to develop recognition procedure

and different levels of proficiency testing. This leads to a discussion of those involved in the examination and recognition procedure (teachers, trainers, experts etc.), as well as it also requires a study in the assessment of different types of various learning types and their results.

In recent years, various methods and instruments have been developed and improved to recognize and identify the results of learning in non-formal and informal environments. And the "learning outcomes" have long ago become a widely used term. It is defined as: "a set of knowledge, skills, competences that a person has learned in the learning process and is capable of demonstrating" (CEDEFOP 2009). After completing the learning, the only thing that needs to be known and able to show, it is the result of teaching. In order to be able to assess the achievement of non-formal and informal learning, the learning results are considered as a starting point. The learning results are a "list of fulfilled tasks" describing a good teaching practice and a scale that can compare individual achievements with the necessary ones. The learning results are based on the definition of competence and are formulated as expected results within the framework of the study programme. These non-formal and informal achievements, obtained through learning, are also compared with the requirements of the formal programme, so that the evaluation solution can be found, if they match. (Fokienė 2010)

The procedural approach is based on procedures forming the structure and development of the knowledge and skills assessment system acquired in previous experience. (Fokienė 2010) CEDEFOP identified five steps for the statement of the outcome of learning activity adopted in the largest group of the EU Member States (CEDEFOP 2009): information, council and management; identification; assessment; verification; certification. (Bohlinger & Münchhausen 2011)

The process of assessment of previously acquired knowledge and skills and the course of action

The role of ECTS in Latvia's higher education was described in the Self-evaluation report of 2012. (Academic Information Centre and Ministry of Education and Science 2012) No significant changes to credit scores have been identified during the study period, as evidenced by the results of the study carried out under the Erasmus + NARIC project *"Automatic Recognition between Estonia, Latvia and Lithuania* (AURBELL, 2014-2016)". According to the study report, the ECTS is fully implemented in Estonia (from academic year 2009/2010) and Lithuania (from academic year 2011/2012), while the national credit score system is still in use in Latvia. To recalculate the number of Latvian credit scores in ECTS credit scores, they must be multiplied by 1.5. (Academic information centre, Archimedes Foundation and Higher Education Quality Evaluation Centre 2015) Credit score systems help individuals to continue training, facilitating the transition between different levels and types of education and training and between countries. They facilitate determination of the full qualifications or the results of the components learning, the provision of

them to students and the assessment. They allow students to combine different learning results obtained from different learning contexts, including digital, informal and daily learning process. (European Commission 2016)

The recognition of learning results obtained outside formal education in Latvia's higher education has been launched in 2012, based on the European recommendations and the following Latvian regulatory enactments: The Law on Higher Education; Cabinet of Minister's Regulation No. 36 of January 10, 2012, *"Provisions for the recognition of study results obtained outside the learning or professional experience of formal education."*

From January 1, 2018, the edition of the Law on Higher Education of November 11, 2017, entered into force: *Article 59.[3]* The recognition of knowledge, skills and competences acquired outside formal education, which provides that a high school or college shall evaluate the knowledge, skills and competences acquired by persons outside formal education, and, if they comply with the results of study attainable in the relevant study programme, recognize them and assign relevant credit scores. A decision regarding the recognition of knowledge, skills and competences acquired by such outside formal education is taken within four months of the date of receipt of the person's application. The procedures and criteria for recognition of knowledge, skills and competences acquired outside formal education are determined by the Cabinet of Ministers. Regarding the recognition or refusal of acquired knowledge, skills and competences, an individual decision is made. The decision and supporting documents are attached to the file of the concerned person. A decision taken by an institution of higher education or college may be contested to its rector or director." (Saeima 1995)

The components of recognition process:

Recognition – an acknowledgment / identification of knowledge, skills and competences acquired outside formal education (methodological challenge; use of ICT instruments; career specialist's support)

Documenting – a provision of evidence of the results of learning acquired (CV, portfolio, self-assessment, description of learning results, certificates, diplomas, ESCO)

Assessment – an examination / comparison of learning results obtained with existing requirements, criteria or standards: (a) only verification of documents; (b) knowledge and skill testing; ensuring individual approach

Certification — a granting of formal qualification (in general terms) or its part. (Muhina 2017)

In the framework of formal education, the learning results are achievable by systemically, methodically and electively, organizing the education process. In turn, the non-formal education and daily learning activities may vary with both the organizational and planning process and the

content. In order to identify the differences in learning content, it is important to establish a period of time, in which the learning takes place. This is an essential factor in identifying learning results, because in a traditional society the results of informal learning are perceived as less valuable compared to the obtained formal education. The ability of a person to demonstrate practical skills and theoretical knowledge levels is an important factor for identifying learning results. The demonstration of relevant learning results may require more than one method, such as oral interviews, documentary grounds and analysis of practical experience. (The involvement of the Latvian education system for the European Qualifications Framework for lifelong learning and the European Higher Education Area Qualifications Framework 2016) The system for evaluating non-formal and informal education is open for change and improvement and should therefore be updated periodically with regular intervals. This update can be done by assessing the efficiency of the system and by introducing improvements. The fundamental aspects of the knowledge and skills assessment process acquired in the past experience: efficiency, feasibility, reliability and regularity - and the effectiveness of the assessment methodology and the quality of the actions of the evaluators should be studied periodically. The evaluation of knowledge and skills assessment system acquired in previous experience is correct if it is legally carried out in accordance with ethical rules and human rights in relation to participants of the process. (Fokienė 2010)

A candidate must understand the importance of assessing knowledge and skills acquired in previous experience in the development of his career. A candidate, who is an originator of the knowledge and skills assessment acquired in the past, must be sufficiently informed about the process and sufficiently motivated to collect and demonstrate evidence of the results of his professional development, i.e. to carry out self-analysis in relation to his learning achievements. (Fokienė 2010)

Situation in Latvian universities

In order to improve the knowledge of universities on the application of the recognition of teaching results in education and professional experience in high school, the Ministry of Education and Science in 2015-2016 carried out the project *"Alignment of previously obtained education"* (Erasmus + KA3 project). In order to clarify the real situation, a university survey was carried out, involving 45 higher education institutions, from the results of which it can be concluded that higher education institutions, with the recognition of study results achieved in previous education or professional experience, are most likely to face the results of studies obtained in a vocational continuing education programme obtained in a separate study programme or module and obtained in part of the study programme (an informal education programme, under which a part of the study programme is implemented). Uncommon for study results achieved in professional experience and results obtained in other forms of formal education.

When looking at the issue of the commission's composition, the competence in most higher education institutions is not remunerated in such commissions, only two higher education institutions have noted that work in commissions is rewarded. In most cases, training for staff engaged in recognition of study results in previous education or professional experience is not ensured. And in most cases, the competence of staff engaged in recognition of study results in previous education or professional experience is determined by the internal rules of institutions such as: descriptions of positions; determined by the directors of the study programmes; internal procedures / rules / regulation; commission.

In addition to informing universities and college people about the possibility to use the recognition of study results achieved in previous education or professional experience, it has been mentioned that individual consultations are used; the next most popular information tool is e-resources, then handouts and mass media. Mostly universities and colleges choose two or a maximum of three information tools, but the survey also showed that there are such, where more than three information tools are used simultaneously. It is also mentioned that meetings, seminars and introductory lectures are used to provide information. (Basevica 2016)

Three Latvian universities were selected when viewing university statistics in more detail. *The educational institution No. 1* starting from 2012 until 2016 dealt with 174 cases (of which 168 were recognized); *the educational institution No. 2* starting from 2014 recognized 85 cases; *in the educational institution No. 3* starting from 2013, 39 cases were recognized and 109 – consulted.

Conclusion

The assessment of knowledge and skills acquired in past experience is a complex process, which may vary in different traditions and cultures. Thus, assessment process modeling of the knowledge and skills obtained in the past, as well as fundamental principles of assessment are derived from understanding and attitude towards knowledge and skills acquired in the past.

According to the results of the MES survey and the data independently obtained, it can be concluded that the main obstacle to the implementation of the procedure for recognition of the results of study in previous education or professional experience is the lack of common understanding of the process; the higher education institutions would like to have access to guidelines describing the methodology with examples of the recognition of study results achieved in previous education or professional experience; the higher education institutions acknowledge that the positive outcome is important for the professionalism and close cooperation of the consultant; that to prepare all documents, a lot of time and effort is needed; the higher education institutions need to collaborate in recognition of previous education or professional experience to achieve results in the development of guidelines for recognition; the higher education institutions would like to see improvements at exactly the methodological guidance level to mitigate higher education

institution's internal burned of red tape and speed up this process; increase the likelihood of practices to recognize more than 30%; necessity to organize studies. (Basevica 2016, Svane 2017) We live in an age when education is based on the needs of the personality - from personality on education. The rapid development of all life cycles, the introduction of new innovations just confirming the need to adapt quickly to the new rhythm of life and the education system in particular. The uniqueness of each person's experience creates a need for a highly individualized assessment that makes it difficult for a higher education institution work.

References

Akadēmiskās informācijas centrs – Nacionālais koordinācijas punkts EKI 2016. Latvijas izglītības sistēmas piesaiste Eiropas kvalifikāciju ietvarstruktūrai mūžizglītībai un Eiropas augstākās izglītības telpas kvalifikāciju ietvarstruktūrai. Situācijas izvērtējums 2016. gadā, Rīga.

Akadēmiskās informācijas centrs un Izglītības un zinātnes ministrija 2012. Latvijas izglītības sistēmas piesaiste Eiropas kvalifikāciju ietvarstruktūrai mūžizglītībai un Eiropas augstākās izglītības telpas kvalifikāciju ietvarstruktūrai. Pašvērtējuma ziņojums. 2. versija. Rīga: Akadēmiskās informācijas centrs un Izglītības un zinātnes ministrijas Politikas koordinācijas departaments [skatīts 15.02.2018]. Pieejams: http://www.nki-latvija.lv/content/files/Latvijas-pasvertejuma-zinojums-2-versija_maijs-2012.pdf

Akadēmiskās informācijas centrs, Arhimēda fonds un Augstākās izglītības kvalitātes novērtēšanas centrs 2015. Automātiskā atzīšana starp Igauniju, Latviju un Lietuvu. Salīdzinošā pētījuma ziņojums [skatīts 15.02.2018]. Pieejams: http://www.aic.lv/portal/content/files/AURBELL%20report_LV_1.pdf

Baseviča V. 2016. Augstākās izglītības iestāžu aptaujas par iepriekšējā izglītībā vai profesionālajā pieredzē sasniegtu studiju rezultātu atzīšanu rezultāti [skatīts 10.04.2018]. Pieejams: http://www.izm.gov.lv /images/Erasmus/Ieprieks_iegutas_izglitibas_pielidzinasana/Pirma_dala.pdf

Bohlinger S., Münchhausen, G. 2011. Validierung von Lernergebnissen. Recognition and validation of prior learning. Bielefeld: Bertelsmann, S. 7–26.

CEDEFOP 2009. European Centre for the Development of Vocational Training: European guidelines for validating non-formal and informal learning. Office for Official Publications of the European Communities, Luxembourg.

European Commission 2016. Proposal for a COUNCIL RECOMMENDATION on the European Qualifications Framework for lifelong learning and repealing the Recommendation of the European Parliament and of the Council of 23 April 2008 on the establishment of the European Qualifications Framework for lifelong learning, Brussels 10.6.2016.

Fokienė A. 2010. Pieredzē gūto mācību sasniegumu novērtēšanas metodika mācību procesā [skatīts 20.04.2018]. Pieejams: http://www.huminst.rtu.lv/system/application/uploads/file/lmlv.pdf

Fokienė A., Duvekot, R. 2010. Iepazīsim iepriekšējā pieredzē gūto zināšanu un prasmju novērtēšanu. Iepriekšējā pieredze gūto zināšanu un prasmju novērtēšana profesionālās izglītības skolotāju izglītībā. Rokasgrāmata vērtētājiem. Printing House: Baltic Print & Banners TALLINN.

Hätönen H. 2004. *Osaamiskartoituksesta kehittämiseen*. Helsinki: Educa-Instituutti Oy.

Jackson, N., Willis, J. 2012. Lifewide Learning & Education in Universities and Colleges [skatīts 02.04.2018]. Pieejams: http://www.learninglives.co.uk/uploads/1/0/8/4/10842717/chapter_a1.pdf

Kolb, D. 1984. Experimental learning: experience as a source of learning and development. Englewood Cliffs, NJ, Prentice Hall.

Lenpānjuuri A. 2010. Iepriekš apgūto zināšanu un prasmju novērtēšanas nozīme. Iepriekšējā pieredze gūto zināšanu un prasmju novērtēšana profesionālās izglītības skolotāju izglītībā. Rokasgrāmata vērtētājiem. Printing House: Baltic Print & Banners TALLINN.

Muhina J. 2017. Ārpus formālās izglītības mācīšanās rezultātu atzīšanas progress Latvijā [skatīts 10.04.2018] Pieejams: http://www.nki-latvija.lv/content/files/Muhina_Jelena_aic% 20seminars% 20prezentācija%2026.10.2017.pdf

Saeima 1995. Augstskolu likums, "Latvijas Vēstnesis" 179 (462). Grozījums 16.11.2017 likums / LV, 236 (6063), 29.11.2017. / Stājas spēkā 01.01.2018.

Švane I. 2017 LLU pieredze iepriekšējā izglītībā vai profesionālajā pieredzē sasniegtu studiju rezultātu novērtēšanā un atzīšanā [skatīts 10.04.2018]. Pieejams: http://www.nki-latvija.lv/content/files/Svane_Ilvita_aic%20seminars%2026.10.2017.pdf

SELF-MOTIVATED SECONDARY SCHOOL STUDENT IN LEARNING MATHEMATICS

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Abstract

Self-motivated Secondary School Student in Learning Mathematics

Key Words: *abilities, interests, goal, self-experience, learning model*

This article focuses on learning mathematics at secondary school, through which students develop abilities and interest about *mathematics* that, on its turn, is required for obtaining education for sustainable development.

The purpose of the research is to develop and approbate in practice a learning m*odel* that would ensure the path for meaningful education suitable for each student's *abilities* and *interests*, and develop a student's ability of taking responsibility for one's learning progress and the obtained results of learning.

A student builds one's cognitive activity on the basis of *self-experience* and is able to apply it in any scientific direction an individual masters in depth.

The theoretical basis of the research consists on the concept of interaction between the inheritance of abilities and social environment, based on cognitivism and constructivism.

The research offers a learning model where each student can learn at one's own pace, in a group, and develop one's *mathematical* abilities basing them on the subjects of one's interest.

Tests and surveys with open questions were used for obtaining the data for the purpose of the research. For data processing, a varied data source triangulation method was used in the research.

Kopsavilkums

Pašmotivēts vidusskolēns matemātikas mācīšanās procesā

Atslēgvārdi: *spējas, intereses, mērķis, pašpieredze, mācīšanās modelis*

Šajā rakstā ir aplūkots mācīšanās process, apgūstot matemātiku vidusskolā, kurā skolēni attīsta spējas un interesi par *matemātiku*, kas nepieciešama, lai iegūtu izglītību ilgtspējīgai attīstībai.

Pētījuma mērķis ir izstrādāt un aprobēt praksē *mācību modeli*, kurš nodrošinātu katra skolēna *spējām* un *interesēm* atbilstošu jēgpilnu izglītību un attīstītu skolēna spēju uzņemties atbildību par sava mācīšanās procesa norisi un iegūtajiem mācību darba rezultātiem. Skolēns savu izziņas darbību veido uz *pašpieredze*s pamata un spēj to izmantot jebkurā zinātnes virzienā, kuru apgūs padziļināti.

Pētījuma teorētisko pamatu veido spēju iedzimtības un sociālās vides mijiedarbības koncepcija, kura balstās uz mācīšanās kognitīvisma un konstruktīvisma pieeju. Pētījumā piedāvāts mācību modelis, kurā katrs skolēns var mācīties sev ierastajā tempā, savā grupā un attīstīt savas *matemātiskās* spējas uz interesējošo mācību zinātņu pamata. Pētījumā datu ieguvei izmantoti skolēnu pārbaudes darbi un anketas ar atvērtiem jautājumiem. Pētījumā datu apstrādei izmantota daudzveidīgu datu avotu triangulācijas metode.

Introduction

The main task of school in all centuries has been bringing up educated students who are eager for knowledge, to prepare them for life in the changing world where the quality of the received education and readiness to continue education for life, constantly looking for opportunities for development and self-realisation will be of the most important significance (Špona, 2004). It is being discussed in the society of Latvia regarding the necessity of reforming and improving the educational system so that it would correspond to societal needs of the 21st century (Krasnopjorovs, 2017; Robinsons, 2013; Skola 2030), where creativity is offered as one of the main components of education (Irvine, 2013; Mann, 2005). The main task of the educational system in a democratic society is comprehensive development of each student's abilities and potential, preparing them for life-long education, creative work life and responsible engagement in the public processes (Likumi, 2014).

Research Problem: The current learning system requires equal efficiency, achievements, and assessments from all students, but often does not take into account each student's individual differences, abilities, interests, and motivation to learn.

The topicality of the research is related to the expected changes in the secondary school teaching-learning model (Skola 2030), so that each student could learn at one's own pace, in a group, and develop one's mathematical abilities (VIAA, 2012), basing them on subjects of one's interest (PISA, 2012).

The purpose of the research is to develop and approbate in practice a learning model that would provide meaningful education suitable for each student's *abilities* and *interests*, and develop a student's ability of taking responsibility for one's learning and its results.

Pedagogical and psychological literature on students' mathematical abilities is analysed in order to find answers to the following questions: Is there any correlation between the students' knowledge of mathematics and the learning pace in mathematics?; Does *the level of a student's mathematical abilities depend on the degree of creativity in mathematics?*

The theoretical basis of the research consists on the concept of interaction between the inheritance of abilities and social environment, based on cognitivism and constructivism.

Tests and questionnaires with open questions were used for obtaining data for the purpose of the research. For data processing, a varied data source triangulation method was used in the research (Pipere, 2016). The problem analysed in the research is topical for mathematics teachers in order to develop students' mathematical abilities through teaching mathematics.

Theoretical Findings regarding Students' Learning Abilities

Several concepts of abilities have been developed: (1) abilities are biologically determined; (2) abilities are acquired over life; and (3) integrated approach to abilities as an interaction between the innate and acquired abilities (Krutetsky, 1968; Rubenstein, 2000; Teplov, 1961; Vygotsky, 1982). The research looks closely at the approach of interaction between the innate and acquired abilities, which is applied widely currently. The supporters of this theory express the opinion that a student's innate potential, environment, upbringing and the respective learning methods used for ability development are important in the development of abilities.

Abilities are individually psychological peculiarities distinguishing one individual from another. Not every single individual's peculiarity is defined as an ability, only those ensuring successful implementation of a particular action, implementation opportunities, and success level (Teplov, 1961). Abilities are more or less specific features necessary for performing an activity; they can only develop in action and through action, based on respective capacities (Rubenstein, 2000). Teplov (1961) and Rubenstein (2000) substantiated that interaction between external and internal circumstances should be considered as the basis for ability development.

Two approaches are in place for researching abilities, making emphasis either on the process or the end result. Vygotsky (1982) emphasizes the learning process where a student can perform either individually or with assistance from a teacher. When a student is working individually (Vygotsky, 1982), one shows the current development level, but, when working together with a teacher, one shows the potential development level in optimal circumstances.

There are general and special abilities (Bogoslovska, 1978; Rubenstein, 2000). General abilities are related to a student's mind activity; they are cognitive abilities that are the basis for the development of different special abilities. General abilities are the capital given by nature on which depend the student's interest versatility and drive (Birkerts, 1923). They ensure the student's ability to learn and the skill of applying the knowledge in practice. Special abilities, on their turn, are the ones with certain guidance. Special abilities are a system of personality features helping to achieve high results in a particular area in cognition and innovation (Plotnieks, 1982).

The structure of a student's abilities is dynamic and depends on the individuality development level. The following ability development levels are distinguished: reproductive, where a student has the ability of mastering knowledge, improving the required activities, and performing thereof according to a set example; and creative, where a student creates something new, original, and unique (Šteinberga, 2011). When acquiring new competences and skills in action, a student passes from one ability level to another and one's ability structure changes accordingly. Students start by imitating, and, by gradually getting experience, their creative abilities are revealed. For development of abilities, suitable surrounding environment and targeted upbringing are required; therefore one type of circumstances hinders the ability development while others, on the contrary, can accelerate it (Teplov, 1961).

A student's ability level that is characterised by both quality and quantity changes during learning. Abilities are divided into the following creativity levels: aptitude, giftedness, talent, and geniality. Every student has aptitude, only the area of activity may vary. Giftedness applies more to professional abilities, yet it stays in a good reproduction level. A talent means high giftedness and innovation. Neither giftedness nor talent are innate, they are built and developed through practice. Geniality is a talent in combination with versatility and originality of both action and knowledge (Šteinberga, 2011).

Ability preconditions are capacities. Capacities are versatile and can develop in different directions (Rubenstein, 2000). Capacities are understood as the initial innate basis of such ability that has not yet been developed but already demonstrates potential. Capacities show early as an ability of performing different activities. Abilities determine a student's speed and easiness of acquiring information and experience.

A student, who is able to progress faster than others under equal circumstances, is considered to be more capable (Krutetsky, 1968). For a student to develop abilities more efficiently, a teacher should observe one, identifying the activity areas where one succeeds better and faster, which areas create interest, and in which areas one's giftedness can express itself. Giftedness will become the ability only if a student likes the type of activity, if an individual has a disposition to and interest about it. Interest stimulates ability formation but developing abilities deepen and enrich the interest into a particular activity area, and a student chooses a profession one likes, is interested and successful in.

To develop abilities means to create conditions that would develop not only the existing but foster new, potential abilities. Potential abilities are expressed as (1) interest in being engaged in the respective science area; (2) improvement in the respective area faster than others can do it under similar circumstances; and (3) higher work quality. Good learning develops potential. Abilities improve through independent action (Vygotsky, 1982).

Mathematical Abilities

Capacities are demonstrated as willingness and interest into a specific type of activity (special abilities) or increased curiosity regarding everything (general abilities). If the interest and involvement are sincere, strong willingness for individual work and rapid progress towards proficiency can be observed, attaining significant results (Bogoslovska, 1982).

Researchers (*Kimball, 2013;* Krutetsky, 1968; Mencis, 2014; Polya, 2010) distinguish two types of abilities: (1) the ones for acquiring the content of school mathematics; (2) the ones for creative scientific activity in mathematics.

Each student has capacities for being able to acquire the school mathematics study course content. Yet not every student has capacities for developing higher level mathematical abilities related to scientific creativity, research and making discoveries.

Scientists are unanimous regarding the creative abilities, agreeing that the creative abilities of a researcher are innate creations: abilities require only a favourable environment in order to show and develop. Though the researcher opinions regarding the school mathematical abilities vary, as both theories coexist, emphasising the importance of both the biological potential and favourable supporting environment.

Integrity of abilities and interests, as well as involvement and willingness to be engaged in mathematics are required for successful activity in mathematical sciences (Ģingulis, 2005; Krutetsky, 1968; Polya, 2010; VIAA, 2012). One can become a creative mathematician by being keen on mathematics as the interest in mathematics creates disposition for research, mobilises one's capacity for work and activity.

The structure of mathematical abilities is composed of (1) acquiring of mathematical information; (2) transfer of the mathematical information; (3) logical thinking ability; (4) an ability to perform generalisation of mathematical objects, ratios, and activities in a fast and broad manner; (5) an ability to think and function in compressed structures; (6) flexibility in thinking processes related to mathematics; (7) one's disposition towards clear, simple, and rational solutions in mathematical exercises; (8) storage of the mathematical information (Borovik, 2007; Ģingulis, 2005; Sawyer, 2008).

The researchers (Ģingulis, 2005; Hattie, 2012; Krutetsky, 1968; Polya, 2010) concluded that no single remarked mathematical ability exists; they have a character of common integrity reflecting peculiarities of different psychical processes: perception, type of thinking, memory and imagination. It is important to urge the willingness of a student to expand the understanding of mathematical content and to create the joy of solving problem exercises (Irvine, 2015).

The development of mathematical ability is related to discovering natural capacities. Highly, average and less capable students have different types of abilities in the aptitude structure. Highly capable students have instant associations regarding the approach to finding the solution to an exercise; for less capable students the associations are developed through hard work, and average students require a training system of specially-organised exercises to gradually create certain associations (Sawyer, 2008).

The capacity of placing operations in a logical sequence, leading to solving a problem exercise and ability to generalise mathematical objects, ratios, and activities have an important role in the mathematical ability development. Gifted mathematicians stand out with their ability to feel the sequence of activities required in mathematical proofs and intuition (Poincaré, 1983) that is the key element of mathematical creativity (Borovik, 2006; Ģingulis, 2005; Polya, 2010).

Mathematical abilities are specific as (1) mathematicians are dealing with quantitative ratios and spatial shapes of the real world; (2) general intellect alone is not a proof of mathematical abilities; (3) mathematicians can successfully perform systematisation and generalisation in their area of science. The development of mathematical and general abilities depends on the development level of the student's willpower character features (Ģingulis, 2005; Krutetsky, 1959; Mencis, 2014; Polya, 2010), students' general culture level, environmental and social conditions, and continuous work in mastering mathematics.

A teacher should motivate a student for mastering mathematics, even if the student is gifted, as mastering mathematics requires great love for work, determination, persistence, and these qualities have to be inculcated and developed gradually (Hattie, 2012; Mencis, 2014; VIAA, 2012).

Learning Theories and Self-regulation

Learning takes place in each activity over the entire life. Learning is a process of formation of relatively persistent changes in behaviour, knowledge, attitude or abilities resulting from experience (Hill, 2002). Researchers (Bandura, 1986; Rubenstein, 2000; Vygotsky, 1982) of the learning theory examine several approaches: (1) by emphasizing behavioural changes; (2) changes in knowledge and abilities; (3) accentuating the social environment influence; (4) collaboration of the student in learning.

The basis of learning is acquiring new competences resulting in changes in an individual's behaviour, cognitive processes, and memory. Not only the quantity, but also the quality of the acquired knowledge are important, as well as the way of constructing and structuring the knowledge. The basis for qualitatively acquired knowledge is problem-solving, metacognition, critical thinking, and learning methods. Problem-based learning is defined as purposeful, practice-based learning, based on meaningful problem research, understanding, and solving (Irvine, 2015; VIAA, 2012). Problem-based learning takes place in small groups (the researcher offers a divided group model). Such learning goes beyond the boundaries of one topic or one science and becomes transdisciplinary. During learning, students themselves are responsible for their own learning: they are researching appropriate literature, evaluating their findings, posing questions to be clarified (Cazan, 2013; Lovasz, 2008). The quality and speed of mastering knowledge are related to the metacognition level (Kramarski, 2003) – the higher developed the cognitive processes, the more efficient learning methods are used, and, in the end, the student achieves a better knowledge acquiring quality.

In order to better understand and acquire the new information, the following features must be refined: (1) repetition (Geidžs, 1999) (the researcher offers improvement lectures), as the basis of knowledge is built on the basis of repetition; (2) deep cognition methods connecting the new information with the already acquired one; (3) metacognition methods related to planning and self-assessment. While learning, a student finds out the learning goals, reconsiders the new information, and recalls the already known information. Researchers (Garleja, 1992; Geidžs, 1999; Kiewra, 2018; Moore, 1968) have proven that the most efficient methods are related to making notes during the learning process (the researcher offers making notes on the lectures, drawing up summaries), because when processing the new information a student fixes it, relates to the previously obtained information, organises, processes it in the way understandable for him/her; draws up summaries; and considers the level of understanding of the covered study science content (Geidžs, 1999; Ģingulis, 2005; Irvine, 2015).

Self-regulation is a self-management process related to metacognition abilities, self-efficiency, motivation and behavioural processes, and is used for activating and maintaining thoughts, emotions and behaviour for the purpose of attaining one's goals (Cazan, 2013).

Motivation activates the performer and maintains one's activity for attaining the goal. Internal motivation is a natural willingness to unleash one's interests and use one's abilities, to self-develop and grow (Kraft, 1999*).* The higher self-motivation, the more time a student devotes for the studies of his/her interest. Self-motivation is a process that initiates, activates and guides a student's activity, urging him/her to act (Irvine, 2015; VIAA, 2012).

Learning is an indispensable part to experience (Polya, 2010). The measure for experience value is the depth of understanding arising from perceiving links and relations between the known and the new (Irvine, 2015). Self-experience is the knowledge, abilities, and relations obtained and evaluated over the life activity and that have become personally significant values, while the creative self-experience can be applied in versatile life situations (Špona, 2004). A student's motivation, meaningful learning, self-control and self-assessment demonstrate respect for the student's independence in the learning process. A student is always learning on the basis of one's previous activity, by constructing a reality that afterwards has to be harmonised with the surrounding environment (Piaget, 1954).

Interactive lecture and Divided Group Model

The educational system plays an important role in a student's ability development; therefore the author will offer an individualised learning model that provides the opportunity for each student to take a path for achieving a goal that one has chosen (Geidžs, 1999; Robinson, 2013). A learning model develops a student's individuality.

In the article, the concept of an interactive lecture is used as a form and method of learning in which (1) teacher verbally, interactively and in writing outlines the content of a topic to a larger number of students; is organised in a structured manner and limited period of a time; (2) teacher in collaboration with students promotes discussion on elements of the content of a particular topic.

An essential factor that impedes acquisition of knowledge in a qualitative way is a set of circumstances when students with different types of thinking, ability to perceive and analyse the curriculum to be covered are studying in the same study room. The students with slower ability to perceive and analyse the study topic content have to rush, skipping the study science content that was not fully understood and is required for mastering the content of the following topics (Reihenova, 2018).

A study process where the students are divided into two groups would give the opportunity for each group of students to cover the same curriculum without disturbing each other and in an appropriate pace. In such a way, one group of students would cover the curriculum in a shorter

period of time, and the other group would cover the same curriculum with the same study criteria during the entire school year. Besides the students with insufficient previous knowledge will have the opportunity of supplementing the knowledge by attending improvement lectures on the respective topic (offered by the researcher), disregarding their level. That will be reflected by the students' different knowledge acquisition level, approach, attitude, self-motivation for activity during a lesson, and analysis of the problem situations (Reihenova, 2018).

Advantages of the learning model are the following: (1) the offered approach develops the innate abilities, creating a sound basis for acquiring the linking study science area content; (2) by giving the opportunity to supplement the insufficiently covered knowledge, to acquire new knowledge, and move forward to the next study stage knowledge; (3) to give the opportunity of returning to any study level, simultaneously continuing studies in the chosen higher educational establishment (the researcher offers study lectures) and acquiring the knowledge that did not appeal to the student before or that he/she had acquired in an insufficient level.

Students differ by general abilities and interests, the degree of understanding explanations, readiness to move on from one problem situation to another, by necessity to deeply strengthen a particular concept or ability; by the way they should be taught, by the broadness and depth of the study science content to be acquired, by study organisation degree, by learning pace, and by type of thinking.

