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THE OTTOMAN'S LEGAL EDUCATION SYSTEM

[*]Hasan OKTAY, [**]Vesna Poposka, page 9-22

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ABSTRACT

Legal education was given significant importance in older educational system. As a matter of fact, one of the most important courses in the madrasahs that constitute the backbone of this system was fiqh, namely the law course. During the classical period of the Ottoman State, law schools were held in madrasahs. In most madrasahs there was specialization in different areas. The leagl and societal development and the innovations that started in the field of law after Tanzimat led to the fact that the madrasahs become inadequate to educate lawyers, and urged school organizations to provide formal legal education for the training of those who are obliged to implement the changing and renewed law. Innovations in the Ottoman judicial organization and modernization efforts in education constitute the basis for the role and developmental process in the launching of legal educational institutions.

Key words: law, education, Ottoman era, reforms

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INTRODUCTION

The first law at the level of higher education is the Mekteb-i Hukuk-i Sultani, which was founded in the Mekteb-i Sultani area. In 1880, Mekteb-i Hukuk-ı Shahane was opened due to the Ministry of Justice and after a while these two schools were merged. The Law school continued for a long period of time independently from Darülfünun, and finally in 1909 bounded to Darülfünun.

The Tanzimat brought news and innovations to the Ottoman legal system including the formal legal education. (Turkish: "Reorganization": series of reforms promulgated in the Ottoman Empire between 1839 and 1876.These reforms, heavily influenced by European ideas, were intended to effectuate a fundamental change of the empire from the old system based on theocratic principles to that of a modern state) It is possible to classify the legal reforms carried out after the Tanzimat in the form of innovations in legalization activities and judicial institutions.

In the Ottoman Empire, legal activities developed as codification of existing sharist rules and implementation of the idea of new western laws. Especially with the transfer of criminal, trade and land laws, which are the works of western integration efforts, the implementation of these new legal regulations and this area will have an active role to raise obligors appeared to be a major problem.

With the change in the Ottoman judicial organization and the establishment of the model of Western courts apart from the madrasah educated kadis and naiplers, the need for qualified personnel with formal legal education was effective and invoked the idea of establisihng formal law school. The first law at university level was established in the "Mekteb-i Sultani" (Galatasaray). Later on, a separate law school was opened due to the Ministry of Justice, and after a while the school in the Mekteb-i Sultani area was transferred here. The law school, which was transferred to the Ministry of Education in 1886, continued its existence independently of Darülfünun until 1909.

A. INNOVATIONS IN LAW WITH DECLARATION FOR REFORMS

The main factors that provided the establishment of the legal school are the movements of law enforcement and the organization of the judiciary. The reform period, which started with the Tanzimat's declaration and continued until the proclamation of the Republic, was also effective in the Ottoman State's legal field (Bozkurt, 1993: 42). In the late 18th century, the Ottoman Empire headed west (Nuri, 1977: 98). In this period, it was accepted as a necessity of innovation, but different opinions emerged about which method to use.

According to the more conservative rhetoric advocated by Cevdet Pasha, the Minister of Justice, it was possible to solve the problems by ensuring that the codification of the Islamic law, ie the current law, was changed and renewed in detail and adapted to the needs of the time, so that modernization with traditions could walk together (Nuri, 1977: 108).

The Law of Arazi, dated 1858 and the Mecelle-i Ahkâm-ı Adliyye dated 1869 was prepared with the influence of this thought. The studies of systematization of Islamic law in a usable form in this period, the formation of binary structures by slowing down the westernization process, was mainly regarded as the revival of the old logic. The other current defended by the Grand Vizier Âli Pasha, was in favor of the western law being quoted. Ali Pasha especially wanted to adopt a large part of the French Civil Code. The implementation of this vision was delayed for some time, and it was understood that it was necessary to make regulations that appeal to every sect by stripping out the religious identity of the legal codification.

With the 1839 Reforms(Tanzimat) and the 1856 Islahat Fermans, some legal arrangements were made between the Ottoman subjects without religious and racial discrimination, under the influence of the principle of equality spreading to religious minorities (Hakkı, 1988: 42). More secular steps were taken in the Criminal Code of 1858 In the case of change in the economic territory from the other side, the penal code of 1840 was applied for the first time in the international commercial arena, and the adaptation process required new laws to be promulgated in this

area. The Trade Law of 1850 was prepared by these reasons.

In 1861, the Law on Trade Procedures, which shows the necessary procedures to be applied in the courts, was completed and finally the securitization process in the field of commercial law was completed by removing the Maritime Commercial Code (1864) (Subsequently, the Law on Procedural Principles of 1880 and the Law on Procedural Principles of 1881 (Yılmaz, 2006: 12) were enacted.

It is a fact that, at the beginning of Ottoman movements towards justice reforms, besides the effect of the natural law doctrine, the efforts of the state to rescue from the difficult situation are influential. In addition, the commonality of these arrangements was that they had been made by Western principles, or had been made entirely from the Wes. Thus the translation of Western law brought about the examination of foreign laws in order to ensure the application of the new laws quoted and the necessity of cultivating a cadre of lawyers). For this, it was understood that the "legislative courses" in the Ministry of Justice were not enough and it was necessary to carry out an instructional reform.

Civilization activities brought about the change in the judiciary. Essentially, innovation in the judiciary was necessary at that time**.** From the end of the Mahmud II period, increased relations, especially due to commercial contracts made in Western countries, have brought about various legal problems. Those kadis who were strangers to European procedures and practices were not equipped with professional equipment to solve these problems they did not have professional equipment to solve these problems. For this reason, commercial disputes have been settled through a special parliament, which is judged according to commercial customs and customs, except for the rules of the merchants chosen by the merchants. However, these councils were not enough and after a while they were turned into a mixed commercial court (Ergun, 1976:23).

With the Provincial Regulation of 1864, steps have been taken on the way to the establishment of the judicial courts **.** It was seen that external pressures were as effective as internal dynamics in the innovations in the judicial field. The equality promised to Tanzimat and Islahat and non-Muslims laid the groundwork for their interventions, both to minorities and foreign states that support them, to intense demands and

even to interfere with their internal affairs. Although the demands such as the membership of minorities to the courts and the acceptance of their witnesses were to be ignored for a while, the collective sentiments given to the foreign states in 1859 felt the necessity to start various reforms in the judicial scene of the Ottoman State. In this process, foreign states were obliged to take the Ottoman " to prepare for the reform initiatives with the willingness to comply with the law, to prepare the laws to be applied in the courts as soon as possible, and to establish law schools that accept candidates on equal basis. There have been innovations that transcend the Ottoman classical period, such as the passage of judicial reform from a one-sided system to a collective judical system and the acceptance of minorities in courts (Zeki, 2008: 197).

1. I. Law School

In the continuation of these innovations, a law was school opened in the Mekteb-i Sultani area where non-Muslims were also accepted. Therefore, the reform movements that were initiated by the non-Muslims in the court organization played an important role in the opening of the legal institutions. The only thing that provides the establishment of the legal school is the change in the field of law and reforms in the field of judiciary mentioned above. At the same time, the modernization efforts that began in the field of education played an important role in the establishment of the law school. The inadequacy of an educational system, which had previously been dominated by sharist basements, was felt well in the era that came with the legislative movements. In addition, the current educational institutions have not been able to meet their expectations and meet expectations in recent years. The quality of the medresahs has fallen since the 16th century. The law schools were established and the Muallimhane-i Nüvvaplarlars which was established after the law education, was also incapable of educating enough staff even in the court, and the grown-ups did not understand the language of the new laws. In the folowing chapter, (Zeki, 2008: 102).phases of establishment of the formal legal education organisations will be examinated.

2. II. The beginning of the First Law School

"Courts and Nizamat Dershane" was established by the Ministry of Justice on 2 July 1870 in order to educate the necessary personnel for the courts of ordination and to teach them legal procedures and principles with the necessary laws. This classroom, which constitutes the first step of the establishment of the law school, was meet for the short-term solution, it was inadequate to meet the growing need. The first formation of legal education at the level of higher education is the "Mekteb-i Hukuk-ı Sultani" which was established in 1874. In 1880, "Mekteb-i Hukuk-ı Shahane" was opened under the Ministry of Justice.

The Law School of 1878 Constitution

The education was organized in the name of the school, on daily basisi and the duration of the program was 3 years. It is stated that those who graduate here will have chance to be appointed into public service and judicary. The main types of the courses are variable: "Mecelle-i Ahkam-ı Adliye, Civil Law, Procedural Law, Uhud and Nizamat and the Charter and in the French Language ".

The annual courses are determined by the educational committee, and the courses to be re-added are determined by adding this delegation to the list and announced with the approval of the Ministry of Justice. The language of education in the school was determined to be Ottoman. The School was typical formal education; schools were closed on Fridays and Sundays, on official holidays, one month after exams and during the most frenzied times of the season. According to Nizamnameye, the mechebin administration committee was consisted of a principle, a vice principal and an adequate employee and they were appointed to the Ministry of Justice and only the command of the Sultan was sought about his civil service. The duty of the principlal were arranged as to to ensure that the order and organization of the municipality and the regularization of the students, the keeping of the municipality property and its assets, the negotiation with the authorized teachers in the matters related to the municipal administration

and the decisions are made in writing to the Ministry of Justice, to take care of the administration. The principal was authorized to perform with the permission of the Ministry of Justice, the non-compliant and adherent students, on the warnings of lecturers of the students to repeat their courses; the authority to warn the notions of the lecturers, for the students that should be expelled from school upon decision of educational committee. The principal was also also obliged to give a declaration to the Ministry of Justice at the end of each year, (Tahir, 1999:34)regarding the changes in the situation and tasks that he deemed necessary to remain within his office.

It was deemed necessary for the students to be given a document numbered and documented in the student's book with a written statement of the examiner's name and that they were authorized to proceed and this should had been sealed by the principal, if the examination of the students was completed before the examination of the teachers without any discrimination or sympathy.

It was also stated that the number of students to be taken at the school would have been announced each year before the classes begin. A student who did not attend classes for eight days without justification and uninterruptedly, had to stop education. It was made necessary for the students of the three-month program to certify their attendance records within the first 15 days of each three months according to a continuity schedule provided by the teachers. The students who were present during the lesson days were instructed to sign the book in front of their teachers.

It was stated that the students had to comply with the rules of the school, and those who were in contraventions would be treated according to the article. The students were obliged to register their names in their special books within 15 days before the beginning of the lessons. Those who did not do this within 10 days after the start of the lessons and those who did not attend the lesson three times in a row without an apology were not able to get a confirmation of continuity. Students were given one year exams in every semester and a separate graduation exam for those who completed the third year. Class examinations are carried out

by the teachers' committee and the principal, (İlhan, 1993:46) while the graduation examination is made publicly.

It was decided to add three members from the Ministry of Justice. It was imperative that the year-end examination of each class be relevant only to the lessons of that year, and that the student should submit a letter of attestation in order to enter this examination. A second-year student would not have been able to confirm continuity during the first three months of the third year, as the first-year student would not have been able to get a confirmation of continuity for the first three months of the second year, unless he gave the year-end exam.

The student who took the third year examination was entitled to enter the written examination after being subjected to the retake examination of the first and second year courses.

This written examination, was essential to graduation, and the preparation of a report on the interpretation and examination of the application of the provisions of the law and the disclosure of a legal complaint. These explanatory documents were discussed in the examination committee and interviewed by the principal for what was considered worthy of acceptance. Those who succeeded in this interview were given certificates of graduation by affirmation and signature; The Ministry of Justice, examination authorities, school municipality and teachers. The grades were graded as three levels: the top; "alüyül âla", medium; "âla", if it is bad; it is "Karibül âla". The student who was down grade 3 was forced to take classes for one more year so that he was unable to graduate. Those who did not accept the report or who did not give sufficient answer to the question about the content were given only the certificate of the year-end seal. This certificates had the signatures of the principal and the teachers, and the seal of the school. Those who had an official certificate from Ottoman subjects who were educated outside the above mentioned courses could apply for a certificate without being subject to an exam by the school.(Ugur, 2007: 43)

Those who graduated from the school, could be either members of Dersaadet and the provincial court after they were employed as members for one year in their order courts, or they could remain in court service. Those who wanted to be in the deportation profession of the applicant

who received the certificate of graduation may have been entitled to a proxy license after having worked for one year in the civil court. The student, who did not take the graduation certificate but left the school by giving only the third grade final exam, was employed in the penalty of the order of jurisdiction and respectively in the order of appellor. At the end of three years, those who did not receive a certificate of registration could not be employed in court offices and could not obtain a license for a deputy unless they graduated from there.

In accordance with Articles 80 and 81 of the General Regulations, the validity of the provisions of the Regulations was regulated by a special clause stating that the persons who graduated from the legal profession, who would temporarily continue until the establishment of the Ottoman law branch, would have benefit fully from the rights mentioned here.

The Development of Mekteb-i Hukuk-ı Shahane

Established in 1880, this day-to-day law school, is understood that the educational staff is largely Turkish, compared to the law school in the Mektebi Sultani area. Almost all of the educational staff of the school came from the upper levels of the bureaucracy.

There were many prominent lectureres of the law school, including Hasan Fehmi, Munif, Kostaki and Abraham Hakki Pasha and Great Haydar, Ali Shahbaz, Mahmut Esad, Ömer Hilmi and Ali Haydar Efendiler (Hıfzı,1993: 42). In the year it was opened, Minister of Justice Ahmed Cevdet Pasha " Law of Civil Procedure", Minister of Education Munif Pasha 'The Law on Criminal Procedure', Nafi a Nazırı Hasan Fehmi Pasha 'The Commercial Law', Principal Mission Kostaki Efendi 'The Criminal Procedures', Ismail Bey 'criminal law', Sait Bey 'Roman History and French', Ömer Hilmi Efendi 'Mecelle', Abdüssettar Efendi 'Land Law' courses . In the following years, the courses of Law-Duvel and jurisprudence(Hukuk-ı İdare) were also added (Emin, 1999: 282). In 1901, Celal Nuri Bey, a student of law school, wrote in his memories that he had written a letter called "Mecelle-i Ahkâm-ı Adliye, Ahkâm-ı Fhıkhiye

under the title of Civil Law-i Medeniye and Criminal Law-i Hümâyûn, Usûl-i Muhakemât-i Cezaiye a quantity criminal law course", but that the lessons of the law-law school in the school were hardly taught. From teachers, deceased Hakkı Pasha, in his lessons even not much but he talks about the Hukuk-ı esâsîye. There is no objection in the International Law course. The law is administered only in the form of formal administration and without regard to the legal points. Celal Nuri states that they have brought lecture notes from the Paris Darülfünun to the jurist-civilian, criminal and amateur and that they have acquired the scientific acquis because they find these less important ."The content of the curriculum was determined and there were significant discussions at that time. "... the most important criticism about Great Ali Haydar Efendi, which is shown as a prosperous advocate by many because of his important contributions, because he did not want to eliminate the Roman law course in law school. Said Pasha addresses this issue in Hâtırât as follows: "Oddly enough ... we know that the supporters of the law, Ali Haydar Efendi, one day, came to the court and said: Roman law is taught in the law school; your news was under control and important interventions were made to the curriculum.

For example, the lesson of Menil-Ilm-i-Ulum on Munif-pasha was banned. Especially legal education was banned during the reign of II. Abdulhamid.

After training for many years due to the Law School of the Ministry of Justice, in 1886 the property was transferred to the administration of the Ministry of Education with its assets and income. However, the connections between the law school and the Ministry of Justice have not completely been cut. For example, the correspondence between graduates of two custody schools continued to issue diplomas, procedures such as the appointment of students who completed their studies as a lawyer or in other areas and by passing a state exam were engaged in the Ministry of Justice.

The first law school was opened as a branch of the school of Darülfünun. However, Darülfünun continued to be an independent school until the Second Constitutional (Meşrutiyet) Period, due to its inability to develop normally. The connection of the law school to the Darülfünun could only be realized in 1909 and the name was changed to the law faculty.