A teacher applies the individual approach, (1) by giving each student different exercises to solve; (2) by teaching them to learn in a versatile way, so that students could apply different learning abilities and methods; (3) by teaching to appreciate the importance of learning individually; (4) by adapting teaching to students grouped by their abilities (VIAA, 2012).

Versatile learning work forms are offered to a student in the learning model (offered by the researcher): (1) interactive lectures are held in big groups, for Forms 2 and 3 together; (2) divided group studies are held for students aged 12–17; (3) the aim of the individual studies is to develop and refine a student's abilities and giftedness, by using in-depth, improvement and explaining classes (1–5 students per class); (4) individual work on a computer gives the opportunity of using interactive learning methods.

There are many advantages of such interactive lectures. Firstly, students, disregarding the age, are given the opportunity of attending interactive lectures of interest where they can acquire knowledge in the subjects of their interest for the purpose of increasing interest in a topic, improving, and deepening a topic. Secondly, if a student has discontinued learning mathematics at some point or realises later that mathematics is required, one could continue from where they left off, simultaneously improving in the chosen subject of their interest. Thirdly, interactive lectures link the content of the previous and next topic and give the opportunity of successfully acquiring

knowledge that shows a link with the content of other subjects. Fourthly, previously obtained knowledge is important at every stage of learning. Fifthly, interactive lectures require self-initiative from a student.

The aim of interactive lectures is (1) to create interest in students and lead them to understanding the topic; (2) to give a student a drive, willingness to explore more, deeper and broader, (3) to engage the students in an active process of thinking and analysis; (4) to review the respective science area with the help of a teacher, (5) to give the opportunity to repeat the subject content material several times according to the level of understanding in the respective group of students; (6) to give the opportunity of introducing the students with study material that has not been included in study books yet; (7) to give students an overview, summary on the topic; (8) an erudite teacher is able to link knowledge regarding the topic to be covered from different sciences and can create interest in the students; (10) an opportunity is created for students to learn reasoning ability from the teacher, by outlining the topic content in a substantiate way (Beļickis, 2000; Geidžs, 1999; Ģingulis, 2005).

During an interactive lecture, ideas on a particular topic are reviewed and summarised. Thematic lectures are prepared on a sequence and cyclic basis by topics (offered by the researcher): at the beginning part of the topic − an introductory interactive lecture, during the topic main learning process − an improvement interactive lecture, and at the closing part of the topic − a concluding interactive lecture, because each lecture has its functions at a different stage of learning. The usefulness of each lecture depends of each student's interests, abilities, aptitude level, the broadness, and depth of the topic content to be covered (Ģingulis, 2005).

Interest interactive lectures are related to students' goals that are different for each student. Interactive lectures complying with a student's wishes and motifs become motivating and create internal interest. Students' interests are versatile; they are predetermined by several factors: age, sex, ability level, previously acquired knowledge, specific features of the cultural and social environments.

An introductory interactive lecture accentuates and is based on the students' previously acquired knowledge, different schemes, analogies and similarities are used, and it contains explanations of concepts and reflects regularities between concepts and processes. The main function of improvement interactive lecture is related to explaining unclear problems and systematic repetition of the topic content until the activity to be mastered becomes automatic. The aim of the lectures is to identify, substantiate or find a cause for a certain concept, event or case, to describe the process activity, how to do what, and to strengthen the content of the taught topic.

A summary interactive lecture gives the opportunity to get feedback, by remembering the main ideas, definitions and application, helps accentuating the most important in summarising a

material; to implement the link between sciences; gives an overview of the topic in an in-depth or expanded manner; links the current topic with the content of the next lecture topic; increase students' achievements and deepens the topic content understanding; structures and generalises the study topic content.

There are many group learning advantages. Student grouping by ability is productive when students with similar ability level, corresponding knowledge, and equal interests are studying in the same room and the group formation principle is heterogeneous. PISA (2012) researches note that student grouping by abilities influence their achievements, attitude and equality. Researchers (Bolick, 2016; Geidžs, 1999; Steel, 2005) have proven that when grouping by abilities, the more intelligent students do not become arrogant and less intelligent students do not show a notable lowering of their self-esteem (Geidžs, 1999; VIAA, 2012). There are many advantages of grouping students by abilities: (1) the time required for study mastering is saved; (2) the student motivation to act increases, and they spend more time on mastering the subject contents; (3) saving time due to each group solving exercises with level of difficulty according to groups ability; (4) learning quality increases; (5) a student of each group has the opportunity of achieving the same scientific area mastering level as any other student, even though in longer time, working in his/her own pace; (6) groups solve exercises, hold discussions, and analyse problem situations; (7) in groups a dialogue takes place between a teacher and students, during which issues on the study topic content to be mastered and any unclear issues are discussed.

It is important to respect study individualisation as, in the present study process, the faster students have to wait till the slower ones reach them. If a fast student lacks one's own motivation to reach for further goals, one becomes stagnant (Borovik, 2006).

The slow students have to master the curriculum offered within each topic equally well, just not by making them rush. Essential factors in learning are the learning quality and time allocated for learning, as students have to work and continue studies after they finish school.

We believe that this learning model will motivate students to study individually, give the opportunity to acquire knowledge suitable for both groups in an appropriate environment and at the preferable creativity level in mastering mathematics, help students to timely identify their giftedness, refine it, and, afterwards, choose a science that interests them in order to develop, improve, and refine their abilities at a higher level.

Research Results

Surveys have been performed from 2012 till 2017 in order to offer dividing students into two groups that would ensure the opportunity of acquiring knowledge in separate groups at the pace and level suitable for each student. The surveys were performed during lessons in Forms 10 and 11, with the aim to: (1) identify the level of students' mathematical knowledge and the level of

acquisition of the mathematics curriculum to be covered; (2) identify the level of a student's mathematical abilities; (3) identify students' self-motivation for mastering mathematics.

The research summarises data on (1) test results of the school mathematics curriculum exercise for Forms 10 and 11; (2) student results in mastering non-standard exercises; (3) students' results in mastering research exercises; (4) a survey regarding students' interests and abilities in the area of sciences.

The mathematical abilities of students are divided into two levels: (1) the reproductive level – solving the school mathematics curriculum exercises; (2) the creative level – solving research and non-standard exercises. A student's ability to show several strategies for solving an exercise proves the versatility of the student's mathematical substantiation.

In the framework of analysing students knowledge regarding mastering the school curriculum in/of Forms 10 and 11 (n=108) have been surveyed in order to divide the students into groups according to the levels of mastering the mathematics curriculum. Assessment criteria have been developed for analysing non-standard exercise results (three points for solution) and for research exercise solution analysis (10 points for a solution), and as the final result each student's mastering level (in percentage) has been identified for solving both non-standard and research exercise. By adding the exercise mastering points scored under all four sections of the research and determining the mean value, a student's mathematics mastering level has been identified and division requirements for divided group studies have been developed.

The results obtained in the initial stage of the research have been tested during the next study years both in new pilot forms (n=89) with different experience and non-pilot forms (n=158), and the mastering level boundaries were corrected. The level boundaries were set according to the respective school student knowledge mastering level: sufficient mastering level (slow thinker) – 40%-60%; optimum mastering level (fast thinker) – 60%-86%; high mastering level – 86%-100%; and insufficient mastering level – 1%-40%.

Upon conducting a survey with participation of secondary school students from different secondary education programmes, and performing the result analysis thereof, the results show that in Forms 10 out of all students (n=174): 44% think slowly, 29% think fast, 27% lack basic knowledge, and only 4% can think more or less creative. That is determined by inheritance, parental contribution, cultural environment, and previously acquired knowledge. In the pilot class, on its turn, (n=32) 3% of the students have mastered the mathematical curriculum at a high level, 64% – at an optimum level, 15% – at a sufficient level, and 18% – lack knowledge and willingness to master mathematics.

The research results confirmed the fact that a positive correlation exists between a student's self-motivation to learn mathematics and accelerated learning if a student oneself initiates learning

and performs it on a systematic basis by drawing up a summary on the mathematical topic content to be covered, acquiring additional literature sources, solving the school exercises of mathematical content, taking active part in mathematics lessons, performing scientific works, and solving non-standard and competition exercises.

The main learning problem in Form 10 is related to students' passive activity in acquiring knowledge: (1) lack of basic knowledge – 52% of the students; (2) the lesson pace is too fast – 25% of the students; (3) a student has to do a lot – 23% of the students. Self-motivation for learning mathematics is stimulated by: (1) correspondence of the selected programme to the student's interests and abilities – 82% of the students; (2) incentive to go in for mathematics – 34% of the students; (3) solving training exercises chosen by the student – 89% of the students; making notes and summaries – 77% of the students.

By applying statistics methods in the research, students of Form 10 (n=174) testing results in algebra and geometry have been compared. The results show that the students of the pilot group (n=32) have good preliminary knowledge in mastering the mathematics content, as well as equally well developed figurative, logical, and abstract thinking. It is important that these students can easily see the overall picture of things, as reflected in the geometry exercise performance level (57%).

The main factors for insufficient knowledge in mathematics is lack of basic knowledge, student indifference and unwillingness to master mathematics, and lack of self-motivation for learning mathematics (self-motivation is related to the abilities given by nature). What urges students to master mathematics? In order to master mathematics, one should have a clear goal to reach for, and then the interest and self-motivation will emerge, and a student will be able to manage oneself during learning (Reihenova, 2018).

A conclusion from observations at lessons of a long-term mathematics teacher: if two different groups of students are in the same room, then the intelligent and gifted students have to wait for others, and this does not motivate a student to learn. The students with refined mathematical abilities and developed mathematical thinking should be given an opportunity of studying faster, and therefore the intelligent and gifted students should be given the opportunity to graduate the secondary school earlier and start studies at the next educational stage.

The research shows that 33% of the students can gladly master mathematics as they have giftedness and developed mathematical thinking; 44% of the students study mathematics because it is required, and they do it in a forced manner; 27% of the students are not interested in mathematics (interests are related to the abilities given by nature). The conclusions obtained from the research are confirmed by opinions of contemporary scientists:

- the innate abilities play a small role in acquiring the school mathematics curriculum, and effort made by a student, knowledge aptitude level and confidence of one's abilities are much more important factors (Kimball & Smith, 2013);

- the main aspects for mastering mathematics are understanding of content, choice of the problem situation solving strategy, choice of metacognitive strategy and self-motivation to act, that, on its turn, is the main aspect in mastering mathematics (Irvine, 2015);

- if a student shows special interest in an activity, the lack of abilities is compensated by self-motivation, interest into the study subject or the future profession (Rean, 2017);

- every student feels the best in a study environment where one is among students with similar mathematical ability structures and wants to gain individually tailored learning experience (Sawyer, 2008);

- a student's mathematical ability level depends on the student's degree of creativity in mathematics (Mann, 2005);

- a self-regulated student is a student who is motivated to accomplish academic task, sets realistic goals relative to the task, uses specific learning strategies, self-monitors the strategy effectiveness, and adjusts the learning strategies to ensure the likelihood of success; they consider learning as a systematic and controllable process; they accept greater responsibility for their achievement outcomes (Cazan, 2013; Zimmerman, 1990).

Upon summarising the research results, it has been concluded that 26% students of the pilot group could master mathematics at a creative level by applying the study process self-regulation, learning in a separate room, applying accelerated mathematics curriculum mastering opportunity, and could enroll a university sooner.

Respecting individual differences is important in the teaching-learning process, therefore a teacher adapts teaching by practising grouping by abilities, developing students' capacities and giftedness, offering individual learning, as well as using interactive teaching methods in order to develop a student's self-experience.

Previously described research data show a positive correlation between a student's learning pace in mathematics and the level of knowledge in mathematics. The research acknowledges the fact that students who quickly understand the mathematics curriculum should be offered an accelerated, in-depth and condensed-time learning process. They should be offered the opportunity of studying individually and in an accelerated way, passing over from one form to the next form/level after meeting all requirements regarding acquiring the mathematics curriculum for a particular form.

Conclusions

Abilities appear and are formed only through an independent, personally significant activity and by ensuring versatile conditions so that each student could choose to self-regulate an appropriate study process.

In order to create in a student an interest to learn, there are two important factors – a goal to achieve, self-motivation to act and appropriate external motivation.

The interactive lecture and divided group model develops individuality and motivates students for independent learning, gives the opportunity of acquiring knowledge appropriate for both groups in a corresponding environment and at the preferred pace and creativity level. The variety of learning approaches is appreciated at schools if the subject content broadness is supplemented by the depth of understanding the content. Along with the selected subject list schools create the opportunity of in-depth development of one's abilities in the subjects students are interested in and attracted to, and which they themselves have chosen.

The offered learning model does not limit students to a certain "Form" but is replaced with a dynamic, open class structure "flow", based on one's knowledge and achievement of the requirements set by each flow; therefore allowing students to freely manage their self-educational process and attend any educational lessons they are interested in, and by taking tests during a particular school year to graduate a certain flow and start or finish the next flow within the time period each of them can master the required knowledge, according to their experience The most important is to create interest in students, give them the opportunity to discover and develop their abilities, manage the teaching-learning process and take over the responsibility for their knowledge.

The research results reflect that (1) a positive correlation exists between a student's learning pace in mathematics and the level of the attained knowledge in mathematics; (2) a student who acquires a greater amount of the study material at an in-depth level by spending minimum time, provided that this is resulting into equal assessments, is more advanced; (3) a student's mathematical ability level depends on one's degree of creativity in mathematics; (4) the greater a student's self-motivation to learn, the more time the student spends on learning of one's interest; (5) in order to master mathematics, a student should have a clear goal to achieve, then the interest and self-motivation will appear, and the student will be able to manage him-/herself during the study process.

References
Bandura, A. 1986. *Social foundations of thought and action: A social cognitive theory*. Englewood Cliffs, NJ: Prentice-Hall, Inc.
Beļickis, I. 2000. *Vērtīborientētā mācību stunda* [A values-based lesson]. Rīga: RaKa.
Birkerts, P. 1923. *Pedagoģiskā psiholoģija* [Pedagogical psychology]. Jelgava: L. Neimaņa izdevums.

Bogoslovska, V., Kovaļova, A., Stepanova, A., Šabaļina, S. 1978. *Vispārīgā psiholoģija* [General psychology]. Rīga: Zvaigzne.

Bolick, K.N., Rogowsky, B.A. 2016. *Ability Grouping is on the Rise, but Should It Be?* [skatīts 10.12.2018]. Pieejams (Accessed): http://jehdnet.com/journals/jehd/Vol_5_No_2_June_2016/6.pdf

Borovik, A. & Gardiner, T. 2007. *Mathematical abilities and mathematical skills.* [skatīts 10.12.2018]. Pieejams (Accessed): http://eprints.ma.man.ac.uk/839/1/covered/MIMS_ep2007_109.pdf

Cazan, A. M. 2013. *Teaching self regulated learning strategies for psychology students.* Procedia – Social and Behavioral Sciences 78, 743–747.

Garleja, R. 1992. *Studentu zinātniskais darbs, tā īpatnības komerczinībās* [Students' scientific work, its peculiarities in commercial science]. Rīga: LU.

Geidžs, N. L., Berliners, D.C. 1999. *Pedagoģiskā psiholoģija* [Educational psychology]. Rīga: Zvaigzne ABC.

Ģingulis, E. 2005. *Kā saprast un iemācīties matemātiku* [How to understand and learn maths]. Rīga: RaKa.

Hattie, J. 2012. *Visible learning for teachers: Maximizing impact on learning*. New York, NY, US: Routledge/Taylor & Francis Group. http://psycnet.apa.org/record/2012-07127-000

Hill, W.F. 2002. *Learning: A survey of psychological Interpretations (7th edition)*. Boston. MA: Allyn and Bacon.

Irvine, J. 2015. Problem solving as motivation in mathematics: Just in time teaching. [skatīts 10.12.2018]. Pieejams (Accessed): http://bettyjonespub.com/math/4JMS20150307-1.pdf

Kiewra, K.A., Colliot, T., Lu, J. 2018. *Note This: How to Improve Student Note Taking.* [skatīts 10.12.2018]. Pieejams (Accessed): http://www.ideaedu.org/Portals/0/Uploads/Documents/IDEA%20Papers/IDEA%20Papers/IDEA_Paper_73.pdf

Kimball, M. & Smith, N. 2013. *There's one key difference between kids who excel at math and those who don't.* [skatīts 10.12.2018]. Pieejams (Accessed): https://qz.com/139453/theres-one-key-difference-between-kids-who-excel-at-math-and-those-who-dont/

Kramarski, B., & Mevarech, Z. R. 2003. *Enhancing mathematical reasoning in the classroom: Effects of cooperative learning and metacognitive training. American Educational Research Journal, 40*(1), 281–310.

Krasnopjorovs, O. 2017. *Kāpēc mācību sasniegumi dažādās Latvijas skolās ir tik atšķirīgi?* [Why is education performance so different across Latvian schools?]. Rīga: Latvijas Banka.

Krutetsky, V. A. 1968. Психология математических способностей школьников [The psychology of mathematical abilities in schoolchildren]. Москва: Просвещение.

Likumi.lv. 2014. *Izglītības attīstības pamatnostādnes 2014. –2020. gadam* [Guidelines for the Development of Education for 2014–2020].

Lovasz, L. 2008. *Trends in Mathematics: How they could Change Education?* http://web.cs.elte.hu/~lovasz/lisbon.pdf

Mann, E.L. 2005. *Mathematical creativity and school mathematics: Indicators of mathematical creativity in middle school students*. University of Connecticut.

Mencis, J. (sen) 2014. *Matemātikas metodika pamatskolā* [Methodology in Mathematics for basic school]. Rīga: Zvaigzne ABC.

Moore, J.C. 1968. *Cueing for selective note taking.* Journal of Experimental Educatin. 36, 69–72.

Piaget, J. 1954 *The construction of reality in the child*. NY, Ballantine.

Pipere et. al, 2016. *Pētniecība: teorija un prakse* [Research: Theory and Practice]. Rīga: RaKa.

Plotnieks, I. 1982. *Spējas, to diagnosticēšana un attīstība: palīgmateriāls lektoriem* [Abilities, their diagnosis and development: auxiliary material for lecturers]. Rīga: Zinību Biedrība.

Poincare, A. 1983. *О науке* [On Science]. Москва: Наука.

Polya, G. 2010. *Как решать задачу* [How to solve the problem]. Москва: Либроком.

Rean, A. A. 2017. *Психология личности* [Psychology of Personality]. Издательство «Питер».

Reihenova, A. 2018. *Vidusskolēnu domāšanas veidi matemātikas mācīšanās procesā* [Secondary School Students' Types of Thinking in Learning Mathematics]. Society. Integration. Education. Proceedings of the International Scientific Conference. 2018, Volume II, 405–418.

Robinsons, K. 2013. *NE tikai AR PRĀTU* [Out of our Minds]. Rīga: Zvaigzne ABC.

Rubenstein, S. L. 2000. *Основы общей психологии* [Fundamentals of General Psychology]. Издательство «Питер».Sawyer, R.K. 2008. *Optimising learning implications of learning sciences research.* CERI. http://www.oecd.org/education/ceri/40805146.Pdf

Špona, A. 2004. *Audzināšanas process teorijā un praksē* [Upbringing Process in Theory and Practice]. Rīga: RaKa.

Steel, M. 2005. *Ability Grouping and Mathematics Education.* [skatīts 10.12.2018]. Pieejams (Accessed):https://researchspace.auckland.ac.nz/bitstream/handle/2292/25144/ACE_Paper__Issue_15.pdf;sequence=1

Šteinberga, A. 2011. *Pedagoģiskā psiholoģija augstskolā* [Pedagogical Psychology]. Rīga: RTU Izdevniecība.

Teplov, B. M. 1961. *Проблемы индивидуальных различий* [Problems of individual differences]. Москва: изд. Академии наук РСФСР.

Valsts izglītības satura centra (VISC). Skola 2030: Atbalsts mācību pieejas maiņai [Description of Educational Curriculum and Learning Approach]. https://www.skola2030.lv/

VIAA, 2012. *Matemātikas izglītība Eiropā: kopīgie izaicinājumi un valstu rīcībpolitika.* Valsts izglītības attīstības aģentūra. [Mathematics Education in Europe: Common Challenges and National Policies]. http://viaa.gov.lv/files/news/8066/matematika_viaa_2012_28.08.pdf

Vygotsky, L. S. 1982. *Собрание сочинений* [The collected works]. Москва: Педагогика.

Zimmerman, B. J. 1990. Self regulated learning and academic achievement: An overview. *Educational Psychologist, 25*(1), 3–17.

THE PEDAGOGY OF FOSTER FAMILIES – A SECTOR OF INNOVATION IN PEDAGOGY

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Abstract

The pedagogy of foster families – a sector of innovation in pedagogy

Key Words: *a foster family, a foster child, a family, foster family pedagogy*

These days the movement of foster families is an actual phenomenon. Since foster families have choosen to work with children, this work is a kind of profession and they need certain professional skills. Irrespectively how significant the personal qualities of each foster family are, they need a certain amount of pedagogical knowledge. To bring up a someone else's child is not the same as to bring up one's own child. These might be two different things since foster children as a rule come from violent families where they have experienced emotional, physical or sexual abuse.

Each foster child arrives in a foster family with his or her life experience. Foster families have acquired different experience in solving problem situations. A lot of foster families have obtained extra skills and knowledge so that they are able to provide the necessary support for the children. Since foster families carry out not only the family function in many cases, they are also caregivers, teachers and social supporters. Each child has his own story and experience behind and sometimes dubble patience, understanding and a special help are necessary to improve the situation.

The pedagogy of foster families would focus on foster families [parents-up bringers] who foster children who have experienced the lack of their mothers, insufficient love and care which lie on the basis for the development of a self-sufficient personality and trust towards the surrounding world.

Kopsavilkums

Audžuģimenes pedagoģija - inovācijas nozare pedagoģijā

Atslēgvārdi: *audžuģimene, audžubērns, ģimene, audžuģimeņu pedagoģija*

Mūsdienās audžuģimeņu kustība ir aktuāls fenomens. Neatkarīgi no tā, cik nozīmīgas ir audžuģimeņu personiskās īpašības, viņiem ir nepieciešamas noteiktas pedagoģiskās zināšanas, jo audžuģimene izvēlas strādāt ar bērniem, audžuģimenes darbs ir sava veida profesija, tādēļ viņiem ir jābūt profesionālām prasmēm. Audzināt svešu bērnu nav tas pats, kas audzināt savu – tās ir divas dažādas lietas, jo šie bērni nākuši no vardarbīgām ģimenēm, kur ir gan emocionālā, gan fiziskā, gan seksuālā vardarbība.

Katrs audžubērns ienāk audžuģimenē ar savu dzīves pieredzi, un audžuģimenei ir sava dzīves pieredze. Audžuģimenes ir ieguvušas dažādu pieredzi problēmu un situāciju risināšanā. Daudzas audžuģimenes ir apguvušas papildus prasmes un zināšanas, lai nodrošinātu bērniem nepieciešamo atbalstu. Sakarā ar to, ka audžuģimenes pilda ne tikai ģimenes funkciju, nereti viņi ir arī aprūpētāji, skolotāji un sociālais atbalsts. Katram bērnam ir savs stāsts un pieredze, un reizēm nepieciešama dubulta pacietība, izpratne un īpaša palīdzība. Audžuģimenes pedagoģija pievērstu uzmanību audžuģimenēm (vecākiem-audzinātājiem), kas audzina bērnus, kuri izjutuši mātes trūkumu, nepietiekamu mīlestību un uzmanību, kas ir pilnvērtīgas personības attīstības pamatā un kas balstās uz uzticību apkārtējās pasaules veidošanai.

Introduction

Already in 1949, the first home for orphans and abandoned children were established in Imste, Austria by medicine student *Hermann Gmeiner,* because during World War II, thousands of children had lost their parents and had no home, care, parents' love and care. He was sure that family environment provides children with better foundation to create one's own life on than an orphanage does. His philosophy has four basic principles: mom, brothers and sisters, family, settlement (SOS Children's Villages in Latvia 1997).

The international organization SOS-Kinderdorf International is an umbrella organization for all national SOS Children's Villages organizations in the world. In the sixties, SOS Children's Villages were established in many European countries. Taking this model as an example, establishment of villages was started also in Korea, other Asian countries and Latin America. In 1991, establishment of new villages took place in Czechoslovakia, Poland, several republics of

former Soviet Union, Bulgaria and Romania. The first SOS Children's Village establishment in the USA, Florida, was also started. It started functioning in 1993. The first SOS Children's Village in Latvia was established in 1997 – Īslīce, Bauska County, with 10 SOS families, which fostered 22 children (SOS Children's Villages in Latvia 1997).

It shall be concluded from the above that the guardianship institute is not something new and exists in the Civil Law of the Republic of Latvia already since the very beginning, i.e., since 1937.

The author, stating that the society is still confused and does not understand difference between the terms SOS villages, foster families and guardians, here, it should be mentioned that to *become a foster family* usually means *professional choice*.

In the article, attention is paid to development of movement of foster families in Latvia and possibilities of foster families' training. Nowadays, foster family development is an actual phenomenon; it is a specific field, where pedagogic knowledge has significant meaning, as foster family chooses to raise a foreign child.

Aim of the article: To describe phenomenon of foster families in Latvia, possibilities of training in Latvia and the EU countries, substantiating the necessity of establishment of foster families' pedagogy sub-sector and marking directions of research of this sub-sector.

Methods of the research: Methodology of the scientific article is composed of analysis of scientific literature, informative materials and personal experience reflection. The theoretical study is based of sociologists and psychologists, data published by the Ministry of Welfare on foster families and children left without parents' care, opinions of members of the Latvian SOS – Children's Village association.

Foster families as out-of-family care service providers

Article 222 of the Republic of Latvia defines that a child left without parents' guardianship must have a guardian assigned. As soon as any person has information about case when a minor shall be assigned a guardian, it notifies the respective Orphan's Court about it. If any of the persons mentioned in Articles 235 and 236 of this Law is unable to undertake guardianship, the Orphan's Court decides on other way of out-of-family care" (Saeima 2015).

Situation of Latvia is that now a large part of children comes from the environment, where relatives are unable to undertake care of the child. These families, already in many generations, are severe-risk families, and these parents need themselves constant and lasting assistance, so that they could support, take care and protect themselves, not speaking about minor children (Zvannieki 2014).

In connection with this tendency, out-of-family care services are offered, which are provided by foster families. Foster families, going through definite courses and acquiring suitable

qualification, are ready at any time to accept one or several children in their family for some time or for long time.

To foster (as in "foster family") means take care, treat, look after, facilitate growing and growth. That is why care of foster families means attentively help a child to grow in a family (Leighton, Mathews, Watson 2009: 7).

A foster family is a family, which ensures to a child, who has been taken family environment for some time or permanently or within interests of which it is not allowed to stay in his/her family, special state assistance and protection until the moment when the child can return to his/her family or, if it is impossible, is adopted, guardianship is established to him/her (LRLM).

Care of foster family is the service, which is provided by the children welfare provision agencies to provide that children, which are necessary to be separated from their families, are taken care of by careful families trained and (licensed, certified or with permit) to satisfy child's needs (Leighton, Mathews, Watson 2009: 9).

Families, which become foster parents, need a quality like patience and pedagogic optimism. The first place is taken by love to children, not abstract, but effective and conscious love. Not without purpose do they speak that it is easy to love all humanity, and it is difficult to love one specific person.

Head of professional foster families' association "Terēze" Ārija Martukāne emphasizes that it is false to think that to foster a foreign child is the same like to foster one's own – these are two difference things, because these children have come from violent families, where there is both emotional, physical and sexual violence (Martukāne 2014).

Table 1. **Difference, which is seen when fostering own children and foster children**

Family with own life experience:	**Foster family with own life experience:**
• transfer own experience to their children; • children adopt social skills from their families; • parents and children are mutually close relatives; • a child belongs to his/her family; • family has grandparents and other relatives having interest about them; • a child has support of relatives whole life.	• accepts children with their own life experience and social skills; • a child comes from care institution; • parents and children are not mutually close relatives; • a child has been placed to the foster family for some time; • grandparents and other relatives do not show any interest about the child; • a child has no support from relatives.

Qualities of foster parent are determinative qualities for all family future destiny, as whole home atmosphere, style of relations between adults and children depends on foster parents, as well as relation duration, power and possibilities of family existence.

Foster family plays important role in developing relations between the foster family and the child, which is under care, because:

1) it gives love and feeling of home to a child left without parents' care;

2) foster family's home become home for some time to a child, whose parents cannot or do not want to take care of the child;

3) it gives a chance to a child to grow in favorable, family environment, and not in the institution of lasting social care and social rehabilitation.

In Latvia, status of foster families exists already twelve years. There are very different people, representatives of various professions, who undertake fostering of children left without parents care. Currently, number of children in foster families starts slightly to exceed the number of those children in institutions (Meļņiks 2017).

The Embassy of Latvia in London suggested initiative to Latvians living here to become a foster family. Each year, tens of Latvian citizen families come to field of vision of social services, and often children from these families are removed by the responsible services. The Embassy prepares a list of Latvian foster families and invites social services of Great Britain to place children from Latvia primarily in the Latvian foster families, so that children could preserve their native language and culture traditions. The aim of initiative is to attempt in preserving link of children removed from their biological family with the Latvian society and culture, saving the ability to communicate in native language (Anstrate 2017).

Foster family must put much effort and wisdom to form favorable communication with foster children accepted by it. It means that foster families are one of the forms of child's family out of its own family, with the help and support of which it is possible to bring them as close as possible to the family care model and allow a child left without parents care mastering the required skills living in a family environment.

Possibilities of foster families training in Latvia and the EU countries

Supporting the policy actualized on a national scale on rights of every child to have a family, at the same time emphasizing that the necessity of strengthening communities of foster parents is the necessity of ensuring training to potential foster families.

Results of the research of the Ministry of Welfare on "Necessity of specialized foster families" prove that the work commenced from 2018 is necessary for life of specialized foster families in Latvia. Specialized foster family will be specially trained people, which will ensure care that is suitable to child's age, individual development and social skills. To implement this, it is necessary both to improve education and support services, and to have close interbranch and intersector cooperation, as well as to have stable and predictable financial and social security (Blaževiča 2016).

Preparation of foster families takes place each year. Provider of program approved by the regulations of the Cabinet of Ministers is selected every year as a result of an open tender. The procurement order provides for agreement conclusion only with one service provider (Regulations No. 1036 of the Cabinet of Ministers 2017).

This order fully excludes options of choice to foster families to master other qualitative and approbated programs of training, as well as does not facilitate competition among providers of training services, which would ensure constant improvement of training quality and assessment. The valid normative regulation (Regulations No. 1036 of the Cabinet of Ministers 2017) in relation to further training of foster families defines that a foster family shall supplement knowledge within the field of children rights protection once in 3 years, mastering additional training program of foster families consisting of 24 academic hours related to three topics: "Child's rights and duties", "Rights and duties of as foster family", "Ability of a foster family to decrease "burnout syndrome"". Topics are invariable and herewith, once in 3 years foster, families master one and the same program and topics (SOS Children's Villages in Latvia 1997: 62).