Thus, the birth of law schools was accelerated and realized. The first law at the level of higher education was the opening of the Mekteb-i Sultani in that period. Because the education of the laws that were proclaimed from the West was started in this school where the western language was used, the evaluation of the existing sub-structure and the most important means the problem of the educator problem. Legal education started in the Hukuk-ı Sultani, was not long before the education had settled down, but only after a sufficient time had passed for the understanding and acceptance of the western law gradually, it was continued in the Mekteb-i Hukuk-ı Shahane within the Ministry of Justice. It attracts the attention In 1886 the Hukuk-ı Shahane, which was taken over supervision to Marif, the teaching staff was Turkished and also student portfolio was highlighted. It is quite interesting that the Hukukı-Sultani established in Darülfünun within the framework of this law could not have been opened and that legal education could have been continued for a long period independently of Darülfunun. There is no doubt that the legal schools/institutions established in the early periods of the Ottoman Empire that forms the basis of today's legal education constitute an important place in the history of Turkish law, because people who will be able to practice law and their contributions of these institutions to adopt the western law can not be ignored.

CONCLUSION

Perhaps the most felt area of influence of the Ottoman Empire's change, especially with Tanzimat, in every area is the field of law. Civilization activities and the innovations in the judicial organization felt the need for lawyers who were brought up in the western form urgently in the understanding and implementation of the rules and institutions. Is there any new training that will enable obligors to grow up so that classical education is not enough in this area? intentions and condemnation were implied. I have overcome the problem with the answer. Do not " Molla Hüsrev's eydî-i ulemâda mütedâvil Mirat and Mirkat'i Roma Usûl-i Hukuku'na mutâbakat? Even Sait Pasha states that the abolition of the Roman law course by Ali Haydar Efendi is astonishing. On the contrary, this and so on was constantly done by the period of the monumental period. It has been really surprising that one of the most important intellectuals such as Ali Haydar Efendi made such a single proposal. Because, for a more coherent understanding of Islamic law, comparative or Roman law was passed to conform to the Western legal system.

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STRATEGIC MANAGEMENT PRACTICES IN AZERBAIJAN

*Fariz Saleh AHMADOV , page 23-42

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ABSTRACT

Strategic Management Practices in Azerbaijan and its implementation constitutes the subject of research. This research aimed to examine the functioning of Azerbaijan companies, their characteristics, their contribution to management and their effect on firm performance considering the strategic management application. To achieve these objectives, the Central Bank of the Republic of Azerbaijan was selected and examined. The data were obtained by certain methods and related information is given in the paper. At the same time, the problems encountered in the implementation process in the institution, the factors causing these problems and the methods used to overcome these obstacles were also mentioned in the research. As a result of the research, it is tried to determine the process through which the Strategic Management Applications in the country are realized and to determine the importance level of the advantages provided to the companies.

Keywords: Strategic Management, Azerbaijan

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1. INTRODUCTION

According to the strategic management approach, it is now necessary for enterprises to design all strategic management activities and functions in accordance with the strategies they are pursuing. Strategic management practices, which are designed in accordance with the objectives, goals, mission, vision and strategies of the business, have great importance in keeping the organization in the long run.

Article consists of four parts. In the first part, basic concepts related to strategic management are given. In the second part of "Strategic Planning", the definition of strategic planning and the important points to be considered in planning time are mentioned. Later on, in the "Strategic Management Process" section brief information on the progressive stages was given. In the section "Strategic Management Activity in Azerbaijan: Example of the Central Bank", the model of institutional strategic management is examined and finally the necessary suggestions for the implementation of the strategic management system throughout the country are given.

2. STRATEGIC MANAGEMENT PROCESS

2.1. Basic Concepts Related to Strategic Management

Strategy: The concept of strategy takes place in the literature as a concept that has been used for centuries and is often seen on the military context (Sütçü, 2008: 9). In the military context, strategy means determining what the enemy can or can not do, and making a general plan in this direction means putting in their own forces and activating them when necessary. In concept management, it began to be used in the second half of XX century. Strategy means a technique that actively acts on resources in order to regulate its relations with its environment and to provide it with competitive advantage (Küçük, 2009: 18).

In general, a strategy is defined as the use of all means and techniques to achieve the goals that a state or organization pursues in accordance with its policy. In addition, a strategy is also expressed as the aim of determining the adaptation objectives, planning the activities and reorganizing the necessary resources by continuously analyzing the

institution and its surroundings in order to give direction and to give a competitive advantage (Ülgen and Mirze, 2006: 33).

Aim: Aim is the wished or desired result to be achieved within a certain period of time. The intent is the conceptual expression of the conclusions that organizations are aiming to reach. The purpose may be abstract or concrete, as well as material or spiritual, human or social qualities. The objectives should be assertive but achievable in accordance with the mission and vision (Akdemir, 2012: 55).

Goal: It is the expression of qualitative and quantitative strategic goals within a defined time frame. For this reason, the targets are "sub-objectives" which can be measured in terms of output to be achieved. Goals must be measurable. Goals (Güner, 2004: 70-71);

- It must be sufficiently clear and understandable.
- Must be measurable.
- It should be ambitious but not impossible.
- Finally, it should be focused.
- The time frame must be clear.

Vision: A vision is a person's own unique thoughts that have been unsuccessful in the past and now unimaginable, clearly expressed about what should be done in the future. He expresses his own perspective, depth, untested thoughts and raw dreams. Vision is the image and thought of where an organization in the long run wants to be. A rhetoric of the future, ideals and priorities, a sense of what makes the organization private and unique, includes a set of principles and values that address the reason for its existence, and the difficulty to determine organizational success (Ramazanoglu, 2006: 53).

Mission: an organization is the cause of existence and provides a framework for demonstrating how it can achieve its strategic goals. The mission defines the long-term vision of the business, what it wants to be, and who it wants to serve. Mission statement forms the basis for objectives, strategies, values and behavior standards (Aktas, 2015: 2). The essential elements of this definition mainly constitute the market, services, functions or activities that the operator has shown in the activity. If an organization has a predefined mission, employees will better understand what purpose and how they work. This will enable them to be more successful in the future jobs (Doğan, 2000: 188).

Core values: Core values can affect a company's current behavior and future in a number of ways, reflecting an organization's past, culture and belief, philosophy and ethical principles. First, corporate values can place restrictions on which activities an operator may have. Moreover, values reveal characteristics that distinguish the institution from other institutions in terms of the position the establishment wants to achieve. At the same time, vision and mission definitions gain content and conclusions as a result of these features and priorities. Thirdly, values are not the decisive feature of the work to be done, but they are the guiding elements of the way of doing things and the decisions to be made (Demirdizen, 2012: 9).

While the strategy approaches the mission in terms of realistic and economic logic, the core values define the emotional and moral direction of the mission. In addition, the individual in the firm is confident that the behavior they have done is the best behavior (Yurtseven, 1998: 29).

2.2. Strategic planning

Strategic Planning is the design of short-term and long-term performance goals and strategies for an enterprise's vision and mission (Acar, 2003: 23). According to another definition, strategic planning is a process that is designed to produce decisions and actions that determine the current state of the business and shape the operations of the business (Yilmaz, 2005: 71). This process applies strategies that target the development of enterprises by producing adaptive solutions for the environment continuously. In this process, through the strategic planning, the enterprise is evaluated and the objectives of reaching the operator, the analysis of the environment and the development of the business resources in reaching these targets and developing it in this direction are included (Acar, 2003: 25).

Business, is the time period in which an institution or organization is explicitly determined where it wants to be after five, ten or more years. Because, in an environment where competition-based and rapid change and development are experienced, strategic planning is primarily aimed at keeping track of changes that are taking place by providing innovation, progress and compatibility with the company's environment. In a rapidly changing environment where the country is under foreign competition, it is necessary for the public institutions to work with institutional strategies and coordinated strategic management approach considering the places and targets in the division of labor in line with the country's strategic goals and plans (Bircan, 2002: 15).

It is getting increasingly difficult for organizations to survive and succeed due to the increasing complexity of organizations, continual changes in the environment, increasing uncertainty, economic conditions, increasing competition, technological insufficiencies, changing socio-political and legal structures and market conditions. For this reason, all organizations in the public and private sectors need vision, strategies that can see and respond to changes in time, and managers who can respond quickly. The main indicators behind the importance of strategic planning are; innovation has a universal character, innovations in technological space, increased competition and democratization (Demir and Yılmaz, 2010: 73).

2.3. Stages of Strategic Management Process.

Stages of the Strategic Management process arise by finding answers

within the framework of specific questions. These phases are created in response to questions or questions. The process stages in which the questions and answers will be given are: "Who will prepare the Strategic Management, What are we; What will happen; What we want to be; How will we be; What are the criteria? And what did we manage? "(Akdemir, 2012: 12).

The entire process of collecting, analyzing, choosing, deciding and enforcing information to maintain the survival of the business in the long run and to ensure sustainable competitive advantage is called "strategic management process". The stages of the strategic management process are (Baraz: 2012):

Strategists' selection and assignment: Strategists are those who are responsible for strategic activities at every stage of the process, initiating work on the implementation of the strategic management process in an organization. Strategists in managerial positions are responsible for the preparation and implementation of strategies.

Strategic analysis: It is the process related to the examination of the present situation of the general and sectoral environmental elements in which the business operates and the valuation of the elements in the enterprise. Information is collected first. An important point in this phase is that the necessary and unnecessary information can be separated from each other. Because businesses are constantly confronted with every kind of "information bombardment". Then, in the light of collected information, the "outside" and "inside" environment of the operator is analyzed.

Strategic orientation: In the course of strategic orientation, the mission, vision and objectives of the business are determined.

3. 2011-2014 AZERBAIJAN CENTRAL BANK STRATEGIC PLANNING

As the strategic management practices in Azerbaijan have just been put into practice they are almost exclusively in strong businesses and are still working on implementations and developments in practice.

One of the institutions where Strategic Management Activities are carried out in Azerbaijan is the Central Bank of the Republic of Azerbaijan. The central office of the Central Bank of the Republic of Azerbaijan is located in Baku. After the establishment of the People's Republic of Azerbaijan on May 28, 1918 On September 16, 1919, the Regulation on the State Bank of Azerbaijan was adopted and and the Bank activity started on September 30.

"On the establishment of the National Bank of the Republic of Azerbaijan" was established on the basis of the Presidential Decree of the President of the Republic of Azerbaijan dated February 11, 1992, on the basis of the State Bank, the former USSR Industry-Building Bank and the USSR Agricultural-Industrial Bank. The name of the bank (the "National Bank of the Republic of Azerbaijan") was changed to "the Central Bank of the Republic of Azerbaijan" according to the result of the public vote dated 18 March 2009.

The main objective of the Central Bank's activity, According to Azerbaijan Republic Law "About the Central Bank of the Republic of Azerbaijan" on December 10, 2004, is the provision of price stability within the framework of its authorities. is the provision of price stability within the framework of its authorities, at the same time to ensure the stability and development of the bank and payment systems.

The Central Bank in order to achieve its goals:

- It determines the state's monetary and foreign exchange policy and is applicable;
- Arranges cash flow;
- It carries out the withdrawal of the money from the treatment and the withdrawal of the money;
- Manat continually determines and announces the official exchange rate compared to foreign exchange;
- Conducts foreign exchange regula- tions and control in accordance with the legislation;
- It hosts and manages international gold-foreign exchange reserves at its disposal;
- It prepares the balance of report payments and takes part in the preparation of the country's estimated balance of payments;
- It regulates the bank's activities by licensing and supervises bank activities as stipulated by law;
- It arranges and coordinates the effectiveness of payment systems and performs control over them in accordance with the law.

The central bank is determined to be a reliable, transparent and modern public institution with modern management, developed human capital, high corporate values and culture, which serves the prosperity of the society by effectively selecting the benchmarking component of

the most advanced central banking activities at international level system since 2001. In the Basis approved by the Central Bank in 2013, information on strategic management activities is given.

Central Bank of the Republic of Azerbaijan The Strategic Management Department is the central structural unit of the Central Bank of the Republic of Azerbaijan.

In its own activity, the Department is responsible for the constitution of the Republic of Azerbaijan, the laws of the Republic of Azerbaijan, the laws of the Republic of Azerbaijan about the banks, the normative laws of the Republic of Azerbaijan, normative acts of the Central Bank, it also keeps this Essential Guide. The Department operates in connection with the other structural units and institutions of the Central Bank during the fulfillment of the functions specified in this Code.

The main objective of the Department's activity is to support the strategic management process in the Central Bank and to ensure its effective implementation and help the Central Bank achieve its institutional development goals.

Basic Functions of Department:

- Managing the strategic planning process;
- Execution of strategic monitoring and reporting;
- Development and training of program and project management standards;
- Support and coordination of planning in the area of operational management;

- Monitoring and reporting of operational performance in the field of Operational Management;

- looking at applications made to the department's activities, preparing answers to letters and surveys;

The Strategic Plan prepared by the Central Bank for the years 2011-2014 includes a strategic perspective, mission, values, new priorities and strategic targets. However, the financial budget allocated for strategic targets is not publicly disclosed by the bank. These strategic goals are as follows:

Strategic Goal 1:

- Establishment of modern central banking in empirical research in accordance with research standards,

- Development of intellectual resources of monetary management..

It is planned to strengthen the dynamic macroeconomic modeling and forecasting systems, to expand the empirical investigation of the micro and macroeconomic environment of money and exchange policies, to the development economics and finance, and to create the empirical research potential for the world economy, in order to create modern central banking within the scope of empirical research according to research standards.

In order to develop intellectual resources in money management, it is envisaged that some important projects - such as graduate students for economics and banking, virtual central bank laboratories, museums, electronic libraries .

Strategic Goal 2:

- Completion of the creation of the new structure of the risk-based audit system,

- Establishing a misguided process of the risk-based audit system.

It is envisaged that the concept of risk-based audit system should be completed in order to complete the process of establishing the new structure, preparation of legal regulatory infrastructure for risk management in banks, preparation of methodology for evaluation of main risk categories, and risk management and evaluation of internal control systems.

The creation of a new control regime for the banking system is planned for the creation of a period of realization of the risk-based audit system.

Strategic Goal 3:

- Establishment of a new management system of cash money in accordance with advanced standards,

- Establishing a fully automated modern treasury infrastructure.

In order to establish the new management system of cash money in line with the latest standards, the necessary measures will be taken such as the creation of the new accounting system and the economic analysis base as well as the modern designs and specialized institutions of money icons, and the processing of the future development model of cash money management.

In the context of the creation of a fully automatic modern treasury infrastructure, The establishment of a fully automated modern treasury infrastructure, the establishment of modern infrastructure for the

protection, transport and processing of cash money, all business processes are based on modern technologies full automation will be passed on.

Strategic Goal 4:

- Establishment of a single electronic statistical database and analytical reporting system,
- Establishment and issuance of cumulative external debt and international investment balance statistic,
- Creation of a comprehensive monitoring system for the real sector.

In order to create a single electronic statistical database and an analytical account system, the project will be passed on to the single space full automation of data collection, processing and publishing processes. Total external debt and international investment balance are to be created and developed business processes necessary for the regulation and publication of statistics. In order to establish a comprehensive audit system of the real sector, it is planned to establish a statistical database which measures the economic situation and evaluates the financial situation in the institutional sector.

: Strategic Goal 5:

- Modernization of corporate governance structure,
- Full adaptation of the internal control and risk management system to internal control and risk management.
- Creation of a new operation management system.

In order to modernize the corporate governance structure, it is planned to establish the new management structure, the establishment of the modern management information and accounting system, and the functions of the structural units supporting the Bank's Board of Directors, based on modern principles. It is planned to establish the institutional framework and capacity - management framework, methodological database and regulatory processes, business processes and related personnel potential necessary for full adaptation of the internal control and risk management system to the lead practice.

Strategic Goal 6:

- Establishing a new training model for the development of individual qualifications,

- Establishment of an individual efficiency and development planning and evaluation system,

- Creation of new motivation (also career development) system

Long and short term foreign education programs, effective internal education and information institute project are planned to be passed on to create a new educational model for the development of individual activities.

For the purpose of establishing an individual effectiveness and development planning and evaluation system implementation of new individual activity and development plans based on authority, and the complete creation of the new system are among the plans.

In order to create a new motivation (also career development) system, it is planned to evaluate the new task on the basis of modern international experience and local specificity, and to set up effective rewarding on this basis, as well as the creation of dual career ladder system.