Picture 1. **Foster family preparation** (Social Service Agency 2017)

Foster families' further training program is extremely uniform and topics included into it do not cover the wide spectrum of children needs and problematic issues, which a foster family faces in everyday practice (SOS Children's Villages in Latvia 1997: 63).

Herewith, it may be concluded that possibilities of foster families' training are insufficient to understand children needs and competence of foster families. In Latvia, there exists one more option of foster family training – it is an AIRIparents program. In 2014, the Association "Latvian SOS – Children Village Association" purchased a program license and started work with program adaptation in Latvia (SOS Children's Villages in Latvia 1997: 67).

Starting work, foster families should clearly understand how their parental fostering methods could influence children, what reaction they can cause and their results.

Philosophy of AIRIparents program: Family environment, irrespectively of the fact, how the term "family" is defined, is an indisputable necessity of each child. In its turn, qualitative care of children left without parental care may be provided only by knowing and skillful foster parents. AIRIparents program is based on specific competences (knowledge and skills), which are necessary for a foster family to successfully take care and raise children. In the course of program development, scientists gathered information about 28 thousand competences that foster families must have to successfully raise and take care of children left without parental care according to their special needs (SOS Children's Villages in Latvia 1997).

Translation of the name of AIRIparents program from English means – development, information, resources, education for parents (or in English - Parent Recourses for Information, Development and Education Program). AIRIparents program was developed in the USA in the early 90's. Organizations of children rights protection, associations of foster families, national resource centers, as well as several universities and colleges from 14 USA states participated in its development. Program development was a long-term project, within which study took place and its total value was around 1 million $. AIRIparents program is introduced into 30 USA states, 6 Canada provinces and 19 European countries, including Latvia (SOS Children's Villages in Latvia 1997).

The Latvian SOS – Children's Village Association summarized information about training and education possibilities in the Czech Republic. Training of foster families lasts 48 hours (one and the same program), but crisis or short-term foster family trainings lasts 72 hours. CZ has several training programs and the country has defined general standards, topics, content and principles. CZ program quality is monitored by the State Inspectorate. When the foster family (incl., crisis or short-term foster family) has acquired a status, it must go through annual training of 24 hours (*follow up*); trainings are financed from the state budget. This annual training is adjusted to the needs of each family. Mandatory training of 24 h refers both to short-term and to long-term foster families (incl. also foster families being child's relatives) (Zīverte, Skutāne 2017: 103).

There is a subsidiary organization of a private organization Core Assets established in the United Kingdom located in Finland, which deals with children care since 2008. Currently, Core Assets functions in 10 countries. The organization has 140 foster families all around Finland. Most part of children is placed in the South Finland, as they have the highest number of population there – in this region, the organization has 30-40 foster families. Practice of Finland shows that municipalities have their own foster families, private organizations – their own. Attraction of foster families is a very difficult and responsible work. Organization's trainers train the family according

to the PRIDE program. Within PRIDE program, trainers carefully evaluate the family's potential and at the same time try to avoid obstacles, which could trouble family's abilities to perform duties of a foster family. During preparation of PRIDE, possible difficulties are still discussed with the family and it is evaluated whether the family is ready for this. PRIDE is a general training program. Later, foster families are provided special trainings, for example, about parents' team work or attraction options etc. The organization has its own therapists, which individually work with foster families (Skutāne 2017: 124 - 125).

The Law on Municipality also does not define that PRIDE training program is the only way to prepare foster families. The law provides for that a foster family shall be prepared, but it does not define a strict way to do it. In Finland, there are many programs, according to which foster families are prepared. There is even one approach that a foster family meets personally 4 – 5 times with a social worker or psychologist; and during these meetings, discusses all important issues, especially emphasizing cooperation with child's parents. Preparation of foster parents of such kind is also considered suitable (Skutāne 2017: 134).

The municipality itself prepares a foster family before child's acceptance. The foster family, in the course of preparation, attends lectures, does homework, participates in situation games, families are interviewed. PRIDE approach defines that a social worker works with a family during preparation procedure, as well as an experienced foster parent (Skutāne 2017: 120).

It can be concluded from the analyzed data that both in Latvia and in other EU countries, there are different possibilities of training of foster families. The country has campaigns to attract and facilitate development of foster family movement in Latvia. The only disadvantage in this field is that there is no unified program in training of foster families. It is necessary to summarize the best practice – both in Latvia and in the EU countries.

Innovation fields – essence of application of foster family pedagogy

In modern pedagogy, issues are resolved on different directions and tendencies, new theories, looking for new ideas and expressing own attitude towards dawn of pedagogical science.

Among foster families, there are pedagogues, successful businessmen, active public people, heads and members of non-governmental organizations, farmers and medicine workers. Irrespectively of the fact how important personal qualities of foster parents are, they need definite pedagogic knowledge, because a foster family chooses to work with children. For a foster family to successfully perform work with foster children, they must learn about several pedagogy sectors and sub-sectors: family, social, legal, human, general, special, school, preschool, health, and action.

Almost all children, which have lived in care institutions, irrespectively of the fact whether they come from orphanage or boarding school, these children have some deviations in their physical, emotional or mental development, which certainly influences their behavior; due to this

fact, a foster family must put much effort and wisdom to form favorable communication with such children. Foster family's pedagogy would pay attention to foster families (parents-educators), which raise children who feel lack of mother, insufficient love and attention, which are at the heart of full personality development.

Foster family's pedagogy as science would form common understanding of foster family's role and function, foster family's competence, prepare innovative transdisciplinary program, to support foster family's spirit, purpose of which is – study of sustainability and implementation offer for mental participation activity.

The author considered the main, the most important processes, which describe the procedure of foster family development and their condition, leaving a possibility to perform more detailed analysis in specialized studies about foster parents and foster children.

Conclusions

The guardianship institution is not anything new and it exists in the Civil Law of the Republic of Latvia already since its dawn, it means, since 1937.

In Latvia and the EU countries, foster family care is a service, which is provided by the children welfare provision agencies to ensure that children, which must be separated from their families, receive care from attentive families that are trained and (licensed, certified or with a permit) to satisfy the child's needs.

The Embassy of Latvia in London encourages families to become foster families so that children from the Latvian citizen families, which are noticed by the social services, would be placed in the Latvian foster families, which give a chance to the Latvian children to save link to the Latvian society and culture, to not lose ability to communicate in native language.

Foster family preparation takes place every year. Provider of program approved by the regulations of the Cabinet of Ministers is selected every year as a result of an open tender.

The valid normative regulation (Regulations No. 1036 of the Cabinet of Ministers 2017) in relation to further training of foster families defines that a foster family shall supplement knowledge within the field of children rights protection once in 3 years, mastering additional training program of foster families consisting of 24 academic hours.

In Latvia, there exists one more option of foster family training – it is an AIRIparents program. In 2014, the Association "Latvian SOS – Children Village Association" purchased a program license and started work with program adaptation in Latvia.

AIRIparents program is based on specific competences (knowledge and skills), which are necessary for a foster family to successfully take care and raise children.

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and the same program), but crisis or short-term foster family trainings lasts 72 hours. CZ has several training programs and the country has defined general standards, topics, content and principles.

Finland has many programs, according to which foster families are prepared. PRIDE program is one of them.

Both in Latvia and in other EU countries, there are different possibilities of foster family training. The country has campaigns to attract and facilitate development of foster family movement in Latvia.

Irrespectively of the fact how important personal qualities of foster parents are, they need definite pedagogic knowledge, because a foster family chooses to work with children. For a foster family to successfully perform work with foster children, they must learn about several pedagogy sectors and sub-sectors: family, social, legal, human, general, special, school, preschool, health, and action.

References

Anstrate V. 2017. Embassy of Latvia in London forms a list of the Latvian foster families. [viewed: 30.04.2018]. Pieejams (Accessed): https://www.lsm.lv/raksts/zinas/arzemes/latvijas-vestnieciba-londona-veido-latviesu-audzugimenu-sarakstu.a262008/

Blaževiča D. 2016. Since 2018, Latvia will have specialized foster families. [viewed: 09.05.2018]. Pieejams (Accessed): http://www.krize.lv/no-2018-gada-latvija-bus-specializetas-audzugimenes/31. Oktobris.

Child Welfare Leagues of America, which ensure constant perfection and development of AIRIparents program. [viewed: 10.05.2018]. Pieejams (Accessed): http://www.cwla.org/

Leighton M., Mathews J., Watson J. 2009. PRIDEbook. Foster PRIDE/AdoptPRIDE. Child welfare league of America, Arlington, VA.

LRLM. What is a foster family? [viewed: 01.05.2018]. Pieejams (Accessed): http://www.lm.gov.lv/text/1131

Martukāne Ā. 2014. Foster families give about 80 adopted children to orphanages each year. [viewed: 01.05.2018]. Pieejams (Accessed): https://skaties.lv/zinas/latvija/sabiedriba/audzugimenes-ik-gadus-bernu-namiem-atdod-ap-80-adoptetu-bernu/

Meļņiks R. 2017. Care about future of each child. Interview with the head of professional foster families association "Terēze" Ārija Martukāne. [viewed: 02.05.2018]. Pieejams (Accessed): https://www.diena.lv/raksts/viedokli/latvija/rupes-par-nakotni-ikvienam-bernam-14183871

Regulations of the Cabinet of Ministers. 2017. "Regulations on Foster Family" No. 1036. Clause 161, according to the Regulations No. 1036 of the Cabinet of Ministers, dated December 19, 2006 [viewed: 01.05.2018]. Pieejams (Accessed): https://likumi.lv/doc.php?id=150734

Regulations of the Cabinet of Ministers. 2017. Procurement "Organization and management of foster families' training according to the Regulations No. 1036 "Regulations on Foster Family" of the Cabinet of Ministers, dated December 19, 2006 [viewed: 01.05.2018]. Pieejams (Accessed): http://www.bti.gov.lv/lat/aktualitates/iepirkumi/?doc=4703&page=

Saeima. 2015. Amendments of the civil law. Date of effectiveness: 03.12. [viewed: 29.04.2018]. Pieejams (Accessed): https://likumi.lv/doc.php?id=277890

Skutāne L. 2017. Report on working visits to the Czech Republic and Finland. Latvian SOS – Children's Village Association. [viewed: 01.05.2018]. Pieejams (Accessed): https://www.sosbernuciemati.lv/lv/mes-palidzam/informativie-materiali/?file=27821

Social Services Agency. 2017. Specialized foster families – development of an out-of-family care model in Latvia. [viewed: 03.05.2018]. Pieejams (Accessed): http://www.lps.lv/uploads/docs_module/Petijums%20par%20Latvijas%20ag%20kustibas%20tendencem.pdf

SOS Children's Villages in Latvia. 1997. History. [viewed: 29.04.2018]. Pieejams (Accessed): https://www.sosbernuciemati.lv/lv/par-mums/vesture/

SOS Children's Villages in Latvia. 1997. Suggestions for placement of foster families in Latvia. Society "Latvian SOS – Children's Village Association". Riga.

Zīverte L., Skutāne L. 2017. Report on working visits to the Czech Republic and Finland. Latvian SOS – Children's Villages Association. [viewed: 01.05.2018]. Pieejams (Accessed): https://www.sosbernuciemati.lv/lv/mes-palidzam/informativie-materiali/?file=27821

Zvannieki. 2014. Infant rights to grow in a family are endangered. [viewed: 30.04.2018]. Pieejams (Accessed): http://www.delfi.lv/news/comment/comment/zvannieku-majas-tiek-apdraudetas-zidainu-tiesibas-izaugt-gimene.d?id=44468396

TRANSDISCIPLINARY ORGANIZATION OF A LEARNING PROCESS IN A VOCATIONAL SCHOOL TO FOSTER A SUSTAINABLE DEVELOPMENT

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Abstract
Improvement of quqlitative rural iving environment in Latvia in leader program frames
Key Words: vocational school, team work, business communications, creativity, mutual learning
This article provides an insight into the results of a designed of a learning process and carried out at Daugavpils Technical school in the study of program "Railway transportation." The aim of this study is to explore the impact of the organization of a learning environment for the juvenile groups while teaching technical study subjects. In particular, the research conducted at this vocational secondary school focused up on introducing a particular form of integrative collaboration amongst the learners. A formative teaching experiment, which analyses learner's integrative collaboration through structured observation at the beginning and the end of acquisition of the study subject "Railway transport" points at positive changes associated with the model criteria: working in a team, mutual learning, business communication and creativity. The observational study has been carried out by involving participants from the two cooperation partners of the Latvian and Lithuanian vocational secondary schools. The study involved instructors and students of both partner institutions. The evaluation of the participants' real experience in a wider and broader framework has been used to draw strategic conclusions, which will help keep focus on the need to sustain generational readiness for sustainable development in the harmonisation of the choice of pedagogical approaches and methods.

Kopsavilkums
Mācību procesa transdisciplināra organizācija profesionālajā skolā, lai veicinātu ilgtspējīgu attīstību
Atslēgvārdi: profesionāla skola, komandas darbs, biznesa komunikācijas, radošums, savstarpēja mācīšanās
Šis raksts sniedz ieskatu PIKC Daugavils tehnikumā veiktās studiju programmas „Dzelzceļa transports" rezultātu izpēte. Šī pētījuma mērķis ir izpētīt mācību vides organizācijas ietekmi nepilngadīgo grupām, studējot tehniskos priekšmetus. Īpaši veiktajā pētījumā galvenā uzmanība tika pievērsta tam, lai ieviestu īpašu integrējošas sadarbības veidu starp izglītojamajiem.Novadītais mācību eksperiments, kas analīze audzēkņu integratīvo sadarbību, izmantojot strukturētu novērojumu studiju priekšmeta „Dzelzceļa transports" apguves sākumā un beigās, norāda uz pozitīvām izmaiņām, kas saistītas ar modeļa kriterijiem: komandas darbs, savstarpēja mācīšanās, biznesa komunikācija un radošums. Novērošanas pētījums tika veikts, iesaistot dalībniekus no diviem Latvijas un Lietuvas profesionālo vidusskolu sadarbības partneriem. Pētījumā piedalījās abu partnerorganizāciju skolotāji un studenti. Dalībnieku reālās pieredzes novērtējums plašākā kontekstā ir izmantots, lai izstrādātu stratēģiskus secinājumus, kas palīdzēs koncentrēties uz vajadzību saglabāt paaudžu gatavību ilgtspējīgai attīstībai, saskaņojot pedagoģisko pieeju un metožu izvēli.

The theoretical statement and the methodology of research

At present, Latvia is undergoing radical changes that affect almost the entire sphere of life and have a significant impact on the lives of everyone. Latvia's Development Plan stipulates education and knowledge to be a strategic priority, but creativity, tolerance, cooperation and participation, the strategic principles of sustainable development in Latvia (NAP 2006; Latvian Sustainable Development Strategy till 2030, 2010).The main functions of the modern education are to discover the individuality of each student, to show the conditions for the development of individuality, to ensure the criticality of thinking in the educational process, self-esteem, initiative, creativity both in thinking and in action. The objectives of sustainable education can promote justice, improve our quality of life and well-being, sustain our natural resources and protect our health. Jämsä (2006: 28) "*Emphasizes that sustainable education ... can not be separated from the general educational principles and ... it is an integral part of ethical education*". Conviction is that the embodiment of

personal ethical choices, individual and social well-being provides a transcendent basis for ethical opinions in all areas of education and sustainable education .. Sustainable education seeks to awaken people to a profound personal understanding of the different consequences of different moral choices." The main theme of the debate on Education for Sustainable Development (ESD) is the question of how educational institutions must respond to the challenges posed by the idea of sustainability. The United Nations World Decade final report on ESD found that the majority of experts in the community of scientists and practitioners closely associated with UNESCO favored approaches aimed at deeply integrating the ESD or even use it as the main idea of transforming the education system rather than simply complementing existing ESD practices (Kalaitzidis 2013; Wals, 2012; Lukk, Veisson & Ots 2008). It can be observed that the ESD strongly relied on trends in general education policies to promote school autonomy and to increase the interconnectedness of school communities in many countries, in particular in Europe (Christ & Dobbins 2016, Million, Heinrich & Coelen 2015). When it comes to what could be sustainable, then it's about attitude, in certain cases changing attitudes, willingness to work for the cause, rather than closing our eyes on the problems, saying that they are not my problems and I do not care. Such an indifference to the environment and the desire to think of itself is not far-sighted, even for the simple reason that the processes taking place in the global world are affecting each of us, and either a cohesive society will deal with the existing problems jointly, or they will encircle each other individually. Thinking that an individual or a small group of individuals could succeed in being in a position where they are not going to be affected by the world is by no means silly. Definitely, in one way or another, and so on, the more. Consequently, closing an eye on an existing problem means loosing the time it would be possible to resolve the problem until it is still over-stretched. After that, it will be much more complicated. However, with determination and stance there is not enough. They need appropriate action. In addition, this action must be systematic regardless of the difficulties that arise and need to use the will to do so. Of course, it's important to understand "where to go and for what", the priorities set and the similar ones must be set correctly. It is important for action to be ethical and fair, both in big things and in detail (for example, small lying leads to great distrust which is incompatible with successful cooperation and the development of society). However, very much attention and strength should be put on the fact that the correct speaking would not, in the end, result in just the right talk. For sustainability in schools during the classroom, first of all for the teacher himself (of course, at present, teachers do not have such a problem in the main, but the inadequacy of contemporary social life can contribute to their emergence), it is understood that he is not in the classroom merely because of unnecessary formalities in order to receive a salary. It must be understood that, in the context of any subject, the emergence and development of a future future society is first of all a simple, non-unrelated information for students who are only memorized in

order to successfully pass the tests, as this is formally required in the regulations, then behind need not forget it all. Perhaps if the teacher joins his or her subject with the general development of society, the attitude of students will also be different. In any case, it would be worth considering that the presentation of the content of a subject should not lose connection to reality, the reality of reality and the life skills that this reality will require from students. Returning to big and small things in the development of society, then it can be said that all the great sluggishness began, including from the least compromises with his conscience. People are perfectly aware (knowing) about how to do otherwise, but he does the same as it is easier, deciding that "it will already pass through". Tamar, if he goes out, such a decision encourages even greater compromise and, finally, a person no longer remember where and for what he is going and whether he is at all going, or everything is nothing to do anything, in principle, despite anything. Such people are therefore no longer aware of themselves as being unlikely to be linked to sustainable development. Although the notion of sustainability and sustainable development can be found today in a large number of documents, especially those related to the development of the country, ordinary people are unlikely to be able to answer what that is. But that does not mean that they do not understand the essence of this concept. If they do, they will be asked if they understand and do their utmost to take care of their offspring, their relatives all the best, leave their free-thinking, educated people, so that the quality of life of future generations becomes ever better, more people will respond, yes. For me, this idea, the meaning of our people's life is very sustainable. Despite our economic situation in the country, people understand that it is necessary to leave behind itself a continuation of development that will help the earth to sustain humanity's life. Analyzing the Renewed EU Sustainable Development Strategy (Declaration on Sustainable Development, 2002), the wording on sustainable development, "based on the principles of democracy, gender equality, solidarity and the rule of law, as well as on fundamental rights, incl. freedom and equal opportunities. It promotes a dynamic economy, full employment, a high level of education, good medical care, social and territorial cohesion, and environmental protection in a peaceful and secure world, respecting cultural diversity.

Research Design and Methodology

The research devoted to the organisation of the study process at Latvian and Lithuanian vocational secondary schools has been conducted for the first time, analysing the factors negatively affecting the study process, which cause concerns of instructors working with this generation. Therefore, instructors propose introducing integrative cooperation models, which are related to collaborative learning, increase the level of professional readiness of young specialists, as well as include teamwork activities during the study process. There were three groups of students that were observed and evaluated during the semester according to certain criteria. The research is related to

the reorganisation of the study environment within the specific technical study course of railway technical operations regulations at Vocational Education Competence Centre (VECC) "Daugavpils Vocational School". The reorganisation has been made in terms of the application of the following teaching methods: problem-based learning, visualisation, personification, professional business simulations; and focusing on the following pedagogical conditions: collaboration as a solution to a conflict situation, compromise and cooperation, change of knowledge assessment towards academic achievement assessment, intensification of the study process, by organising collaborative learning of students during practical classes, thus integrating cross-curricular links. The author recommend using the integrative cooperation model (model of the reorganisation of the study environment) within the study course "Railway Technical Operations Regulations" at VECC Daugavpils Vocational School. The present article reflects the main pedagogical experiment demonstrating the convincing evidence of the increased level of creativity as a result of the improvements introduced to the teaching methods. Three groups of students acquiring this study course have been surveyed: two groups (23 and 22 students, respectively) and a group of 22 students. The experiment lasted one semester. A quantitative data analysis method (structured observation – 160 minutes at the beginning of the experiment and four hours (160 minutes) at the end of the experiment) has been used to analyse the changes in the learning environment among two groups, as well as qualitative research methods have been used: surveys and interviews with students and instructors in order to find out why students are not satisfied with the organisation of the study process at the school. By analysing the integrative cooperation model, one can observe the dynamics of the development of students' professional skills, according to which the criteria of students' integrative cooperation have been developed: teamwork, collaborative learning, business communication and creative activity.To provide the comprehensive overview of the dynamics of change, students' integrative cooperation indicators have been determined within the framework of the study юWorking in a team, students act as a unified system by assigning responsibilities and constructively coordinating their individual actions with others. Cooperative learning is the ability to use the knowledge of all team members with effective exchange of experience in order to create systemic knowledge; each student takes responsibility for his or her assignment.

Conclusions

The educating and training of mid-level specialists at the vocational secondary schools who are capable of professional mobility, are able to quickly adapt to changing design, production and labour organisation processes is a very important task that, unfortunately, is currently not accomplished to its full extent, which is demonstrated by the dissatisfaction of Latvian employers with the low level of professional readiness of young railway specialists, their low ability to work in an interdisciplinary teams and to organise teamwork.Problems related to the organisation of the

study process at vocational secondary schools have not been sufficiently studied. The study process of secondary schools has been investigated, but no such studies have been carried at vocational secondary schools in Latvia. The research devoted to the organisation of the study process at the Latvian and Lithuanian vocational secondary schools and the research into the potential of students' creativity have been conducted for the first time. Surveying the theoretical literature in order to clarify the current situation, it has been found out that the integrative links between special technical study courses and social disciplines at the vocational secondary school are underdeveloped and controversial; furthermore, there is disagreement with the understanding of these links among researchers.Within the framework of the research, the authors have developed and experimentally tested the students' integrative cooperation model used for the acquisition of study courses, which also complies with the contemporary learning theory. The students' integrative cooperation model has been tested and can be used for the acquisition of the specific technical study course of railway technical operations regulations at VECC Daugavpils Vocational School. This has also been attested by the comparative analysis of the individual achievement of experimental and control groups in the study course of railway technical operations regulations. Positive changes have been identified using the integrative cooperation criteria: teamwork, collaborative learning, business communication and creative activity.

Assessing students' integrative cooperation criteria, students' achievement has been evaluated, and it can be concluded that all the criteria characterising integrative cooperation have considerably increased:

- Teamwork increased by 45% and 57% in Group 1 and Experimental Group 2, respectively;
- Cooperative learning increased by 35% in Group 1 and from 3% to 40% in Group 2;
- Business communication increased by 50% and 48% in Group 1 and Group 2, respectively;
- Creative activity increased by 30% and 33% in Group 1 and Experimental Group 2, respectively.

Thus, it can be stated that the proposed activities in the course of the experiment are oriented towards promoting students' cooperation. Focusing on the study of the educational environment, the indicator of the creative study environment increased to 30%, but the indicator of the dogmatic study environment decreased from 22% to 7%. Instructors (authors' colleagues) of VECC Daugavpils Vocational School see the opportunity to use the students' integrative cooperation model in the study process by adapting the organisational structure of the model to the specifics, goals and objectives of each technical study course; they have also noted that as a result of the application of the students' integrative cooperation model there are no discipline problems in the classroom and the negative attitude towards the organisation of the study process at the school disappears and the results of the monthly attestation of the students improve.The chosen type of

action research corresponds to the research problem and ensures the achievement of the research goal, as well as provides answers to the research questions.
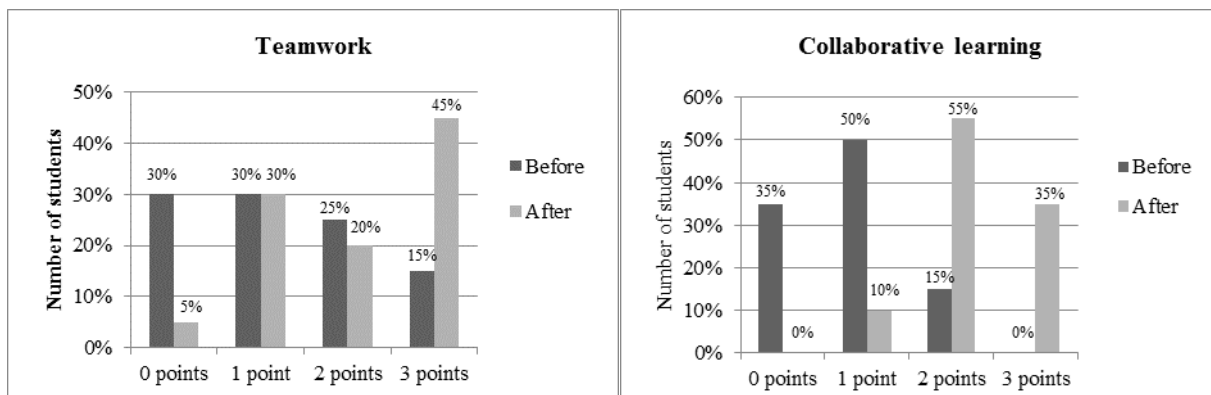
Group 1

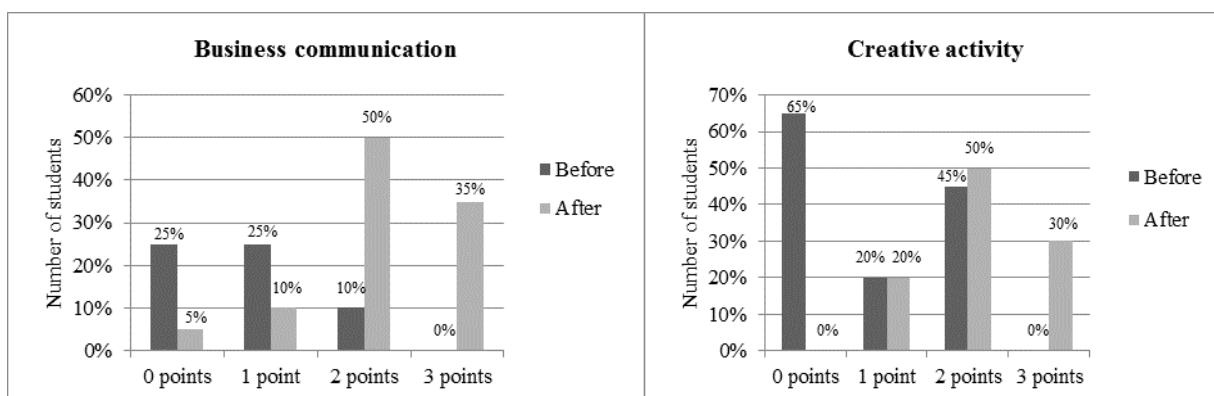Fig. 1. **Teamwork**

Fig. 2. **Collaborative learning**

Fig. 3. **Business communication**

Fig. 4. **Creative activity**

In the present educational action research, trends were abtained in each of the groups involved in the research. In Group 1 (n 23), at the beginning of the research in the terms of *teamwork* (Fig. 1) there was non-engagement and partial involvement of the participants observed and at the end of the research growing interest and partial invovelment of participants was indentified; in terms of *collaborative learning* (Fig.2) partial cooperation and non-engagement predominated at the beginningof the research, and at the end of the reseach there was a tendncy to act on the basis of interest and full involvement. In terms of *business communication* (Fig.3), at the beginning of the research, there were non-engagement and partial invovelment and at the end of the research interest and full invovelment observed; and in terms of *creative activity* (Fig.4) at the beginning of the research there were non-engagement and partial invovelment, and interest and full invovelment- at the end of the research.
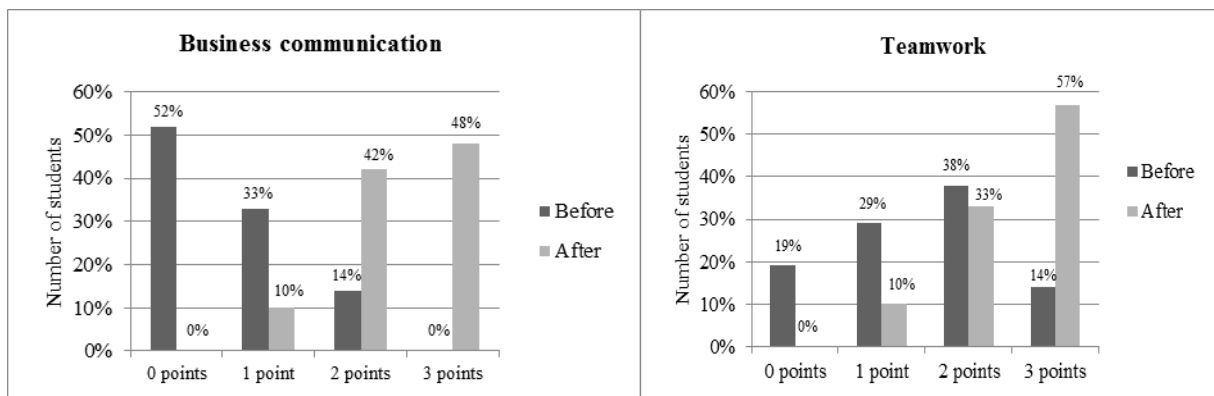
Group 2

Fig. 5. **Business communication**

Fig. 6. **Teamwork**
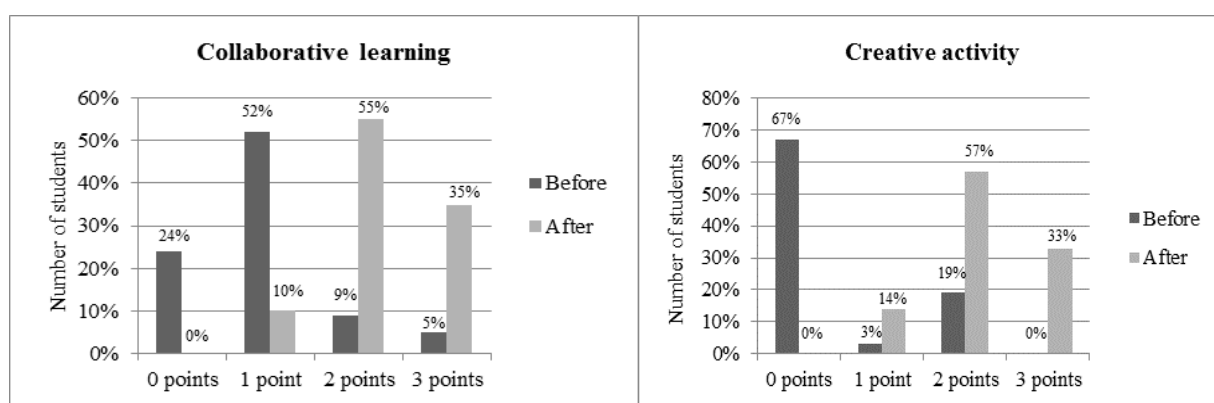
Fig. 7. **Collaborative learning**

Fig. 8. **Creative activity**

In group 2 (n 22), at the beginning of the research, in terms of *teamwork* (Fig. 6*)* interest was dominant and full invovelment was observed at the end of the research; in terms of *collaborative learning* (Fig. 7) at the beginning of the research interest and full engagement were observed; in terms of *bussiness communication* (Fig. 5) at the beginning of the research non-engagement was observed and full invovelment with interest in the action was dominant at the end of the research; in terms of *creative activity* (Fig. 8) at the beginning of the research there was a tendency not to participate, and at the end of the research there was a tendency to engage with interest and fully participate.