Strategic Goal 7:

- Establishment of an external communication system focused on target groups,

- Establishing an internal communication system that supports the development of institutional cultures,

- Creation of Corporate Social Responsibility policies

New tools for internal communication will be encouraged and new technological tools will be developed to establish an internal communication system that supports institutional cultural development.

Projects that support the government's social policies in different ways will be passed on to create the Corporate Social Responsibility policies.

: Strategic Goal 8:

- Establishment of the cost accounting system,

- Making financial accounting and reporting compatible with new demands.

- Establishment of the cost accounting system,

- Making financial accounting and reporting compatible with new demands.

In order to establish the cost accounting system, a project will be passed through which measures the costs for each type of activity that constitutes the business processes carried out in the Bank. At the same time, the project will ensure that the financial costs of each business cycle and each functional aspect of the Bank are determined.

A new Accounts Plan will be prepared to adapt the financial account to new requirements. The New Accounts Plan will allow the depth and scope of financial data and banking statistics to increase. This will increase the possibilities of monetary and financial analysis.

Strategic Goal 9:

- Establishment of a modern management system of supporting services,

- The construction and use of the modern administrative building of the bank.

In order to establish a modern management system of supporting services, it will be restructured the planning, organizing, controlling and evaluating internal services within the scope of leading. As a result, domestic services will be ensured to meet modern quality standards.

The construction and use of the modern administrative building of the bank further improvement of the institutional business environment of the physical workplaces in the bank will allow the implementation of business processes at more modern standards, allowing for a significant increase in the efficiency of professional activity.

4. CONCLUSION

It can be said that the Central Bank has successfully implemented the strategic plan covering the years 2011-2014. The main strategic priorities of this period were the establishment of macroeconomic stability, the preservation of financial stability in the banking system, the substantial modernization of functions serving the basic mission, the adaptation of institutional management to the most modern practice, the development of the Central Bank human capital and the support for economic development.

Despite the complicated processes leading to the global economy in 2014, the national economy of the country has been developed and proved stability and determination. The stability and resilience of the banking sector has been achieved and the sector actively supported economic growth and enlargement processes. The process of increasing the capital amounts of the banks has continued. he accumulated capital of the banks has increased by about 2 times compared to the previous period due to the acceptance of the capital increase decision. Capital adequacy now stands at 19% against the international standard of 8%. The economic reforms that have been created have made it possible to respond adequately to the risks posed by the created potential external environment.

Implementation of projects to accelerate institutional development under the strategic plan has also been successful. Extensive work has been done to modernize all aspects of banking activities. The Bank's institutional development process has been accelerated, attention to the development of human resources has been increased, continuing trainings have been established, projects have been passed down in order to realize functional and business processes effectively.

Furthermore, new strategic tasks for sustainable development have been realized. The country ranked at the top ten in the world in terms of macroeconomic sustainability data. Hundreds of thousands of new

jobs were opened in the country, and the socio-economic development of the regions accelerated. In 2013, the Central Bank directed its policies towards achieving macroeconomic and financial stability, which are key conditions for balanced development, reaching key targets such as low inflation, stable exchange rates, stability in the banking and finance sector, and financial intermediation in the country.

The global conjuncture of the economic growth and development process in the country in 2014 continued in the conditions of high domestic economic activity. By maintaining its strategic and political principles, the Central Bank has provided comprehensive support for the solution of new strategic tasks in front of the country's economy in 2014 and has worked to neutralize the risks that might arise from the global economy.

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HISTORY OF LAW OF KAZAKHSTAN: PROBLEMS IN EXECUTIVE LAW

*Svetlana BAYMOLDINA, page 43-52

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ABSTRACT

The foundations of the Seljuk State were laid in the geography of Turkistan in the Xth century. Today, a significant part of this geography is owned by the Turkish Republic of Kazakhstan. Seljuk Bey, the Seljuks' ruler, served for a while in the Oguz Yabgu State, which ruled today in the territories within the borders of Kazakhstan, and then migrated to the Islamic country to the south, accepting Islam. Those of his descendants have found the Seljuk State, one of the greatest states in Turkish history.

Kazakhstan, today is one of the most important heirs of the political, social, cultural, legal and economic accumulation of the Göktürks, Seljuks and Kazakh Khans in Turkestan geography. The legal system established by these political entities has maintained its existence in that geography for a long time. It is possible to see the traces of the Seljuk legal system in the legal history of Kazakhstan, which has adopted the modern legal system nowadays. The widespread international trade and the emergence of new legal situations also necessitate changes in the rules of law. Kazakhstan's Execution Law is experiencing this process of change, along with a number of problems arise, in parallel with this, and it is becoming compulsory to make some changes in legal legislation for resolving these problems. The Execution Law adopted in 2010 with the aim of solving these problems that arise in the legal system in Kazakhstan brought with it a number of new problems in practice.

In this study, daily problems from the Seljuks on the Execution Law in the Kazakhstan's Legal System were identified and the solution of the issue was discussed.

Keywords: History of Kazakhstan Law, Execution Law

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1. INTRODUCTION

The Kazakh geography, where the Seljuks' ancestral lands are located, is governed by the Kazakh State, which currently holds the title as the largest independent republic of the Turkish world with a width of 2 million 725 thousand square kilometers.

In the history there are many Turkish communities that make Kazakhstan as home land. One of them was the Oghuzes and this crowded Turkish boy was tortured to the Islamic world by migrating from north to south on the present Kazak territory and eventually adopted Islam. One of the first Muslim Turkish states, Seljuk Bey and his grandchildren Tuğrul and Çağrı the Great Seljuks, whose siblings put their bases in the borders of Kazakhstan, within a short time has taken its place among the world's greatest empires. In this framework, the Seljuks continued to exist as a decisive force in the Turkish world, in the Islamic world and in the Western Christian world for the past two and a half centuries between the XI and XIII centuries. Khwarazmshah, Iraq Seljuks, the Syrian Seljuks, Turkey Seljuks, Ayyubids, Mamluks, atabeylics, Anatolian principalities as both the east and also confronted us in the West have been in many political organizations Seljuks historical and cultural heirs position.

In the XII century, when the Seljuks experienced the most brilliant periods, the southern parts of present-day Kazakhstan were under Seljuk rule or under the indirect control of this state. In Mongolian occupation with the withdrawal of the Seljuks from the historical scene, today's Kazakh lands were exposed to new invasions and various names bearing various names were settled in this geographical area. The Golden Horde State, which was accepted as the continuation of the Mongol Empire, tried to unify this body under a single roof. Since the XV century, Kazakh has been under the administration of the Timurid State for a while, and this state has been taken over by the dismemberment of the state and the so-called Kazakhs. Since the XV century, the Kazakh province, under the rule of the Timurid State, took over the power of the so-called Kazakh, which was a part of this state. By the time of progress it became dominant in the geography of West and Northern Turkestan.

From the XVIII century, the Kazakh society lived hard and tough years under Russian pressure. Their lands were taken by the Russian Tsarist regime. Nonetheless, the Kazakhs, struggling under the leadership of Kazakh heroes, showed great resistance to occupations. Hundreds of thousands of Kazak Turks fell martyrs for the protection of their homeland. Kenasari is at the head of these heroes. Continuing its existence as an autonomous republic in the XXth century, Kazakhstan took its place among the Turkic republics at the end of this century with a fully independent structure led by presidents Nursultan Nazarbayev. (Hizmetli, 2011: 23)

The history of Kazakhstan, which has been among the fastest-growing and modern-looking countries of Asia, has also played an important role in the wars, victories and culture and organization as much as it has been defeated. Throughout their history, the Kazakhs have formed their own understanding of the state as part of the Turkish state system. Therefore, military organizations, war tactics, weapons, clothes, eating habits, epics, literatures, musics, architectural-arts and aesthetic understandings, religious practices and popular beliefs in the history of the Kazakhs can not be handled outside of Turkish history and culture. Yet concept of the Kazakh legal system, justice and justiceis a continuation of the old Turkish Law and Justice system.

2. A Short Overview of the Legal System and Justice Understanding in Old Turks

The old Turkish legal system consisted of the so-called “customs”, which were not originally written in writing and were passed on to the writings in later periods. Custom; Kağan’s practices have been formed by the decisions that the congress has taken and the customs and customs that the people have lived and adopted have transformed into systemic rules for centuries. The Turkish state officials performed law enforcement activities based on tradition or tradition. In the aftermath of the Xth century, however, when they were firmly attached to the Islamic government, when the state authority was concerned, they prepared and applied laws appropriate to their customs.

The old Turks had courthouse organizations called “Köni”. This organization consisted of the high state court “judiciary” under the presidency of the monarch and the “criminals” who were in charge of

applying the law on behalf of Kagan and their employees. Throughout history, Turks aimed at creating a strong organizational structure, in other words, bringing to the body the sound legal institutions, in order to ensure that the great empires that they establish are long-lived. In this context, the provisions of the "custom", ie the old Turkish Law System, were simple enough, but simple enough to solve various problems. Among the duties of Kagan in the Old Turks, firstly good laws must be followed, and then immediately these laws should be applied with justice and protecting their people in this way.When the period of the sources are examined, it will be seen that the former Turkish state administrators and even the people believe that "a state can only survive by law". (Köprülü, 1943: 232)

The Chinese sources provide examples of us about the Huns, the criminal laws of the ancient Turks. In this context, there are timelines related to the implementation of death penalty, imprisonment system, punishment of burglary, escape from war, theft, education of debts, rebellion, rape, marriage, divorce and other issues. Accordingly, while the punishment of the fugitive is executed, the penalty of the crimes of forging and busting it was the compensation that was only paid with animals. But the accused had to pay ten times of the value of the goods he stole. He was obliged to give the man who made him blind his daughter or his wife's property to that person. At this point it is noteworthy that the punishment is not personalized. This and such transplants indicate that the Turkish criminal law has reached maturity from the earliest times. There are also foreign sources of information about the international legal principles that Turks have developed over time. (Yakut, 2002: 401) [3]

Treaties in Gokturk and Uighur were usually made by giving word. The commitment to the oral "oath" is srrictly adhered to commitment and this commitment was expressed by the words, "Whoever breaks this oath and may he is punished for God's punishment". However, even before the Turks were involved in Islam, they eventually had their own written laws. As a matter of fact, we are aware of the existence of written legal texts belonging to Uighurs. In any treaty passed in writing to the Uighurs, history, names of those who made the treaty, the purpose of the contract was to write what would be done if one of the parties did not comply with the contract. Uighurs practiced various types of loans, debt, sales, rent and service contracts and other contracts. In the case of borrowing documents, in the event that a person who had not been paid on time or who had borrowed from the borrower (or died) in order the lender not to remain in a difficult situation, it had been notified that how and by whom the purchased goods would have been paid.

According to customary law, for timely unpaid debts a different interest payment obligation had been imposed from the normal interest. In Uighur law real estate and, in some circumstances, people have been subject to pledge. For example, a child who was held hostage was obliged to serve the creditor until the debt was paid. In return, the creditor agreed to cover all costs of the child.Turks whether in the form of an oral oath, or based on written texts, the fulfillment of a given promise was the first order of the provisions of the "custom". If a debtor was not paid for this reason, the state would apply the laws and allocate the right of the victim through enforcement. This legal sensitivity continued in the Oguz communities as the continuation of the Göktürks, the Seljuks, the Turkestan Khanates, and therefore in the Kazakh community.

3. A Brief Evaluation of Kazakh Law System

It is necessary to look for the foundations of the Kazakhstani legal system in the justice mechanism of the ancient Kazakh Khanate period. The findings of A. Kara who studies on this subject are important in this context. According to Kara, "The Kazakhs, as the last representatives of the immovable Bozkır Turk Cultural Society, have carried out many ancient Turkish traditions, one of them being the Court of Beyler, which is based on the tribe, and in the ancient Turkic society, the nomads are not only the wise but also the representative of the political will. He brought the state to boy and boduns. Bodun is the union of the longitudes. (Caferoğlu, 1934: 48) Every boy had a "bey (governor)" Here is the subject of the Beylers Court, this is the boy's bey. The trial of the Kazak beylers or the function of the beylers' court is somewhat different from today's modern courts. First of all, the provisions that the lawyers give are the convincing qualities of both the plaintiff and the defendant. In addition, the beylers os the lords never gave death or imprisonment punishments. In general, criminal offenses are punishable by the payment of compensation called kun. The Beyler court is not subject to artificial rule, but contains rules that are appropriate for the nature of man. Essentially, the basis of the Beyler Court is to help the defendants settle their problems by mutual agreement. Here, the judge plays the role of the judge among the defendants. (Saim, 1995: 87) That is why the bey must have a very reliable, knowledgeable person, a wise person and a judge of justice in his provisions. There is a saying that as "Tuvra biyde tuvgan jok, tuvgandı biyde iyman jok" that is there is no relative in the righteous bey, there is no conscience in the family bey. In the past all the cases of the Kazakhs, their disputes were raised from among themselves; life, traditions, and the knowledge of the people, and they would not make any mistakes in their terms.

The beylers were aware of the holy commandment that was charged to them. Here are the tribes with such fair beys, they had a very strong social arrangement. Thus, even if the state in which the boy belonged is destroyed, the boy or the tribal structure could survive. A boy is already a small state in itself. Itself had judgment, execution and legislation. In the former Turkish political organization, a separate organization, which is a separate organization, was also brought together a new boys to bring the province to the state. The Turks, who believed that justice was property-based.

Therefore, the Turkish legal system is a system that is compatible with human nature, dignity and lifestyle. This is a product of the many years of experience of the Turks."

Esim Khan (1598-1628), one of the great leaders of the Kazakhs in history, provided the Kazakhs to live in peace; By updating the previous Kazakh laws called " Kasım Hannın Kaska Jolı" Kasim Han's Dignity Road / Kasim Khan's Laws), he arranged a new constitution of the Kazakhs called "The Old Road of Esim Han". At the time of Tavke Khan (1680-1718), "Khan Assembly", "Beyler Delegation" was established; in this period the constitutions of the Kazakhs were renewed again and the last classical constitution of the Kazakhs, called "Seven Judgments" or "Seven Truths" (Tavke Han Kanunu), emerged by using Islamic, shar'i provisions. The Seven Judiciary, which had an important place in the political and social history of the Kazakh society, regulated the general political relations of the Kazakh society from the legal point of view for centuries XVIII-XIX. (Doğan, 2002: 43) Here is the secure legal accumulation of all this ancient Kazakh society, has also been an important basis for the establishment of modern Kazakhstan. However, this is not visible. Only those who read the spirit of the Kazakh legal system can see it. Just as if we were looking for the political, social and judicial foundations of the ancient Kazakh Khanates in the accumulations of Göktürks, Seljuks, Golden Ordas and Timurids, we should not trace for the old Kazakh traditions while investigating the legal subdivision of today's Kazakhstan. This must be taken into account when studying executive law within the Kazakh legal system.

4. Actual Problems in the Execution of Court Decisions in Kazakhstan

In recent years in Kazakhstan, great importance has been given to the issue of court decisions. Regulations on the enforcement of executive laws and on the technical and technological development of enforcement staff have facilitated the execution of court decisions. (Turgarayev, 1995:98)

Despite all these arrangements, however, it can not be said that the execution process in the ideal sense is fully functioning. Failure to enforce the court's decisions undermines confidence in the legal order. Problems arising in the execution of court decisions can be listed as follows:

1- During the execution of court decisions, the borrowers make threatening statements against officials, excuding or hijacking the goods that can be seized to prevent the executive officers from performing their duties, and use physical force against the officials.

2- In executing the court decisions to provide the skills of the staff in the required level and there are problems in promoting the bureaucracy occupation. The fact that the personnel have not attained the required competence and the continuous change of the personnel in charge, affects the functioning of the execution system negatively. Since the staff in charge of the executive process must have a law degree in accordance with the Kazakhstan Execution Law, the staff in charge of the process are better able to change jobs immediately if they find a job. If a certain period of staff finds a better job or finds a more comfortable court pen it immediately takes on another job. (Kuru, 1994: 88)

3- According to the provisions of the newly enacted «Execution Law», without any deductions from the debts collected from the debtor these funds are transferred directly to the treasury budget. However, before enactment of this law, the enforcement officer who was charged with the collection had the right to receive a reward of 5% of the collected money, which was seen to have been more willing to work in the immediate and complete fulfillment of the court decision.

4. The incompatibility between the "Execution Law" and the other legislation other than those mentioned above also means that some articles of the law can not be fulfilled in practice has a negative effect on the execution process. Even if there is a possibility to apply to the law enforcement and judicial authorities against the debtors who are trying to prevent the enforcement officers from proceeding, there is no result even if they are applied in practice. There are also discrepancies in banking legislation. It is necessary to obtain permission from the prosecution office in order to be able to levy a deposit or measure in the bank account of the borrower. Responses given in writing to the bank sometimes reach executive directors for over a year.

5. Perhaps the most important element that can ensure the implementation of the Execution Law and the most important factor that can lead to an effective result is to extend the execution period of database and automation incompleteness which will enable the exchange of information between the banks and the banks in the land registry offices which will determine the assets of the debtor and prevent the collection of debts. If the borrower owns a property in other cities, this situation is far from being detectable.

6. The fact that the court costs are collected in advance at the beginning of the execution period before the receivables are collected also leads to the unwillingness of the persons to apply to the public authorities. Most of the official authorities (forensic examination centers, real estate centers) charge tax and other charges if they have not received any formal charges yet.

What can be done to solve the current problems in the Executive Law of the Republic of Kazakhstan listed above?

1. Unlike the enforcement of court decisions from Turkey in Kazakhstan not only by enforcement offices also have successfully completed the examinations made by the Republic of Kazakhstan authorities and carried out by private executive officers who graduated from the faculty of law. In most of the other states in the world, the executions of court decisions are made by executive offices, which are formed by allocating space in the courthouse buildings and under the hierarchy of judicial authorities and are the pen organization. In this sense, private executive offices permitted by the Republic of Kazakhstan to allow special enforcement agencies have opened a new way in enforcement law. However, there are debates about whether the activity that the executive offices did was an administrative activity or an accidental activity. It is necessary to change the status of a kind of special executive officers involved in this enforcement process, to give them some powers of the law executive officers, and to provide their motivation by eliminating the indifference to their business, which is the public service of the service they have done.

2. With the amendment to the legislation, the person who refrains from executing the court decisions must open the way for the implementation of strict sanctions.

3. The amendments to be made in the Execution Law and the provisions contrary to other legislation must be abolished from the enforcement.

5. Conclusion and Evaluation

Among the oldest representatives Turkish nation that has newly acquired independence in Central Asia, the Republic of Kazakhstan every field in the country is making progress in the direction of modernization to close the distance between developed states in the world. The functioning of the rules of law and the application of the court decisions given by the independent judiciary are among the most important criteria of modernization. Failure to comply with court decisions will lead to negative effects on courts and state authorities. The Republic of Kazakhstan has made some changes to its enforcement laws in order to speed up the implementation of court decisions. However, in order for legitimate legislation to be regarded as a good faith initiative, it is necessary to make changes in other legal regulations that are contrary to the new regulations and to be able to apply the changes.

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NOTION AND STATUS OF INDEPENDENT REGULATORY AGENCIES IN THE REPUBLIC OF MACEDONIA

*Muhamed Mustafi, Argëtim Saliu, page 53-64

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ABSTRACT

The nineteenth and twentieth century determined a special connection and interdependence between political and economic branches , which set the right platform for presentation of the bodies or regulatory authorities. Macedonia was not overlooked by this connected determinism and interdependent. The formation of regulatory bodies by the Assembly in more diverse sectors in Macedonia began in 2002. The regulatory bodies have the status of legal entity by registration in court and their work is public.

The role of the market, politics / government and civil society as a regulator with economic and political mechanisms that operate in democratic societies with market economies is, in fact, an appropriate balance of their roles as regulators of public affairs.

Keywords: *regulatory bodies, assembly, inspection, deputies, legislation.*

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1. INTRODUCTION

Market regulator always requires something sacrificed to achieve the desired profit, while the regulator through political power requires a systematic effort and time. There should be a special audit, that can be a force of direct democracy and the conduct of a law which will necessarily apply to the regulatory bodies as a mean of adjustment, which play a major role in strengthening governance law and in support of a free market economy.

Regulatory bodies, as independent agencies, play a key role in strengthening the rule of law and in support of a free market economy. In Macedonia, regulatory bodies, as well as independent agencies, represent relatively new types of institutions, the expansion of which is related to the onset of transition and the subsequent connection process to the European Union.

2. Conceptually and Methodological Determination

The methodology and the concept of scientific research give a positive result if they have scientific and objective support, because, on the contrary, they would be just fruitless ideas. The research is based on the descriptive, analytical and comparative methodology used to explore the topic and to achieve an effective outcome in this delicate matter.

3. Notion and status of independent regulatory aagencies in the Republic of Macedonia

The political economist Adam Smith has never made any distinction between the political and economic analysis of institutions, interests, values, interactions or market themselves. Nineteenth and twentieth century witnessed a real separation: the economy focused on the analysis of economic relations, and political science in the analysis of political processes. (Nispa, 2003: 81)

This gap has slowly brought up to what economists and politicians to leave the reality which, according to Adam Smith, was routine: Relevance and political and economic interdependence. A large part of politics by its nature is economical, while economies also largely political. At the same time, certain society distinguished by its concept of the regulatory function of the government and the market, but yet the mainstream of political science and economics major issue left unresolved, namely the issue of the role of government and market. (Nispa, 2003: 81)

From another point of view of public policy, mainly highlighted three regulators: the market, politics / government and civil sector. The role of the market, politics / government and civil sector as regulators of political-economic mechanisms that operate in democratic societies with market economies, consists of what appear appropriate balance their roles as regulators of public affairs. (Nispa, 2003: 83)

According to the authors Strek and Shmiter (1985), society, market and governance are key mechanisms for maintaining social order. But despite regulators identified by Strek and Shmiter it should not be overlooked, even a domain that is based on ethics and social philosophy, and it is socio-cultural values and deep political conscience.(Streeck, W, Schmitter, P.C, 1985:81)

The market is a self-regulation system in which the offer, requirements, gains and losses of defined allocate resources more effectively by any other known regulatory mechanism. The market mechanism is based on a voluntary agreement between buyers and sellers. From here, we can freely trade regulation underline that comes from the assumption that individuals are oriented to increase their profits maximized to the extent that enables the market, while system, respectively government follows its own egocentric interests.

According to the author Barry (1987), the effects caused by the operation of the market in cheap, unchecked by regulators, namely the state, unemployment and greater consumption. (Streeck, W, Schmitter, P.C, 1985:83)

Market depends on the government and political governance, laws guaranteeing personal freedoms and protect private property of citizens and the business community. Possession of law, supported by state and political control mechanism to regulatory bodies, is a prerequisite for effective economic development and democratic society.

According to the Encyclopedia Britannica (The Editors of Encyclopædia Britannica, 2016), the regulatory bodies are formed by legislative act, in order to set standards in the field of certain activities or operations, the private sector, and then apply these standards. Regulatory bodies function and carry out surveillance tools became famous for promoting fair-trade and consumer protection, since commercial and trade issues became more complex, especially in the 20th century. Regulatory bodies have been set for the implementation of safety standards, or to monitor the use of public goods and to perform market regulation.

Unlike traditional enforcement agencies working within the ministerial hierarchy, regulatory bodies are not subject to direct government control, respectively Ministry. Instead, under control tools are in the hands of the Parliament and they usually ask only limited opportunities, as it is the annual reviewing reports of the regulators. (Slobodan ,2015:8)

4. Regulatory bodies in the Republic of Macedonia

Countries in transition, in the first decade of XXI century, were more consistent among the pioneers of reforms by the new leadership in the public sector based on the Republic of Macedonia, they are not exempt from this cognitive determinism, and interdependence. Establishment of regulatory bodies by the Assembly in more diverse sectors in Macedonia began in 2002. Regulatory bodies have the status of a legal person, with registration in the court and their work is public in as a fundamental restructuring process of the public sector. (Slobodan ,2015:18)

Republic of Macedonia, as a country in transition, went through a comprehensive process and accelerate the creation of regulatory bodies. The formation of the regulatory bodies provided for in the law applicable to the European Union as a condition for progress in the accession process to the European Union.

Republic of Macedonia and the region represent the new so-called democratic countries that aspire to join the European Union, and in this regard, may be appointed as "a delayed Europeanization". Ongoing, Macedonia passes through the "second transition" and faced with many challenges, such as rule of law, the judiciary and public administration reforms, the independence of the media, the name dispute, etc.

Strengthening the work of regulatory bodies and improving regulations are part of the priorities in the following period, which is also provided in the application of European Union law, as a condition for progress of the enlargement process in the European Union.

In the process of reforms, the legislation was relatively successful, in terms of forming independent agencies and regulators in many different sectors, but law enforcement practice, however, showed many weaknesses. The most significant obstacles raised: firstly, highly politicized environment that does not devote enough attention to the role and position of independent agencies and, second, inadequate chronic resource insurance for the agencies. (Slobodan ,2015:18)

At the same time, the widespread perception of independent agencies in the region is very negative. In public discourse, they often appear as damaging and unnecessary institutions similar to what happened in Croatia, working for political elites and big business, instead of making a positive contribution to the citizens. (Slobodan ,2015:19)

Regulatory bodies, established by the Assembly of the Republic of Macedonia, are:

- Agency for regulation of the railway sector, 2012 (www.arpz.mk);

- Funding Agency for Supervision of Pension Insurance - MAPAS, 2002 (www.mapas.mk)

- Agency for Insurance Supervision - ACO, 2002 (www.aso.mk)

- Agency for audio and audiovisual media services, 2013 (www.avmu.mk);

- Commission for Securities, 2005 (www.sec.gov.mk);

- Agency for the post, 2010 (www.ap.mk);

- Civil Aviation Agency, 2006 (www.caa.gov.mk);

- The Energy Regulatory Commission, 2011 (www.erc.org.mk);

- Regulatory Commission on Housing, 2009 (www.rkd.gov.mk);

- Agency for electronic communications - AEK, 2008 (www.aek.mk)

In accordance with legal regulations and the public, which established regulatory bodies, the Republic of Macedonia is the founder of the regulatory bodies, and the Assembly of the Republic of Macedonia has the rights of the founder. Regulatory bodies are established as autonomous bodies and have non-profit status of a legal person with public authority established by law. It is also important to note that regulatory authorities manage the property themselves and their assets.

In this part, there should be a distinction between regulatory bodies and independent agencies. According to relevant legislative, the committees of regulatory bodies appoint director of the regulatory body, through public competition, for a term of five years, with an option for a continuous term. However, independent agencies elect a President from among the members with four-year term with the right of a next appointment.

5. The role of the Assembly of the Republic of Macedonia to the regulatory bodies

Finance and Budget Committee has an important role in monitoring the work of regulatory bodies that are outside its competence and it continuously works on bringing legal decisions in terms of harmonizing national laws with the European Union in this field.

Competence of the Finance and Budget Committee of the Parliament of the Republic of Macedonia is the control work of the State Audit Office, the Securities Commission of the Republic of Macedonia, the Agency for Insurance Supervision and the State Commission for complaints against public procurement. (Report of the Finance and Budget Committee of the Parliament of the Republic of Macedonia in fifty-four meeting held on July, 2015)

According to the list of reforms urgent priorities and recommendations of the European Commission (EU Report, 2016), which are submitted to the Parliament of the Republic of Macedonia, in the B belonging to independent regulators, troops controller and supervisor stated that it is necessary to ensure the level of pleasing the autonomy of independent regulators, controller and supervisory bodies, not only theoretically, but in practice, they can operate with the same efficiency and without political pressure. Also, it notes that it is necessary to ensure that the membership

of independent regulatory bodies based on skill and professional experience.

Even in the public debate on the topic: "Urgent reform priorities for the Republic of Macedonia, de-politicization of public administration", organized by the European Affairs Committee in the Parliament of the Republic of Macedonia, at the 29th meeting held on 14.03.2016, the discussants concluded that regulatory bodies should have greater autonomy without political pressure on members and employees. (Assembly of the Republic of Macedonia, 2016)

Regulatory bodies in their work, in accordance with the law to which they are established, give commissions assembly who answers through the preparation of annual reports and programs. The annual report for the previous year's performance, regulatory bodies shall submit to the Parliament of the Republic of Macedonia until March 31 of the following year. Annual reports are a strong weapon in the hands of committees for control of the regulatory bodies work. Also, information is carried through annual reports to the public about the condition and performance of the regulatory bodies. Assembly committees, within its powers, take measures in accordance with condition marked by the report and the annual program, including: suggest, provide feedback etc.

6. CONCLUSION

In Macedonia, the period of formation of regulatory bodies begins in 2002. But, from our actual experience, we face open issues concerning the election of the current authorities or whether existing regulatory bodies cover all sectors or should be established other regulatories.

Institutionalization and functioning of regulatory bodies is essential for any democracy, especially where the flow of transformation and reform process. Only a strong and respected parliament can move in a country reforms and actually carry out control over the executive and other institutions founded by the Assembly. While checking role of parliaments is of vital importance and it cannot be done adequately without the existence of independent regulatory bodies for the protection of civil rights and the legality control over the work of public authorities. Building democratic institutions is a process that never can be definitively completed, while the role of independent regulatory bodies in that process is growing increasingly. The functioning of independent regulatory bodies for the South East European countries is also important in terms of implementation of European standards. In this regard, the legislative must redirect European achievements in this field, so that in the future not face even more serious obligations.

Exchange of experience on a regional basis also contributes to increasing the transparency of the regulatory bodies in relation to the media and public opinion. In this regard, it should be continued the regional cooperation that will contribute to improving the relationship between parliaments, regulatory bodies and civil society. It is necessary to support civil and parliamentary ongoing regulatory bodies in implementing their operations. Regulatory bodies and civil society are natural allies. This is a great importance to the promotion of democratic processes and the rule of law in countries of the Cooperation Process in Southeastern Europe.

Annual reports are a powerful weapon in the hands of parliamentarians committees to control the regulatory bodies work. Also, through annual reports, which are submitted in accordance with the law finally on March 31 of each year, shall inform the public about the situation and the work of regulatory bodies. Councilors commissions, within their power, take action in accordance with the situation registered with the report and the annual program, including: suggests, remarks etc.

Regulatory bodies that operate independently and professionally are indicators for a stable, pluralistic, in which respect its responsibility to citizens. They must act in a safe distance from all potential sources of influence - the executive authorities, politicians, business and other interest groups. Assembly of the Republic of Macedonia, as a true presenter of the people's will, is an institution that strengthens the role and operation of independent regulatory bodies. Also, it is necessary the introduction and implementation of several new mechanisms that will improve control over the process of regulatory bodies through the involvement of the public, the media, NGOs and the academic community.

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SOCIOLOGY OF LAW AND (RE) DESIGNING A LEGAL REALITY

[*]Mensur Kustura, [**]Emina Karo, page 65-74

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ABSTRACT

Sociology of law is not a static science discipline, it changes as right and changes are happening ever faster. It is not limited to what constitutes only the law, rules and institutions, but encompasses all the more or less colored rights - legal and social injustice. Since this is the right, which is derived from the pluralism of legal sources, but only partially legitimate sources, a more dynamic subject that is problematic to comprehend. The difficulties grow even if the right as such is not observed, is not through the form of legal science interpreted, but in the dominant understandings of the applicable law. But that is the task of sociology of law. It deals really with the real right, as well as with the real application of rights, and with the reality whose regulation is the purpose of modern law. These three areas of ontology of rights are not always clearly separated. The difficulties faced by sociologists to investigate the right, due to the fact that they are viewed in a practical context as legitimate right, have actually been increased rather than diminished. This is more fully manifested in the example of legal reality as the reality of the application of legitimate rights. For political reality, as a reality of the emergence of legal norms, nothing less is to be divided into a public and shady reality. For reality, whose decor is the purpose of law, this dichotomy has always been considered a characteristic. Under the light of the discursive public, the actors manifest their dedication to the law; violation of the law, however, happens latently. It is therefore complex to explore the valid law in "light" and "shadowy", and thus the research of sociology of law is constantly confronted again.