<u>Group 3</u>

Fig. 9. **Teamwork**   Fig. 10. **Collaborative learning**

Fig. 11. **Business communication**   Fig. 12. **Creativy activity**

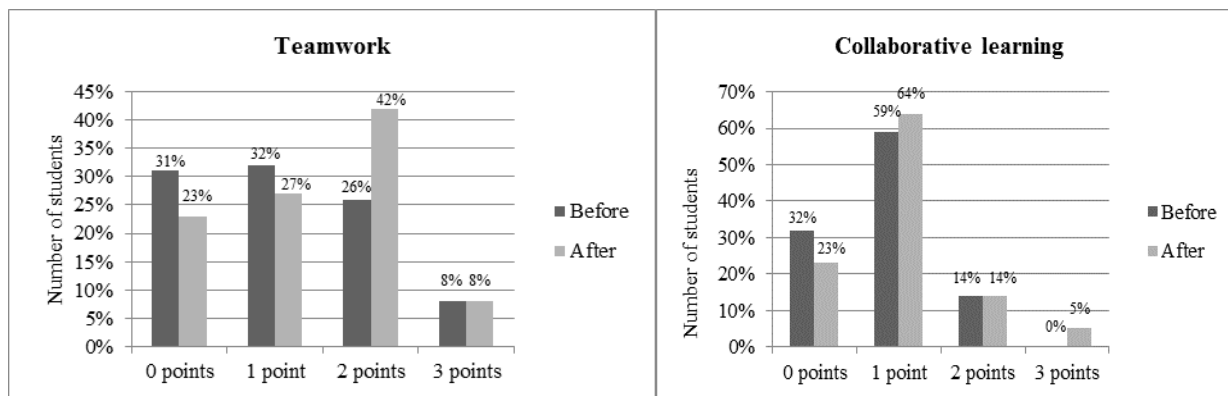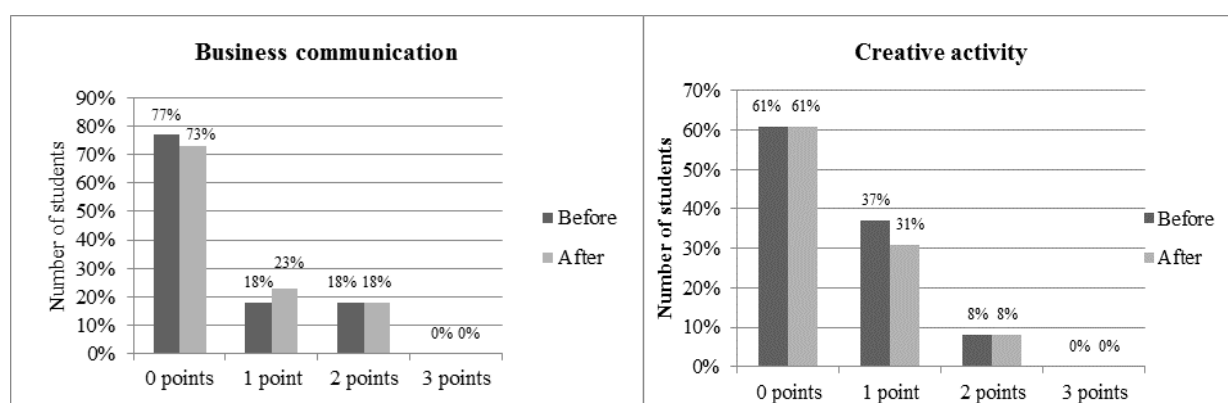In group 3 (n 22), in terms of the *teamwork* (Fig. 9) at he beginning of the research engagement with interest was dominant, and the end of the research there was a slightly greater tendency not to engage or partially engage; in terms of *collaborative learning* (Fig. 10) both at the beginning and the end of the research there was a tendency to partially engage; in terms of *business communication* (Fig. 11) at the beginning and at the end of the research there was a tendency not to engage; and in terms of creative activity (Fig. 12) both at the beginning and the end of the research there was a dominant tendency not to engage.

The research demonstrated the tendency for an activity in an educational action research to be organised in such a way as to enable participants to find the basis of their invoelment, by assotiating it with their life deep-seated issues and their interest in acquiring the study course. A more holistic educational action research opens up the opportunity of wider use of methods that affect deeper engagement, and the choice of these methods comes from participants as a demand for more dynamic methods related to deeper engagement. The fokus of research has been the todays Generation Z that lives in the tehnology age and is respresented by completely different people with completely different mindset and different perception of the world compared to the previous

generations, which calls for a completely different organisation of the study environment and requires developing more creativity, autonomy and critical thinking in the culture that is different, unknown and incomprehensible.

References

ANO. 2002. Johannesburgas deklarācija par ilgtspējīgu attīstību. Retrieved January 8, 2018, http://www.varam.gov.lv/lat/darbibas_veidi/ilgtspejiga_attistiba/

Carbach, E. & Fischer, D. 2017. Sustainability reporting at schools: challenges and benefits. *Journal of teacher education for sustainability.* Vol. 19, issue 1, pp. 69–81.

Davidova J. & Kokina I. 2007. Teachers' views on innovative processes in schools of Latvia. *Journal of Teacher Education for Sustainability*, 8, 25–36.

Grundmane, Dz. 2005. Mācīšanās pieredzes pilnveide darbības pētījumā: Promocijas darba kopsavilkums. Rīga: Latvijas Universitāte.

Härkönen, U. 2009. Pedagogical systems theory and model for sustainable human development in early childhood education and care. *Journal of teacher education for sustainability.* Vol. 11, issue 2, pp. 77–86.

Katane, I. 2004. Lauku skola kā izglītības vides izvērtēšanas modelis: Promocijas darbs. Daugavpils: Daugavpils Universitāte.

Lieģeniece, D. 2011. Viedoklis par nerealizējušos apdāvinātu bērnu problēmām: Cēloņi un risinājumi. Creative Personality, IX. Rīga: SIA Jumi, pp. 84–92.

Martinsone, K., Pipere, A. (red.). 2011. Ievads pētniecībā: Stratēģijas, dizaini, metodes. Rīga: RaKa.

Pētersons, E. 1931. Vispārīgā didaktika. Rīga: A. Gulbis.

Pipere, A., Iliško, Dz., Mičule, I. 2015. Ilgtspējīga attīstība – no zināšanām uz darbību. Palīgs skolām un skolotājiem. Saule, Daugavpils.

Salumaa, T. 2007. Changes in organizational culture in schools and readiness of teachers for those changes. *Journal of Teacher Education for Sustainability*, Vol. 8, pp. 5–13.

Students, J. 1998. Vispārīgā pedagoģija, 2. daļa. Rīga: RaKa.

Van Gejeka, N. 2009. Problems of improving learning environment in secondary technical schools. Proceedings of the 7 International JTEFS/BBCC Conference „Sustainable development. Culture. Education". Daugavpils: Daugavpils University Academic Press "Saule", pp. 150–164.

Žogla, I. 2001. Didaktikas teorētiskie pamati. Rīga: RaKa.

PSIHOLOĢIJA/ PSYCHOLOGY

THE RELATIONSHIP BETWEEN PERSONALITY TRAITS IN SENIORS WITH DIFFERENT AEROBIC PHYSICAL ACTIVITY EXPERIENCE

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Abstract
    The relationship between personality traits in seniors with different aerobic physical activity experience
Key Words: *aerobic load, physical activity, senior, personality traits*
Introduction: personality traits are stable and function as basis of an individuals' behavior not only in daily activities, but also regarding their choice of physical exercise type, intensity and frequency (Allen Greenlee, & Jones, 2011).
Materials and methods: participants were 56 healthy Latvian seniors, aged from 65 to 85 years ($M = 71.88$, $SD = 4.92$, 28% male). Participants were divided into three groups based on the length and regularity of aerobic physical exercise in their daily lives. The data were obtained with self-report questionnaire – *Latvian Personality questionnaire* (*LPA-v3, Perepjolkina & Reņģe,* 2013), a modified version of *Social Determinants of Health Behaviours* questionnaire (FINBALT,   2014).
Results: there were significant correlations between longer involvement in aerobic exercise and lower levels of Neuroticism ($r = -.29$, $p < .05$). Vice versa results were found in seniors with regularity of aerobic physical exercise in their daily lives, with significant correlation between lower levels of Neuroticism subscales Anxiety ($r = -.29$, $p < .05$), poor stress ($r = -.37$, $p < .01$), Agreeableness subscale Compliance group ($r = -.28$, $p < .01$) and higher levels of Extraversion subscale Liveliness correlated positively with the third group ($r = -.31$, $p < .05$). Neurotism subscale poor stress resilience correlated positively with seniors with short-term regular aerobic physical exercise experience ($r = .33$, $p < .05$).
Conclusions: the study results indicate that personality dimensions Neuroticism and Neuroticism subscales, Extraversion subscale Agreeableness subscale might be related to the length of involvement in aerobic physical exercise.

Kopsavilkums
    Personības iezīmju saistība senioriem ar dažādu fiziskās aktivitātes pieredzi
Atslēgvārdi: *aerobā slodze, fiziskā aktivitāte, seniori, personības iezīmes*
Ievads: Personības iezīmes ir stabilas, noturīgas un nosaka indivīda uzvedību ne tikai ikdienas aktivitātes, bet var prognozēt to kāda veida fiziskajām aktivitātēm intensitātei un biežumam tiks dota priekšroka (Allen, Greenlee, & Jones, 2011).
Materiāli un metodes: dalībnieki bija 56 praktiski veseli Latvijas seniori, vecumā no 65 līdz 85 gadiem ($M = 71.88$, $SD = 4.92$, 28% vīrieši). Dalībnieki tika sadalīti trīs grupās balstoties uz fizisko aktivitāšu ikdienas regularitāti. Dati tika iegūti ar "Latvijas personības aptauju" (LPA-v3, Perepjolkina & Reņģe, 2013) un papildinātu Latvijas iedzīvotāju veselību ietekmējošo paradumu aptaujas (FINBALT, 2014) versiju.
Rezultāti: pastāvēja statistiski nozīmīgas sakarības starp ilgtermiņa iesaistīšanos aerobajās aktivitātēs un zemāku Neirotisma līmeni ($r = -.29$, $p < .05$). Tika konstatēta statistiski nozīmīga negatīva saistība starp senioriem, kuri ikdienā nodarbojas ar regulāru aerobo fizisko aktivitāti un zemākiem rezultātiem personības iezīmēs trauksmainība ($r = -.29$, $p < .05$), nenoturību pret stresu ($r = -.37$, $p < .01$), un paklausība ($r = -.28$, $p < .01$) un pozitīvu statistiski nozīmīgu saistību ar personības iezīmi dzīvesprieks un saistību ar trešo grupu ($r = -.31$, $p < .05$). Neirotisma apkašskala Nenoturība pret stresu uzrādīja pozitīvu saistību ar regulāru īstermiņa aerobo fiziskās aktivitates pieredzi ($r = .33$, $p < .05$).

Secinājumi: pētījuma rezultāti liecina, ka personības dimensija Neurotisms un neirotisma apakšskalas, Ekstraversijas apakšskala un Labvēlīguma apakšskala var būt saistīta ar aerobās fiziskās aktivitātes pieredzi.

Introduction

According to World Health Organisation (WHO), the fourth main risk factor for mortality is the lack of physical activity and it plays an important role in the development of various diseases (WHO, 2008). One of the factors presumed to determine the involvement in physical activity are personality traits. They have been extensively researched and several theories to understand the impact of personality traits on individual's behaviour in specific situations have been developed. Personality traits are stable and allow to predict individual's behaviour as well as identify the appropriate physical activity intervention (Allen, Greenlees, & Jones, 2011). Personality dimensions are associated with healthy aging process and physical activity habits in old age (Ebstrup, Adahl, Eplov, Pisinger, & Jorgensen, 2013). A positive attitude towards a healthy aging process with regular physical activity is associated with Openness to experience. (Emile, Chalabaev, Stephan, Corrion, & d'Arripe-Longueville, 2014).

For the past century, personality traits have been extensively researched and several theories to understand the impact of personality traits on individual's behaviour in specific situations have been developed. The heredity factor plays an important role in personality traits in the individual's interaction with the social environment, that has been reflected in several studies. Research results indicate the effect of heredity in such personality factors as Neuroticism (41-58% effect), Extraversion (49-57% effect), Honesty-humility (33-52% effect), Conscientiousnes (38-53% effect), and Openness to experience (45-61% effect) (Bouchard & McGue, 2003). Several personality factors (i.e. Neurotism, Extraversion, Honesty-humility and Conscientiousnes) have also been found to be related to the activity and size of specific areas of the brain (de Young et al., 2010).

We based this study on the six dimensions of personality proposed by Viktorija Perepjolkina when developing Latvian Personality questionnaire (*LPA-v3, Perepjolkina & Reņģe,* 2013). Questionnaire is based on two personality models: five-factor personality trait model (Five Factor Model, FFM; Costa & McCrae, 1992) and six-factor personality model (HEXACO; Lee & Ashton, 2004). The questionnaire combines six personality dimensions – Neuroticism, Extraversion, Openness to experience, Conscientiousness, Agreeableness and Honesty-humility. Neuroticism indicates a tendency to worry about the little things and be overly emotional, the opposite being emotional stability. Extraversion is the opposite of introversion. Higher Extraversion scores are associated with communicability, sociability and positive emotions. Openness to experience indicates openness to new ideas and experiences, tolerance of the unknown, curiosity, creativity, rich imagination and the opposite is the focus on the known information and experience.

Conscientiousness is related to intelligence, orderliness, prudence, perseverance and the opposite is foolishness, carelessness. Agreeableness the opposite is hostility. Honesty-humility is tendency to be modest, honest, open and honest and the opposite is ambitiousness, selfishness. To each personality dimension, four personality traits are assigned (*Perepjolkina & Reņģe,* 2013) (See Table 1).

Table 1. **Personality dimensions and their corresponding traits**

Personality dimension	Subscale	with highs scores	with low scores
Neurotism	Anxiety	Worried, nervously	not anxiety
	Poor stress resilience	panic, confused	decisively, secure, confident
	Depression	negative thoughts, lack of energy	positive emotions, are not unhappy
	Shyness	low self esteem, fearful, ashamed	confident about yourself, self esteem
Extraversion	Sociability	likes socializing, communicative	like peace, quiet and likes to be alone
	Liveliness	happy, optimistic, good mood	Pessimists, unhappy
	Adventurism	Adventurism, risky	safety, stability
	Social activity	leaders, communicators,	passive, restrained
Openness to experience	Culture	like art and nature	not interested in cultural life
	Tolerance	tolerance towards social, religious, political, ethnic and sexual differences.	conservatively, traditionally
	Inquisitiveness	love to travel, likes to learn, intellectually	narrow interests, do not like change
	Creativity	creative ideas, non-standard thinking	traditionally
Conscientiousness	Accuracy	Pedantic, structure and systematicity	Disorderly, neglectful
	Self-discipline	purposeful, persevering	lack of perseverance, procastization
	Diligence	quality, accuracy, accountability	carelessness, lazy
	Prudence	organization, serious attitude	spontaneity, impulsiveness,
Agreeableness	Compliance	reconcile with compromises	stinginess, stubbornness
	Flexibility	kindly and tactically	sarcastically, critically
	Obedience	acting in accordance with the instructions	Questioning traditional values and social norms.
	Composure	emotionally balanced, restrained	irresistible, irritated
Honesty-humility	Honesty	openly, truly	tricky, intriguing
	Modesty	modesty, wealth is not important	striving for high status in society.
	Simplicity	modesty	Fame, appreciation.
	Probity	accordance with the principles of morality	disdainful attitude towards moral norms and values

The aim of this study is to identify personality traits associated with long-term aerobic physical activity and physical activity experience in healthy Latvian seniors.

Materials and Methods

Participants

56 healthy Latvian seniors aged form 65 − 85 (M = 71.88, SD = 4.92, 28% male), were involved in the study. Inclusion/exclusion criteria involved self-reported medical history and native language – Latvian.

Measures

Personality traits were assessed with *Latvian Personality questionnaire* (*LPA-v3, Perepjolkina & Reņģe, 2013*). The questionnaire consists of 100 statements that reflect six personality dimensions (Neuroticism, Extraversion, Openness to experience, Conscientiousness, Agreeableness, Honesty-humility, for more detailed description, see above). Each personality factor includes four sub-factors or personality traits. Answers are evaluated on a five-point Likert scale.

Physical activity was determined by aerobic capacity measures and conducted with WHO veloergometry test. The test measures heart rate during physical activity tasks and the aerobic load is set based on the age, gender and BMI of the participant. Test consists of three steps with aerobic load increasing per step. The results are indicated with OwnIndex and comparable with VO_2max.

Procedure

Participation in the study was voluntary. Participants were recruited via professional organisations and societies and mass media. Psychological and physical assessment was conducted in two stages – first stage involved demographic and cognitive measures, while the second stage involved personality and life style measures. Data were collected individually and informed consent was signed prior to the assessment. The study was approved by the Riga Stradiņš University Ethics Committee.

Data analysis

Data were analysed with the *IBM SPSS 21*. version. To identify the relationship between personality traits and physical activity, Pearson correlation coefficient was used.

Results

Table 2. **Correlations between six personality dimensions and**
aerobic physical activity experience

	1.	**2.**	**3.**	**4.**	**5.**	**6.**	**7.**	**8.**
1.First group	--							
2. Second group	-0,55**	--						
3. Third group	-0,45*	-0,49**	--					
4. Neuroticism	0,13	0,16	-0,31*	--				
5. Extraversion	0,16	-0,21	0,06	-0,13	--			
6. Openness to experience	0,01	-0,00	-0,10	-0,07	0,32	--		
7. Consciousness	0,08	-0,19	0,12	0,05	0,03	-0,10	--	
8. Agreeableness	0,07	-0,01	0,08	-0,25	-0,08	-0,25	0,18	--
9. Honesty/ Humility	-0,00	-0,12	0,14	-0,46**	0,02	-0,18	0,30	0,35

Note. ** - $p < .01$, * – $p < .05$.

Neuroticism correlated negatively with the third group ($r = -.31$, $p < .05$) (see Table 2).

Table 3. **The relationship between personality dimensions subscales and aerobic physical activity experience**

	1.	2.	3.	4.	5.	6.	7.
1.First group	--						
2. Second group	-0,56**	--					
3. Third group	-0,45**	-0,49**	--				
4. Anxiety	0,22	0,06	-0,30*	--			
5. Poor stress resilience	0,02	0,33*	-0,37**	0,42**	--		
6. Liveliness	-0,13	-0,17	-0,31*	-0,26	-0,31*	--	
7. Compliance	-0,05	0,21	-0,28*	-0,30*	0,12	0,02	--

Note. ** - $p < .01$, * − $p < .05$.

Neurotism subscales - Anxiety correlated negatively with the third group (r = -.29, $p < .05$) and poor stress resilience correlated negatively with third group (r = -.37, $p < .01$), poor stress resilience correlated positively with second group (r = .33, $p < .05$). Extraversion subscale Liveliness correlated positively with the third group (r = -.31, $p < .05$). Agreeableness subscale Compliance correlated negatively with the third group (r = -.28, $p < .01$) (see Table 3).

Discussion

We aimed to explore the association between personality traits and different physical activity experience in healthy seniors. Our results indicated relationship between one personality dimension − Neuroticism and four personality traits − Anxiety, poor stress resilience, liveliness and compliance when taking into consideration the participants' involvement in physical activity.

Lower Neuroticism contributed to regular long-term aerobic physical exercise experience. Negative relationship between Neuroticism and regular long-term aerobic physical exercise experience found in previous research (Allen & Laborde, 2014). Our results indicated negative relationship between the Neuroticism dimension and the personality trait "anxiety", which is characterized by high or low worries, nervousness (*Perepjolkina & Reņģe,* 2013). Our results thus confirms other study conducted by Rhodes and Dickau (2013), who also found negatively association between Neuroticism and longer lasting physical activity experience (Rhodes & Dickau, 2013). There was also positive relationship with "poor stress resilience" and short-term regular aerobic physical exercise experience, which means that people are more stressed and worried about the various little things (*Perepjolkina & Reņģe*, 2013).

In the results a positive relationship between regular aerobic physical exercise experience and Extraversion dimension's sub-scale "liveness", however, results of our study indicated no significant relationship between this dimension sub-scale and regular aerobic physical exercise experience. Results of a study conducted by Stephan and colleagues (Stephan, Sutin, & Terracciano 2014) indicated that Extraversion subscales were related with an increase in long-term physical activity. Recent longitudinal research shows that long-term physical activity increases only extraversion and conscientiousness scores (Stephan, Sutin, & Terracciano 2014).

The results of previous studies were confirmed that the personality dimension of neuroticism is related to engagement and the choice of physical activity level for an individual. Several aspects of the personality dimensions reflected both the association with engagement in physical activity and the choice of physical activity level, which adds and specifies the results of previous research, as it shows which sub-scales are related to physical activity engagement or level, not just personality dimensions. The results can be limited to a given small sample groups, since with such a small sample results would be premature to generalize to a larger population. Therefore, it would be important to expand the sample of this study and the number of participants in the groups, as well as expand the scope of the research.

Conclusions

This paper contributes to a body of evidence suggesting that personality trait factors are related to involvement and experience in physical activity. Short-term involvement in physical activity were associated with better stress resilience, while long-term involvement was related with lower levels of Neuroticism and, consequently, anxiety and more liveliness; however, their stress resilience was lower in comparison with short-term or even sedentary participants. Of course, it is given that data are applicable only to the given sample, and requires a greater number of participants for the results to be representative in the whole. In the future it would be necessary to carry out such research for a larger population group. Knowledge of the relationship between personality traits and physical activity preferences and abilities might be beneficial when considering and that personality traits are stable and persistent, such information is justified and can predict the behavior of a healthy motivation and action. Personality traits can help to understand individual behavior and characterize trends.

Acknowledgement

References

Allen, M. S., Greenlees, I., & Jones, M. 2011. An investigation of the Five Factor model of personality and coping behavior in sport. *Journal of Sport Sciences, 29*, 841–850.

Allen, M. S., & Laborde, S. 2014. The Role of Personality in Sport and Physical Activity. *Psychological Science, 23*, 460–456.

Bouchard, T. J., & McGue, M. 2003. Genetic and environmental influences on human psychological diferences. *Journal of Neurobiology, 54*, 4–45.

De Young, C. G., Hirsh, J. B., Shane, M. S., Papademetris, X., Rajeevan, N., & Gray, J. R. 2010. Testing predictions from personality neuroscience: Brain structure and the Big Five. *Psychology Science, 21*, 820–828.

Ebstrup, J. F., Aadahl, M., Eplov, L. F., Pisinger, C., & Jørgensen, T. 2013. Cross sectional associations between the five factor personality traits and leisure-time sitting-time: The effect of general self-efficacy. *Journal of Physical Activity & Health*, *10*, 572–580.

Emile, M., Chalabaev, A., Stephan, Y., Corrion, K. & d'Arripe-Longueville, F. 2014. Aging stereotypes and active lifestyle: Personal correlates of stereotype internalization and relationships with level of physical activity among older adults. *Psychology Of Sport & Exercise, 204,* 198–204.

Rhodes, R. E., & Dickau, L. 2013. Moderators of the intentionbehaviour relationship in the physical activity domain: Asystematic review. *British Journal of Sports Medicine*, *47*, 215–225.

Stephan, Y., Sutin, A.R., & Terracciano, A. 2014. Physical activity and personality development across adulthood and old age: Evidence from two longitudinal studies. *Journal of Research in Personality, 49*, 1–7.

Perepjolkina, V. un Reņģe, V. 2013. Latvijas Personības aptauja (LPA-v3). Testa rokasgrāmata. Rīga.

Terraciano, A., Schrack, J. A., Sutin, A. R., Chan, W., Simonsick, E. M., & Ferrucci, L. 2013. Personality, metabolic rateand aerobic capacity, *Plos One, 8(1).*

World Health Organisation 2008. *Global Health Risk Mortality and burden of disesease attributable to selected major risks.* [viewed 12.05.2018].

Accessed:http://www.who.int/healthinfo/global_burden_disease/GlobalHealthRisks_report_full.pdf

MENEDŽMENTS/ MANAGEMENT

THE EVALUATION OF THE QUALITY OF PUBLIC SERVICES

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Abstract

The Evaluation of the quality of public services

Key Words: *quality assesment, public service quality, customer's satisfaction*

With the development of public administration, the problem of evaluation of the quality of public services becomes topical.

This problem could be addressed introducing in the public administration modern methods of service quality assessment and monitoring quality indicators.

The aims of the study was to characterize the concept of service quality and assessment methods; collecting foreign experience in evaluating of service quality; practically check the method in Latvian state institutions of Latgale region; analyze the results of the examination and draw conclusions about the possibilities of using the method.

The research was carried out in the state institutions of Latgale region of Latvia, providing social assistance services- State Social Insurance Agency, employment promotion services- National Employment Agency; implement state environmental protection policy-Daugavpils Regional Environmental Board, provides legal assistance services- Daugavpils Court. The satisfaction of the customers of the institutions and the quality of the services provided were assessed.

The study was approved by SERVQUAL (Parasuraman et al., 1985). The method approved in the study could be used in the Latvian public sector for service quality assessment. Quality assessment of services provided by public authorities and regular evaluation of their – monitoring should become an integral part of public administration.

Kopsavilkums

Publisko pakalpojumu kvalitātes novērtēšana

Atslēgvārdi: *kvalitātes novērtēšana, publisko pakalpojumu kvalitāte, klientu apmierinātība*

Attīstoties publiskajai pārvaldei aktuāla kļūst publisko pakalpojumu kvalitātes novērtēšanas problēma.

Šo problēmu varētu risināt, ieviešot publiskajā pārvaldē mūsdienīgas pakalpojumu kvalitātes novērtēšanas metodes un veicot kvalitātes rādītāju monitoringu.

Pētījuma mērķis bija raksturot pakalpojumu kvalitātes jēdzienu un novērtēšanas metodes; apkopot ārvalstu pieredzi pakalpojumu kvalitātes novērtēšanā; praktiski pārbaudīt metodes darbību Latvijas Latgales reģiona valsts iestādēs; analizēt petījuma rezultātus un izdarīt secinājumus par metodes izmantošanas iespējām.

Pētījums tika veikts LR Latgales reģiona valsts iestādēs, kas sniedz a) sociālās palīdzības pakalpojumus - VSAA Daugavpils filiālē; b) nodarbinātību veicinošus pakalpojumus - NVA Daugavpils filiālē; c) īsteno valsts vides aizsardzības politiku - Daugavpils reģionālajā vides pārvaldē; d) sniedz juridisko palīdzību - Daugavpils Tiesā. Tika novērtēta iestāžu klientu apmierinātība un sniegto pakalpojumu kvalitāte.

Pētījumā tika aprobēta SERVQUAL (Parasuraman et al., 1985) metode. Pētījumā aprobēto metodi varētu izmantot Latvijas publiskaja pārvaldē, pakalpojumu kvalitātes novērtēšanai. Valsts iestāžu sniegto pakalpojumu kvalitātes novērtējumam un to regulāram izvērtējumam-monitoringam būtu jākļūst par publiskās pārvaldes organizācijas neatņemamu sastāvdaļu.

Introduction

With the development of public administration, the problem of improvement of its efficiency becomes topical. The most important aspects of the efficiency of public administration include improvement of the quality of public services as well as the availability of public services. The efficiency of public administration is possible to increase by introducing modern techniques of the sector management and monitoring the quality of publicy services.

Public services are a 'tangible' result of the activities of institutions of state administration or self-governments, which becomes apparent as ensuring certain benefits to its customers - to the public/ society.

Traditional guidelines for administrative reforms in various countries are following: 1) improvement of services quality (including public services); 2) economical profitableness of public sector (reduction of state functions and of costs per one unit of rendered services); 3) strengthening the discipline of execution (by ensuring implementation of decisions, plans). According to the opinion of the American expert in the field of public administration D. Kettl (Kettl, 2000), it is possible to distinguished five strategies in the process of today's administrative reforms:

- Effectiveness. The state institutions have to look for the possibility how to increase the number of renderied services with the existing or lower costs.

- Marketing. All activities are based on one strategy - replacement of traditional bureaucratic/ departmentalism management and control mechanisms by market mechanisms.

- Orientation to rendering of services. Development of customer-oriented systems of rendering of services. This strategy has been widely used in Singapore.

- Decentralization. In many countries, the administrative reform comprises implementation of national programmes on the lower – local self-government levels. On the local government levels, customer service centres are being established which will ensure the opportunity for the inhabitants to receive services of different institutions in one place. This strategy was started to implement in Canada, Georgia.

- Responsibility for the results. Contracts of public services are being designed, which include the key mission, directions of activities, listing of achievable goals and resultative parametres for each public institution, as well as the responsible persons are being defined. Predominantly, this strategy was used in Great Britain.

Above mentioned approaches to the state administrative reform and to the change of its mechanisms of activities are related to the new conception of public management (New Public Management). This conception prescribes the use of management methods in the public administration, which are approbated in the private sector: implementation of customer-oriented services; orientation on results, efficiency; delegation of responsibilities; activities in the competitive circumstances.

There by, we can speak about the change of paradigm of public administration itself. There is a transition from the idea of 'citizens for the country' to the idea of 'the country for citizens' in progress.

The transition to the customer-oriented activity in the public administration also means the appearance of new goals and functions. The new functions are following:

- Marketing function - segmentation of the market of public services; finding out the consumers' needs; assessment of the necessity of certain kinds of services;

- Planning function - includes both strategic and financial planning;

- Quality control function - monitoring of service quality by assessing the quality of rendered services, satisfaction of customers and availability of services (Шаститко, 2004).

Discussion

By adopting the Law on Administrative Territorial Reform in Saeima in 1998, the purpose of the administrative territorial reform (hereinafter - ATR), established by law, was to create economically developing administrative territories with local and regional governments that would ensure the provision of quality services to the population.

The conception on the perfection of the public service system, approved by the Cabinet of Ministers of Latvia on 19 February 2013, was the basis for the draft law on public services, which was discussed at the sitting of the Cabinet of Ministers of Latvia in January 2014.

During the last time period (2000-2013), the territorial accessibility of public individual services has decreased in the regions of Latvia, which was determined by going down in the number of population as recipients of services, especially in the regions of Latvia, as well as by concentration of population in Riga and in the vicinity of Riga.

Although, after the administrative and territorial reform of the self-governments, when nine self-governments of the cities of republican subordination and 110 district self-governments were established in Latvia, the self-governments in the regions of Latvia tried to preserve the previous places of rendering of services (also in order to preserve the interests of the inhabitants of municipalities included in a district), however, a large part of service institutions were closed in 2013 because of reduction of the number of population - recipients of services, and, consequently, the maintenance of services became economically unprofitable.

As the negative demographic and migration trends continue, and there is a risk that the population of Latvia could be reduced by another 20% in the next 15 years (until 2030), the issues regarding the maintenance of public individual services in less populated areas will remain topical.

Until 2030, a small decrease in the number of school-age children (by 4%) is forecasted, while the proportion of the elderly people will increase from present-days 19% to 25% in 2030, which will enlarge the demographic load. A certain part of the public individual services will preserve its necessity or will become even more significant (non-formal education, social and health care).

On 30 December 2014, the Cabinet of Ministers approved Guidelines for the Development of the State Administration Policy for 2014-2020 (LR MK, 2014), where Chapter 1.5. "Improvement of organization and cooperation of state administration institutions in the regions" states that improved national territorial division in the regions and establishment of regional administrative centres would be a precondition for further development of the state administration system in general. After establishment of the unified national regional division, the action plan prescribed a

task for all ministries to evaluate opportunities concerning organization in the future of their territorial structures in accordance with the established national regional division, except cases where the normative laws and regulations concerning regional structuring of the corresponding institution have provided otherwise.

In 2010, a chapter related to the activities of the State Administration in regions was included into the Regional Development Law (LR Saeima, 2002) with the aim of strengthening the derivative public entities established in 2006 - Kurzeme Planning Region, Latgale Planning Region, Riga Planning Region, Vidzeme Planning Region and Zemgale Planning Region. In the context of the above mentioned chapter, paragraphs 25 and 26 of the above Law prescribed a mechanism, how the planning regions can adopt the competence of the institutions of state direct administration, and all the regional structures of the institutions of the state direct administrations should be subordinated to the territories of the planning regions. The transitional provisions of the law were included by a introduced rule that the central staffs of the ministries retain only the functions of the policy-making functions over economy branches, as well as supervisory functions over officials of institutions and andministration, however, this provision was excluded from the law in 2014. It should be concluded that the Regional Development Law was not implemented relating to this issue, and the ministries were not ready to transfer to the planning regions the competences of the institutions subordinated to them, as well as to subordinate their institutions to its territories, what in both cases had a number of objective reasons – the capacity of the planning region as an institution, as well as the geographical structuring of the territories made difficult to develop a unified approach to the work organization of the state administration and to accessibility of services in the regions.

The branch ministries did not see wide opportunities to delegate management tasks or for to transfer the competence of the institutions of the state direct administrations with appropriate financing to the planning regions. Despite of the fact that the ministries pointed at the crucial role of planning regions in development and implementation of the branch policy, however the rules of the Regional Development Law in fact have not been applied, with the exception of the Ministry of Culture what had delegated certain management tasks to the planning regions from 2010 to 2015.

There are around thirty enough different territorial structures of the state institutions established in the country. For ensuring more effective cooperation between the state administration institutions in resolving issues of national security and regional development, the work should be continued towards the creation of a unified regional division of state administration, assessing at the same time the practical aspects of the application of the Regional Development Law (LR Saeima, 2002).

The final report for 2015 of the study "Assessment of variety of the public individual services according to the distribution of population" (VARAM, 2015) includes the following key conclusions:

In order to optimize the costs of the public individual services (educational, cultural, social and health), they must be concentrated in nine cities of republican subordination and in 21 towns, which are defined as development centres of regional significance.

No more than 30 development centres are actually functioning in Latvia, so, it would be also important to reorganise the administrative division according to this reality in the very near future.

In accordance with the Action Plan for 2014-2020 of the basic guidelines for the development of the state administration policy, the VARAM (Ministry for Environment Protection and Regional Development) had received the task, by consulting with local self-governments, to determine the groups of administrative territories in the state around the development centres of regional and national significance until 31 December 2016, within the framework of which the self-governments may voluntarily join together or cooperate (LR MK, 2014). At the same time, Clause 38 of the Declaration of the Action Plan of the Government on the implementation of the planned activities of the Cabinet of Ministers led by Māris Kučinskis had envisaged to define territories for self-governmental cooperation. In order to implement the statements of these plans, as well as in accordance with the above-mentioned informative reports, basic guidelines examined at the Cabinet of Ministers, and based on the results of related studies, the VARAM has developed a project for the creation of 29 cooperation territories, by forming cooperation areas around the centres of regional and national significance, and started consultations with the involved institutions and local self-governments in the second half of 2016.

Until now, in Latvia has not been approved the unified policy of the improvement of public services, and has not been defined the concept of public service. Regardless of it during the recent years, the country has undergone an intensive development of e-services, as well as the formation of the infrastructure of common use e-services, in the result of which there are several positive examples in Latvia regarding the organization of rendering of services in line with best practice.

The legislation of the Republic of Latvia does not clearly define the quality of public services. On the other hand, there are several approaches in the management science, how the authors define and evaluate the quality of service.

The quality is a set of features and characteristics of a product or service that determines their ability to meet certain or predictable needs.

The International Organization for Standardization (ISO) has defined the quality as follows: a characteristic value of an object or unit that determines its ability to meet certain and predictable needs-standards (LVS EN ISO 9000:2007).

The quality is a set of the product features that determine its ability to meet predefined consumer needs.

The simplest definition of quality states that the quality is a compliance with requirements (Crosby 1995). The understanding about the concept of "quality" is not unequivocal; each person perceives and characterizes it differently, by evaluating it subjectively. After analysing the definitions of various authors, one can be concluded that the definitions of J.M.Juran (Juran 1988), F.Crosby (Crosby 1995), which include references to certain requirements, their execution and evaluation of execution, are most relevant to the essence of this study.

The service is a useful form of human activities that does not create material value or independent material products.

The concept of public services is characterized by the following elements:

• the rendered services are of social significance;

• they have an unlimited number of customers;

• they are provided either by the state or by local self-government institutions or by other state structures;

• they are based on the state property.

In the 90s of the 20th century, the issues of the quality assessment of public services became topical in the world, and the researchers of service quality developed a theory based on the opinion that the service quality is to be considered as a set of five dimensions which create services: material benefits, safety, responsiveness, competence, empathy. This idea was mentioned in the model of service quality, developed by the scientists A. Parasuraman, V. Zeithaml and L. Berry (Parasuraman at al. 1985). This model of service quality shows the consumer expectations regarding the expected service quality, the perception of the quality of the expected service and to the customer rendered service (received service).

The model shows the main factors influencing services, which determines both the expectations of the consumer and the quality of the rendered service. According to the researchers' opinion, the process of measuring and improving of the service quality begins with the diagnoses of discrepances (gaps) between the consumer's expectations and perception.

Results

The practical part of the research summarizes the data collected for practical inspection of the above mentioned model of the quality assessment - SERVQUAL (Parasuraman et al. 1985).

The purpose of this research was to test the suitability of the SERVQUAL method for assessment of service quality, to understand its compliance with Latvian conditions.

The research was based on a selection of customers of public services, 115 people in total in Latgale region, in 2017-2018. The research was carried out at the state institutions of Latgale region

which provide services of social assistance, services of employment promotion; implement the state policy of environment protection; provide services of legal assistance. The satisfaction of the customers of institutions and the quality of the rendered services were assessed.

A questionnaire according to the pattern of sources of scientific literature was prepared for testing the method.

The questionnaire of the SERVQUAL method consisted of two parts. Eeach part of the questionnaire contained 22 statements about the service quality, which formed according to the distribution a set of criteria with 5 dimensions. A customer had to evaluate each statement in accordance with the 7-point scale.

 Part A - displayed the expectations of the customer regarding to the service quality as well as the importance of various quality criteria for the customer.

Part B - displayed the assessment of servicing received by the customer;

The object to be assessed in both parts of the questionnaire was the services quality as the set of five quality dimensions, consisting of 22 criteria, where:

- Dimension 1- Set of material benefits (appearance and physical components);

- Dimension 2 - Safety (trustfulness/ confidence, accurate execution);

- Dimension 3 - Responsiveness (diligence and helpfulness);

- Dimension 4 - Competence (attention, reliability);

- Dimension 5 - Empathy (convenient receipt of service, good communication and customers' understanding).

The results of the research made in 2017-2018 are analyzed below. Their statistical analysis has disclosed the following results.
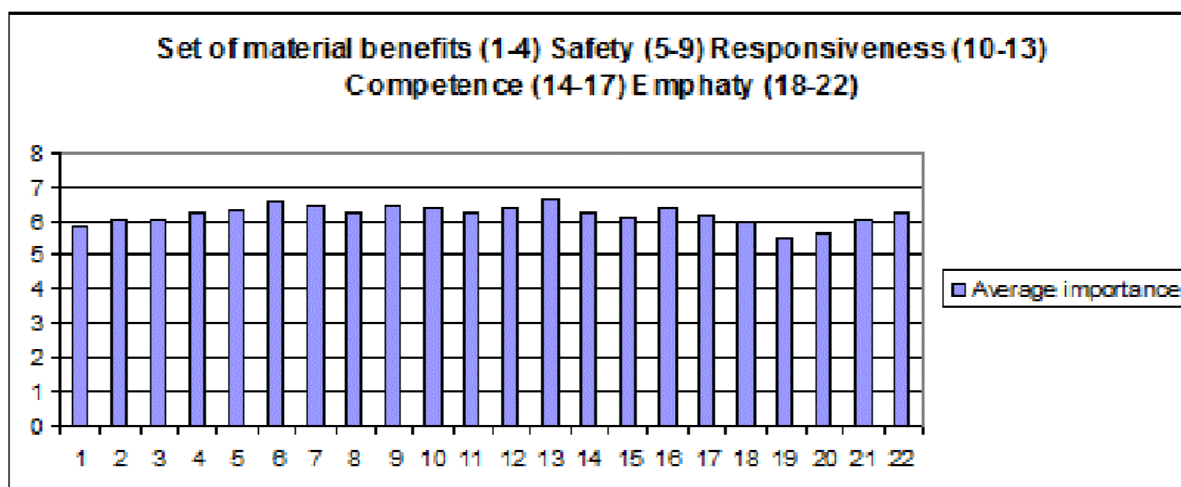

Figure 1. **Importance of the dimensions of services quality to the customer (in points)**

According to the data of 2018, the customers have assessed the safety - 6,42 points on average, and the responsiveness - 6.43 points on average, as the most important dimensions of service quality.

The importance of competence – 6.24 points on average, and the importance of material benefits - 6.04 points on average were assessed lower. The importance of empathy was assessed lowermost – 5.88 points on average.

In 2017, the rating of the customer related to the safety was 6.28 points on average and to the responsiveness - 6.10 points on average. The importance of competence – 5.54 points on average, and the empathy - 5.57 points on average were assessed lower. The importance of the set of material benefits was assessed lowermost –5.44 points on average.
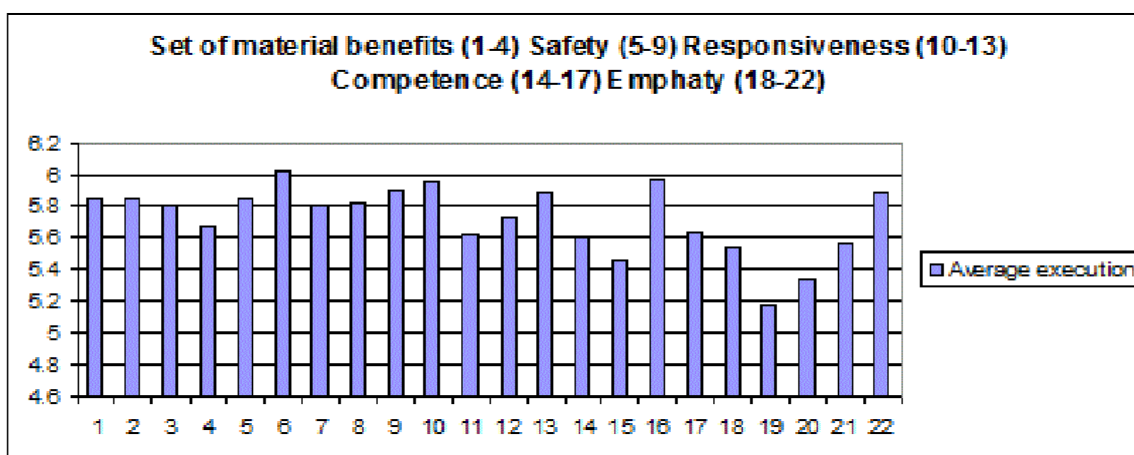

Figure 2. **Assessment of the execution of received service (in points)**

Figure 2 displays that in 2018, the lowermost rating related to the execution of service was given to the quality dimension 5 – to the empathy: 5.51 points on average, while the highest rating - to the quality dimension 2 – to the safety: 5.89 points on average. The assessment of the next two dimensions - the set of material benefits, the execution of responsiveness is equal – 5.80 points. The executiom of competence has been estimated with 5.67 points. The customers reached the the maximum rating of 7 points in no of the dimensions of the service quality, however, the average rating of the five quality dimensions is above the average possible scope of points awarded -5,734 points correspondingly.

 In 2017, the lowest rating of the service execution was given to the quality dimension 5 – the empathy - 5.35 points on average, and the highest rating – to the quality dimension 1 - the set of material benefits - 5.75 points on average. The estimation of ezecution of other three dimensions – safety, responsiveness, and competences was comparatively similar - 5.66, 5.60 and 5.53 points, correspondingly.
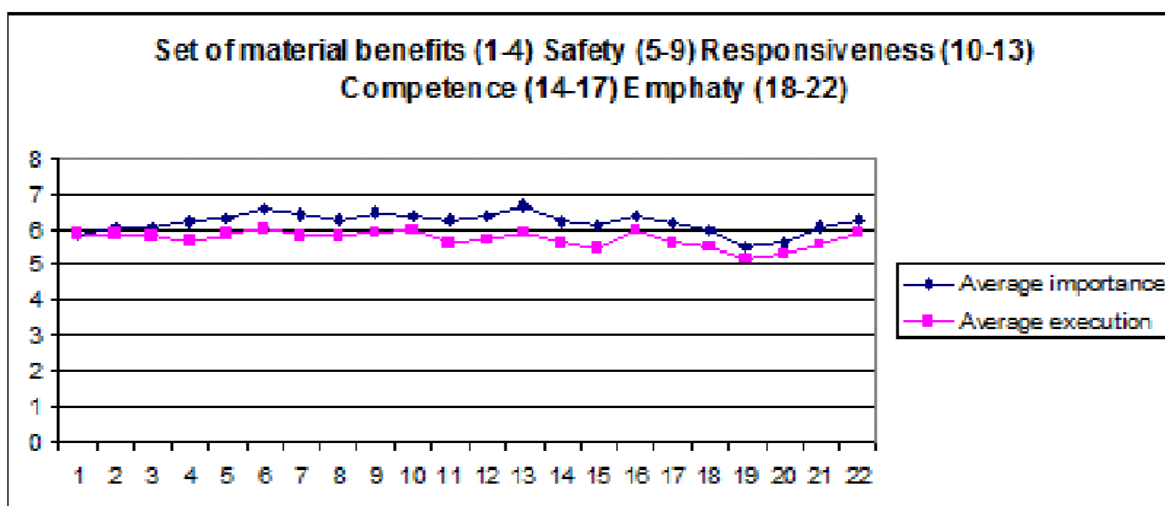
Figure 3. **Comparison of the importance and execution of the dimensions of service quality**

In 2018, the average execution in reality does not exceed the expectations in no of the quality dimensions. The quality of execution has come closer slightly to the expectations only in some aspects of the quality dimension 1 – the set of material benefits, and also a little in the dimension 4 – in the competence. This is visible both on the Figure 3 and Figure 4. In all five quality dimensions, the execution of service is rated in reality lower than what the customer expects.
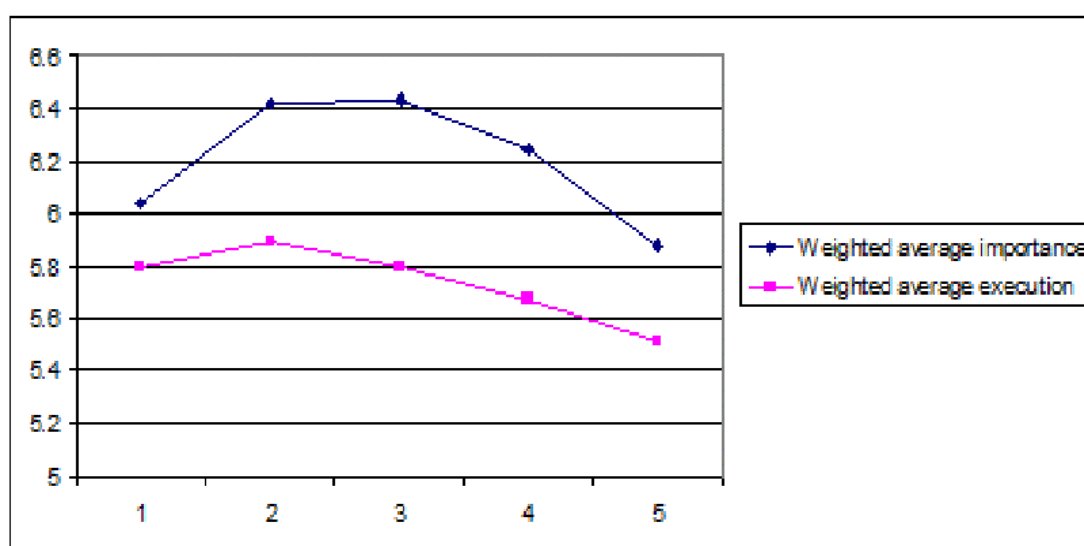
Figure 4. **Comparison of the importance and execution of the service quality according to dimensions**

By calculating the difference between the assessment of execution of service received by the customer and average values of the certain quality expected by the customer, we obtain the average quality of execution that in all the quality dimensions is negative in 2018. The execution is positively evaluated only a little in the dimension of material benefits (see Figure 5).

In 2017, the average quality of execution also in total was rated lower than customers' expectations.

Positively was assessed the execution only in the dimension of material benefits and slightly also in the dimensions of competence and empathy.
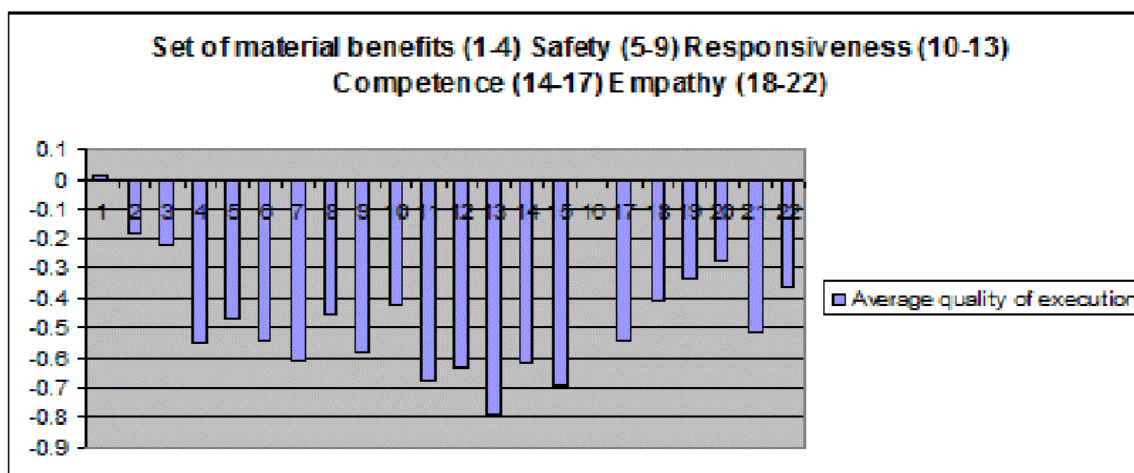

Figure 5. **Execution quality of certain average service (in points)**

Conclusions

The SERVQUAL method has been used with the aim to evaluate the quality of services in different contexts: at hospitals (Bakar et al. 2008), universities (Galloway 1998), state police (Donnelly et al. 2006), banks (Kangis, Passa 1997), travel agencys (Luk 1997), and assessing the quality of public facilities (Babakus, Boller 1992). Such widespread use demonstrates the credibility of method in the field of quality assessment of public services and services of business activities.

Comparison of the service execution according to the SERVQUAL method with the assessment of the quality dimensions important for the customer shows those quality criteria which execution in reality has been underestimated and which should be improved.

The study executed at the state institutions of Latgale region of the Republic of Latvia in 2017-2018 has showed the expectations of the customer of state authorities and the quality of received services. The average quality of services on the whole was below the expectations of the customers. This study displays: what is the situation with the quality of public services in one of the regions of Latvia; in which areas the quality of rendered services should be improved.

The efficiency of the public administration is possible to increase by introducing the modern sector management methods and quality monitoring of public services.

The method approved by the study could be used in the public administration of Latvia for the assessment of services quality. The quality assessment of the services rendered by the state authorities and their regular evaluation - monitoring should become an integral part of the organization of the public administration.

References

Administratīvi teritoriālās reformas likums. Latvijas Republikas likums. Pieņemts 21.10.1998. [stājās spēkā 13.11.1998.], zaudējis spēku 31.12.2008. Pieejams tiešsaistē: http://m.likumi.lv/doc.php?id=51528

Babakus E., Mangold W.G. 1992. Adapting the SERVQUAL Scale to Hospital Services: An empirical investigation. *Health Services Research,* 26(6), 1992.

Bakar C., Akgůn S.H., Al Assaf A.F. 2008. The role of expectations in patient assessments of hospital care: An example from a university hospital network, Turkey. *International Journal of Health Care Quality Assurance*, 21(4), 2008.

Crosby P. 1995. *Quality without Tears.* New York: MCGraw-Hill.

Donnelly M., Kerr N.J., Rimmer R., Shiu E.M. 2006. Assessing the Quality of Police Services Using SERVQUAL. *Policing: An International Journal of Police Strategies & Management,* 29(1).

Galloway L. 1998. Quality Perceptions of Internal and External Customers: A case study in educational administration. *The TQM Magazine*, 10(1).

Juran J. 1988. *Juran on Planning for Quality.* New York: Free Press.

Kangis P., Passa V. 1997. Awareness of service charges and its influence on customer expectations and perceptions of quality in banking. *Journal of Services Marketing,* 11 (2).

Katelo I. 2016. Perfomance Evaluation Indicators Systems. *// Proceedings of the 58th International Scientific Conference of Daugavpils University. Part B "Social Sciences".* Daugavpils: Daugavpils University.

Katelo I. 2017. Methods of Service Quality Evaluation. *// Proceedings of the 59th International Scientific Conference of Daugavpils University. Part B "Social Sciences".* Daugavpils: Daugavpils University.

Kettl D. F. (2000). *The Global Public Management Revolution. A report on the transformation of governance*. Washington: Brookings Institution Press.

Luk, Sherriff Ting-Kwong. 1997. An examination of the role of marketing culture in service quality. *International Journal of Contemporary Hospitality Management,* 9(1).

LVS EN ISO 9000:2007. *Kvalitātes pārvaldības sistēmas. Pamatprincipi un terminu vārdnīca* (Quality management systems.Terminology and vocabulary).

Parasuraman A., Zeithaml V.A., Berry, L.L. 1985. A conceptual model of service quality and its implications for future research. *The Journal of Marketing,* 49(4).

Parasuraman A., Zeithaml V.A., Berry, L.L. 1988. SERVQUAL: A multiple-item scale for measuring consumer perception of service quality. *Journal of Retailing,* 64(1).

Parasuraman A., Zeithaml V.A., Berry L.L. 1994. Reassessment of expectations as a comparison standard in measuring service quality: Implications for future research. *Journal of Marketing,* 58(1).

Par Valsts pārvaldes politikas attīstības pamatnostādnēm 2014.–2020. gadam. Ministru kabineta 30.12.2014. rīkojums Nr. 827 (prot. Nr.69 47.§). Pieejams tiešsaistē: http://likumi.lv/doc.php?id=271384

Reģionālās attīstības likums. Latvijas Republikas likums. LR Saeima, 21.03.2002. [stājas spēkā 23.04.2002.]. Pieejams tiešsaistē: https://likumi.lv/doc.php?id=61002.

VARAM. 2013. *Metodiskā rokasgrāmata par pakalpojumu sniegšanas un kvalitātes jautājumiem.* Rīga.

VARAM. 2015. *Izvērtējums „Publisko individuālo pakalpojumu klāsta izvērtējums atbilstoši apdzīvojumam". Pētījuma izvērtējums, izstrādāts Norvēģijas finanšu instrumenta līdzfinansētā projekta Nr.4.3.-24/NFI/INP-002 „Latvijas plānošanas reģionu un vietējo pašvaldību teritoriālās attīstības plānošanas kapacitātes palielināšana un attīstības plānošanas dokumentu izstrādāšana" ietvaros.* Rīga.

Шаститко А.Е. 2004. Организационные рамки предоставления публичных услуг. *Вопросы экономики,* 7.

IMPACT OF EU GENERAL DATA PROTECTION REGULATION ON THE MANAGEMENT OF EDUCATION

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Abstract

Impact of EU general data protection regulation on the management of education

Key Words: *data protection, data protection officer, EU GDPR, management of education, personal data*

On 25 May 2018 the European Union's General Data Protection Regulation (EU GDPR) becomes enforced (regulation 2016/679 of 27 April 2016 on the protection of individuals with regard to the processing of personal data and on the free movement of such data). The GDPR provides stricter general rules applying to any kind of personal data processing. For educational sector, this creates new legal and operational risks, the severity of which may result in enormously high fines. For educational institutions the minimal compliance means requirement to appoint Data Protection Officers, limitations and restrictions on usage of personal data and its application within the defined legal scope. These changes will bring significant impact on management of education, where personal data is an integral part of daily operations, as well as on the academic research, where personal data is frequently used in large amounts.

This research article aim is to provide an overview of the EU GDPR and draw out basic recommendations about compliance to the EU GDPR to be considered for management of educational sector, where personal data is used in daily operations of both public and private institutions, as well as for scientific projects, which often include the processing of personal data, the use of which is strictly regulated by the EU GDPR.

Kopsavilkums

Atslēgvārdi: *datu aizsardzība, datu aizsardzības speciālists, ES GDPR, izglītības vadība, personas dati*

2018. gada 25. maijā stāsies spēkā Eiropas Savienības Vispārējā datu aizsardzības regula (ES GDPR) (2016. gada 27. aprīļa Regula 2016/679 par personu aizsardzību attiecībā uz personas datu apstrādi un šādu datu brīvu apriti). ES GDPR nodrošina stingrākus vispārīgus noteikumus, ko piemēro jebkura veida personas datu apstrādei. Izglītības nozarē šis rada jaunus juridiskus un operacionālus riskus, kuri var novest pie ārkārtīgi lieliem naudas sodiem. Izglītības iestādēm minimālā atbilstība nozīmē prasību iecelt datu aizsardzības inspektorus, ierobežojumus attiecībā uz personas datu izmantošanu un tā piemērošanu noteiktajā juridiskajā jomā. Šādas izmaiņas radīs būtisku ietekmi uz izglītības pārvaldību, kur personas dati ir neatņemama ikdienas darbību daļa, kā arī akadēmiskajos pētījumos, kur personas datus bieži izmanto lielā apjomā.

Šī pētījuma mērķis ir sniegt pārskatu un izstrādāt pamatnostādnes izglītības nozarei par ES GDPR atbilstību, ko jāapsver izglītības sektora pārvaldībā, kur personas datus izmanto gan valsts, gan privātu iestāžu ikdienas darbībās, kā arī zinātniskiem projektiem, kas bieži vien ietver personas datu apstrādi, kuru izmantošanu stingri reglamentē GDPR.

Introduction

Data processing law has become a necessity in the 21st century, following the abundant supply of smart digital devices and easy accessibility of Internet. In years 1960-70, all available digital memory was limited to megabytes, the computers were able to process just hundred thousands of operations per second, there were no phones with built-in camera and no access to Internet. By contrast, in 21st century the simplest phone produced may process millions of operations per second and has gigabytes of digital memory, enabling everyone to have access to personal data and process it for different purposes, which do not always have the good intention. Nowadays everyday user has a powerful weapon in their hands – mobile phone, tablet, portable computer, etc. In 1995 there were circa 16 million Internet users in the world, whereas in 2016 there were over 3.7 billion (Datu Valsts Inspekcija 2018). Uncontrolled data processing is happening all over the world with use of more and more productive digital devices, turning the world into the digital village (Datu Valsts Inspekcija 2018).

In March 2018 news exploded about 3rd party quiz application on Facebook called "thisisyourdigitallife" (originally built in 2014), developed by Russian-American psychology professor, who had obtained data of users by scraping it from the profiles of people taking the quiz and also that of their friends. The data was handed over to political data firm Cambridge Analytica, which further used the data in political targeting and psychological profiling. Although, only 270,000 people gave their consent to this quiz application, in reality circa 50 million users' data was collected for use in psychological profiling and micro targeting (Glaser 2018; Hoffman 2018).

This story is not one-off event. Martinez-Martinez (2018:186) quote Costas (2017), who proposes the term "digital capitalism" for the phenomena of markets being moved to digital platforms during the information age. It is suggested that "data", "the information" and the user profiles in social networks have become the products and the production resources used in advertising, profiling, market segmentation, behavioural advertising and targeted marketing. In summary, the social network users and their social network profiles are used to make business (Martinez-Martinez 2018). Personal data has become key element in digital marketing and profiling across the world for majority of companies, what is compromising data subject privacy and security, without providing any control for data subjects of their personal data usage by third parties. Hence the GDPR comes in. EU GDPR raises the control mechanisms for personal data processing and grants data subjects with rights to be aware and to be able to control who, why and how uses and processes their personal data.

Although many of the norms contained in the Regulation are in effect in Latvia right now by the provision of Personal Data Protection Law (123/124 (2034/2035) (in force since 06.04.2000) from May 2018 with enforcement of the GDPR compliance with these rules will be controlled much more rigorously and possible sanctions for violations will reach dangerous levels (Datu Valsts Inspekcija 2018). The EU GDPR (Regulation 2016/679) has been in negotiation for over four years and has come up as one of the most notable legislative requirements in the history of the European Union (EU) (Martinez-Mertinez 2018). The GDPR fills the gaps of the previous legislation and modernises it too much extent, thus increasing the security and privacy of data subjects, including in the digital environment. GDPR covers the entire EU and makes the requirements unified for all countries, providing strong consistency and coherence across all countries in the EU (Chassang 2017; Martinez-Martinez 2018; Gines 2018).