Key words: sociology of law, legal reality, shaping of rights, the validity of rights, discourse of the public**.**

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METHODOLOGY AND SCOPE

In this study literature reserach was examined. Study does not include any empirical research methods. The research is based on the Sociology of law, legal reality, other shaping of rights, the validity of rights disccused in law science. Study will be focus on the sociology of law and it's impact of re (desining) legal reality. After that will be made general assesment of the research topic.

INTRODUCTION

The text titled "Sociology of Law and (Re) Designing a Legal Reality" discusses the role of sociology of rights in the formulation and interpretation of legal reality in a functionally differentiated society. Approaches, concepts, and models are changing relatively quickly, and hypotheses are often denied by new questions and new hypotheses before they come into theoretical discourse and empirically explicitly verified and confirmed.

Sociology of law is not a static scientific discipline, it changes as well as law and changes are happening more and more dynamically. Collections of laws, this is true for the emergence of rights and its interpretation. The increasing complexity of a functionally differentiated society puts ever greater demands on the law.

Sociology of law is not only a theoretical discipline, it contains an intent to acquire empirically verifiable and usable (sa) knowledge. It is about collecting, researching and analyzing data and knowledge about how law institutions function, concrete correlation of social movements and legal rules, relations of laicist and discursive public with respect to law and legal institutions, the meaning and meanings attributed by the addressee to their own legal reality, and specific problems of the legal profession, the selection of judges, legal ethics (Hesse, 2004: 14). Such research can help to illustrate the difference in the intrinsic legal logic and social reality in which the right is formulated and the right to focus on greater understanding of one's own social and contextual conditionality.

The efficiency of the law is increasingly dependent on the content of legal rules, and more relevant are the methods of producing rules. That the right has its own positive and secular character is the achievement of the

modern era. The number of legal sources from which the law itself arises, as well as the number of legal rules, is also increasing. Furthermore, one could start from the fact that the view on the law and the sociology of rights could have a secure foothold in the adopted and published laws by the parliament.

Then, the distinction between laws in formal and material terms should be abstracted, but only in order for both of them to be accepted as an expression of a valid law. Similarly, in addition to legislation, executive power with administrative law appears as a legislator - an addressee of law, although it has nothing to look for in the strictly observed constitutionally regulated principles of the division of powers. A conscientious remark that administrative law, as the law of the executive power, has the character of an exception and that, through the norms of legislation, it is strictly limited, it has long since been overcome and denounced through reality (Hesse, 2004: 11).

The principle of the division of power is thus the first example of the difference between the practice and the program, with which sociology of law always meets again. This difference is precisely the basis of the legal science field. The area and those who deal with it live. The right in modern terms is a targeted rational understanding of the norm as an instrument for achieving social regulation of legal reality (Henecka, 2000: 65). The process of rationalization and mediation of rights has several features that give new and higher instrumental rights to a functionally differentiated society.

UNDERSTANDING OF LEGAL REALITY

The law belongs to all communications, "which are law-oriented, whereby the rules of the law are reflected in the institutionalization process precisely on the implemented social integration" (Habermas, 1995: 108). The law, according to Jürgen Habermas, is also interpreted as an integral part of the world of life. It is based on and reproduced to the world and finds that connection to the scientific and linguistic system, which constitutes the everyday life, and "also brings messages of this origin and form, in which they for the special codes of administration (power) and economy (money) remain comprehensible.

In so far as the language of law can be fungated as a transformer in the universal flow of communication between subsystems and the world of life, a limited ethical communication is limited to the sphere of the world of life "(Habermas, 1995: 108). According to German sociologist Claus Rolshausen, "Modern" political power in the forms of positive law can be developed into a legal authority. Its formal legal organizations are secured through threats by sanctions. On the other hand, the right serves the organization and management of institutional power.

Hence, the real medium through which communicative power is transformed into an institutional one. The idea of a state governed by the rule of law is to require that, through the code of power. The administered administrative system be connected to a legally applied communicative power and keep away from the influence of social power and from the real power of realization of privileged interests. On this basis, a balance between the three forces of social integration is formed in the rule of law: money, power and solidarity. Right (whose violation is punishable by sanctions) and power are constituted mutually. In terms of power and legal codes that are legitimately applied to the ancestral rights, they need to bring together each other mutually (Rolshausen, 1997: 165).

The exercise of political power is legitimized by law, which arises from a deliberately formed legitimacy. Institutionalization of procedures and communication conditions are for this assumption.

Applied law sociology is not only the sociological application of law but also the application of sociology. Applied law sociology is not only the sociological application of law but also the application of sociology. In this context, it is also the applied law policy because it is "decision-oriented decision-making" process. The legal policy questions and decides which legal means and which legal ways to access in achieving of societal goals (Rehbinder, 2015:25).

Humans, corporations and laws are part of a bigger social complex that contributes towards how we think, act and conceptualise our world. This means that neither the hard laws, the architecture of our lives, nor the soft code, the social norms, languages, metaphors and conceptions alone can constitute our reality. It should be borne in mind, in this context, that metaphorical concepts depend for their coherence and persuasiveness on the motivating social contexts that ground meaning, and that therefore legal change, too, is contingent on. Therefore constrained by, the social practices and forms of life that give law its shape and meaning (Larsson, 2013:292).

SOCIOLOGY OF LAW AND LEGAL REALITY

In this way, as the law, which originates from several legal, but only partially legitimate sources, is an ever more dynamic object that is difficult to understand. So does the difficulties, if the right as such is not observed, therefore not through the form that the legal science interprets it, but in the dominant notions of legitimate law. But it is a methodological theoretical task of the sociology of law. It deals with the reality from which it originates, as well as with the actual application of rights, and with the reality whose regulation is the purpose of the law. These three areas of ontological reality of the law are not always clearly epistemologically separated.

Sociology of law seeks to theoretically and empirically conceive and explain the relationship between a law and a functionally differentiated society. Further, investigates the order of legal institutions, the social interaction of individuals and groups that come in contact with legal institutions, and the meaning attributed to the legal right by their acceptors. (Işıktaç Koloş: 2015:6).

Niklas Luhman, in the 1990s, vainly tried the legal profession of consciousness on the common denominator of a single profession, in order to ensure transparency in the legal reality (Baer, 2011: 106). What was not achieved at the time, today seems particularly impossible. All the more obvious are specificities within certain professions. The interest of lawyers as a unified interest versus the economic and political environment of the ruling norms and expectations is becoming less and less relevant. Hence, the interest of lawyers is increasingly economicized and politicized, and so it is also particularized. Professional reality and legal education are changing. It is encouraged to recognize ignorant knowledge, not only of scientific, but also of journalism and literature (Baer, 2011: 32).

The principle of the division of powers, not only the executive but also the judiciary deny. It is of increasing importance for the existence of rights. In many cases courts have become the highest authority for legitimate law issues. Whether their activity in the individual is perceived as an interpretation of the law or the formation of rights is of secondary significance. Since today's dominant interpretations of the law have long ago created the impression that there is no clear boundary between interpretation and law-making (Horster, 2009: 576).

In one way or another, the impact of the judiciary converts the legislative right into judicial practice. There is an increasingly common situation, and especially in the case of "complex cases", that the decision on constitutional law is crucial. It is a common law of a state, no matter where it origina-

tes subordinated and modified through international law, primarily through the law of the European Union. This supremacy of European Union law on the national law of the member states is yet another example of the distinction between reality and program. Hence, through the supremacy of the European Union law for every democracy, the constitutional principle of the parliament is only indirectly touched, because the European Union, although it has a parliament, is not a EU law law. It's more bureaucracy from Brussels (Hesse, 2004: 12).

Legal reality is not considered as a profession only from a position of occupation, but also as an institutional as a office, a joint stock company, as a management, a court, a state apparatus etc. In every institutionally understood reality, the interest of secrecy is promoted. Especially within the state administration is of particular importance, because state secrets are protected by sanctions of criminal law. Beyond this, primarily a non-politically oriented context, the bureaucratic and judicial reality is connoted with the tendency of secrecy. The legal profession has the task of integrating a legal subsystem in order to maintain its authority and autonomy in fulfilling its functions in relation to other subsystems within a functionally differentiated society. Structural and functional imperatives of the legal subsystem are: 1. integration of legal doctrine, practices and procedures into a coherent doctrinal and institutional system; 2. achievement of goals - organization of legal doctrine, practices and procedures to meet legislative objectives; 3. Maintaining behavioral patterns - maintaining the legal tradition and establishing the value of the legal profession and legal subsystem; 4. adaptation - meeting the needs of clients and the rightful address. The legal sub-system is specifically aimed at achieving a functional precondition for integration by facilitating and harmonizing the relationships between individual subsystems, thereby creating a social balance (Henecka, 2000: 135).

The parliament's right to enter secret bureaucracies through investigative committees is subject to party calculations and loses it in effect. Since some parts of the bureaucratic, especially judicial reality, are subject to discursive publicity in treatment and reasoning, they partially block internally motivated secrecy interests. Decisive for institutional practice is less of what kind of external program is subordinated, but more that will be internal implications for achieving organizational goals. There, where keeping secrets serves the organizational purpose, it will be practiced there. Then the view of internal practices will be blocked by external observers, like in a "black box". Or, it will be subject to virtual transparency due to the coercion of outside actors for the greater public (Hesse, 2004: 13).

Thus, the legal reality is publicly presented, similar to political, cultural, social, actually staged and arranged. Hence, the facts are really divided

into "play" for the laicist audience in front of the scenes and the real life of social actors behind the scenes. In the roles played by actors in the imagined direction on the public scene, and on those who play the hidden, following, in addition, different rules of action and behavior (Röhl, 1987: 600).

As a consequence, the legal reality is determined by the division of informal decision-making and their public reasoning. Therefore, the study of the right teaching of the finalist interpretation of the law is still very important. By now he was referring to the form of a written statement of reasons. Future lawyers, at the time of the studies, and especially when preparing for a bar examination, practice to use the explanation of their decisions as a means of persuading others to accept their actions and the results of their work (Baer, 2011: 141).

For this purpose, the connections with real treatment and real decision-making are concealed. With the intent of caricating, three types of judgments can be spoken: written, oral, and real. But this caricature has the real basis, which is simply explained. The decision-making rules affect the internal procedures for finding a solution to the problem. The rules of reasoning, however, have the task of making the found solutions to an acceptable laicist public or assuring the public that they are true and just.

Here, the sociologist of the law who seeks to investigate legal reality encounters, in fact, virtual frameworks of reasoning of legal reality, but does not encounter "the reality as such." He learned a large part of the laicist public, although it may still not have been established a "firm rule" that behind each qualification is the opposite, that certain political statements are relativized from the point of view of their final character.

It should be oriented to the practice of presenting decisions. They usually appear in the form of pure legal texts and form a significant part of the legal reality. This, however, means searching for the practice of writing decisions, which in principle can not be reconstructed through purely legal practice. If a sociologist does not know the law, then he misses the essential preconditions to truly understand what is happening in front of the scenes. Political controversies end up in courts, deciding on them judges, and not elected representatives. The actors resort to court suits as a means of eliminating political opponents, accusing them of corruption (Röhl, 1987: 602).

CONCLUSION

Through the reform of law studies, mediation, rhetoric, conversation and other competencies have become key qualifications. Obviously this is about improving the ability of verbal communication with other actors of legal reality. This is especially noted akrilly in political activities of substitution of rights as a means of solving communication problems, or at least with the goal of relativizing its meaning. More or less vigorously promoting "negotiation" of a dispute, until a "truce" is achieved; that, if possible, the right is not used at all, or that the right is used only formally, so that the end of the dispute can be documented (Hesse, 2004: 14).

It is not justified to say that education in the skills of verbal communication increases the transparency and fairness of legal reality. There remains the dominance of the organizational purpose and its power over the programs, along with the emergence of new communication techniques of representation and interpretation of rights. At the same time, there is a tendency for informal action and negotiation, with the simultaneous exclusion of the laicist and discursive public, even there, such as criminal proceedings, where the same public is in principle of great importance. And new key qualifications, as they are taught and transmitted, are subordinate to organizational goals. Likewise, like verbal communication, either public or informal, it is oriented towards organizational goals and acceptability of results rather than transparency of procedures (Hesse, 2004: 14).

The sociologist's difficulty in investigating the factual nature of the law is, due to the fact that it is observed in a practical context as a valid law, actually increased rather than decreased. This more extensively manifests itself on the example of legal reality as the reality of the origination, application and interpretation of rights. In terms of special sociology, sociology of law is the application of empirical sociological methods to legal problems. For the political reality, as the reality of the creation of legal norms, nothing is less true that it is divided into a public and shadow side. For a social reality, the purpose of which is the law, this dichotomy has always been regarded as a characteristic. Under the light of a laicist or discursive public, the rights actors manifest their commitment to the law; The violation of the law, however, is hidden. Therefore, it is complex to investigate valid law in "light" and "shadowy", and thus the way of research in the sociology of law is repeatedly confronted. The solution is not that sociology of law focuses on the current state of discipline. Methodological approaches, theoretical concepts and epistemological models are changing relatively quickly, and often proven hypotheses through new questions and new hypotheses are opposed before they come to theoretical debate and are empirically confirmed.

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ACHIEVEMENT OF MPEG - 7 AND MPEG - 21 AS STANDAERS FOR ACCESS, DISTRIBUTION AND MANAGEMENT WITH INFORMATION

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ABSTRACT

Today, the Internet allows the spread and distribution of not only textual but also audio - visual data. The rapid development and increasing demand of these data, has led institutions that standardize this data and they create new technologies. However, the concept of enriching multimedia data and the increasing diversity of devices using multimedia networks has also led to some difficulties in managing these communications. As a result of such a growing demand of users, of the institutions and everyday needs of a modern man, MPEG - 7 and MPEG 21 standards have been developed. These standards provide more information on the content of multimedia data and consist of autonomous factors who have an expandable architecture. Multimedia systems provide information to users in different locations, a different form of data that can be accessed in different ways. This paper presents the areas in which MPEG - 7 and MPEG 21 standards are applied.

Keywords: Multimedia access, Content analysis, MPEG - 7 and MPEG 21 standards.

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1. INTRODUCTION

Today, a modern man is more open, has various hobbies, spends more time on research and uses modern technologies. In modern communication technologies, the multimedia data provides an advantage in the transmission of information. With the permanent development of the Internet and Internet applications, there is appears the need for developing of new technologies. Therefore, apart from the standard for video data compression, have been developed new flexible standards for multimedia data search. The development of such new applications makes it possible to apply these standards in different areas. In this way, new areas and applications for the implementation of these standards are being constructed on a daily basis. In this way the constructed standards allow for great flexibility to the multimedia technologi users. The growing trend of Internet popularity, has led to an increase in the experience and knowledge of audio-visual applications. Today, it is very important for the people to get a necessary information and knowledge to get in the possible faster and easier way. Due to the scale of the information we have a continuous development of a new multimedia database. The importance of this information and datas is right proportional to the possibilities of how easy we can get them, how easy we can manage them and how we can easily filter them. The development of multimedia databases provides the possibility except text, we search a applications with more semantic content.

The development and distribution of portable multimedia devices, their multidimensional application, led to the emergence of the concept of a universal multimedia approach. The basis of this concept lies in the content of multimedia data, automatic adjustment, selection and unhindered access to information in multimedia devices. The selection process is a process that takes place between data with different content or process between data with exactly defined content. The adaptations reduce the rate of the process, are easier to adjust, reduces summation, personalization and rearrangement of the multimedia data. The main goal here is to respond to the customer demand using multimedia devices and network specification through the process of adaptation to data access and optimal conditions for achieving the highest customer satisfaction. It is important for provide easier access and easier management with information to the users. Information that can be easily filtered and received are very important for the user. When performing these goals, several parameters need to be considered. It is also important to emphasize that these parameters change from users to users. Some of these parameters, are the capacity and properties of the device, the permeable range of data, possible user choices.

The second goal of a universal multimedia approach is to provide access to multimedia devices that have limited processing and data storing. In order to achieve this goal, a series of customizing data operations are performed (Vetro, 2004: 84). Due to the different types of devices and various sources of data, it is very difficult to develop a universal system that will comply with these conditions. Almost in all video data the common aspect is personalizing of content and their quick availability for needs of the users.