The above-described regulatory changes will inextricably affect processes in education management and academic research. Hence, the aim of this research is to draw out and evaluate the impact of GDPR on the management of education.

Material and Methods

The study was conducted by the analysis of available theoretical material, including scientific research publications, non-scientific research articles, governmental reports, academic books, news

websites and online video materials. The materials were searched in electronic academic databases (EBSCO, ERIC, DOAJ), online news portals (News.lv, bbc.com, reuters.com), institutional websites (lps.lv, izm.gov.lv, dvi.gov.lv, ikvd.gov.lv) and Google search applying the search words as "GDPR", "data protection in management in education", "datu aizsardzība". For use of this study all documents were analysed for definitions related to EU GDPR and analyses performed by different authors of its content, the opinions of educational specialists and managers, data protection actualities in educational sector and its practical application.

Results

The EU GDPR strengthens and harmonises the rules for protecting privacy rights within and outside the European Union (EU) territory. Most importantly, with the introduction of the Regulation, the rights of the data subject are substantially strengthened. Consequently, the responsibilities of an education manager have become more comprehensive. One of the legal bases for processing personal data, which applies to the educational sector, is the legitimate interest of the data processor, but these interests are not absolute. Data processor must evaluate and inform the data subject, who can decide accordingly whether the legal interest is not excessive. This is a significant change, as data subjects are often not aware of the legal basis for the processing of their personal data. Presently, the presumption is that its proportionality with the privacy of the data subject must be assessed, namely that the legitimate interests of the controller (manager) do not exceed the fundamental rights and freedoms of the data subject. Consequently, data subjects will now be aware that the controller has a legal interest in processing the data. If the data subject sees it to be at some point disproportionate, he or her can object to it. If the manager is not ready to defend his position, it is likely that data processing will end (Chassang 2017; Martinez-Martinez 2018; Gines 2018).

Discussion

Martinez-Martinez (2018) noted that from the legal perspective it was always challenging to protect and secure personal data and information available and transferred on online platforms as opposed to the physical environment. Efficient and user-friendly electronic applications and management systems used in various processes requires the free and abundant circulation of data and information. The biggest challenge lies in providing full scope security, which would guarantee the fulfilment of rights and freedoms of online users in the face of malicious use of their digital trail or digital fingerprint (information that is left behind during interactions in digital environment) for cyber-crime purposes (e.g. cyber-bullying, scamming or phishing) (Martinez-Martinez 2018).

In the beginning, it is important to distinguish the definitions, without which it is not possible to understand and analyse the scope of GDPR impact. The right to data protection has arisen from the right to enjoy respect for one's private life and primarily pertains to natural living persons

(Martinez-Martinez 2018). Data protection means safeguarding and protecting the processing of personal data against inappropriate use. It is an individual's fundamental right, and safeguarding it is the responsibility of every party that processes personal data. Data protection includes the appropriate protection of systems, services and data communications (EU GDPR 2016).

On the other hand, a personal data breach means a breach of security leading to the accidental or unlawful destruction, loss or access to personal data. Furthermore, the Personal Data definition relates to all data that identifies a living individual: name, surname, personal ID number, physical characteristics (height, hair colour, clothes, etc.) or characteristics, which are not obvious (e.g. occupation, job position, etc.). As personal data also qualify e-mail addresses that enable identification of the specific individual, e.g. e-mail address, which includes one's name, surname, or employer. Job title may also count as personal data as an identifier to identify a specific person, even though no name or surname is mentioned. Personal data may also be any fragmentary information that identifies specific person, for example: tall, middle-aged man, who lives in concrete flat number and works in school. The student's personal data also include their medical card, information about attendance and learning achievements. Sensitive personal data include information related to individual's biometric data (e.g. fingerprints), state of health, nationality, beliefs, assessment of student's behaviour, student's parents' personal data (Dzanuškāns 2011). Personal data processing is any operation or set of operations, which is performed on personal data or on sets of personal data, whether or not by automated means. Processing of personal data include such activities as reviewing documents containing personal data, copying of passport or other documents, transportation and erasure of documents, video surveillance, audio recording, storage of documents or information, etc.

According to EU GDPR (2016) Article 5, personal data shall be:

1) processed lawfully, fairly and in a transparent manner in relation to the data subject;

2) collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes;

3) adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed ('data minimisation');

4) accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay ('accuracy');

5) kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed;

6) processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction

or damage, using appropriate technical or organisational measures, in certain cases the data protection officer is required to be appointed ('integrity and confidentiality').

Data Controller means the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data (Morrison 2018). Controller is responsible for the legality of the processing of personal data. EU GDPR (2016) Article 22 provides data subjects with rights to challenge automated decision-making and profiling and terminate such a request, if there are no adequate legal grounds provided by the data controller.

Data Processor is a natural or legal person, public authority, agency or other body, which processes personal data on behalf of the controller (Morrison 2018). When personal data processing services are outsourced, the Controller continues to be responsible for the legality of the processing of personal data. Controller cannot transfer this responsibility to the processor. The Processor, on the other hand, is responsible for the processing of personal data in accordance with the assignment concluded between the parties and the responsibilities set for a processor by the GDPR. For example, when a school as data controller outsources certain services, which require data processing by third parties, the school management will still be responsible for data protection and data security arrangements, including ensuring the personal data is processed lawfully and is not disclosed to third parties without legal grounds (Dzanuškāns 2011; Datu Valsts Inspekcija 2018).

The EU GDPR (2016) expands fundamental right to data protection to the broader definition of the right to privacy, granting the data subjects with additional rights, making it a total of seven fundamental rights:

1. Right to information: according to this right, the institution is obliged to voluntary provide information to an individual with regards to the processing of that personal data.

2. Right to restriction: an individual has the right to request the processing of their personal data to be restricted. The reasons for restricting data might be inaccurate data, an open complaint or illegal use of data.

3. Right to data portability: when an individual has provided to institution any data, he/she is entitled to receive it back in a machine-readable and commonly known format, which could be transferred to the individual themselves or to a third party designated by the individual.

4. Right for rectification: the right to have inaccurate personal data corrected.

5. Right to erasure (right to be forgotten): is the right to have one's own personal data deleted excluding cases where institution is legally required to keep some of personal data. This right is absolute when data processing is no longer necessary in relation to the purpose for which it was collected and the legally required storage period has passed, or the individual withdraws consent and there is no other legal basis to keep the data.

6. Right of objection: an individual objects processing of Personal Data on grounds of the legitimate interest, and the institution has no overriding grounds for continuing the processing, or the data was processed unlawfully.

7. Right to access own personal data free of charge.

The processing of personal data, in most situations, should be based on at least one of the following legal grounds laid down in the GDPR (Morrison 2018):

a. Person's detailed, voluntary and conscious consent;

b. Contract or fulfilment of an agreement to which the data subject is a party;

c. Legal obligation;

d. Vital interests of the data subject or another natural person;

e. Public interest (exercising duties of public authorities);

f. Legitimate interests of data processor.

With GDPR it is not anymore allowed to publish personal data of students on school's website, such as photographs, personalised achievement greetings, lists of enrolled students. etc. Also, any communication performed by school should be based on specific legal grounds (e.g. security of child, provision of essential education services, consent from parents, etc.). Free sharing of personal information without a proper justification will not be permitted anymore and will be punished with radical fines (Datu Valsts Inspekcija 2018; Gines 2018; Morrison 2018).

Institutions, in order to be compliant, should be able to answer the three key questions in the documented way to ensure compliance with data protection regulation and to avoid the risk of breaching regulatory requirements (Datu Valsts Inspekcija 2018; Morrison 2018):

1. What is the purpose for data processing? Is it lawful and justified?

2. What data is needed to achieve the goal? Can it be done with less data?

3. What is the legal basis for data processing?

The key aspects that need to be considered in each and every educational institution are the following:

1. The data processing must be lawful, fair and transparent. When data is collected, it must be clear as to why that data is being collected and how the data will be used. If a data subject asks what personal data we have about them and what is it used for, that information needs to be available.

2. Data minimization principle should be ensured: only the minimum required amount of data required for reaching the set purpose can be collected and stored. Unnecessary duplication of data should not be permitted.

3. Accurate and up-to-date processing principle require institutions to make sure information remains accurate, valid and fit for purpose.

4. Every institution, which acts as data controller or data processor, is responsible for data confidentiality, security and privacy (which extends to IT systems, paper records and physical security).

5. There are three specific criteria around the requirement to appoint a Data Protection Officer (DPO), where one or another will apply to all educational institutions, authorities and stakeholders, i.e.: a) where the processing is carried out by a public authority or body, b) where the "core activities" of the controller or processor consist of processing operations which require regular and systematic monitoring" of data subjects on a "large scale", c) where the "core activities" of the controller or processor consist of processing on a "large scale" of "special categories of personal data" or data relating to criminal convictions and offences. The DPO can be appointed full-time, part-time or as a shared or external consultant (Wheeler 2017). There are certain requirements that should be considered in relation to appointment of DPO. Firstly, DPO should be in a position to perform his/her duties and tasks in an independent manner, however the Controller remains responsible for compliance with GDPR. Secondly, DPOs may not be dismissed or penalized for performing his/her tasks and must be free from any conflicts of interests. The main duties of the DPO should be: informing and advising the controller or the processor and their employees of their data protection obligations, monitoring compliance with the Regulation, raising awareness among staff members and providing training, providing advice where requested as regards the data protection impact assessments (DPIAs), engaging with the Information Commissioner's Office or relevant Supervisory Authority (Demmel, Kuschewsky 2017; Morrison 2018).

In regards to processing of children's data, the institutions should be considered of the fact that up until reaching the age of adolescence, the child is under the guardianship of parents, therefore, the consent of the legal representative (parents), including for educational institutions, must be sought for the processing of the child's personal data (Datu Valsts Inspekcija 2018; Morrison 2018). It is important to note, that the consent of the data subject is a free, explicit statement of will by the data subject that allows the data subject to process his or her personal data in accordance with the information provided by the controller. In cases, where parents do not provide consent for processing of personal data, which does not fall within the scope of minimal needs for personal data processing for provision of education, children's data must be "anonymised" by, for example, numeric combinations, which have not specific meaning in relation to concrete child (Datu Valsts Inspekcija 2018). Furthermore, even when such consent is provided, the Controller is still liable for security of data. This especially relates to cases, when education providers communicate with parents and transmit data through digital and mobile channels, such as WhatsApp, Skype or e-mail. Although, this is permitted under GDPR with the according consent, the data controller will still be liable for data breach incidents and security related issues.

Conclusions

The GDPR takes into account the technological developments and globalization, as well as the practices and possibilities of the digital commerce and digital marketing companies, providing the data subjects with their legally required security in processing of their personal data. Hence, the GDPR is an evolutionary milestone in field of privacy and personal data protection (Martinez-Martinez 2018).

There are two essential things in personal data handling regulation. First of all, the purpose of data processing must be legal. The second is having clear legal basis for data processing. All educational institutions must have Data Protection Officers appointed. It is imperative to raise the level of personal data security, so that data breach incidents are not discovered from the media or social networks. Institutions should be able to assess the incident, report to the supervisory authority and data subjects within 72 hours.

Managers and employees must understand how the data protection field is organized and managed in their institution.

There are a number of obstacles in getting compliant with GDPR, especially for educational sector. Much more of an obligation for institutions as data processors to think, justify and sufficiently document why particular data is needed and why it is legal to use it; to distinguish at which point the legal ground for particular way of data processing is not valid anymore; to ensure the security, legality and integrity in data processing.

It is important to note that the data subject's rights are not absolute and common sense principle should always be applied. It is important to remember in cases, where data processing is performed on grounds of consent, that data subject may withdraw consent at any time. Furthermore, the new 72 hours requirement to inform supervisory authority if a personal data breach has realised highlights the need to understand the issue, act quickly and without delay.

Most important of all, that despite all challenges that GDPR brings, there are a number of wider scope long-term benefits. Firstly, all institutions will have to make and keep order in personal data processing. Secondly, privacy and security of all individuals, especially the most socially vulnerable category of people, children, will become more protected. Everyone will be able to control what data about him or her companies hold and ensure that their privacy is not breached. Moreover, it will become difficult to manipulate with people's preferences - data subjects will have full control over their personal data and will be able to take independent decisions, not being affected by targeted and psychologically profiled information inflows from data processors and controllers.

The full effects of EU GDPR will be clear after several years since it has been in force. More questions and challenges will arise as institutions implement the requirements set by EU GDPR,

examining their processes and routines in relation to data handling. The most important fact, in order to be compliant with GDPR, as highlighted by data protection specialists, is to be clear with data processing purpose, amount and the legal grounds for data processing. If these aspects are clear, there should not be any problems with staying compliant with the EU GDPR.

References

Chassang G. 2017. The impact of the EU general data protection regulation on scientific research, *Ecancermedicalscience online journal*, 11: 709. Retrieved 03.01.2017 from *https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5243137/*

Datu Valsts Inspekcija. 2018. *Videokonferences par personas datu aizsardzības jautājumiem.* Latvijas Pašvaldību Savienība, Rīga. [Videoconference series]. Retrieved 18.04.2018 from http://www.lps.lv/lv/zinas/lps/3970-videokonferences-par-personas-datu-aizsardzibas-jautajumiem

Demmel A., Kuschewsky M. 2017. GDPR – The Data Protection Officer ("DPO") Requirement, Role and Implementation. *Square Patton Boggs.* Berlin, Brussels. Retrieved 15.04.2018 from *https://www.squirepattonboggs.com/~/media/files/insights/events/2017/01/need-to-know-gdpr-the-data-protection-officer-requirement-role-and-implementation/gdpr_data_protection_officer_role_requirement_and_implementation_jan17.pdf*

Dzanuškāns J. 2011. Personas datu drošības aspekti izglītības jomā. *Latvijas Pašvaldību savienības izdevums „Logs”*, Nr. 10 (196), 20.–21. lpp. Retrieved 30.03.2018 from *http://www.jdz.lv/lv/wp-content/uploads/publikacijas/janis-dzanuskans/10.2011_Logs.pdf*

European Parliament, European Council. 2016. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation). *Official Journal.* Retrieved 14.01.2018 from *http://data.consilium.europa.eu/doc/document/ST-5419-2016-INIT/en/pdf*

Gines K. 2018. Getting Up to Speed With GDPR. *Successful Meetings Magazine*, 67(3), 72–78. Retrieved 02.05.2018 from http://successfulmeetings.texterity.com/successfulmeetings/march_2018?pg=86#pg86

Glaser A. 2018. The Cambridge Analytica Scandal Is What Facebook-Powered Election Cheating Looks Like. *Online Journal.* The Slate Group. Retrieved 17.04.2018 from https://slate.com/technology/2018/03/the-cambridge-analytica-scandal-is-what-facebook-powered-election-cheating-looks-like.html

Hoffman A. 2018. What is the Cambridge Analytica controversy regarding Facebook data? *Quora.* Retrieved 17.04.2018 from https://www.quora.com/What-is-the-Cambridge-Analytica-controversy-regarding-Facebook-data

Martinez-Martinez D.F. 2018. Unification of personal data protection in the EU: Challenges and implications. *Journal El Profesional de la Información,* 27(1), 185–194. eISSN: 1699-2407. Retrieved 2.05.2018 from http://www.elprofesionaldelainformacion.com/contenidos/2018/ene/17.pdf

Morrison T. 2018. GDPR: Impact on the education sector. *UK Association of Colleges* [Series of Workshops] Rollits LLP: UK. Retrieved 21.04.2018 from https://www.aoc.co.uk/sites/default/files/Rollits%20GDPR%20Session%20080218.pdf

Wheeler B. 2017. GDPR: Do you really need a Data Protection Officer (DPO)? *Ascentor Online Journal.* Gloucester: UK. Retrieved 14.01.2018 from http://www.ascentor.co.uk/2017/06/gdpr-data-protection-officer-dpo/

LOYALTY IN THE INTERNET: INFLUENCING FACTORS

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Abstract

Loyalty in the internet: Influencing factors

Key Words: *customer loyalty, internet trading, factor analysis, customer behaviour*

Every day we live at an accelerated pace, which determines the peculiarities and specificities of our lives. We move quickly, eat fast and shop quickly. Undoubtedly, it's easy to do it on the Internet, where the connection between speed and capabilities is straightforward. Companies have long been concerned with the issue, which makes consumers loyal in this dimension and what factors influence it.

It is necessary to understand that there is a close connection between the techniques that operate in the traditional environment and those operating in the Internet environment. This link is very close, but methods of marketing techniques have peculiarities when it comes to the internet environment.

Of course, loyalty in the Internet dimension and the offline dimension will be somewhat different, let alone the factors affecting it. If loyalty to the offline environment has been studied for a long time, then the online environment simply overwhelms it, rather than adapts it.

The aim of this study is to find the factors that influence the most consumer loyalty in the Internet environment.

The main tasks are to study relevant scientific literature, to collect data on the basis of which factor analysis will be carried out.

The methods used are both theoretical scientific literature analysis and data factor analysis. As a result, the main factors affecting consumer loyalty in the Internet environment will be raised. The results of the work can be used not only theoretically, but also practically when the company wants to continue its activities on the Internet.

Kopsavilkums

Atslēgvārdi: *klientu lojalitāte, interneta tirdzniecība, faktoru analīze, patērētāju uzvedība*

Katru dienu mēs dzīvojam strauji, to nosaka mūsu dzīves īpatnības un specifika. Mēs ātri pārvietojamies, ātri ēdamies un ātri iepērkamies. Neapšaubāmi, to ir viegli izdarīt internetā, kur sakarība starp ātrumu un iespējām ir kolosāla. Uzņēmumi jau sen ir norūpējušies par problēmu, kas liek patērētājiem palikt lojāliem šajā dimensijā un kādi faktori to ietekmē.

Ir nepieciešams saprast, ka ir cieša saikne starp pieejām, kas darbojas tradicionālajā vidē, un tām, kas darbojas interneta vidē. Šī saikne ir ļoti tuva, bet mārketinga metožu pieejām ir īpašas iezīmes interneta vidē.

Protams, lojalitāte interneta dimensijā un offline (bezsaites) dimensijā būs nedaudz atšķirīga, nemaz nerunājot par faktoriem, kas to ietekmē. Ja lojalitāte bezsaistes vidē ir ilgu laiku pētīta, tad interneta vidē vienkārši pārņem to, nevis pielāgo.

Darba mērķis ir izkristalizēt faktorus, kas ietekmē patērētāju lojalitāti interneta vidē.

Galvenie uzdevumi ir izpētīt attiecīgo zinātnisko literatūru, lai savāktu datus, pamatojoties, uz kuriem tiks veikta faktoru analīze.

Izmantotās metodes ir gan teorētiskās zinātniskās literatūras analīze, gan datu faktoru analīze.

Kā rezultātā tiks parādīti galvenie faktori, kas ietekmē patērētāju lojalitāti interneta vidē. Darba rezultātus var izmantot ne tikai teorētiski, bet arī praktiski, kad uzņēmums vēlas pāriet vai turpināt darbību internetā.

Introduction

At present, it is impossible to simply imagine our life without the Internet and the environment. The number of participants in the Internet market is growing every day. As for the e-commerce report, online B2C sales in Europe reached € 455.3 billion in 2015. It is expected that in 2016 the growth rate will somewhat decline - to 12.0%. As a result, it is expected that the European trade turnover of B2C will reach the level of 500 billion euros in 2016 (509.9 billion euros) (*European B2C Ecommerce Report* 2016).

In this article, the author analyzed and evaluated customer loyalty in the Internet market. After the evaluation, the author proposed factors that influence loyalty in the online trading. This

topic is becoming increasingly popular every year due to the growing number of online users in Latvia and all other countries.

The aim of the study is to find the factors that influence the most consumer loyalty in the Internet environment.

The main tasks are to study relevant scientific literature, to collect data on the topic from author's self-made surveys.

The methods of the study are both theoretical scientific literature analysis and data factor analysis.

As a result, the main factors affecting consumer loyalty in the Internet environment will be raised. The results of the work can be used not only theoretically, but also practically when the company wants to continue its activities on the Internet.

Consumption of the purchase from the entire purchase process, as well as communication with the representative of the company and the constant use of the product by the consumer, are of paramount importance. However, this should be taken into account by the company with which the consumer communicates. Initially, it is worthwhile to understand consumer needs, there are different interpretations of literature.

Therefore, in 1997, Oliver (Pires, Stanton, 2005) defined satisfaction as a psychological result, when the result of emotions was greater than expected. In 2009, Lewin described customer satisfaction as the most important source of competitive advantage, which ultimately increases customer loyalty and facilitates redemption.

The author supports both explanations, because one shows the process of satisfaction, while the second explanation indicates the result. Of course, from the point of view of satisfaction, it is necessary to take into account the development of competition and cooperation with the consumer in the long term, since the purchase process is important, as well as the future use of the product and the consumer-for-the overall communication process.

For the online market, direct customer satisfaction in online valuation is very important. Analyzing the article (Udo GJ, KK Bagchi, Kirs PJ, 2010), one can study several theories and conclude that the variable has three main aspects - information, all quality and product of the system. The author of the article determined that these measurements directly affect the satisfaction of customers in online trading. Each dimension may indicate its own factors, so let's assume that the quality of the service consists of five factors that affect it: charity, trust, responsibility, trust and empathy. The author agrees to such a separation, but believes that the quality of service should be accompanied by such a factor as the response time. For the consumer it is important not only to use a well-proven website, where the consumer is already accustomed, and where there are well-formulated guarantees and good attitude to the consumer, but also if different issues are resolved

quickly and effectively. Nevertheless, the author will also supplement the quality of such distribution as the quality of the offer, now there is a large selection of different delivery methods that affect speed, price and location, as well as countries, cities and other places where delivery is sometimes not possible.

The State of Arts

E-commerce market research in Latvia Gemius (Gemius, 2017) showed that in Latvia compared to 2016, 5% more users use the Internet as an opportunity to purchase. As in the previous year, both women (53%) and men (47%) are equally active on the Internet, but almost half or 48% of all online buyers are 25-44 years old.

Interestingly, similar data is available for women (51%) and men (49%), who say they have not bought it, but in the near future plan to purchase products or services on the Internet. On the other hand, given that they do not plan to buy goods or services on the Internet, only 46% of the respondents are women, and men make up 54%.

Most online stores are used by people with an average net income of 255 to 499 euros (30 percent) per family member. In this group, most users also admitted that last year they did not buy anything, but in the near future they plan to do it (35%).

Most of those who buy online use the most-used e-commerce sites in Latvia (92 percent), but for this purpose, China's e-commerce pages (45 percent) are also used.

Among the most popular e-commerce sites, eBay.com was the most popular (32 percent), followed by Asian e-commerce giant aliexpress.com (30 percent) and the first trio, supplemented with 220.lv (29 percent).

The study is based on a specialized online survey - gemiusAdHoc. The study is based on data from pop-up Internet surveys that were randomly submitted to Internet users on the largest news sites in Latvia: tvnet.lv, delfi.lv, eradio.lv, andelemandele.lv, city24.lv, lsm. lv, brivbridis.lv, sportacentrs.lv, gismeteo.lv, kurpirkt.lv, salidzini.lv and jauns.lv. The study was conducted from May 18 to 2017 and interviewed 2787 respondents in the age group 18-74 years.

The author would like to note that the process of online purchase differs from the traditional one. It can be divided into three phases: the pre-purchase phase, the online procurement phase and the after-sales service phase (Subramanian, Gunasecaran, Cheng Ning 2014). These stages are similar to traditional trade, but they have their differences and features. The stage that precedes the purchase of consumer goods. The stage of online shopping should be simple and understandable to the consumer that he can simply choose the method of payment, make sure that the money is from the credit cards online. Payments using cards remotely - this is an actual problem when buying online (terminals that accept virtual cards) or when using the phone. The after-sales service stage associated with delivery to a special and pre-agreed period of time, the information was returned to

the consumer, the product is the same as described and corresponds to the image, and if necessary the product can be returned and any consumer problem is quickly eliminated. If all these steps are met on time and will be of adequate quality, the consumer will feel satisfied and he will want to reuse a particular online store that will increase the level of loyalty in the online trading market or in a particular store.

Although there are many interpretations of customer satisfaction and loyalty that can be expressed only in the form of re-purchase, the author wants to emphasize that this is not the only way to show this. Loyalty is a behavioral and perceived component and a set of interactions. In turn, loyalty affects customer satisfaction, which can be influenced by different values, such as functional value, purchase value (monetary value), social and emotional values. That could indicate the presence of factors that can affect the loyalty of consumers from outside, such as socio-demographic character, duration of use, variety of marketing activities.

In recent articles it is mentioned that loyalty to online stores is most often measured by repeated purchases (Pee, Jiang, Klein 2018). The authors of the article would like to emphasize that this is one of the simplest and most convenient ways to understand whether a consumer is loyal or not. As for the Internet marketing market, repeat purchases can take place if the customers are satisfied and satisfied.

In the latest study, you can find information about the three-dimensional structure when working with online clients. This is 3T - timeliness, transparency and trust (Stevens, Spade, Braiseal, Jones 2018). 3T provides an easy-to-use instruction set for companies that build relationships with their customers in an online environment, but do not know how to meet their needs in an online environment. On trust, there is also a proven hypothesis that the user's confidence in the financial institution's website has a positive and direct impact on customer loyalty on the Internet (Miguens, Vazquez 2018). The authors of the work also insist that trust is the key to strengthening customer loyalty.

However, what does this mean for working with clients in an online environment? On the one hand, the same people collect the purchases, but they must include the same principles and models. However, as mentioned earlier, the speed and capabilities of new technologies form the client's attitude in different ways.

Design and Research Participants

The authors conducted an experimental study showing the main trends in online purchases among the population of Latvia. The study began on April 3, 2018 and continues. 86 respondents answered these intermediate results. Respondents are residents of Latvia, Internet users who make purchases on the Internet. The questionnaire was sent to the Internet using Google Forms, which

allowed the immediate display of respondents who use the Internet. The research is conducted within the framework of the thesis.

Research Findings

The factors that have been raised now are taken according to the consumer survey data and, for the time being, need to continue the survey to get more reliable results.
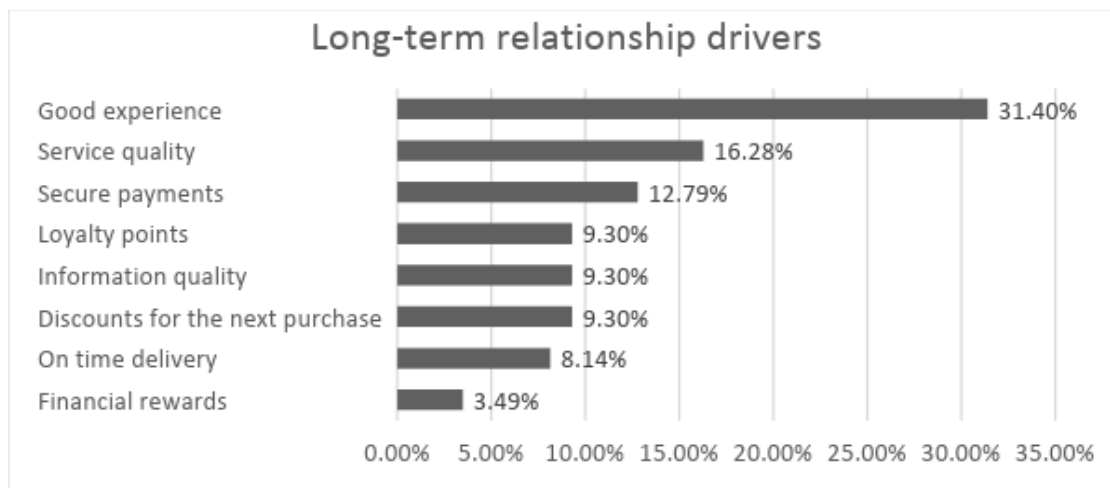

Long-term relationship drivers

Driver	Percentage
Good experience	31.40%
Service quality	16.28%
Secure payments	12.79%
Loyalty points	9.30%
Information quality	9.30%
Discounts for the next purchase	9.30%
On time delivery	8.14%
Financial rewards	3.49%

Fig. 1. **Long-term relationship drivers**

Residents of Latvia intend to build long-term relations with the company, including retraining and recommending the company to friends and acquaintances if they had previously had a positive experience (31.40%). Companies should also think about the quality of the services provided, as Latvians are ready to continue to work with traders in the future with the availability of quality services (16.28%). The security of payments is also important, as far as it is safe to pay via the Internet (12.79%). Based on respondents' answers, the authors emphasize that for long-term online cooperation between companies and residents of Latvia, it is necessary not only to offer different and unique products, but also to control the price level, safety and quality of services.

Conclusion

Long-term relationships with consumers also increase loyalty to the Internet, but we must not forget that any business strategy should be further developed and adapted to the Internet aspect. To work quickly, create a database of business customers and customize it for your in-depth research, create a convenient place for shopping where the client can easily navigate and pay safely, etc.

Satisfaction of consumers in the Internet market affects the quality, which can be divided into four aspects: the quality of information, quality of service, product quality, supply quality. Satisfaction leads to customer loyalty, so traders in both markets must focus on quality in all dimensions, for which it is possible to conduct various customer surveys to assess not only satisfaction and loyalty, but also to find the basis for the results.

Factors such as positive previous experience (31.40%), quality of services (16.28%) and security of payments (12.79%) help to build long-term relationships with customers. For long-term online cooperation between companies and residents of Latvia, it is necessary not only to offer different and unique products, but also to control the level of prices, security and quality of services.

References

Ailawadi K.L., Neslin S.A., Gedenk K., 2001. Pursuing the value-conscious consumer: store brands versus national brand promotions. In Journal of Markarketing, Vol. 65 (1), pp. 71–89.

Cartwright R.I. 2000. Mastering Customer relations. Published by Palgrave Macmillan. pp. 238.

European B2C Ecommerce Report. 2016. Retrieved: https://www.ecommercewiki.org/Prot: European_B2C_Ecommerce_Report_2016. Pieejams (Accessed): 17.04.2018.

Gemius E-Commerce Research. 2017. Retrieved: http://www.gemius.lv/e-komercija-zinas/gemius-publice-jaunako-latvijas-e-komercijas-petijumu.html. Accessed: 17.04.2018.

Miguens J., Vazquez E.G. 2018. An integral model of e-loyalty from the consumer's perspective. In Computers in Human Behavior, Vol. 72, 397–411.

Pee L.G., Klein G., Jiang J.J. 2018. E-store loyalty: Longitudinal comparison of website usefulness and satisfaction. In International Journal of Market Research, pp. 1–17.

Pires G.D., Stanton J.P. 2005. Ethnic Marketing. First edition, Thomson Learning, 275.

Stevens J.L., Spaid B.I., Breazeale M., Jones C.L.E., 2018. Timeliness, transparency, and trust: A framework for managing online customer complaints. In Business Horizons, 61, pp. 375–384.

Subramanian N., Gunasekaran A., Yu J., Cheng J., Ning K. 2014. Customer satisfaction and competitiveness in the Chinise E-retailing: Structural equation modeling (SEM) approach to identify the role of quality factors. In Expert Systems with Applications 41, pp. 69–80.

Udo, G. J., Bagchi, K. K., Kirs, P. J. 2010. An assessment of customers' E-service quality perception, satisfaction and intention. *International Journal of Information Management*, 30, pp. 481–492.

QUALITY AND ITS MEANING IN THE CONTEXT OF CONSUMERS BEHAVIOR

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Abstract

Quality and its meaning in the context of consumers' behavior

Key Words: *consumer, quality dimension, goods, services*

Everybody understands the term "quality" in some other manner. Traditionally, quality means an intangible concept of beauty and excellence. Quality is hard to explain, yet people do recognize it and are ready to pay more for better quality products and services.

Quality is a significant parameter for goods and services. D. Garvin's quality characteristics (dimensions) for goods and services provide useful arsenal of tools to be used by the author in the present research. D. Garvin's quality characteristics for goods include performance, features, reliability, conformance, durability, serviceability, aesthetics and perceived quality. Quality characteristics of services, in their turn, include tangibles, service reliability, responsiveness, assurance, empathy, availability, professionalism, timeliness, completeness and pleasantness. The research will show what kind of quality characteristics produce an impact to the choice of goods/services made by Latvian consumers.

The aim of this paper is to explore a perceptions the dimensions of quality and customers perceptions of quality in the services and products what they purchase in order to provide a framework for a better understanding of the various dimensions of product and service quality and their impact on consumer perceptions. Tasks of the research include the necessity to provide explication of quality characteristics, carry out a questionnaire of the inhabitants of Latvia aimed to find out, what quality characteristics determine the consumers' perception of quality, and, finally, to come to conclusions on how quality is perceived. The methods applied in research are referential analysis of literature and survey of inhabitants (questionnaire).

Introduction

There are some differences between goods and services. The nature of services is intangible whereas goods are tangible. Since services are intangible, measurement of service quality can be more complicated. Service quality measures how much the service delivered meets the customers' expectations. In order to measure the quality of intangible services, researchers generally use the term perceived service quality. Perceived service quality is a result of the comparison of perceptions about service delivery process and actual outcome of service (Grönroos 1984; Lovelock, Wirtz 2011).

J.C. Sweeney et al. 1997 analyzed whether service quality in service encounter stage affects perceived value and consumer willingness to buy. As a result of the study, they found that service quality perceptions in service encounter stage affects consumers more than product quality (Sweeney et al. 1997: 28). Increasing the competition in the markets has led many enterprises to consider quality as a strategic tool. The authors think that service quality has become more important and service providers should improve their service quality to customer satisfaction, customer loyalty, gain sustainable competitive advantage.

Jacques Horovitz concluded that customers who are dissatisfied with a service spread their experiences to more than three other people (Horovitz 1990).

The aim of this paper is to explore a perceptions the dimensions of quality and customers perceptions of quality in the services and products what they purchase in order to provide a framework for a better understanding of the various dimensions of product and service quality and their impact on consumer perceptions. Tasks of the research include the necessity to provide explication of quality characteristics, carry out a questionnaire of the inhabitants of Latvia aimed to find out, what quality characteristics determine the consumer's perception of quality, and, finally, to come to conclusions on how quality is perceived. The methods applied in research are analysis of literature and survey of inhabitants (questionnaire).

Discussion

Feigenbaum definied Quality as the total composite product and service characteristics of marketing, engineering, manufacture, and maintenance through which the product and service will meet the expectations of the customer. (Feigenbaum 1961) J.M. Juran defined Quality as "fitness for use". (Juran 1974: 29) In the Concise Oxford Dictionary stated that quality is degree of excellence. (Oxford Dictionary 2014) Quality is conformance to requirements. (Crosby 1979) quality is a dynamic state associated with products, services, people, processes, and environments that meets or exceeds expectations and helps produce superior value. (Goetsch and Davis 2010) The author concludes that quality is defined by the customer, and as such will change over time, often in unpredictable ways and the quality is associated with creating customer value.

A quality good or service meets or exceeds the whole range of customer expectations, some of which may be unspoken.

Quality is an exclusive and indistinct construct. Consumers expect quality today more than ever before. To offer quality is a demand on firms to satisfy their customers. Quality is also a benchmark to measure if the claims are maintained. For companies offering good quality often means differentiating from competitors. In other words, quality is understood as a competitive weapon (Parasuraman et al. 1985).

From Plato's viewpoint, quality is synonymous with innate excellence. The assumption is that quality is both absolute and universally recognizable. (Pirsig 1999: 3)

Garvin's eight dimensional framework initially appeared in 1985, its relevance for defining product quality is apparent given its continued use in guiding research in this area.

D. Garvin provides a well-known framework for thinking about product quality that is based on eight dimensions: features characteristics, performance, reliability, durability, serviceability, aesthetics, features, perceived quality and conformance. (Garvin 1985). He proposed eight dimensions for quality that, as he stated, can define both product and service quality, although they appear to be more oriented to products: (Garvin 1987).

- Features characteristics that supplement the basic performance functions are called features. The author think that, drawing a line to separate performance characteristics from features is often very difficult.

- Performance is concerned with the primary operating characteristics of a product such as the performance of a television set comprises sound, natural colors and picture clarity. Product performance measured by conducting defined tests & experiments during R&D.

- Reliability. Reliability, defined as the probability of a product working fault free within a specified time period, appears to be more relevant to goods than service. Dimension important to customers. Reliability involves measurable attributes. It is close association to serviceability and safety.

- Durability as a measure of a product life, looks less meaningful in this instance. Measure of product life: amount of time of use one obtains from a product before it physically deteriorates. Closely linked to reliability. Measured by assessing historical information concerning product life and controlled life testing.

- Serviceability is concerned with repairs and field services, might seem to be synonymous with durability, but more consistent with products. An aspect of this dimension is appropriate for relates to customers' complaints. The way in which an institution handles complaints from clients, staff, industry, government, etc. can be considered as another measure of quality in the sector and requires strong customer service department. (University of Cambridge 2012)

- Aesthetics is a subjective to the customers' opinions. Aesthetics can be distinguished from performance as it is a matter of personal judgement (How the product looks, feels, sounds, tastes or smells, a matter of personal preferences).

- Perceived quality is subjective category of the customers' opinions. Consumers can be compared with the corporate and the functional categories of dimensions. Perceived quality refers to the reputational factors influencing the customers' image of the enterprises. Considering the importance of the subjective dimensions in the quality (based on image, brand name, or advertising rather than product attributes and, of course, is subjectively assessed) of service.

- Conformance refers to the extent to which a product meets established standards/specifications. Product Conformance measured by simulations and experiments against design drawings and specifications.

S. Ahire et al. to examine the effects of integrated quality management strategies on a firm's product quality. Four of Garvin's dimensions (performance, reliability, conformance and durability) were used in measuring the ''product quality' construct. (Ahire et al. 1996) C.N. Madu determine whether a causal relationship exists between multivariate constructs of quality (i.e. customer

satisfaction, employee satisfaction, and employee service quality) and organizational performance, use "price", "product features" and "product reliability" as some of the key indicators to operationalize the ''customer satisfaction'' construct. (Madu et al. 1997) N. Tamimi, R. Sebastianelli found that quality managers cited, among other responses, Garvin's dimensions of ''reliability,'' "aesthetics", and "performance" when answering the open-ended question "how is quality defined in primary place of employment?" (Tamimi, Sebastianelli, 1996: 30).

C. Grönroos concluded, that Quality dimensions divided into 3 groups: corporate image, technical quality and functional quality. (Grönroos 2001: 102) Quality dimensions, according to J.R.Lehtinen and U. Lehtinen can classified: corporate quality, interactive quality and physical quality. The corporate image dimension relates to the overall picture of an organization perceived by the customers; it is the result of a combination of technical and functional and quality dimensions as well as factors like the reputation of the company and the price of the products or services. (Lehtinen, Lehtinen 1991). The dimensions associated with technical quality are those that can objectively be measured regardless of customers opinion, while those concerned with functional quality are related to the interaction between the provider and recipient of the service and are often perceived in a subjective manner. The author thinks, that technical quality is about customer evaluations about the service. Functional quality which is more important variable for consu mer perceptions and service differentiation than technical quality refers how consumers take the service. Corporate image has a positive impact on customers' perceptions.

R.M. Pirsiges argue that Garvin's eight dimensional framework can be used to explain differences among the five traditional approaches to defining quality: value-based approaches of operation management, the manufacturing-based, the product-based approach, the user-based approach, the transcendent approach. (Pirsig 1999: 3), (see Table 1). The author concluded that the "the product-based approach focuses on performance, features and durability; the user-based approach focuses on aesthetics and perceived quality; and the manufacturing-based approach focuses on conformance and reliability".

Table 1. **Traditional approaches to defining quality** [Pirsig 1999: 27]

Approach	Description
The value-based approach	The value-based definition equates quality with performance at an acceptable price, or alternatively conformance at an acceptable cost. This definition is derived from traditional economic models, and is based on the notion that consumers often consider quality in relation to price. In his first edition of Total Quality Control, Feigenbaum introduced this idea when he defined quality as ''best for certain customer conditions the conditions being the actual use and selling price of the product.''. The notion of worth is incorporated Into the definition of quality, making this more subjective than objective.

The manufacturing-based approach	The manufacturing-based approach has its roots in operations and production management. Here quality is defined as conformance to specifications (Crosby 1979). Quality of conformance relates to the degree to which a product meets certain design standards. This definition has an internal focus, in contrast to the external focus of the user-based approach, and quality is considered an outcome of engineering and manufacturing practices. It is the basis for statistical quality control. Deviations from design specifications result in inferior quality, and consequently increased costs due to scrap, rework or product failure. This definition allows for the precise and objective measurement of quality, although it has limited applicability for services.
The product-based approach	The product-based approach has its roots in economics. Differences in the quantity of some ingredient or attribute possessed by the product are considered to reflect differences in quality (Garvin 1985). For example, better quality linens have a higher thread count. This view of quality, based on a measurable characteristic of the product rather than on preferences, enables a more objective assessment of quality.
The user-based approach	In the user-based definition, quality is the extent to which a product or service meets and/or exceeds customers' expectations. This approach is marketing- based, and emerged primarily out of the services marketing literature. As the service sector grew in the US and other economies, the customer's perspective became increasingly more important in determining quality. However, the impact of the ''customer's viewpoint'' can be seen in several of the early definitions and discourses on quality. Juran J. W. conceptualized that quality was composed of two parts: the quality of design and the quality of conformance. The ''quality of design,'' in essence, referred to providing satisfaction to customers by designing products that met their needs. He later coined the widely used ''fitness for use'' definition of quality (Juran, 1995). Although subjective and somewhat complex, today the user-based definition is widely accepted and considered one of the key concepts of TQM.
The transcendent approach	The transcendent definition of quality is derived from philosophy and borrows heavily from Plato's discussion of beauty. From this viewpoint, quality is synonymous with innate excellence. The assumption is that quality is both absolute and universally recognizable. According to Pirsig (1999: 73), defining quality as excellence means that it is understood ''ahead of definition as a direct experience independent of and prior to intellectual abstractions''. This approach to defining quality is highly subjective.

According to the transcendent view, quality means "innate excellence." It is a mark of uncompromising standards and high achievement, universally recognizable, and recognized only through experience. In product-based approach, quality is viewed as "a precise and measurable variable" and differences in quality reflect differences in the quantity of some ingredient or attribute so higher quality can only be obtained at higher cost. In user-based approach, quality is compared with the satisfaction. The highest quality means the best satisfaction of consumers' preferences. In manufacturing-based approach, quality is defined as "making it right the first time." It is supply based and concerned with engineering and manufacturing practice. In value - based approach, quality is defined in terms of cost and price. It is perceived as a function of price. Product quality dimensions are as a direct experience independent of and prior to intellectual abstractions''. This approach to defining quality is highly subjective.

Quality of services, in general, differs from quality of manufactured products due to its special characteristics including intangibility, simultaneity and heterogeneity (Dotchin, Oakland 1994 Ghobadian et al. 1994; Parasuraman et al. 1985).

Service quality has impact on customers' behavioral responses and intention. It relates to retention of customers at the aggregate level (Zeithaml et al. 1996; Woodside, Frey & Daly 1990). While perceived service quality is a consumer judgement (a form of attitude) and resulted from

comparisons consumers make between their expectations and their perception of the actual service performance (Bahia, Nantel 2000; Caruana 2002). Z.Yang and R.T.Peterson pointed out that one effective means of achieving competitive advantage and differentiating strategies involves superior service quality (Yang, Peterson 2002). Service quality has examined customer evaluations of the overall excellence or superiority (Long, McMellon 2004). The basis of this theory is the definition of service quality as the "overall excellence or superiority" (Brady, Robertson 2001). Service quality can be described as overall customer judgments and evaluations regarding the quality and excellence of service. According to these arguments, C. Santos defined service quality as the overall evaluation of service performance (Santos 2003).

Donabedian drew attention to 3 dimensions of service quality: potential dimension, process dimension and result dimension (Donabedian 1988) Potential dimension relates to the observation of structures and potentials of the service provider (management, resources-material, information, human). It is influenced by activity, i.e., specification of service (description and features of service) and readiness to provide it, whereas the potential dimension does not include only technical possibilities, but also organisation and systemic relations, including qualification and motivation of employees. Process dimension captures the service as a sequence of activities (processes) consisting of the marketing process, design process and process of service provision. Result dimension relates to the assessment of the process of result of a service (satisfaction/dissatisfaction of a customer with the service or with the provider of the respective service), implying that the services reach the level of excellent quality only when they correspond with target requirements and each level of excellent quality shall correspond with the same value the customer is willing to pay as function of his/her wishes and requirements.

Loiacono et al. 2002 differentiates between dimensions which are associated with the quality of the final product or outcome of the service and those which relate to internal processes within the organization. A. Ghobadian et al. considers that the importance of the process dimensions from the customers' viewpoint depends on the extent to which they participate in the process. In the manufacturing sector customers do not normally deal with production processes, however, in a service context, customers often have some participation in the process of service delivery. They are called "outcome" and "process" dimensions respectively (A. Ghobadian et al. 1994).

Rust, R.T. and Oliver, R.L. pointed out that services can be classified into 2 categories, first in mere services which are very little or not linked to goods and second in services which are connected with the products (Rust, Oliver 1994). Services differ from goods in many ways. The fundamental difference is intangibility. Services cannot be seen, felt, tasted or touched in the same manner in which goods can be sensed. Therefore, services are an experience. Inseparability of production and consumption is another characteristic of services and involves the simultaneous

production and consumption. (Owlia, Aspinwall 1996). Products are first produced then sold and later consumed. Heterogeneity is also a typical characteristic of services. The quality and essence of a service can vary from producer to producer, from customer to customer, and from situation to situation. (Sasser et al., 1987) That makes it more difficult to standardise. Another characteristic is perishability, and means that services cannot be saved or stored. So it is difficult to synchronise supply and demand (Zeithaml et al. 1987).

There are different definitions of service quality dimensions suggested in the iterature, with numerous subdivisions into relevant factors of service quality C. Gronroos postulation of service quality in technical and functional quality is crucial. Technical quality involves what the customer is actually receiving from the service. (Gronroos 2001) Functional quality or customer service involves the manner in which the service is delivered as an important factor. This subdivision is very close to the perceived service quality dimensions of D.A Aaker, which consists of product quality and service quality. (Aaker 2011) As the important services quality dimensions the authot pointed out courtesy, accessibility and convenience, time and timeliness, accuracy, responsiveness, completeness (Russell,Taylor 2003); access, ease of navigation, efficiency, flexibility, reliability, personalization, security/privacy, responsiveness, assurance/trust, site aesthetics, price knowledge (Zeithaml et al. 2001); Gronroos 2001 refer to flexibility and accessibility, attitudes and behavior, service recovery, reputation and credibility, professionalism and skills (Gronroos 2001); responsiveness, reliability, tangibles, assurance (Frost, Kumar 2000); Tangibles, reliability, responsiveness, assurance, empathy (Cronin, Taylor 1992); reliability, accuracy, timeliness, understanding users' needs, knowledge, mistake-free, capacity for choice, ease of access, competence, courtesy and respect, credibility, redress, security, surroundings, effective use of technology. (Stewart, Walsh 1989)

Some dimensions can be used for measuring department and specialty stores' service quality such as five dimensions as policy, physical aspects, problem solving, reliability and personal interaction. The dimensions could be related to three elements of services marketing mix. As a result, tangibles, physical aspects, and physical service environment were related to the physical environment element. Responsiveness, assurance, empathy, personal interaction, and policy were related to the people's elements. Reliability, problem solving, and outcome quality were related as process elements. The tangibles, physical aspects, and physical service environment are related to the physical environment element. Responsiveness, assurance, empathy, personal interaction, and policy were associated to the people element. Reliability, problem solving, outcome quality was related to Process element.

Reserch Design and Research Participants

Within the framework of the research, the author carried out a structured data collection through inquiries, which resulted in answers collected from 371 respondents from all over Latvia.

The inquiry took place in November 2017. 58.76% women and 41.24% men participated in the inquiry, 21.83% respondents were aged between 18 and 27, 14.82% were aged between 28 and 37, 15.09% were aged between 38 and 47, 15.90% were aged between 48 and 57, 14.82% were aged between 58 and 67, and 17.52% older than - 67. As for the regional allocation, 42.27% of respondents came from Riga and Riga district, 18.51% from Latgale, 14.36% from Vidzeme, 13.54% from Kurzeme and 11.33% were from Zemgale region.

Research Findings

First question that the author set was if the quality of goods and services matters to respondents. Respondents express their subjective opinion, showing their individual perception of quality which tends to differ to a large extent. According to the results of the inquiry, 75.2% of the respondents consider quality important, 21.29% said that it is not always important, 1.35% of the respondents told that only the quality of goods mattered, meanwhile 2,16% answered that quality was not important to them. Among the possible answers, there was also a variant stating that only the quality of services is important, but none of the respondents chose it. Three quarters of the respondents admitted that for them the quality of goods and services was important.

The analysis of the results show that 83.03% of women consider important the quality of goods and services meanwhile among the men the proportion was lower, only 64.05% of all respondents. The second position among the possible answers was "not always", and the proportion of respondents included 15.14% of women and twice as much or 30.07% of men.

The author tried to find out, what exactly meant the concept "high-quality service" to respondents in order to see the source of the subjective opinion of the respondents. 15.47% of the respondents told that they associate the concept "high quality service" with highly qualified employees, 15.22% − kind attendance, 15.14% mentioned the reliability of the service provider, 14.98% − the service that complies with existing requirements, 11.09% mentioned positive previous experience, 9.96% - fast service, 8.66% - high price, meanwhile good location was less relevant − 5.02%. The latter explains that mostly there are no problems with the location, since the entrepreneurs, who offer any services, strive to be available easily. Tasteful interiors, however, received low evaluation – 4.29% only. In this question the variant "Other" was also used, indicating "the price that complies with consumer requirements" constituting 0.16%, respectively.

Author concludes that the system of medical care in Latvia is not properly arranged; therefore, respondents tend to pay a particular attention to this sector, since every person in Latvia has had some health issues accompanied with complaints rooted in the lack of state funding and necessity of reform in the industry. According to the inquiry results, the second most important category of services was education, where the quality is what really matters, because the unemployment directly relates to the consequences of economic crisis, the educational system of the country, the policy of

employment as well as skills and knowledge of people. Construction took the third position, where the quality is what really matters, because Latvians wish to live and work in comfortable and safe premises.

The aim of the next question was to find out, which categories of services tend to be more important to the respondents regarding the quality issues taking into account gender specifics. The three the most important categories of services in gender-specific perspective according to the opinion of respondents, who have told that the quality is the most important element is seen in Table 2.

Table 2. **3 most important categories of services in gender-specific perspective according to the opinion of respondents, who told that the quality is the most important element** (designed by the author)

| Services	Women, %	Man, %
Construction	16,82	23,97
Social services (state institution)	14,53	15,25
Tourism	2,91	3,05
Education	24,01	17,65
Cultural events	5,05	2,4
Medicine	24,92	22,66
Transport services	1,68	7,41
Beauty services	4,74	0,22
Communication services	5,2	7,41
Other	0,15	0

The largest part of women – 24.2% of the respondents chose medicine meanwhile almost the the same number– 24.01% chose education. Men, in their turn, mostly chose construction as the answer reaching 23.97%, followed by medicine with 22.66% of all male respondents. The following question asked by the author, had to indicate, how the quality characteristics of the service affect the choice of a particular service provider. The respondents evaluated each quality characteristic in scale 1 to 5, where 1 was – "do not affect at all" 2 – "rather do not affect", 3 – "neutral", 4 "rather affects" and 5 – "affects". The answers received show that the largest part of the respondents are influenced by professionalism, namely 4.18%, followed by assurance with 4.15, but the smallest part of the respondents chose "rather provided some impact, and "tangibles' received 3.29 points out of 5 (see Picture 1).

The collected data leads the author to conclude, that the largest part of respondents ticked 4 points out of 5, which means that almost each of the quality characteristics matters in choice of the service. Professionalism received 4.10 points, showing that it is the most important quality characteristic for the choice of the service among the respondents. This emphasizes the importance of the customer service in Latvia, because the satisfaction of the customer depends on professionalism of the service provider. The communication quality and professional attitude

significantly influences the feeling of comfort of the customer. See the evaluation of the impact of quality characteristic choosing a particular service provider in gender-specific perspective in Picture 2.
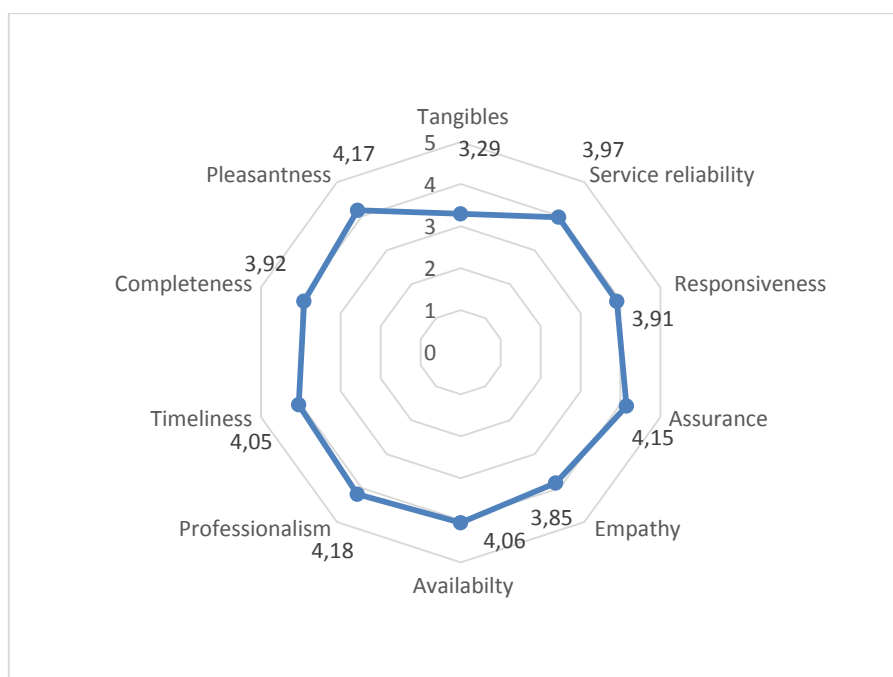
Picture 1. **Impact of the quality characteristics to the choice of particular services providers, points** (designed by the author)
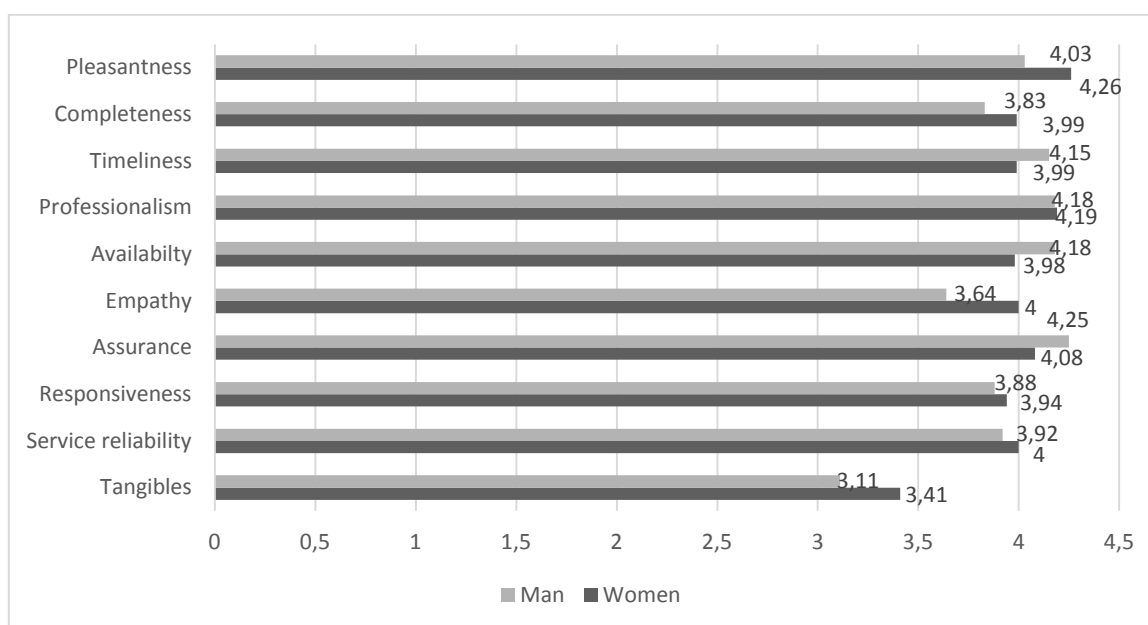
Picture 2. **The evaluation of the impact of quality characteristic choosing a particular service provider in gender-specific perspective** (designed by the author)

According to the collected data, women evaluate the pleasantness quite highly, by reaching 4.26 points out of 5, which is the highest rate of characteristics ticked by women. Men evaluate

pleasantness with 4.03 points in fourth position of significant impact. The dominant quality characteristic for men is assurance, evaluated with 4.25 points. Women evaluate assurance with 4.08 points in third position of a significant impact. The largest difference between evaluations provided by women and men appears as empathy (individual attitude, customer care), 4 points ticked by women and 3.64 by men. Significant difference in evaluations is – 3.41 points by women and 3.11 points by men appears in tangibles (premises, equipment, facilities etc.). In addition, men indicated availability (location) to be more important in comparison to women – 4.18 points and 3.98 points, respectively. Other evaluations of quality characteristics are not significantly gender-specific.

Next task was to find out what exactly means "high-quality goods" for the respondents. The first question asked by the author was, what the notion "high quality goods" meant to the respondents, to find out their personal opinion. For the majority of respondents, namely, 29.87%, the concept "high-quality goods" meant a properly manufactured product, for 21.28% it meant high price, 20.56% – the compliance with the existing requirements. Only few respondents – 6.65% associate the concept "high-quality goods" with local manufacturers. 28.93% of all respondents ticked "food" as the most important category of goods. The next most important category chosen by 18.06% of respondents was "Medicine goods". With 15.81% points, "wear, shoes and accessories" take third position in the row. "Transport" was chosen by 8.81%, "Beauty products" – 7.19%, "Children's goods" – by 6.20%, "Phone and computer" – by 5.12%, "Household goods" – by 4.58%, "Furniture" – by 3.68%, but the last position among all categories of goods ticked by the respondents was "Presents" – by 1.53%. In all categories appeared also the answer "the Other". As for the offered categories of goods, according to the inquiry the most important categories in terms of quality are following food, medicine goods and wear, shoes, accessories. These categories are set priorities due to their impact to the health and the fact, that they are necessity goods.

For both women and men the most important categories of goods are food, medicine goods and wear, shoes and accessories. A significant difference appears in cosmetics and beauty products, mostly ticked by women, since they pay more attention to their appearance, meanwhile men ticked transport as a significant category of goods in terms of quality.

The aim of the following question asked by the author was to find out the evaluations of quality importance in different food categories. The respondents had to evaluate each of food categories in points from 1 to 5 (1 – unessentially, 2 – rather unessentially, 3 – neutral, 4 – rather important, 5 – important).

Respondents chose dairy products, eggs, cheese as the most important food categories, reaching 4.7 points out of 5. The following category with a tiny 0.01 points difference is meat products with 4.69 points, followed by fish and seafood with 4.58 points and fruits and vegetables

with 4.56 points. Bread appears in next position with 4.4 points, salads with 4.25 points, canned products with 4.2 points and cereals, pasta and oils with 4.07 points. According to the scores, author concludes that perishable products (dairy products, eggs, cheese, meat, fish, fruits and vegetables) with shorter term to expiry date are considered more important, since the consumption of expired products can produce harmful effect to human health. The lowest score reached in category of drinks and alcohol means that these are not necessity goods.

The author concludes that women tend to take care of health of themselves and their families and healthy lifestyle, understanding the importance of balanced healthy food. Therefore, they prefer fruits and vegetables containing many vitamins and fiber in daily menu and the quality of this product category is the most important for them. Men, in their turn, consider meat products as the most important category of food. It leads to conclusion that men are involved in physically hard work more in comparison to women, and they need twice as big ration of proteins. Besides, it indicates that the best way to receive more proteins is to eat meat, providing power and energy for the body, which is the reason, why men consider this category important in terms of quality. Within the framework of the research the author analyzed the impact of quality characteristics of goods to choice made by consumers evaluated form 1 to 5 (1- no impact, 2 – rather insignificant impact, 3 – neutral, 4 – rather significant impact, 5– significant impact).

The category "conformance" gained the highest score – 4.54 points, since the consumers wish the goods ordered meet their expectations. The next in turn is durability with 4.47 points, because the consumer expects the product to serve as long as possible. Very important position is reliability with 4.37 points, because positive previous experience with a particular product or manufacturer increases the possibility that the consumer will purchase a product by this manufacturer again. Nowadays, when different kind of goods is easily available, also the performance matters – 4.22 points. In addition, individually perceived quality (price-quality relationship etc.) also plays quite a significant role evaluated with 4.05 points. Serviceability received above 4 points (4.02 points). Aesthetic characteristics and features scored less than 4 points, 3.71 and 3.54, respectively. Consumers expect to receive exactly what they ordered form a reliable manufacturer, provided, that the product is also durable and reliable in use. Nowadays, the choice of products in the market is very wide-ranged, and therefore such characteristics as Performance and Perceived quality are very important along with the reasonable price and quality relationship.

Both women – with 4.52 points, and men – with 4.58 points gave the highest score to Conformance. Among women the reliability take second position (4.42 points) and durability (4.41 points) is third. Among men, durability appears in the second position with 4.55 points and reliability with 4.31 points in third positon. A natural difference uncovers between women and men regarding the aesthetic or sensory characteristics (taste, flavor, appearance, sound) and such

characteristic as perceived quality, because women pay more attention to the details as well as evaluate the compliance between their expectations and the received product as for taste, flavor and appearance of the product. Women tend to dedicate more time to examine the image and reputation of the manufacturer as well.