The first step in the acces to the multimedia data from different servers and internet networks is to direct in one particular part of this data. This process involves downloading audio data from the Internet to selecting a multicasting TV channel (Tseng, 2004:42). The number and type of media data grows day by day, so it is important to ensure faster and more efficient data transport. Keeping records of user preferences and has many advantages. Users need the multimedia data they can get with the help of software agents. Through personal taste and need, they can automate access to data and can easily search for the required multimedia data. In order to respond to all these needs of the user, the Moving Pictures Experts Group - MPEG has been developed by ISO / IEC (International Organization for Standardization / International Electronics Commission) standards.

From MPEG the following standards have been developed to date (Burnet, 2006: 462)

- ISO/IEC 11172 (MPEG-1), Coding of Moving Pictures and Associated Audio at up to about 1.5Mbps ")
- ISO/IEC 13818 (MPEG-2), Generic Coding of Moving Pictures and Associated Audio
- ISO/IEC 14496 (MPEG-4), Coding of Audio-Visual Objects
- ISO/IEC 15938 (MPEG-7), Multimedia Content Description Interface
- ISO/IEC 21000 (MPEG-21), Multimedia Framework

MPEG7 and MPEG 21 are defined such that the setting of the multimedia datas are accepted by all. With these standards, the procedure for searching, accessing and manipulating multimedia data is facilitated and accelerated.

2. CONCEPTUALLY AND METHODOLOGICALLY DETERMINATION

The research methodology consists of three parts: Conceptual basics of search and distribution of multimedia data, definition of MPEG - 7 and MPEG 21 standards and achievements of MPEG - 7 and MPEG 21 as the latest search standards.

2.1 Definition of Multimedia Content Interface in MPEG-7

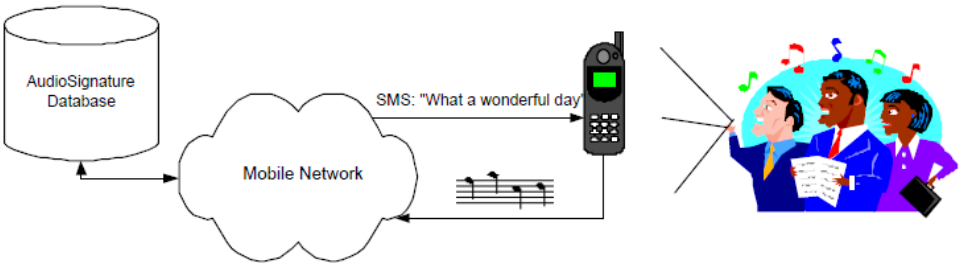
In 2001, MPEG-7 became a standard that enables fast, efficient search, filtering and identification of multimedia content. From the previously developed MPEG standards MPEG - 7 differs in the format of displaying audio - visual data and does not deal with the compression of these data but creates metadata that describes the characteristics of a source in digital form (Burnet, 2006 : 462).

This is the main point that separates MPEG - 7 from previously developed MPEG standards. MPEG - 7 contains a new way of defining multimedia content. This method consists in analysis of content and in a different approach to data processing. The objective of MPEG-7 standards is not only a single data analysis but also supporting a wide range of applications in accessing the requested information as much as possible. This is one of the key differences between MPEG - 7 and previously developed standards (Martinez, 2002: 78).

With the MPEG - 7, is defined the format and mode of code. The main goal is to un-complicate and non-reduce data, but work with metadata. This approach gives more freedom in the application of these applications. In MPEG - 7 is determined the structure and relationship between descriptor (D) and descriptive scheme (DS). Descriptors represent data characteristics, while descriptive schemes determine the structure and connection between the data components and can be easily understood by the users. The descriptive language DDL (Description Definition Language) is used to define the connection between the descriptors. Metadata standards propose descriptive schemes for multimedia data and in this way help users in finding multimedia data by content. MPEG-7 standards allow users using the mobile phone to find the title of a song if they only know a few words or a several notes of that song. To determine the title of an unknown

song, we need to record only a few seconds of this song and with the Music Scout application we get quick identification of the content via SMS. The method of indication is given in Figure 1. Fraunhofer Institute has proposed Audio Signature Technology integrated into Music Scout that automatically recognizes audio content (www.net-m.de).

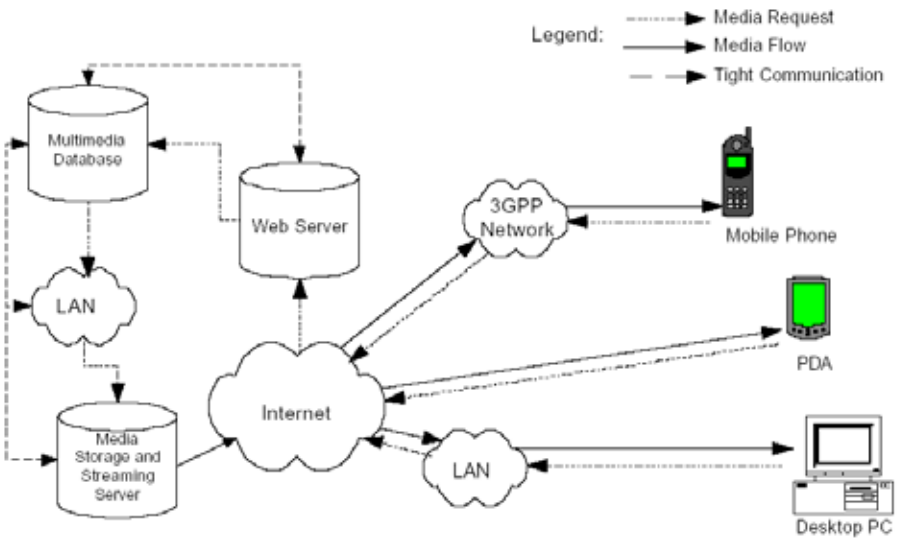
Figure 1. The way to search for a song title



Efficient use of metadata in the distributed multimedia system requires a multimedia database for managing, storing, searching and delivering metadata. For creation of metadata database, we need to know about the location of storing these data in the media, and the location must match the requirements of media resources. In Figure 2, one possible distributed architectures and main players in a multimedia database system are often referred to as N architecture in literature. This system includes a web server that represents the input for user requests (Özsu, 2011: 41).

The web server is interested in managing authenticity issues that can be entrusted to another check in another server. The web server is also the front end of the multimedia database. The multimedia database is the "master" of metadata, while Multimedia Storage and Streaming Server are the "master" of media data. Both data are strongly linked and their communication protocol is placed between their components. There are strict protocols for communication. The communication between the server elements is generally two-way. For example, if a user uploads video to Media Storage Server, the database must be updated with metadata. If the database prepends a video that is out of date, it must notify Media Storage Server to delete it.

Figure 2. Components and information flow in a typical distributed multimedia system and database



Using metadata in a distributed multimedia system provides many benefits and enables the search of multimedia data by content. Before can be searched, the multimedia data must be indexed, which means that metadata information must be extracted automatically or manually from the video. Another use of metadata is what they serve to describe the characteristics of the environment in which the data are located (networks and terminal constraints). This information is used to customize the search for data by content. Metadata is used to describe Intellectual Properties of multimedia data. Such characteristics enable fair use of data for commercial purposes. Metadata are also used in a distributed multimedia system to describe the possibilities that exist for the adaptation of data resources. They are preparing a course for unforeseen situations, on the road to delivering information to clients

2.2 MPEG 21: The multimedia frame.

The creators of multimedia content provide consumers with great opportunities in to multimedia data access and distribution. Also today, companies, business people, scientists for getting the certain information, continuously use the multimedia devices, and for to have access to multimedia

services, they are daily investing money in new multimedia applications. However, there is still no way to communicate between two different user communities. Although there is a variety of multimedia technologies today, lacking interoperable solutions is the reason of the slow progress in the packaging and distribution of multimedia applications (Bormans, 2003: 53). Previously defined MPEG standards, although they provided powerful tools in encoding and transferring multimedia data, have had difficulty in practical application. Applications of this type are multimedia applications that have been built as disparate collections of standard format and are not interconnected. Example for this is a telecommunications connection. In response to all these needs, a vision about the MPEG 21 standard is being developed. With MPEG21, MPEG creates a complete frame that will be a "big picture" of existing multimedia and standards. MPEG 21 enables transparent and extended use of multimedia sources over a wide range of networks and devices. The firms believed that the vision of creating fully functional standards can be achieved and that in this way the results and experience of multimedia service users will be improved temporarily. But with the appearance of the concept of "big picture", the following questions also appeared:

- Will the existing multimedia standards be a compatible with each other?
- If they are compatible, how can they be connected and used together?
- If a user wants to sell / use multimedia content, how can do that?
- If no system is compatible, what should be done in this situation?
- Which systems can be standardized?
- Who will be responsible for the "link" between the parts of the system?

MPEG 21 has an approach of defining one framework in which operations will be interconnected and highly automated. Therefore, "Digital Rights Management" (DRM) has been formed, which aims to use heterogeneous networks and terminals for accessing and distributing multimedia data (Burnet, 2006: 462). Individual terminals and a large part of the network capacities of multimedia devices have found the way to enter people's lives. These devices can be used in different locations and in various environments and at any time when needed. More users of multimedia devices are not able to cope with the complexity of these content each time. Multimedia space is gaining better functionality, and increasing the growth of

permanent personal use. All content providers also think about managing content, data protection, unauthorized access, changing of content and protecting consumer privacy. Based on these findings, MPEG 21 defined a "open framework" for multimedia distribution and use that will be applied by all users. This open box provides the same chances to all creators of multimedia content and service providers in the marketplace where MPEG 21 standards are applied.

So, the vision for MPEG 21 can be defined as follows: defining a multimedia framework, a license to use large networks from different communities, allowing transparent and extended use of multimedia devices. Also, MPEG 21 as a multimedia data delivery chain identifies the relationship between elements and mechanisms for support and defining network operations. MPEG 21 is based on two basic concepts: defining the Digital Item (DI), distribution and functioning as the first concept and interaction of users with the help of DI as the second concept (Kosch, 2004:280). MPEG 21 is organized by several independent parts that primarily allow the technology to be divided into different parts that can be used as stand - alone. This maximizes the use of these technologies and allows users to implement MPEG 21 as a whole. However, although is possible to use different parts independently, they are developed to give optimal results when used together. Parts of MPEG 21 that are developed are (Burnet, 2003: 60) :

- Vision, technology and strategy: describes the multimedia framework and its elements in architecture with functional requirements for their specification.
- Digital Item Declaration (DID): provides uniform, flexible abstraction and interoperability scheme for the digital item declaration.
- Digital Item Identification (DII): : defines the framework for identifying any entity, regardless of its nature, type or granularity.
- Intellectual property management and protection (IPMP): Provides resources for reliable management and protection of content in networks and devices.
- Rights Expression Language (REL): specifies a machine-readable language that can declare rights and permissions using the terms defined in the Rights Data Dictionary.

- Rights Data Dictionary (RDD): Defines the dictionary of key terms needed to describe Rights of users.
- Digital Item Adaptation (DIA): defines tools for describing the use of environment and content of the format functions that can affect the transparent access to multimedia content, especially terminals, networks, users, and the natural environment in which users and terminals are located.
- Reference Software: includes software that is implementing the tools specified in another part of MPEG-21.
- File format: defines the file format for storing and distributing digital products.
- Digital Item Processing (DIP): defines mechanisms for standardized and interoperable processing of information in digital items.
- Evaluation methods for persistent association technologies: documents best practices in evaluating persistent connectivity technologies using a common methodology (instead standardizes technology itself). These technologies link information that identifies itself and describes the content itself directly to itself.
- Test bed for MPEG-21 resource delivery: Provides a software based on the test bed for scalable media delivery and testing / evaluation of these scalable media delivers them in streaming environments.

The MPEG-21 technical report with vision, technologies and strategy describes the multimedia framework and its elements in architecture with functional requirements for their specification (http: // www. iso.ch). Digital Item Declaration is the second part of MPEG-21 (ISO / IEC 21000-2) that determines a unique and flexible abstraction and interoperability scheme for declaring the structure and composition of digital items. Through the Digital Item Declaration Language (DIDL), a digital item can be declared by placing resources, metadata, and their interrelations. ISO / IEC 21000-2 describes this DID technology in four main parts:

- Model: The DID model describes a set of abstract terms and concepts for defining digital items. Within this model, a digital item represents a digital display of a work (for example, a digital music

album, an e-book or a piece of software including configuration and configuration information). As such, the digital item is the thing it behaves (manages, describes, exchanges, collects, and so on) within the model.

- Representation: DIDL is based on terms and concepts defined in the DID model. It contains a normative description of the syntax and semantics of each DIDL element, as shown in XML.
- Schema: A complete XML normative schema for DIDL includes the entire grammar of DID representation in XML.
- Some detailed examples: Illustrative examples of DIDL documents are provided to help understand the use of the specification and its potential applications.

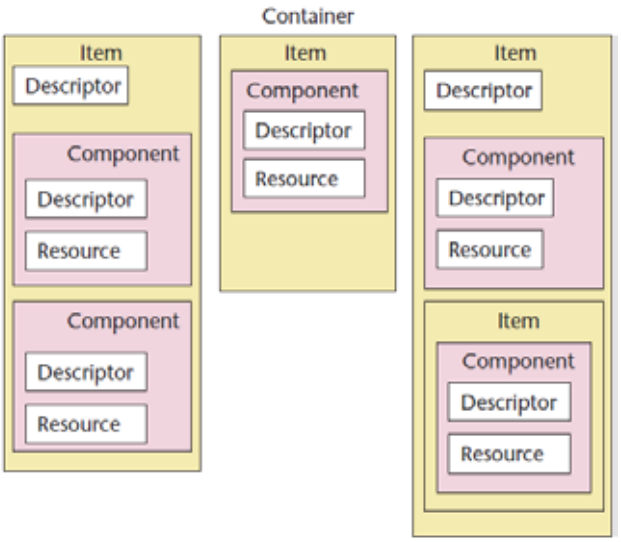
The main concepts in the context of DID include the following:

- Container is a structure that group items and / or containers. We can use this group of items and / or containers to form logical packages (for transport or exchange) or logical shelves (for the organization). Descriptors allow tagging of containers with information that is appropriate for the purpose of grouping (For example, package delivery instructions or category information for a shelf).
- One item represents a group of subprograms and / or components that are related to the relevant descriptors. Items can contain a selection that can be customized or configured. Items can also be conditional (on predicates that are confirmed by selection defined in the election). We are considering an item that contains no sub-items an entity - a logically indivisible work. An item containing a sub-items is a compilation.
- The component connects the resource with a set of descriptors. These descriptors are information related to the entire or part of a specific resource instance. Such descriptors typically contain control or structural information for the resource (such as bit rate, character set, starting points or encryption information), but not information that describes the content within.
- Anchor binds descriptors to a fragment, that corresponds to a particular location or part of the resource.
- Descriptor links information with the enclosing element. This in-

formation may be a component (such as a thumbnail of an image or a text component) or a textual statement.

- A condition describes the enclosing element as being optional and associate it with the selections that affect its inclusion.
- The choice describes a set of associated selections that may affect the configuration of an item.
- The selection describes a specific decision that affects one or more conditions somewhere within an item.
- An annotation describes a set of information about another element of model without modifying or adding that element.
- The assertion defines a fully or partially configured state of the selection by specifying true, false or undecided values for some number of predicates associated with the selection for that choice.
- A resource is an asset that can be identified as a video or audio clip, an image, or text. The resource can also be a physical object. All resources must be located across an unambiguous address.
- A fragment denotes a specific point or range within the source. Fragments can be a specific type of resource.
- The statement is a literal textual value that contains information, but not an asset. Examples of probable statements include descriptive, control, revision tracking, or identification of information.
- The predicate is an unequivocal recognizable declaration that can be accurately true, false or undecided.

Figure 3. Elements of the DID model and their relationship, (Burnet et al., 2003)



3. RESULTS AND DISCUSSION

3.1 Achievements of MPEG 7 standard

Elements that are standardized from the MPEG 7provide broad support for applications (for example, in digital multimedia libraries, in the choice of radio or TV shows, for formatting multimedia space, home entertainment equipment, etc.). Thanks to MPEG 7, except for textual content, audio and video content can be searched on the web. Has widely used because it is available to users and can be applied to an archive of various content. In this way, it offers the ability to buy something on multimedia catalogs only by writing the contents of the required product. The information used to determine the content can also be used to select and filter the material and its advertising. Using multimedia applications, MPEG 7 is applied in the following areas:

- Education (provides the possibility of using a pool of multimedia lessons, is applied for multimedia research of supplementary materials in the teaching process)

- Journalism (using voice, name or face can be explored statements by one politician)
- Tourist information (cultural activities, historical museums, art galleries)
- Fun (searching for various games, karaoke, managing personal multimedia collections at home)
- Screening (human body and character research, forensic medicine)
- Geographic information systems
- Remote sensing (cartography, ecology, management of natural resources)
- Inspections (traffic control, surface transportation)
- Biomedical applications
- Numerical libraries (catalog of images, music dictionary, catalogs of biomedical images, film, video and radio archives)
- Shopping (demand of clothes we like)
- Architecture (real estate, interior design and real estate design)
- Social Applications (scheduling, meetings)
- E - market (personal ads, online catalog, e - store)

User needs and filtering operations often go beyond the frames of the MPEG 7 standard. The search content type is not necessarily always searchable with the same search way, for example, visual content can be searched as content of the music contained in it or by its location. Searching for the necessary information is done by a search engine that establishes the relationship between the query data and the definition of the MPEG 7 standard. Here are some ways to search:

- By playing a several musical note with the keyboard, we can get a list of music content that contain these notes or visual contents in which it has such notes
- By drawing a few lines on the screen, we can get charts, logo and ideograms that contain such lines

- By defining several movements, we can get a list of scenarios that contain such movements
- By recording one passage of one singer, we receive the list of his songs, video clips and pictures.

3.2 Achievements of MPEG 21 standard

The key assumption of MPEG-21 is that, each person is considered that as a potential element of a network that includes billions of provider contents, value estimators, packagers, providers of services, consumers and a reseller. In this way, in addition to applications based on client and server, networking between users and the resulting flexibility of user roles is a fundamental part of thinking MPEG-21 from the first days of the standardization process. Interoperability is the driving force of all multimedia standards. This is a necessary condition for any application that requires guaranteed communication between two or more parties. From a more philosophical point of view, interoperability expresses a useful dream to easily exchange any kind of information without technical barriers. In order to achieve this goal, we must standardize both the content structure and the minimal set of communication processes. The key to effective standardization is to create a minimum standard that normatively defines a minimum (but complete) set of tools that will guarantee interoperability. Such minimum specifications provide the space and basis for competitive, proprietary and alternative events (which would not be normative), or tools that do not need standardization in order to obtain interoperability. This enables the incorporation of technical improvements - extending life expectancy standardly, as well as fostering competition in technical and production terms. The standard also has important economic implications, as it allows the sharing of investment costs and the speeding up of application applications. Another advantage is that an open standard reduces the reliability of consumers with standalone solutions, and this is essential if we really want to have a real and transparent use of the multimedia technologies. MPEG is proactive in identifying current multimedia initiatives and supports collaboration in the context of MPEG-21. Examples of anticipated cooperation are Open eBook Forum, International Telecommunications Union, Open Mobile Alliance, etc. The goal of this process is to maximize interoperability, minimize the overlap between concurrent activities and share common technology. In order to ensure that standardization of the large picture includes both technological and user requirements, MPEG has established a formal development process in the following way:

- Define a framework that supports the MPEG-21 vision.
- Identify the critical components of the multimedia framework.
- He understands how the framework components are related and identifies where there are gaps in technology standards.
- It includes relevant (and complementary) standardization bodies.
- Evaluates each of the inaccessible technologies. If they fall under the expertise of MPEG, then MPEG develops the appropriate standards. If not, is engage the other bodies to achieve expected development.
- It integrates relevant available and developed technologies.

Based on requests arising from new cases of use, MPEG-21 standardizes new technologies and generates technical reports for more research areas. It has the following advantages:

- Defines an interoperable IPMP framework that enhances and adds already available IPMP tools defined in the context of MPEG-4 standards.
- Is evaluate the methods for linking technologies.
- Defines general reference software MPEG-21 and software test beds for the delivery of MPEG-21 resources.
- Defines the file format in MPEG-21.
- Is provides specification of event-reporting mechanisms in MPEG-21 that are monitored and enables communication among users about events related to digital objects and / or programs and devices that work on them at any given time.
- Investigates the requirements and technologies for high scalable audio and video coding. In this context, he considers how these developments can be optimally aligned with MPEG-21 in the general case and in particular with the MPEG-21 DIA 19.

One of the key aspects of MPEG-21 is that it has a standard framework, not a complete usable solution. Therefore, multimedia and signal processing communities have many opportunities to use new techniques and solutions within this framework. DIA gives the community a rich set of metadata that describes the context of resource delivery (for example, terminal, network, natural environment, and personal information). Users can use them as input for signal processing algorithms. In all of these areas, MPEG has left algorithms and innovations open to researchers and developers by providing standardized infrastructures that do not interfere with interoperability. MPEG 21 offers its frameworks the advantage of creating compatible solutions for a wide market base that becomes immediately available for interoperability.

4. CONCLUSION

In accordance with the requirements of modern lifestyles, the needs of the education system and the way of business of multimedia technology and applications have become an important part of our lives. With these multimedia applications, the creation of electronic contents, the distributions, consumptions and trade is possible. User communities demand interaction of these applications in an interoperable and efficient way. Today, besides the multimedia space, there are many other applications in different sectors that require the development of new technologies that have an integrated structure and which will be able to communicate with one another. These technologies need to process data together, they need to quickly respond to user requests and should provide an upgrade option. All these features with a variety of multimedia applications are enabled in MPEG 7 and MPEG 21 standards. MPEG7 and MPEG 21 standards provide such interoperability by focusing on the integration, correlation and integration of multimedia elements and application structures. These standards with content data, quick response to requirements and needs, multimedia access to online content provide a high level of customer satisfaction today.

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CORRELATION OF EMOTIONAL INTELLIGENCE AND POSITIVE PSYCHOLOGY

*Muedin KAHVECI, page 93-104

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ABSTRACT

Emotional intelligence is defined as ability of individuals to recognize and understand their own and other's people emotions, and use that knowledge to manage their thinking and behavior (Mayer and Salovey, 1997). The one thing that is unavoidable to consider in terms of emotional intelligence is importance of its development in person's life. With that in mind, the awareness of development of emotional intelligence since the earliest age had raised. Emotional intelligence is a term that has been in the last fifteen years are often mentioned and popular in the psychology as well as in the wider general public. The first research of emotional intelligences is closely connecte two authors, John Mayer and Peter Salovey, which are inherently scientifically methodological, but systematically, developed models and instruments for evaluating emotional intelligence. In the field of measurement Individual differences in emotional intelligence are most common recall two approaches: a) self-assessment of one's own abilities and b) examining emotional intelligence with the test of the test. These cognitions served as a basis for many programs for the development of emotional skills and skills for different groups of people (children and adults) who are creating around the world. Because of the effort to discover and highlight the positive characteristics of individuals through emotional intelligence is represented in a positive psychology.

Key words: emotional intelligence, positive psychology, EI test.

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INTRODUCTION

It has been more than a decade and a half since the emergence of the term emotional intelligence in psychological literature, which is sufficient a long period in order to make some kind of retrospective or a historical review of the development of this construct. It could be divided into two parts: before and after the Goleman. During that period, it was published only ten articles in the scientific psychological literature referring to the construction of itself (Davis, 1980; Mayer et al., 1990;; Salovey and Mayer, 1990). Still, they helped in defining the theoretical framework of the construct. Until 1995 on Only 5-6 addresses could be found on the Internet by something that was mentioned the notion of emotional intelligence. "Big Bang" caused is the book "Emotional Intelligence" (Goleman, 1995; 1997) by scientists and journalists Daniel Goleman, is effective ("Why is more important than IQ"), but also with full examples of real life for two years the best-selling book in the United States. After that, there was a flood of popular books and articles on the same subject, and especially was the area of human resource management. So now the main search engines on the internet are at the key word emotional intelligence that draws millions of addresses on which you can get recipes to improve your emotional intelligence, buy different emotional intelligent props or test your EQ. Exposure to scientific is intensified and Bar-On and Parker (2000) were edited and published the first comprehensive book on emotional intelligence with 22 annexes on theory, development, measurement and its application in the family, school and workplace, as well as about her relationship with the relevant constructs (social and practical intelligence, creativity, emotional competence, emotional level consciousness, a five-factor model of personality). And in the new one the publication of the Sternberg Book of Intelligence (Sternberg, 2000) the chapter on models of emotional intelligence has been published (Mayer et al., 2000). In addition, in the literature on emotions (Lewis and Haviland-Jones, 2000), articles about emotional appear intelligence (Salovey et al., 2000).

It is important to mention the book (Emotional intelligence: Science & Myth) of three authors (Matthews, Zeidner and Roberts, 2002) who are following from the beginning the development of the construct and are generally known for their very own

critical attitude towards emotional intelligence. It carries a very comprehensive analysis of the EI construct from conceptualization and measurement, determination of individual differences in emotions and adaptation, to application in the clinical, school and work environment. The most important articles on EI can be found in Personality and Individual Differences, in which the first self-assessment scale was published (Schutte et al., 1998). Because of its similarity and connection with scales of personality traits, are also called scales emotional intelligence as a personality trait (trait emotional intelligence).

THEORY FRAMEWORK AND MODELS OF EMOTIONAL INTELLIGENCE

The literature is most often mentioned as the basis for the appearance of a construct emotional intelligence, it was in the division of social intelligence to interpersonal and intrapersonal intelligence (Gardner, 1983). Interpersonal intelligence Gardner defines as: "... knowledge of the internal aspects of a person: approach their feelings, the range of emotions, the possibility of differentiation feelings and, eventually, the appointment of feelings in them seeking the meaning and understanding of the causes of their own behavior " (pages 24-25). In the most primitive form, personal intelligence is barely possible can distinguish the sense of comfort from pain, while in its most complex The level of interpersonal knowledge enables a person to discover, symbolizing and well-differentiated complex sets feelings. But it does not only include a general sense of assessment themselves and others, but also the ability to observe and follow their own and other moods and temperaments, and the formation of knowledge about them, what a person will use to predict future behavior. And emotional

intelligence is defined as a process that recognizes their own and the emotional state which could more effectively solve possible problems and adequately regulate behavior.

The emergence of the emotional intelligence construct is one of the attempts to find the mental processes involved in processing emotional information, which would further enable it their systematic research. The first definition of emotional intelligence it was "the ability to follow their and others. "feelings and emotions, and the use of this information in thinking and behavior. "(Salovey and Mayer, 1990), and a model of the structure of such. The process involves: a) estimating and expressing emotions in ourselves and others, b) regulating emotions with oneself and others, and c)using emotions for adaptive purposes.

The authors themselves say thar this definition is emphasized only the perception and regulation of emotions, and the thinking is missed above the feelings. So, later, they propose a revised a definition, according to which "emotional intelligence involves abilities of rapid assessment of emotions and expressions; the ability to learn and generate feelings that facilitate thinking; the ability to understand emotions and knowledge of emotions; and the ability to regulate emotions for the purpose of promoting the emotional and intellectual development "(Mayer and Salovey, 1997). These abilities are ranked according to the complexity of the psychic processes that involve simple (observation and expressing emotions) to complex (awareness, reflexivity and regulation emotions). The EI tests are the greatest methodological problem.

DETERMINING THE CORRECT ANSWER IN TESTS OF EMOCIONAL INTELLIGENCE

Since there is no absolute algorithm for emotional information according to which the correct answer can be determined, people in everyday life they often determine the correct answer on the basis matching with the rest of the group. In a similar way, it can be determined and the exact answer to the emotional intelligence test, because according to the model Mayer and Salovey (1996, 1997), emotional knowledge embedded in the general, social context of communication and interactions. Along with the

rest of the group, or the so-called. Consensus the method of determining the exact answer, there are also so-called target method by which the author of the test determines the correct answer, and the method of experts, in which the expert determines the correct answer to test. Both of these methods have certain problems, e.g. There are no clearly defined criteria that can be determined who is an expert in emotional intelligence. On the other side, the person who is the author of the test or test particle may not be alone they can express their own emotions, that is, they can only express positive and social emotions (McCann i sur., 2004.).

In spite of certain problems, tests of emotional intelligence are most often evaluated on the basis of a consensus criterion. The basic problem is this type of determination of the exact answer distribution of results obtained. Since on everyone we expect the majority of respondents to choose the right answer, results can not be normally distributed. Distribution the results in this case will have a high index of asymmetries ~and the generality of the distribution of results is important. It is because it is a prerequisite for many statistics analysis, but also because of the differentiation between the average and the high abilities on EI tests.

There are five consensus methods for determining the exact answer(McCann et al., 2004), called proportions, mode, "expanded" mode, distance and standardized distance.

a) The proportion of each response in the task gets points dependent about the proportion of respondents who chose that answer (example if 50% of the sampled chooses response A, 28% of response B, 22% answer C, then when scoring the answer A get 0,50 points, B will get 0,28, while C will get 0,22 points).

b) The one-point method gets the one that he chose the largest percentage of respondents, while all other responses are evaluated inaccurate and do not get points (example if we had the same situation as in the previous example then it

would be an alternative and who got 1 point and was rated as correct, while the others answered would not get points).

c) The extended mode is similar in the way it is evaluated; only points get mode (selected from the highest percentage of respondents) and values on each side of the scale. If it is 3 modal response (because it was chosen by most respondents), then with that answer one point gets answers both 2 and 4. This method of determining the exact answer is suitable only for scales Likert's type.

d) The distance method is also suitable only for the Lickert type rocks. In this method points are counted as the difference between the respondent's response and the optimal one answers (average selection of all respondents at all frequencies), while at a standardized distance the results are transformedin z-values, and then distance is also calculated respondent's response and optimal response.

DEVELOPMENT AND INTRODUCTION OF EMOTIONAL INTELLIGENCE

One of the specifics of emotional intelligence which certainly contributes to the interest in this construct is the assumption that is similar to IQ, emotional intelligence can develop. Therefore, many authors resort to use other terms when they speak about the very same set of skills and abilities, and so in literature, concepts such as emotional ones are encountered quotient (eg Goleman, 1995), emotional literacy (eg Goleman, 1995, Dulewic and Higgs, 2000), emotional competences (eg Dulewic and Higgs, 2000, Takšić,1998).

Emmerling and Goleman (2003) say that without a targeted investment efforts individuals can not achieve an increase in their own emotional intelligence. The authors believe that the development of social and emo-

tional competencies require commitment and investing effort over time, citing examples from psychotherapy and organizational education, where precisely the systematic programs give evidence of people's ability to increase their socio-emotional competence. The results of Slaski and Cartwright (2003) go in support of the claims about the effectiveness of EI training in the manager. The results show that the EI development training program in experimental group leads to a significant increase on two EI measures, while there is no difference in the control group. In addition, the learned skills have proved useful reducing stress and improving managerial abilities.

The concept of emotional intelligence is after the era of popularization and uncritical ideas about the possibilities the prognosis of everything and everything (panacea) finally came in phase of scientific testing. To the great joy of the creators EI, less and less literature can encounter a claim as "EI explains 75% of success in education and life in general, respectively all that does not succeed in explaining classical intelligence tests ",which for the most part caused serious criticism on the account of the construction itself.

The most serious aobjections to the emotional construct intelligence are: a) the poor reliability of some scales, especially the more complex features (emotional management), b) lack of a single the exact answer, especially with the consensus criterion, where the question is raised with those who are exceptional and give "specific" responses (Roberts et al., 2001).

Those who defend the susceptibility of emotional intelligence most often state that they tried to correct this construct some objections to tasks in classical intelligence tests that: a) they pay no attention to real life situations, b) that provide all relevant information to find the solution and c) only one correct solution is acknowledged (Sternberg, 2000). In addition, expert and consensus criteria which are used to determine the exact or correct responses in the tests EI, and most criticized by the authors, disagree

with the concept EI, they have long been used in creativity research (Kauman and Kaufman, 2001).