Conclusions

Quality dimensions can help enterprises to realize competitive strategies based on quality, they also provide a means for distinguishing among the various approaches used to define quality. The dimensions of product quality are following: performance, features, reliability, conformance, durability, serviceability, aesthetics, perceived quality. The dimensions of service quality are following: tangibles, service reliability, responsiveness, assurance, empathy, availability, professionalism, timeliness, completeness, pleasantness.

According to the opinion of respondents, the most important categories of goods, where the quality is of core importance are food, medicine goods, wear and shoes. These are categories of goods influencing the health and/or are necessity goods. Product quality is particularly important for dairy products, eggs, cheese, meat, fresh fish, seafood, fruits and vegetables, in general perishable goods with short expiry dates to take into account in order to avoid health problems. The impacting factors regarding the perception of quality of goods among the inhabitants of Latvia are gender and age.

According to obsrvations of respondents, the attending employees often lack knowledge and interest regarding the quality and ability to help customers with necessary answers to their questions, which to a certain degree is the effect of long working hours and low salaries. Subsequently, the customer often faces unkind attitude, dissatisfaction and fail to respond to the customer in case of problems or complaints related to goods and services.

Women pay more attention to kind attendance since they are more emotional and care about personal approach, individual attitude in services, meanwhile men pay more attention to reliability of service provider, because they prefer to choose a company of good reputation based on positive previous experience.

The involved female respondents found quality particularly important in medicine services, because they more worry and care about the health of themselves and their families and relatives; therefore, women pay particular attention to the service quality. For men, the quality matters most in construction, probably because men are more worried about the condition of dwellings, buildings and surroundings.

Among the inhabitants of Latvia, the most important quality characteristic is professionalism, since in impacts the choice of service provider and can directly influence the level of customer satisfaction.

The inquired female respondents pay more attention to aesthetic or sensory characteristics (taste, flavor, and appearance, sound) and "perceived quality" than men, because they are more interested in detail and tend to assess to what degree the received goods and services comply with their expectations regarding the taste, the flavor or appearance of the respective product.

As for customer service, two separate groups are analyzed – goods and services. The results highlight importance of the customer service in both industries. Customer service is important in consumer markets, because it enriches the product in different ways and influences the perceived quality. In service industry, the customer service is a part of the perceived quality; more precisely, it stands for functional quality.

The companies should organize regular employee trainings about the products/services they sell and in customer attendance in order to ensure highly professional performance, which is very important quality characteristic according to the opinion expressed by the respondents.

References

Aaker D.A. 2011. Marketing Research.10 th Edition, Publisher Wiley, p 701.

Ahire S. L., Golhar D. Y., Walter M. A. 1996. Development and validation of TQM implementation constructs. Decision Science. Vol. 27(1), pp. 21–56.

Bahia K., Nantel J. 2000. A reliable and valid measurement scale for the perceived service quality of banks. International Journal of Bank Marketing. Vol. 18(2), pp. 84–91.

Brady M.K., Cronin J.J. 2001. Some new thoughts on conceptualizing perceived service quality: a hierarchical approach. The Journal of Marketing, pp. 34–49.

Business Research. Vol. 5(2), pp. 25–46.

Caruana A., 2002. Service loyalty: The effects of service quality and the mediating role of customer satisfaction. European Journal of Marketing. Vol. 36(7/8), pp. 811–828.

Crosby P.B. 1979. Quality is Free: The Art of Making Quality Certain, New York: McGraw-Hill. p. 309.

Donabedian A. 1998. The quality of care. How can it be assessed?US National Library of Medicine. Vol. 121(11), pp. 1145–50.

Dotchin J.A., Oakland J.S. 1994. Total Quality Management in Services: Part 3: Distinguishing Perceptions of Service Quality, International Journal of Quality & Reliability Management. Vol. 11(4), pp. 6–28.

Feigenbaum A. 1961.Total Quality Control. McGraw-Hill. New York, p. 627.

Garvin D.A. 1985. What does product quality really mean? Sloan Management Review. pp. 25–43.

Garvin D.A. 1987. Competing on the eight dimensions of quality. Harvard Business Review. Vol. 65(6), pp. 101–9.

Ghobadian A., Speller S., Jones M. 1994. Service quality: concepts and models, International Journal of Quality & Reliability Management. Vol. 11(9), pp. 43–66.

Goetsch D.L., Davis, S.B. 2010 Quality Management for Organizational Excellence: Introduction to Total Quality. Pearson New York, 6th Edition, 634 p.

Grönroos C. 1984. A service quality model and its marketing implementations. European Journal of Marketing. Vol. 18(4), 1984, pp. 36–44.

Grönroos C. 2001. The perceived service quality concept – a mistake? Managing Service Quality. Vol. 11(3), pp. 150–152.

Horovitz J. 2006. Putting service quality into gear. Vol 8(20), pp. 249–265.

Horovitz J. H.1987. How to check the quality of customer service and raise the standard. International Management, Vol. 1 (1), pp. 25–36.

Juran J.W. 1974. Quality control handbook. WcCraw-Hill New York, p. 1600.

Juran J.W. 1995. Managerial breakthrough: The classic book on improving management performance. McGraw-Hill, Inc. p. 451.

Lehtinen U., Lehtinen J.R. 1991. Two approaches to service quality dimensions, The Service Industries Journal, Vol. 11(3), pp. 287–303.

Long M., McMellon C. 2004. Exploring the determinants of retail service quality on the Internet. Journal of Services Marketing, Vol. 18(1), pp.78–90.

Lovelock C.H., Wirtz J. 2011. Services marketing: People, technology, strategy, 7th edition Prentice Hall, p. 639.

Madu C. N., Madu A. A. 2002. Dimensions of e-quality. International Journal of Quality & Reliability Management. Vol. 19(3), pp. 246–58.

Madu C., Kuei C., Lin C. 1997. A comparative analysis of quality practice in manufacturing firms in the US and Taiwan. Decision Sciences. Vol. 6(5), pp. 62–76.

Owlia M. S., Aspinwall E M. 1996. A framework for the dimensions of quality in higher education. Quality Assurance in Education, Vol. 4(2), pp.12–20.

Oxford Dictionary 2014. Retrieved [13.04.2018.] https://en.oxforddictionaries.com/definition/us/quality

Parasuraman A., Zeithaml V.A., Berry L.L. 1985. A conceptual model of service quality and its implications for future research. Journal of Marketing. Vol. 49(3), pp. 41–50.

Parasuraman A., Zeithaml V.A., Berry L.L. 1988. SERVQUAL: a multiple-item scale for measuring consumer perceptions of service quality. Journal of Retailing. Vol. 64(1), pp. 12–40.

Pirsig R.W. 1999. Lila Inventory into Morals. Bantam Books, New York, NY. p. 480.

Richard M.D., Allaway A.W. 1993. Service quality attributes and choice behavior. Journal of Services Marketing. Vol. 7(1), pp. 59–68.

*Rust R.T., Oliver R.L.*1994. Service quality insights and managerial implications from the frontier. Sage Publications, Thousand Oaks, pp. 1–19.

Santos J. *2003. E-service quality*: a model of virtual *service quality* dimensions. Managing *Service Quality*: An International Journal. Vol. 13(3), pp. 233–246.

Stewart J., Walsh K. 1989. The search for quality. Luton Lokal goverment, Training book, pp. 281.

Sweeney J. et al. 1997. The role of perceived risk in the quality-value relationship: A study in a retail environment. Journal of Retailing. Vol 75(1), pp. 77–105.

Tamimi N., Sebastianelli R. 1996. How firms define and measure quality.Production and Inventory Management Journal. Vol. 37(3), pp. 33–39.

University of Cambridge. *Quality Framework. 2017.* Retrieved [16.03.2018.] https://www.ifm.eng.cam.ac.uk/research/dstools/quality-framework

Woodside A.G., Frey L.L., Daly R.T. 1990. Linking service quality, customer satisfaction, and behavioral intention. US National Library of Medicine. Vol. 9(4), pp. 5–17.

Yang Z., Peterson R.T. 2002. The quality dimensions of Internet retail food purchasing: a content analysis of consumer compliments and complaints. Journal of Foodservice.

Zeithaml V.A. et al. 1996. The behavioral consequences of service quality. Article in Journal of Marketing. Vol. 60 (4), pp. 31–46.

Zeithaml V.A. 1987. Defining and relating prices, perceived quality and perceived value, Marketing Science Institute, Cambridge, MA.

THE ORGANIZATION'S LEARNING CULTURE AS A PREREQUISITE FOR MAXIMIZING THE SOCIAL IMPACT OF A SOCIAL ENTERPRISE

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Abstract

The organization's learning culture as a prerequisite for maximizing the social impact of a social enterprise

Key Words: learning culture, social impact measurement, social enterprise, Theory of change

Social impact is the long-term changes created by activities and investments of a social enterprise and it is helpful both for demonstrating the value of the organisation's activities to funders or investors, and for improving its service delivery. To manage and control the process of creating social impact in order to maximise or optimise it, different approaches of measurement are applied. Theory of change is one of them – a commonly used framework (based on theories of Weiss (1995)) that helps to describe how organization's program will lead to results (the process of change by outlining causal linkages in an initiative – a link between organization's actions, outputs and outcomes and its social impact). It is a continuous process of innovation and adaptation; therefore, social enterprises need to be continually learning how to improve their performance in order to maximise social impact and learning how to learn how to improve performance. By undertaking and learning from and during the process of social impact measurement, a social enterprise can achieve its goals and maximize social impact more effectively. Developing and fostering the learning culture at social enterprise is an important prerequisite to do so. This article aims to describe the characteristics of an organization's learning culture (based on theories about organizational learning (Watkins & Marsick 1993, Argyris 1997, Senge 1990 etc.), an organizational change and culture (Burke 2008, Trompenaars 2004, Schein 2004, etc.) in conjunction with social impact management of a social enterprise (based on social impact measurement theories by Epstein 2014, Dees 2001, Hehenberger et al 2013) and their interconnectedness. The article concludes with theoretical considerations and suggestions for implementing theories into practice.

Kopsavilkums

Organizācijas mācīšanās kultūra kā priekšnoteikums sociālā uzņēmuma sociālās ietekmes palielināšanai

Atslēgvārdi: mācīšanās kultūra, sociālās ietekmes mērīšana, sociālais uzņēmums, Pārmaiņu teorija

Sociālā ietekme ir ilgtermiņa pārmaiņas, ko radījušas sociālā uzņēmuma darbība un investīcijas, un to izmanto, gan lai parādītu organizācijas darbības vērtību tās finansētājiem vai investoriem, gan arī, lai uzlabotu tās sniegtos pakalpojumus. Lai pārvaldītu un kontrolētu sociālās ietekmes radīšanas procesu ar nolūku to maksimizēt vai optimizēt, tiek izmantotas dažādas mērīšanas pieejas. Viena no tām ir pārmaiņu teorija – plaši izmantots ietvars (balstīts uz Veisas (Weiss, 1995) teorijām), kas palīdz aprakstīt to, kāds rezultāts būs organizācijas īstenotajai programmai (pārmaiņu process, kas izceļ likumsakarības konkrētā iniciatīvā – saikne starp organizācijas darbībām, produktiem, rezultātiem un tās sociālo ietekmi). Tas ir nemitīgs inovāciju un adaptācijas process, tāpēc sociālajiem uzņēmumiem nepārtraukti jāmācās gan kā uzlabot savu sniegumu tādā veidā, lai maksimizētu sociālo ietekmi, gan mācīties, kā mācīties uzlabot savu sniegumu. Īstenojot sociālās ietekmes mērīšanas procesu un vienlaikus no tā mācoties, sociālais uzņēmums var daudz efektīvāk sasniegt savus mērķus un maksimizēt sociālo ietekmi. Mācīšanās kultūras attīstība un veicināšana sociālajā uzņēmumā tam ir svarīgs priekšnosacījums. Raksta mērķis ir raksturot organizācijas mācīšanās kultūru (balstoties uz teorijām par organizācijas mācīšanos (Watkins & Marsick 1993, Argyris 1997, Senge 1990 etc.), organizācijas pārmaiņu vadību un kultūru (Burke 2008, Trompenaars 2004, Schein 2004, etc.) saistībā ar sociālās ietekmes pārvaldību sociālajā uzņēmumā (balstoties uz sociālās ietekmes teorijām Epstein 2014, Dees 2001, Hehenberger et al 2013) un to savstarpējo mijiedarbību. Raksta noslēguma sniegti teorētiski apsvērumi un ieteikumi teorijas ieviešana praksē.

Introduction

Although every organization has its social impact (further in text – SI), social enterprises are distinctly designed and created to have a SI due their mission-driven nature. Nevertheless, author's previous research on SI measurement practice (Jurgelane & Lanka 2017) shows that this is a relatively new concept for Latvian social enterprises and either they interpret the SI according to their understanding or they even are not aware of the concept at all. An additional challenging aspect is a fact that according to the new legal framework – Social Enterprise Law – that came into

force on April 1, 2018, and the following Regulation of the Cabinet of Ministers (Ministru kabinets 27.03.2018), in order to maintain the status of social enterprise, companies are obliged to measure and show their SI using different performance indicators[31].

Considering the new legal requirements for obtaining and maintaining the status of social enterprises and the existing practice of measuring SI among social enterprises, many difficulties will arise – social enterprises lack methodology, knowledge, and resources to measure SI systematically (Jurgelane & Lanka 2017). This creates the need for theoretical research in the field of social enterprise management and SI measurement/management in the context of OL and capacity building. Based on lack of scientific literature describing management of social enterprises and SI measurement in Latvia, the aim of this article is to provide a theoretical concept of organizational learning (further in text – OL) and its interconnectedness with SI management.

Literature review was used in order to characterize the concept of OL and SI measurement and learning as the component of both these processes. Based on the literature review a theoretical concept model was created in order to show the interconnectedness between OL and SI management within social enterprises.

Discussion

The goal of impact measurement is to manage and control the process of creating SI in order to maximise or optimise it (relative to costs) (Hehenberger et al 2013). Impact measurement should be seen as a learning process – organization learns while revising and readjusting the steps, as lessons are learned, additional data is collected, or the feasibility of objectives set is questioned in order to achieve maximum value of organization's finite resources and ensure efficiency of its programs/activities. These considerations put in focus the development and promotion of learning culture at social enterprise as an important prerequisite to undertake and learn from and during the process of SI measurement in order to achieve their social objective and maximise the SI and organization's capacity.

Systematic approach of impact measurement (Hehenberger et al 2013) leads to continuous learning and therefore – continuous improvement, which is the characteristics of learning organization (Watkins & Marsick 1993, 1996). These authors see the OL as a process that is not just a collection of individuals who are learning – organization accelerates individual learning capacity, but also redefines organizational structure, culture, job design and mental models. It means to involve widespread participation of employees as well as customers in decision making, dialogue

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[31] e.g. social objective (defined in Articles of Association) and fulfilment of tasks to achieve this objective; target group of a social enterprise and information about employees from these target groups; qualitative indicators of social impact and control mechanisms of social impact (activities and methods used for monitoring and measuring social impact). Besides social enterprises will be required to provide financial indicators of reporting period and plans for next calendar year. This will include at least two tasks for achieving their social objective and other planned projects and activities.

and information sharing. This aspect is significant in the context of social enterprise. Beneficiaries' perspectives are critical when organization is determining whether and how the investment will create impacts. (Hehenberger et al 2013; Epstein 2014) This is also one of the five criteria that company must comply with in order to acquire the status of social enterprise (Social enterprise law, 2017) – so called democratic governance element where representatives of target group are involved in decision making.

One of the most notable authors on OL Senge (1990) explains OL as process taking place by applying five disciplines: 1) personal mastery, 2) mental models, 3) shared vision, 4) team learning, 5) system thinking. These disciplines involve both personal and organizational levels that means learning occurs and takes place firstly at individual's level, then – team level, and finally – at organization's level. Other authors Marsick and Watkins (1999) add also societal learning level and describe these learning dimensions as so called "action imperatives". But this is a leader's task is to provide strategy, promote team learning and collaboration in order to ensure organization's performance in external environment.

However, OL is long-term process and doesn't take place at once, therefore Argyris & Schön (1978) speak about three-level evolutional model, describing: 1) single-loop learning (provides solutions to problems, but doesn't investigate their causes); 2) double-loop learning (includes identification of mistakes, analysis and changing existing assumptions); and 3) triple-loop learning (questions the entire rationale of an organization, and can result in radical transformations in internal structure, culture and practices, as well as in the external context). Learning process is also an analysis of solutions and correction of faulty decisions (Argyris 1997) that may be referred to the SI management process. Culture of learning means that errors and weaknesses are accepted with the aim of learning from them and making improvements (PHINEO 2016). Referring to Pedler (1997), the learning organization establishes a culture in which learning and questioning are fundamental to the organization's development. He characterises a learning organization by three stages:

1) Implementing the things it does well;
2) Improving to do thing better;
3) Integrating to do better things.

Gill (2010) says that organizations must reward risk taking, action learning, feedback and reflection as behaviours that facilitate learning. He adds that self-examination is central to the work of the organizations. Trompenaars (2004) explains that change should be something that is necessary to preserve continuity and identity, so that change becomes a way of life.

Burke and Litwin (1992) introduced a model that describes the complexity of organizational change and manager's role within this process – external factors to be the most important driver for change where other elements of organisational success, such as mission and strategy, leadership and

organisational culture, are often impacted by changes that originate outside the organisation. Later Burke (2008) suggests most organizational change consists of improvements, incremental steps to fix a problem or change a part of the larger system.

Schein (2004) notes – leader behaviour only partially influences organizational cultures as the result of a complex group learning process. But if the group's survival is threatened because of elements of its culture have become maladapted, it is ultimately the function of leadership at all levels of the organization to recognize and do something about this situation. Leadership is originally the source of the beliefs and values that get a group moving in dealing with its internal and external problems.

One of the fundamental frameworks that can be used for systematic review is Theory of Change, a concept developed by Weiss (1995) where she introduced an alternative mode of evaluation, theory-based evaluation. The concept takes for granted that social programs are based on explicit or implicit theories about how and why the program will work (Weiss 1972; Shadish 1987; Chen 1990; Lipsey 1993), in other words – theory helps to describe how organization's program will lead to results (the process of change by outlining causal linkages in an initiative – a link between organization's actions, outputs and outcomes and its SI). Weiss (1997) emphasizes that approach of Theory of Change helps to ensure that the evaluation is focusing on real effects of the real program and that the often-unspoken assumptions hidden within the program are surfaced and tested. It has two components – one for forecasting the steps to be taken in the implementation of the program and other that is based on the mechanisms that make things happen, where the mechanism of change is the response that the activities generate. Stein and Valters (2012) draw out for categories of purpose and functionality of this theory, including strategic planning and mapping the change process; monitoring and evaluation; description and communication to internal and external partners; learning.

If social enterprise has an information about results of investment (is investment making a SI) and significance of that impact, it is better positioned to adjust its resources and activities to create the impacts it desires. As GECES (2014) admits stakeholders are decision-makers – to engage with the service, to fund it, or to invest in it for example. The measurement needs to support that decision-making in a meaningful way. Dees (2001) identifies engaging in a process of continuous innovation, adaptation, and learning as one of five characteristics as essential to successful social entrepreneurship. In fact, learning is a crucial for SI management – it is actually required by social enterprise nature and SI measurement tasks.

To identify which aspects of theories about OL, learning culture and organizational change complies and attributes to theories of social enterprise management and social impact measurement (Table 1). Many aspects of organizational learning are present and take place during the process of

SI management – organizational culture that promotes learning, accepts mistakes and ensure participatory approach by involvement of different stakeholders, leader's role etc.

Table 1. **Aspects of learning culture and SI management** (author's compilation)

OL, organizational change, organizational culture	Social enterprise management, SI management
Continuous learning and continuous improvement (Watkins, Marsick 1993, 1996)	Process of learning (being familiar with the results, analysing strengths and weaknesses) and continuous improvement of work that respectively follows it is the essential meaning of impact orientations, that helps to use knowledge systematically in order to reach organization's goals (PHINEO 2016).
Five disciplines: 1) personal mastery, 2) mental models, 3) shared vision, 4) team learning, 5) system thinking (Senge 1990)	The process of change by outlining causal linkages in an initiative – a link between organization's actions, outputs and outcomes and its SI (Weiss 1995). Engaging in a process of continuous innovation, adaptation, and learning (Dees 2001). "One special breed of leader" (Dees 2001). Measurement drives behaviours amongst stakeholders (GECES 2014).
Action imperatives: 1) Create continuous learning opportunities. 2) Promote inquiry and dialogue. 3) Encourage collaboration and team learning. 4) Establish systems to share and capture learning. 5) Empower people toward a collective vision. 6) Connect the organization to its environment. 7) Provide strategic leadership for learning (Marsick, Watkins 1999)	Learning how to improve performance and learning how to learn how to improve performance (Gill 2010). Involvement of stakeholders to understand their expectations, contribution to and the potential impact the organization will have on them. The co-operation of the main stakeholders in the impact measurement process. (Hehenberger et al 2013). 1) Strategic planning and mapping the change process; 2) Monitoring and evaluation; 3) Description and communication to internal and external partners; 4) Learning (Stein, Valters 2012). Results to be reported regularly and meaningfully to internal and external audiences in order to enable each stakeholder, and most importantly those most directly concerned with service delivery, to learn, and to revisit, refocus and improve the services (GECES 2014).
The learning process as analysis of solutions and correction of faulty decisions (Argyris 1997)	Culture of learning from mistakes where errors and weaknesses are accepted, with the aim of learning from them and making improvements (PHINEO 2016). Failure of a project as a learning experience, not a personal tragedy (Dees 2001)
Three stages of learning organization: 1) Implementing the things it does well 2) Improving to do thing better 3) Integrating to do better things (Pedler 1997)	SI measurement as management tool to ensure that SI is integrated into strategy and operations. Identification of what may need to change within the investment management process in order to maximise SI. Continuous use of the impact measurement process to identify and define corrective actions if the overall results deviate from expectations (Hehenberger et al 2013). SI measurement that is designed to make the services more effective in meeting service-user need and extends its quality and reach (GECES 2014).

Based on the literature review author proposes the theoretical model that describes learning within the process of SI management and its components and actors (Fig 1).
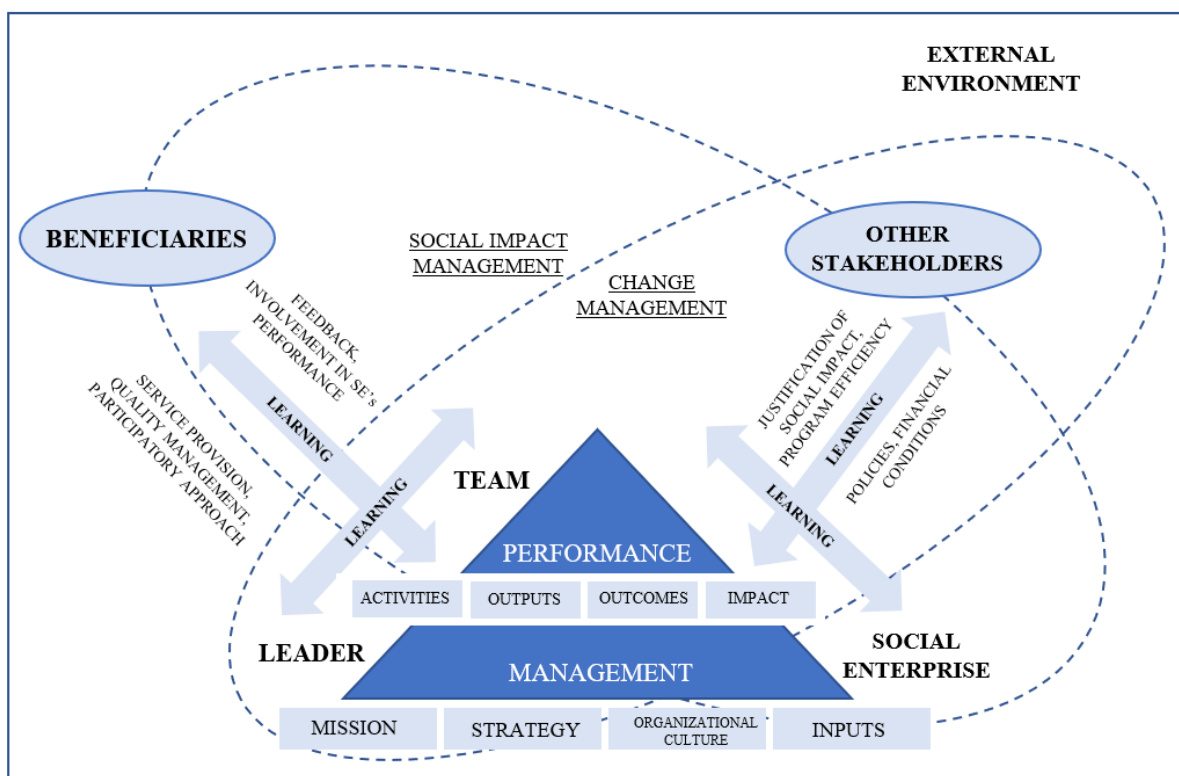
Fig. 1. **Learning at social enterprise and its interconnectedness with SI management**
(author's construction and concept modelling based on literature review)

The analysis shows how learning culture acts as a prerequisite for maximising SI at social enterprise and it occurs at all levels of organization – micro level (individual learning), mezzo level (learning within team and whole social enterprise) and macro level (involvement of stakeholders and social entrepreneurship sector in general). But it also works the opposite way – SI management as a catalyst of learning at social enterprise. Through the involvement of stakeholders and while meeting the requirements of recently adopted legislation the social enterprise implements change management and therefore learns how adjust to the needs of stakeholders and how to improve their service provision and therefore – how to maximize the SI.

Conclusion

1. Learning culture at social enterprise as an important prerequisite to undertake and learn from and during the process of SI measurement in order to achieve their social objective and maximise the SI and organization's capacity.

2. Learning occurs in all levels of organization – micro, mezzo and macro – and involves different stakeholders – from leader and the team to beneficiaries, clients, stakeholders and sector in general.

3. SI management can be a catalyst to the promotion of learning culture at the social enterprise due to the external environment influence on organization's existence and conditions of operation.

References

Argyris C. 1997. Organizational learning and management information systems. In: *Accounting, Organizations and Society*, Vol. 2, pp. 123–133.

Argyris C., Schön D.A. 1978. *Organizational Learning. A Theory of Action Perspective.* Reading: Addison Wesley.

Burke W.W. 2008. *Organization Change: Theory and practice.* Thousand Oaks, CA: Sage.

Burke W.W., Litwin G.H. 1992. A causal model of organizational performance and change. In: *Journal of Management*, 18(3), pp. 523–545.

Chen H.-T. 1990. *Theory-Driven Evaluations*. Newbury Park: Sage.

Dees G. 2001. *The Meaning of Social Entrepreneurship*. Durham: Duke University.

Epstein M.J. 2014. *Measuring and Improving Social Impacts: A guide for nonprofits, companies, and impact investors.* Sheffield: Greenleaf Publishing.

GECES Sub-group on Impact Measurement (2014). *Proposed Approaches to Social Impact Measurement in European Commission Legislation and in Practice Relating to EuSEFs and the EaSI*. Retrieved [03.04.2018.] from http://ec.europa.eu/internal_market/social_business/docs/expert-group/social_impact/140605-sub-group-report_en.pdf

Gill S.J. 2010. *Developing a Learning Culture in Nonprofit Organizations.* Thousand Oaks, CA: Sage Publications Inc.

Hehenberger L., Harling A.M., Scholten P. 2013. *A Practical Guide to Measuring and Managing Impact*. EVPA.

Jurgelane A., Lanka S. 2017. Social impact measurement: An innovative tool for fostering the positive social change created by social enterprises. In: *ICLEL 2017 (3rd International Conference on Lifelong Education and Leadership for ALL-ICLEL* 2017. pp. 668–778.

Lipsey M.W. 1993. Theory as method: Small theories of treatment. In: Sechrest, L.B., Scott, A. G. (Eds.), *Understanding Causes and Generalizing about Them. New directions for program evaluation.* Vol. 57 (pp. 5–38). San Francisco: Jossey-Bass Publishers.

Ministru kabinets (27.03.2018). *Noteikumi par sociālās atstumtības riskam pakļauto iedzīvotāju grupām un sociālā uzņēmuma statusa piešķiršanas, reģistrēšanas un uzraudzības kārtību* (Regulation on groups at risk of social exclusion and the procedures for granting, registering and supervising the status of a social enterprise). Retrieved April 20, 2018, from https://likumi.lv/ta/id/298035 (in Latvian).

Pedler M. (Ed.) 1997. *Action Learning in Practice*, 3rd ed. Aldershot: Gower.

PHINEO 2016. *Social Impact Navigator. The Practical Guide for Organizations Targeting Better Results*. Berlin: PHINEO.

Schein E.H. 2004. *Organizational Culture and Leadership*. 3rd ed. San Francisco: Jossey-Bass.

Senge P.M. 1990. *The Fifth Discipline: The art and practice of the learning organization*. New York: Doubleday/Currency.

Shadish W.R. 1987. Progam micro- and macrotheories: A guide for social change. In: Bickman L. (Ed.), *Using Programme Theory in Evaluation. New Directions for Programme Evaluation*, N° 33. San Fransisco: Josey Bass.

Sociālā uzņēmuma likums 2017. (Social Enterprise Law). In: *Latvijas Vēstnesis,* 212 (6039), 25.10.2017. Retrieved April 20, 2018, from https://likumi.lv/ta/id/294484 (in Latvian).

Stein D., Valters C. 2012. Understanding 'Theory of Change' in international development: A review of existing knowledge. In: *JSRP Paper 1*, London: JSRP and The Asia Foundation.

Trompenaars A. 2004. *Managing Change across Corporate Cultures*. Chichester: Capstone Publ.

Watkins K.E., Marsick V.J. 1993. *Sculpting the Learning Organization: Lessons in the art and science of systemic change.* San Francisco: Jossey-Bass.

Watkins K.E., Marsick V.J. 1996. *In Action: Creating the learning organization.* Alexandria, VA: American Society for Training and Development.

Watkins K.E., Marsick, V.J. 1999. *Facilitation Learning Organizations: Making Learning Count.* Brookfield, VT: Gower.

Weiss C. 1972. *Evaluation Research: Methods for assessing program effectiveness.* Englewood Cliffs, NJ: Prentice Hall.

Weiss C. 1995. Nothing as practical as good theory: Exploring theory-based evaluation for comprehensive community initiatives for children and families. In: *New Approaches to Evaluating Community Initiatives*. Aspen Institute.

Weiss C. 1997. Theory-based Evaluation: Past, present and future. In: Rog D. J. (Ed.), *Progress and Future Directions in Evaluation, New Directions for Evaluation*, 76. San Francisco, CA: Jossey-Bass.