Positive psychology emphasizes optimism and positive side of human functioning rather than focusing on psychopathology and difficulties in functioning. Looking for understanding positive human experience, are positive connections of EI with constructs such as happiness, self-esteem, self-efficacy, optimism, hope, satisfaction with life, locus of control and many others (Furr, 2005). Emphasizing the importance of emotional intelligence for customized functioning an individual certainly belongs to that pursuit of a positive one in human functioning. In the future, even better theoretical design is expected and also developing new objective emotional tests intelligence, but also the evaluation of existing ones.

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PERSONALITY AND BIG FIVE FACTOR MODELS OF PERSONALITY

*Hava Shabani , page 105-118

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ABSTRACT

This article aims to describe the most salient features of personality and explain how these big five factors play a role in personalities. The search for the structure of personality is as old as the study of human nature itself. Within the last two decades, there has been consensus within the organization behavior researchers that five factor model of personality, often termed the "big five" personality frame work (Goldberg, 1981, 1990; Costa and McCrae, 1992; John and Srivastava, 1999), is one of the most prominent models in contemporary psychology to describe the most salient features of personality. Understanding and studying personality allows psychologists to predict how people will respond to the sort of things they prefer and value. A number of different theories have emerged to explain various aspect of personality.Personality is often described in terms of traits.

Since the mid-20th Century, psychologists have attempted to understand personality differences using with reference to these personality traits. Today the "Big Five" Theory is the most popular and widely accepted trait theory of personality. The big five personality dimensions can be divided into five factors: Extraversion, agreeableness, conscientiousness, openness, and neuroticism.

Keywords: Personality, big five factors,

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Personality and Five Factors Models of Personality

Concept of personality:

The word personality derives from the Latin word "persona" which means mask. According to this root, personality is the impression we make on others; the mask we present to the world. The first meaning of "Persona" was used in ancient Roma by theater players, were the actors put the "mask" on their face in accordance with their roles. The purpose of these masks used by players was to represent a certain personality, to reveal its reflected characteristics. In reality, one aspect of personality is the attitude that people take in their relations with other people, behavior in other words is the mask they wore. Personality is one of the most comprehensive concepts in psychology. There is not a single definition of the personality that all psychologists agree on. Although there is no agreed definition, personality can be defined as consistent behavior patterns and individual processes resulting from the individual's own self. (Burger, 2006: 44). Personality is the name that is given to the whole of the individual's spiritual and social reactions, sum total of behaviors attitudes, values, and believes that are characteristic of an individual. Psychologists describe "personality" in different ways. However, when personality definitions are examined, it has been noted that there are several topics that unite psychologists. In these definitions, it is generally stated the emotions, thoughts and behavior patterns distinguish individuals from other individuals. According to Köknel, personality is "regarded as the whole of the physical, mental and spiritual features that separate a person from others. (Köknel, 1985: 19)

Understanding and studying personality allows psychologists to predict how people will respond to the sort of things they prefer and value. A number of different theories have emerged to explain various aspect of personality. Personality is often described in terms of traits. Gordon Allport was one of the first to describe personality in terms of individual traits. Today the "Big Five" Theory is the most popular and widely accepted trait theory of personality.

Five Factor Personality Models and Dimensions

The "big five" are broad categories of personality traits.

Since the mid-20th Century, psychologists have attempted to understand personality differences using with reference to these personality traits. The completeness of the Five-Factor Model has been questioned, regarding whether it captures the major sources of human personality variation (J.Corr-Matthews, 2009: 90). Tupes and Christal (1961) were the first to propose this model. This theory proposes that personality is made up of five broad personality dimensions: **extraversion, neuroticism, compatibility, Conscientiousness, openness.**

The five-factor personality model has emerged as a result of the search for a common language in personality researchers. At the beginning hundreds of different personality traits were discovered and measured after that similar personality traits began to gather under the same concept.

The support of Cattell (1943) 's systematic studies with the work of Fiske (1949) took its final shape in about 40 years with the contributions of researches by Eysenck and Cattell and many other scholars and researchers. (Digman, 1990: 418). The collection of personality traits for the first time in five features was the result of Ernes Tupes and Raymond Christal's work at the U. S Air Force Personnel Laboratory in 1950.In this study, Tupes and Christal analyzed a total of 35 personality characteristics and have reached the five strongest personality traits.These are: Surgency (high level of positive emotion and mobility) b) Compatibility c) Reliability d) Emotional consistency e) Culture. The five factor models developed by Tupes and Christal (1950), later has been developed and finalized by Costa and McCrae (1988), Digman (1990) and Goldberg (1993).

While the compromise on the five-factor personality model has been criticized by some authors (Block, 1995: 12), it's been important because allows to build a foundation about the dimensions of personality. (Hough, 1991: 44). For example, according to Goldberg (1981), five-personality

features contains information we should have when we meet a foreigner. In the compromise provided on the five-factor personality model, there is an effect on the coherent outcomes of the model being tested in different languages and cultures. For example, Hofstee and others in their study on German, English and Dutch subjects in 1997, observed that the five-factor personality model in general, retained its validity in three languages and three cultures. According to Barrick and Mount (1991: 23), it is important to have a number of compromises in order to be able to make progress in any area of science, and to have acceptable empirical classifications at this point. Barrick and Mount (1991) argue that the five-factor model provides a meaningful framework for understanding individual differences, particularly in performance, performance assessment, personal development, and education. Today, many researchers believe that they are five core personality traits. Evidence of this theory has been growing for many years, beginning with the research of D. W. Fiske (1949) and later expanded upon by other researchers including Norman (1967), Smith (1967), Goldberg (1981), and McCrae & Costa (1987). The five factors agreed upon at this point are personality dimensions, extroversion, compatibility, neuroticism, conscientiousness and developmental openness.

1.Extraversion

Extraversion is defined as the state of affection, action, or pleasure that an individual has with his or her external reality, and the pleasure it receives from this external reality. Extraversion is characterized by, sociability, talkativeness, excitability, assertiveness, and high amounts of emotional expressiveness. When we look at the five factor personality model, it emerges as one of the most widely agreed on two dimensions by different researchers. Generally, this dimension of extroversion / introversion, or (surgency) is referred to positivity and a high level of mobility. This feature is often associated with being social, being talkative and being mobile (Barrick and Mount, 1991: 98). The extroversion / introversion dimension was originally handled by Carl Jung (1920) (Lutrell, 2009: 17). According to Jung there are two mutually exclusive attitudes extraversion and intro-

version. While these two features are perceived as two opposing dimensions, they are also complementary dimensions. Extroverted are defined as persons who have physical energy outward. Therefore, external influences become more open and give more importance to objectivity (Lutrell, 2009: 85). Introverts are those who are more aware of their inner world. Along with perceiving the outside world, it is not as important as the inner world. Introverted personality attaches more importance to subjective evaluations and is highly inspired by its internal cognitive processes surrounding it. When the literature on the five factor personality model is examined, it is seen that people with high extroversion dimension have some common opinions about their characteristics.

Extroverted individuals are enthusiastic individuals and become self-confident individuals. They are eager to capture the change in their surroundings and are seen in a general positive attitude. Extroverts always feel free to get the word out in the community because their self-confidence is high. (Judge ve Bono, 2000). In sum, those with a high extroversion dimension are positive and social individuals and possess characteristics such as being cheerful, assertive, dominant, energetic and related to others. Individuals with low extroversion dimensions are those with introverted, withdrawn, calm personality traits. Extroversion is one of the most important precursors of psychological well-being in individuals with emotional consistency. According to the studies between happiness and extraversion it seems to be a positive relationship. For example, in the study of Hills and Argyle (2001), was found that happiness in the individuals is positively related to the extraversion at a high level. Again, according to this study, out-migrants have higher subjective well-being values when compared to demographic differences such as race, gender and age. The fact that extrovert individuals are happier individuals is due to their involvement in more social activities than inward-looking individuals. On the other hand, there are writers who base their strong relationship between extroversion and happiness on a cultural basis. Some psychologist argue that extradition in individuals is desirable in Western societies, and that external exploitation

in individuals is supported in these societies, and that self-esteem in individuals increases positively in psychological well-being.

2. Neuroticism

The second feature that provides the most compromise on the fivefactor personality model is neuroticism. Neuroticism is a trait characterized by sadness, moodiness, and emotional instability. Neuroticism has an important place in measurements as the most commonly used trait in personality measurements (Costa and McCrae, 1988: 302). Neuroticism measures the continuum between emotional adjustment or stability and emotional maladjustment or neuroticism (Costa and McCrae, 1992: 306) People who have the tendency to experience fear, nervousness, sadness, tension, anger, and guilt are at high end of neuroticism. Individuals scoring at the low end of neuroticism are emotionally stable and even-tempered (Costa and McCrae, 1992; John and Srivastava, 1999: 197).

Neuroticism refers to two types of tilting in relation to each other. These are: the anxiety tendencies in people; this tendency is linked to inconsistency and stress-proneness, and the tendency of the individual's well-being; this tendency is linked to personal insecurity and depression. Neuroticism is one of the basic personality traits and has features such as anxiety, moodiness and jealousy. (Thompson, 2008: 34). Therefore, neuroticism suggests a lack of positive adjustment and emotional consistency in individuals (Judge et al., 1999). In McCrae and Costa (1991) studies, the neuroticism dimension in the subjects is divided into six sub-dimensions. These are, respectively, anxiety, antagonism, depression, self-consciousness, thinking and security. It is expected that those who have a high degree of anxiety from these dimensions will feel tense, anxious and fearful. Persons with a high opposition dimension are referred to as those who are quickly confused and irritable. People with high depression dimensions are expected to experience more intense feelings such as hopelessness and guilt. Self-consciousness is not developed in individuals with a sense of

shame will be high and these individuals will be expected to have a mood that is turned into them, that is, a soul mood. Individuals with high levels of unthinking behavior will have a weaker resilience to willingness and desire, and finally those who have a high security dimension will be expected to have a poor ability to cope with stress (McCrae and Costa, 1991). Individuals with high levels of neuroticism resulting from the evaluation of these sub-dimensions will face a number of psychological and physical problems in their daily lives (Judge et al, 1999). The fact that neuroticism is associated with some adaptation and mental health states suggests that it is closely related to depression leading to common psychiatric problems. For example, Roberts and Kendler (1999) found that similar genetic factors on neuroticism and depression were effective on twins, and neuroticism and depression were more strongly related to self-esteem and depression. (Roberts and Kendler, 1999: 1107) migh said that neuroticism refers to the inherent weakness of depression. Neurotic people experience one or more of the dimensions mentioned above. When neurotic individuals are considered psychological conditions mentioned above, it will be understood that their adaptation to persons and events in their environment is difficult. Individuals with low neuroticism are emotionally more balanced, calm, people who are less responsive in the face of events (Costa et al, 1986: 641).

3. Compatibility

When we look at the five-personality model in the literature, it is generally seen that there is consensus on the compatibility dimension as the third personality characteristic (Digman, 1990:84). While this dimension is often referred to as compatibility by the authors, some authors prefer names such as likability, friendliness, and social compatibility (Barrick and Mount, 1991:49). The individual who is understood from the compatibility dimension with working under different names is soft, trustworthy, helpful, forgiving, naive and direct (Costa et al., 1986: 77). The major difference between the dimensions of the five-factor personality model and

the compatibility dimension is that this dimension draws attention to individual differences in terms of business association and social cohesion. Extroversion and neuroticism are under investigation and examined under a five-factor personality model. Perhaps the least understood of these five dimensions appears to be compatibility. Although the extroversion dimension seems to be more related to social behavior, the relationship between the dimensions of extraterritoriality and compatibility in relation to social behavior is in different angles. Accordingly, while conceptual extroversion is related to social impact, compatibility deals with motives that cause positive relationships with others.

What is important in the dimension of compatibility that needs to be understood here is to try to understand what the individuals are using to keep and maintain relationships with others, or why individuals are actively involved in protecting those relationships. In this respect, individuals increase their acceptability within society. However, social desirability in the individual also brings with it a number of problems related to individual self-evaluations. Individuals may have an incorrect perception of themselves. Especially in the questionnaire studies which the person has evaluated himself, this problem appears more clearly. According to Crowne and Marlowe (1960), this is due to the fact that the individual's willingness to approve and the general validity of the questions give the answers accepted by the society. Hence, the compatibility dimension from the five factor personality model dimensions is a feature that is linked to social desirability. Individuals are increasing their social desirability with the compatibility feature and have acted on this to protect the existing social relations. In sum, those with a high compliance dimension are defined as being polite, polite, reliable, moderate, open-minded and self-sacrificing. (Judge and Bono, 2000: 754). These people give importance to be with others and to act together. It is expected that the situation of listening to and empathizing against the people of high compatibility is expected to be high. On the contrary, it is observed that individuals with low compatibility dimensions are associated with personality traits such as sarcastic, vulgar, skeptical, unwillingness to cooperate, and revenge (McCrae and Costa, 1991).

4. Conscientiousness

Conscientiousness is the personality trait of a person who shows an awareness of the impact that their own behavior has on those around them. Conscientiousness individuals are purposeful and determined. Features of this dimension include high levels of thoughtfulness, with good impulse control and goal-directed behaviors. Highly conscientiousness tends to be organized and mindful of details. Conscientiousness describes socially prescribed impulse control that facilitates task- and goal-directed behavior, such as thinking before acting, delaying gratification, following norms and rules, and planning, organizing, and prioritizing tasks (John and Srivastava, 1999: 121). They also feel a sense of duty towards others. They are aware of the effect that their words and actions can have on people in everyday situations. A person who is conscientious is most at ease when they feel that they are organized. They prefer their surroundings - their bedroom, desk or office - to be tidy and presentable. As a result of their careful behavior, conscientious people have been found to be less likely to be involved in driving accidents than those with less conscientious personality traits. In order to achieve their goals, a conscientious person will be willing to be hard-working, devoting much of their attention and energy towards a specific aspiration. Whilst tiring, this goal-oriented behavior can pay high rewards. For example, in a University of Iowa study of the performance of salespeople, a study found that conscientious employees achieved a higher volume of sales than their unconscientiously co-workers.

5. Openness

Openness is one of the five personality traits of the Big Five personality theory. It indicates how open-minded a person is. A person with a high level of openness to experience in a personality test enjoys trying new things. They are imaginative, curious, and open-minded. Individuals who are low in openness to experience would rather not try new things. They are close-minded, literal and enjoy having a routine. Openness to experi-

ence is the tendency of the individual to be imaginative, sensitive, original in thinking, attentive to inner feelings, appreciative of art, intellectually curious, and sensitive to beauty (Costa and McCrae, 1992; John and Srivastava, 1999). Such individuals are willing to entertain new ideas and unconventional values.

Individuals with a high level of openness have a general appreciation for unusual ideas and art. They are usually imaginative, rather than practical. Being creative, open to new and different ideas, and in touch with their feelings are all characteristics of these people. Individuals who score lower in openness on a career test are generally more closed-off, resistant to change, and analytical.

CONCLUSION

The search for the structure of personality is as old as the study of human nature itself. (Judge and Bono 2000: 87). Understanding and studying personality allows psychologists to predict how people will respond to the sort of things they prefer and value. A number of different theories have emerged to explain various aspect of personality. Since the mid-20th Century, psychologists have attempted to understand personality differences using with reference to these personality traits. Today the "Big Five" Theory is the most popular and widely accepted trait theory of personality. The big five personality dimensions can be divided into five factors: Extraversion, agreeableness, conscientiousness, openness, and neuroticism**.** The Big Five traits are broad personality constructs that are manifested in more specific traits. Factor 1, Extraversion, represents the tendency to be outgoing, assertive, active, and excitement seeking. Individuals scoring high on Extraversion are strongly predisposed to the experience of positive emotions (Watson & Clark, 1997: 53). Factor 2, Neuroticism is a trait characterized by sadness, moodiness, and emotional instability.3. Compatibility a tendency to be, soft, trustworthy, helpful, forgiving, naive and

direct. 4. Conscientiousness, is indicated by two major facets: achievement and dependability. Conscientiousness is the trait from the five-factor model that best correlates with job performance (Barrick & Mount, 1991: 46). 5. Openness to Experience (sometimes labeled Intellectance), represents the tendency to be creative, imaginative, perceptive, and thoughtful. Openness to Experience is the only Big Five trait to display appreciable correlations with intelligence.

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